



**DESERT HEALTHCARE DISTRICT
BOARD AND STAFF COMMUNICATIONS AND POLICIES
Board and Staff Communications and Policies Meeting
November 9, 2020
11:00 a.m.**

In lieu of attending the meeting in person, members of the public will be able to participate by webinar by using the following link:

<https://us02web.zoom.us/j/89008064690?pwd=NWk2L3h3MmlTWGVTVWJGU0ZkTkFtUT09>

Webinar ID: 890 0806 4690

Password: 775077

Participants will need to download the Zoom app on their mobile devices. Members of the public may also be able to participate by telephone, using the follow dial in information:

Dial in #:(669) 900-6833 To Listen and Address the Committee when called upon:

Webinar ID: 890 0806 4690

Password: 775077

<i>Page(s)</i>	AGENDA	<i>Item Type</i>
	A. CALL TO ORDER – President Leticia De Lara, Chairperson	
1-2	B. APPROVAL OF AGENDA	Action
	C. MEETING MINUTES	
3-5	1. June 17, 2020	Action
	D. OLD BUSINESS - EXISTING POLICY REVISIONS	
6-19	1. Policy #BOD-3 Appointment to Committees	Action
20-25	2. Policy #BOD-07 Board Meeting Agenda	Action
26-37	3. Policy #BOD-16 Policy for Propriety Confidential Personal Information	Action
38-45	4. Policy #OP-01 Public Records	Action
46-58	5. Policy #OP-03 Records Retention	Action
59-83	6. Policy #OP-04 Electronic Communications Usage & Retention Policy	Action
84-86	7. Policy #OP-06 Delegating Minor Claims Settlement to CEO	Action
87-94	8. Policy #OP-07 Lease Compliance	Action
95-97	9. Policy #OP-08 Strategic Plan	Action
98-134	10. Policy #OP-10 Policies and Procedures Including Bidding Regulations for Public Work	Action
135-143	11. Policy #OP-11 Professional Services	Action
144-151	12. Policy #OP-13 Sustainability Program	Action
152-155	13. Policy #LPMP-01 Las Palmas Medical Plaza Policy for Leasing	Action
156-157	14. Policy #LPMP-02 Las Palmas Medical Plaza Lease Execution Policy	Action
	E. NEW BUSINESS	



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F. FUTURE TOPICS & ISSUES

G. ADJOURNMENT



**BOARD AND STAFF COMMUNICATIONS & POLICIES COMMITTEE MEETING
MEETING MINUTES
June 17, 2020**

Directors Present	District Staff Present	Absent
President Leticia De Lara, Chair Director Evett PerezGil Director Les Zendle, MD	Conrado E. Bázquez, MD, CEO Chris Christensen, CAO Eric Taylor, Accounting Manager Andrea S. Hayles, Clerk of the Board	

AGENDA ITEMS	DISCUSSION	ACTION
I. Call to Order	The meeting was called to order at 5:30 p.m. by Chair De Lara.	
II. Approval of Agenda	Chair De Lara asked for a motion to approve the agenda.	Moved and seconded by Director Zendle and Director PerezGil to approve the agenda as amended. Motion passed unanimously.
III. Meeting Minutes	Chair De Lara asked for a motion to approve the February 27, 2020 meeting minutes	Moved and seconded by Director Zendle and Director PerezGil to approve the agenda as amended. Motion passed unanimously.
IV. Old Business – 1. Policy #PROC-1 – Purpose of Board Policies & Adoption/Amendment of Policies 2. Policy #BOD-01 – Swearing in of Board Members 3. Policy #BOD-02 – Election & Appointment and Duties of Board Officers 4. Policy #BOD-04 – Attendance at Meetings 5. Policy #BOD-05 – Basis of Authority	<p>Chris Christensen, CAO, explained that all the policy revisions are updates for review from the past 2 years.</p> <p>The committee reviewed and considered the revisions to all the policies, and the resulting changes were noted where applicable.</p> <p>Staff was directed to remove item 2.2.1. from Policy #BOD-02 – Election & Appointment and Duties of Board Officers.</p>	<p>Moved and seconded by Director Zendle and Director PerezGil to approve Policies PROC-1, BOD-01, BOD-02, BOD-04, BOD-05, BOD-11, FIN-01, FIN-02, FIN-03, Resolution #20-04 for FY 20-21 statement of investment policy, FIN-04, and FIN-05, and to forward to the Board for approval. Motion passed unanimously.</p>

**BOARD AND STAFF COMMUNICATIONS & POLICIES COMMITTEE MEETING
MEETING MINUTES
June 17, 2020**

<p>6. Policy #BOD-11 – Board Actions and Decisions</p> <p>7. Policy #FIN-01 – Financial Operations</p> <p>8. Policy #FIN-02 – Authorized Check Signers, Number of Signers, Dollar Limit for Signers, Transfer of Funds</p> <p>9. Policy #FIN-04 – Budget Preparation</p> <p>10. Policy #FIN-05 – Credit Card Usage</p> <p>11. Policy #FIN-03 – Statement of investment Policy</p> <p>12. Consideration to approve Resolution #20-04 for FY 20-21 statement of investment policy</p> <p>13. 2020 Employee Handbook</p>	<p>Jeff Scott, Legal Counsel, described and detailed abstentions for votes, which are considered an affirmative vote for the action or a vote in favor of the action. Board members cannot abstain from a vote if they do not agree with the motion.</p> <p>Conrado Barzaga, MD, CEO, described the revised employee handbook with no changes to the benefits, adjustments for labor law regulations, and the accrual of vacation time. The prior policy included a maximum of 4 weeks for vacation hours, some employees have reached</p>	<p>Moved and seconded by Director Zendle and Director PerezGil to approve the 2020 Employee Handbook with yearly reviews and to forward to the Board for approval. Motion passed unanimously.</p>
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**BOARD AND STAFF COMMUNICATIONS & POLICIES COMMITTEE MEETING
MEETING MINUTES
June 17, 2020**

	<p>the threshold, and currently, with no vacation requests due to COVID-19, the vacation accrual hours were increased to 1.5 times the employee’s accrual schedule.</p> <p>The Committee discussed and recommended an annual review of the employee handbook.</p>	
V. New Business	There was no new business.	
VI. Future Topics & Issues	<p>Director Zendle explained that the committee did not address the possibility of rotating the officers and the president’s position.</p> <p>Dr. Bárzaga, CEO, explained that a workshop would be necessary for an in-depth discussion with the entire Board, inquiring if the matter should be included in the Board workshop.</p> <p>The committee requested various options that fit the District’s structure before scheduling a workshop.</p>	
VII. Adjournment	Chair De Lara adjourned the meeting at 6:30 p.m.	<p>Audio recording available on the website at https://www.dhcd.org/Agendas-and-Documents</p>

ATTEST: _____
Leticia De Lara, Chair/President
Board and Staff Communications & Policies Committee

Minutes respectfully submitted by Andrea S. Hayles, Clerk of the Board



DESERT HEALTHCARE
DISTRICT & FOUNDATION

Date: November 9, 2020
To: Board & Staff Communications and Policies Committee
Subject: Consideration to Approve Revised Policies

Staff Recommendation: Consideration to approve Revised Policies

Background:

- The policies listed below have been determined to need review and/or revision. These are the of the policies required to be updated to be current.
- All policies have been reformatted to meet our current formatting structure, in addition to language revisions.
- Policy #BOD-03– *This policy has been reviewed at the January and September Board workshops. The discussion has been regarding Volunteer Community Members serving on standing committees. At the September 23, 2020 workshop, the Board directed staff to bring the policy to the Policies Committee for review and consideration for approval.*
- Policy #BOD-07
- Policy #BOD-16
- Policy #OP-01
- Policy #OP-03
- Policy #OP-04
- Policy #OP-06
- Policy #OP-07
- Policy #OP-08
- Policy #OP-10
- Policy #OP-11
- Policy #OP-13
- Policy #LPMP-01
- Policy #LPMP-12
- Staff recommends approval of the Policies as presented.

Fiscal Impact:

None



POLICY TITLE: APPOINTMENT & DUTIES FOR COMMITTEES
POLICY NUMBER: BOD-03
DRAFT DATE: Revised at 02-25-2020 BOD Mtg
BOARD APPROVAL DATE: Revision 02-25-2020
04-23-2019
Original 03-22-16-

POLICY #BOD-03: It shall be the policy of the Desert Healthcare District (“District”) that the Board of Directors (“Board”) President shall appoint Board members to all committees and all committees shall be advisory only to the full Board of Directors unless otherwise specifically authorized to act by the Board.

1. DISTRICT BOARD COMMITTEES:

1.1. Ad-hoc Committees. Special Ad-hoc Committees of less than a quorum of the Board may be appointed by the Board President, for specific tasks or for a limited or a single purpose that is not perpetual. Ad hoc Committees shall not be created by formal action of the Board and shall be dissolved once the specific task is completed.

1.2. Standing Committees. The District Bylaws shall reference and list the Board Standing Committees which shall meet regularly to review reports from District staff, legal counsel, and consultants relating to the subject matter of the committee. Annually at the first Board meeting following the election of officers the Board President shall appoint three Board members to each Standing Committee and a chairperson. The Board Treasurer shall serve as the Chair of the Finance, Legal and Administrative Committee (F&A Committee). There shall be the following Standing Committees:

1.2.1. Program Committee. This committee shall be responsible for oversight and for making recommendations to the Board on District matters related



to grant-making and related programs.

1.2.2. Finance, Legal, Administration, and Real Estate Committee (F&A).

This committee shall be responsible for review of, and making recommendations to the Board where appropriate on, matters related to finance, administration, human resources, property management, legal affairs (including legislation), real estate, and information systems (IS).

1.2.3. Strategic Planning Committee. This committee shall meet quarterly or more often, if needed, and shall be responsible for monitoring the District's progress in achieving the goals and expectations outlined in the District's strategic plan.

1.2.4. Hospital Lease Oversight Committee. This committee shall meet quarterly or more often, if needed, and shall be charged with oversight responsibilities to ensure compliance with the terms of the current Lease of Desert Regional Medical Center.

1.2.5. Board and Staff Communications & Policies Committee. This committee shall meet quarterly or more often, if needed, and shall be responsible for monitoring and developing the District's Board and staff communications and relations. The committee is also responsible for developing and maintaining the District's policies and policies manual.

2. PROGRAM COMMITTEE. In accordance with the District's mission and strategic plan, the grant program provides funds to qualified nonprofit and governmental grantees to make positive impacts on community health and improve access to health care. The Program Committee recommends grant making policy to the Board of Directors and guides and monitors District grant making functions and program-related activities through which the District carries out its strategic plan to improve the health of the District's residents.

2.1. Responsibilities. The responsibilities of the Program Committee include the following:



- To identify trends and healthcare needs that can be addressed by the District and provide input on needs assessments conducted by District staff.
- To provide advice, counsel and feedback to staff as needed during program development.
- To monitor implementation of grant making and program-related activities to ensure alignment with the District's Strategic Plan.
- To identify key program issues to be discussed at the Board level.
- To consider grant proposals and recommendations provided by staff and make recommendations of grants to approve to the District's Board of Directors.

3. F&A COMMITTEE. In accordance with the District Bylaws, this committee shall be responsible for oversight and for making recommendations to the Board where appropriate on matters related to finance, administration, human resources, property management, legal affairs, (including legislation) real estate and information systems (IS).

3.1 Responsibilities. The responsibilities of the F&A Committee include the following:

- To understand the financial needs and conditions of the District.
- To provide objective perspective regarding finances.
- To provide advice, counsel and feedback to the committee as requested during budget development.

4. STRATEGIC PLANNING COMMITTEE. In accordance with the District Bylaws, this committee shall meet quarterly and more often, if needed, and shall be responsible for monitoring the Districts' progress in achieving the expectations outlined in the District's strategic plan.

4.1 Responsibilities. The responsibilities of the Strategic Planning Committee include the following:

- Responsible for monitoring the District's progress in achieving the expectations outlined in its strategic plan.



To provide vision and guidance on the development of the District's strategic plan.

- To monitor implementation of the District's strategic plan and program-related activities to ensure programs/initiatives are achieving the desired impact.

5. HOSPITAL LEASE OVERSIGHT COMMITTEE. In accordance with the District Bylaws, this committee shall meet quarterly or more often, if needed, and shall be responsible for oversight to ensure compliance with the terms of the current lease of Desert Regional Medical Center.

5.1 Responsibilities. The responsibilities of the Hospital Lease Oversight Committee include the following:

- Review of all mandated Hospital operation scores and reports performed by independent third parties.
- Review of quarterly inspections of Hospital facilities.
- Provide updates to the Board of Directors.
- Provide an annual report reflective of lease requirements from lessee.



AUTHORITIES

Desert Healthcare District By-law Article VI

DOCUMENT HISTORY

Created 03/22/2016

Revised 04/23/2019

DRAFT



PROPOSED REVISED DRAFT POLICY

POLICY TITLE: APPOINTMENT & DUTIES FOR COMMITTEES
POLICY NUMBER: BOD-03
DRAFT DATE: ~~03-22-16~~ Revised at ~~4-23-19~~ 02-25-2020 BOD Mtg
BOARD APPROVAL DATE: Revision 02-25-2020
04-23-2019
Original 03-22-16-16 & Revision on 04-23-19

POLICY: APPOINTMENT TO COMMITTEES

Policy #BOD-03: It shall be the policy of the Desert Healthcare District (“District”) that the Board of Directors (“Board”) President shall appoint Board members to all committees and all committees shall be advisory only to the full Board of Directors unless otherwise specifically authorized to act by the Board.

1. DISTRICT BOARD COMMITTEES:

1.1. Ad-hoc Committees. Special Ad-hoc Committees of less than a quorum of the Board may be appointed by the Board President, for specific tasks or for a limited or a single purpose that is not perpetual. Ad hoc Committees shall not be created by formal action of the Board and shall be dissolved once the specific task is completed.

1.2. Standing Committees. The District Bylaws shall reference and list the Board Standing Committees which shall meet regularly to review reports from District staff, legal counsel, and consultants relating to the subject matter of the committee. Annually at the first Board meeting following the election of officers the Board President shall appoint three Board members to each Standing Committee and a chairperson. The Board Treasurer shall serve as the Chair of the Finance, Legal and Administrative Committee (F&A Committee). There shall be the following Standing Committees:



1.2.1. Program Committee. ~~This Program C~~committee shall be responsible for oversight and for making recommendations to the Board on District matters related to grant-making and related programs. ~~This committee may also include community members (Volunteer Members) as outlined in the Volunteer Member Guidelines below. A student representative may also be added at the discretion of the committee.~~

1.2.2. Finance, Legal, Administration, and Real Estate Committee (F&A). This committee shall be responsible for review of, and making recommendations to the Board where appropriate on, matters related to finance, administration, human resources, property management, legal affairs (including legislation), real estate, and information systems (IS). ~~In addition to Volunteer Members, this committee may also include a student representative at the discretion of the committee.~~

1.2.3. Strategic Planning Committee. This committee shall meet quarterly or more often, if needed, and shall be responsible for monitoring the District's progress in achieving the goals and expectations outlined in the District's strategic plan.

1.2.4. Hospital Lease Oversight Committee. This committee shall meet quarterly or more often, if needed, and shall be charged with oversight responsibilities to ensure compliance with the terms of the current Lease of Desert Regional Medical Center.

1.2.5. Board and Staff Communications & Policies Committee. ~~This committee shall meet quarterly or more often, if needed, and shall be responsible for monitoring and developing the District's Board and staff communications and relations. The committee is also responsible for developing and maintaining the District's policies and policies manual.~~

~~**1.2.56. Volunteer Committee Members.** The Program Committee may include up to five (5) Volunteer Members, and the F&A Committee may include up to three (3) Volunteer Members. Volunteer Members shall be subject to the~~



Volunteer Member Guidelines below.

~~**2. VOLUNTEER MEMBER GUIDELINES.** Volunteer Member guidelines outline the requirements for Volunteer Members to participate on District Standing Committees. Unless otherwise provided, the appointment process, and guidelines will be the same for all committees. Interviews for Volunteer Members shall be in the discretion of the committee. All Volunteer Members shall either reside or be primarily employed within or serve the District and shall be subject to approval of the full Board of Directors.~~

~~**2.1. Volunteer Member Term.** Volunteer Members shall serve one (1) three-year term. At the end of the three-year term, a Volunteer Member may provide a written request to the Board for consideration to continue to serve on the committee. Any openings or reappointments on the committee will be considered at the end of the term. Any Volunteer Member who is employed by or sits on the Board of Directors of a grantee, is ineligible to serve on the committee within one year of filing a grant proposal and will be required to resign from the committee. All Volunteer Members who are termed out or resign due to applying or receiving a grant must wait a minimum of one year before reapplying to become a Volunteer Member.~~

~~**2.2. Vacancies.** Volunteer Members who miss three consecutive unexcused meetings may be removed at the discretion of the Committee chairperson. In the event of the vacancy of a Volunteer Member, notice of the vacancy and application process shall be published on the District website for a minimum of 14 days. The committee chairperson shall also have the discretion to publish notice of the vacancy and application process in a local newspaper of general circulation. Community members shall submit applications to become a Volunteer Member and their qualifications in writing to the District office. The Committee shall conduct interviews of qualified applicants. The Committee selections will be recommended to the Board for approval.~~

~~**2.3. Meetings and Voting.** The Committees meet on a monthly basis as necessary prior to meetings of the full Board. Meetings are convened by the committee chairperson~~



~~in coordination with District staff. In accordance with their responsibilities, Volunteer Members shall participate in the committee process including participating in voting at the committee meetings and making recommendations to the full Board. However, votes and recommendations of Volunteer Members while noted in the record shall be advisory in nature only. The votes of the District Board Representatives shall be the recommendation, which shall be forwarded to the full District Board of Directors for consideration.~~

~~**2.4. Conflicts of Interest.** Volunteer Members shall not make or influence a recommendation or decision related to any committee recommendation which will benefit the Volunteer Member's outside employment, business, or personal financial interest or benefit an immediate family member, such as a spouse, child or parent. A Volunteer Member shall not participate, discuss or vote on any issue, or recommendation which directly inures to his or her financial interest or with respect to which he or she has any other conflict of interest. Volunteer Members shall follow the adopted District Conflict of interest Code in accordance with California law.~~

32. PROGRAM COMMITTEE. In accordance with the District's mission and strategic plan, the grant program provides funds to qualified nonprofit and governmental grantees to make positive impacts on community health and improve access to health care. The Program Committee recommends grant making policy to the Board of Directors and guides and monitors District grant making functions and program-related activities through which the District carries out its strategic plan to improve the health of the District's residents. ~~This committee may include up to five Volunteer Members, and may include a student representative.~~

32.1. Responsibilities. The responsibilities of the Program Committee include the following:

- To identify trends and healthcare needs that can be addressed by the District and provide input on needs assessments conducted by District staff.



- ~~To provide vision and guidance on the development of the District's strategic plan.~~
- To provide advice, counsel and feedback to staff as needed during program development.
- To monitor implementation of ~~grant making the District's strategic plan~~ and program-related activities to ensure alignment with the District's Strategic Plan ~~programs are achieving the desired impact.~~
- To identify key program issues to be discussed at the Board level.
- To consider grant proposals and recommendations provided by staff and make recommendations of grants to approve to the District's Board of Directors.

43. F&A COMMITTEE. In accordance with the District Bylaws, this committee shall be responsible for oversight and for making recommendations to the Board where appropriate on matters related to finance, administration, human resources, property management, legal affairs, (including legislation) real estate and information systems (IS). ~~This committee may include up to three Volunteer Members, and may include a student representative.~~

43.1 Responsibilities. The responsibilities of the F&A Committee include the following:

- To understand the financial needs and conditions of the District.
- To provide objective perspective regarding finances.
- To provide advice, counsel and feedback to the committee as requested during budget development.

54. STRATEGIC PLANNING COMMITTEE. In accordance with the District Bylaws, this committee shall meet quarterly and more often, if needed, and shall be responsible for monitoring the Districts' progress in achieving the expectations outlined in the District's strategic plan.



54.1 Responsibilities. The responsibilities of the Strategic Planning Committee include the following:

- Responsible for monitoring the District's progress in achieving the expectations outlined in its strategic plan.

To provide vision and guidance on the development of the District's strategic plan.

- To monitor implementation of the District's strategic plan and program-related activities to ensure programs/initiatives are achieving the desired impact.

65. HOSPITAL LEASE OVERSIGHT COMMITTEE. In accordance with the District Bylaws, this committee shall meet quarterly or more often, if needed, and shall be responsible for oversight to ensure compliance with the terms of the current lease of Desert Regional Medical Center.

65.1 Responsibilities. The responsibilities of the Hospital Lease Oversight Committee include the following:

- Review of all mandated Hospital operation scores and reports performed by independent third parties.
- Review of quarterly inspections of Hospital facilities.
- Provide updates to the Board of Directors.
- Provide reports on activities of the Hospital.
- Provide an annual report reflective of lease requirements from lessee.

~~7. RESPONSIBILITIES AND VOLUNTEER AGREEMENT. As a Volunteer Committee Member, I understand and agree that I am responsible, collectively with my fellow committee members, for guiding and monitoring District activities through which the Desert Healthcare District pursues its strategic plan to improve the health of the District's residents. I agree to the following responsibilities and criteria:~~

~~Volunteer Members of the District Committees are expected to, and agree to:~~



- ~~1. Make every effort to attend all Committee meetings, including any special scheduled meetings. If any member is absent for three or more meetings within a calendar year, that individual's appointment to this committee will be reviewed.~~
- ~~2. Thoroughly read and understand all the materials in the Committee Orientation Manual and attend any orientation or training sessions and be willing to be a "continual learner" about all matters of importance to philanthropy and to the District, and to take advantage of learning opportunities offered.~~
- ~~3. To participate in providing vision and guidance on the development of the District's strategic plan.~~
- ~~4. To participate in monitoring implementation of the District's strategic plan and program related activities to ensure programs are achieving the desired impact.~~
- ~~5. Review all respective committee packets, and any other materials provided by staff prior to each meeting.~~
- ~~6. Actively participate in committee discussions and deliberations and wisely consider each matter on which the committee is asked to vote.~~
- ~~7. Consider all matters brought before the committee objectively and "on the merits" and make decisions that best represent the interests of the District.~~
- ~~8. Be supportive of the decisions of the committee and the District.~~
- ~~9. Be willing to compromise, if necessary, in order to foster a cooperative atmosphere for all the people who participate in the work of the District.~~
- ~~10. Abide by the Conflict of interest Policy by disclosing any potential conflicts and abstaining from voting or advocating on issues related to conflicts of interest.~~

Volunteer Name _____ Date _____



Committee Chair Person _____ Date

AUTHORITIES

[Desert Healthcare District By-law Article VI](#)

DOCUMENT HISTORY

Created _____ 03/22/2016

Revised _____ 04/23/2019



POLICY TITLE: BOARD MEETING AGENDA

POLICY NUMBER: BOD-07

COMMITTEE APPROVAL: XX-XX-XXXX

BOARD APPROVAL: XX-XX-XXXX

POLICY #BOD-07: It is the policy of the Desert Healthcare District (“District”) to prepare an agenda for each regular and special meeting of the Board of Directors.

GUIDELINES:

1. The Chief Executive Officer shall prepare an agenda for each regular and special meeting of the Board of Directors. For items to be placed on the agenda, the Board President, or any two Board Members may call the Board President and request the item(s) no later than 5:00 p.m. five (5) business days prior to a regular meeting date.
2. In accordance with Government Code Section 54956(a), the Board President, or a majority of the members of the Board (4) may call a special meeting by delivering written notice to each member of the Board. The Chief Executive Officer shall develop an agenda forecast with the Board President.
3. This policy does not prevent the Board from taking testimony at regular and special meetings of the Board on matters which are not on the agenda that a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting. The Board may ask clarifying questions of public testimony.
4. At least seventy-two (72) hours prior for all regular meetings and (24) hours for all special meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review within the District office, in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926).



The following outlines the agenda of both type meetings:

- A. Call to Order
 - B. Approval of Agenda
 - C. Public Comment and/or Presentations (non-agendized)
 - D. Consent Calendar
 - E. CEO Report
 - F. DRMC Governing Board of Directors Report
 - G. Committee Reports
 - H. Old Business
 - I. New Business
 - J. Directors Comments and Reports
 - K. Informational Items
 - L. Adjournment
5. On occasion, as needed, a closed session of the Board is required, properly announced and conducted for only those purposes allowed in the Ralph M. Brown Act (California Government Code §54950 through §54926) and are generally held (but not limited to) following the regular or special meeting agenda.



AUTHORITIES

Desert Healthcare District Bylaws Article V

DOCUMENT HISTORY

Revised	07-23-2016
Approved	03-23-2016

DRAFT



POLICY TITLE: BOARD MEETING AGENDA

POLICY NUMBER: BOD-07

COMMITTEE APPROVAL: ~~XX-XX-XXXX~~ 07/23/19
Revised
~~03/23/2016~~

BOARD APPROVAL: ~~XX-XX-XXXX~~ 03/23/2016

~~POLICY: BOARD MEETING AGENDA~~

~~Policy #BOD-07:~~ It is the policy of the Desert Healthcare District ("District") to prepare an agenda for each regular and special meeting of the Board of Directors.

GUIDELINES:

1. The Chief Executive Officer shall prepare an agenda for each regular and special meeting of the Board of Directors. ~~To~~For items to be placed ~~items~~ on the agenda, the Board President, or any two Board Members may call the Board President and request the item(s) no later than 5:00 p.m. five (5) business days prior to a regular ~~the~~ meeting date.
- 4-2. In accordance with Government Code Section 54956(a), the Board President, or a majority of the members of the Board (4) may call a special meeting by delivering written notice to each member of the Board. The Chief Executive Officer shall develop an agenda forecast with the Board President. ~~The Agenda forecast will project out 3 months and list known items for future Board agendas.~~
3. This policy does not prevent the Board from taking testimony at regular and special meetings of the Board on matters ~~which~~that are not on the agenda that a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting. The Board may ask clarifying questions of public testimony.

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~~2.4.~~ ~~43.~~ At least seventy-two (72) hours prior for all regular meetings and (24) hours for all special meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review within the District office, in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926).

The following outlines the agenda of both type meetings:

- A. Call to Order
- B. Approval of Agenda
- C. Public Comment and/or Presentations (non-agendized)
- D. Consent Calendar

~~E. CEO Report~~

~~F. DRMC Governing Board of Directors Report~~

~~G. Committee Reports~~

~~E.H. Old Business~~

~~F.I. New Business~~

~~G. Committee Reports~~

~~H.J. Directors Comments and Reports~~

~~I. DRMC Governing Board of Directors report~~

~~J.K. Informational Items~~

~~K. CEO Report~~

~~L. Adjournment~~

5. On occasion, as needed, a closed session of the Board is required, properly announced and conducted for only those purposes allowed in the Ralph M. Brown Act (California Government Code §54950 through §54926) and are generally held generally (but not limited to) following the regular or special meeting agenda.

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AUTHORITIES

Desert Healthcare District Bylaws Article V

DOCUMENT HISTORY

Revised 07-23-2016
Approved 03-23-2016

DRAFT



POLICY TITLE: PROPRIETY, CONFIDENTIALITY AND PERSONAL INFORMATION

POLICY NUMBER: BOD-16

COMMITTEE APPROVAL: XX-XX-XXXX

BOARD APPROVAL: XX-XX-XXXX

POLICY #BOD-16: During the course of business, the Desert Healthcare District (“District”) may occasionally be provided with confidential medical information related to its employees, directors, or other affiliates (collectively referred to herein as “employees”). This policy is intended to be in compliance with all state and federal laws mandating confidentiality of medical information, including but not limited to the California Confidentiality of Medical Information Act (CMIA) and, to the extent applicable, the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). The law shall supersede any provision of this policy that is in conflict.

GUIDELINES:

1. Employee medical information is considered confidential and shall be protected from unnecessary disclosure. When provision of medical records by a third-party provider is necessary or anticipated, an Authorization to Release Medical Information to Employer form (see attached) must be executed by the employee.

1.1 Definitions. “Medical information” means any individually identifiable information, in electronic or physical form, in possession of or derived from a provider of health care, health care service plan, health insurance plan, pharmaceutical company, or contractor regarding an employee’s medical history, mental or physical condition, or treatment. Such information includes, but is not limited to, medical records, doctor reports, disability certifications, or any written or oral disclosure of health conditions, illnesses, diseases, or requests for accommodation on account of health condition. “Medical information” shall be further defined to include any individually identifiable medical information provided by the employee directly unless confidentiality has been waived by the employee. “Individually identifiable” means that the medical information includes or contains any element of personal identifying information sufficient to allow identification of



the individual such as the patient's name, address, electronic mail address, telephone number, social security number, or other information that, alone or in combination with other publicly available information, reveals the individual's identity.

1.2 Designation of a Privacy Officer. The Privacy Officer of the District shall be the Chief Administration Officer as staff Human Resources (HR) representative for the District. Should that position be unfilled, the CEO will serve in the Privacy Officer position. The Privacy Officer shall be responsible for the implementation of this policy; the receipt and maintenance of employee medical information; obtaining required authorizations when necessary; and for maintaining adequate protections to ensure the confidentiality and security of employee medical information.

1.3 Prohibition Against Unauthorized Disclosure. No employee who is through necessity or inadvertence provided another employee's confidential medical information may disclose or use such information without the express authorization from the Privacy Officer. Employees may not use or disclose employee medical information obtained at the District for any reason after the employment relationship with the District ends. Misuse or unauthorized disclosure of confidential medical information will result in discipline, up to and including termination of employment. Employees should relay or provide medical information, when necessary, only to the Privacy Officer. The Privacy Officer shall make every effort to maintain the confidentiality of any employee communication, oral or otherwise, containing an employee's confidential medical information.

1.4 Medical Files. All employee medical information documentation, whether obtained from any post-offer examination, workers' compensation examination, or directly from the employee, shall be maintained in separate, secure medical files. Employee medical files shall be treated as confidential. Employee medical files shall be kept in a locked location, accessible to only the Privacy Officer or his/her authorized designee. No employee may place any medical-related material into an employee's general personnel file.

1.5 Mandate to Report Violations. Any violation of this policy shall be reported to the Privacy Officer as soon as reasonably possible. Because report of violation may necessarily disclose apparent confidential medical information, employees are prohibited from relaying or repeating the report or the conveyed medical



information to any party other than the Privacy Officer or his/her authorized designee. This prohibition does not prevent employees from reminding others about the requirements of this policy.

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Acknowledgement of Receipt/ Confidentiality of Medical Information Policy

I acknowledge receipt of this policy by signing this form. I understand it is my duty to familiarize myself with this policy and to adhere to its terms. I have been advised of my right to seek clarification on any of the contents herein I do not understand.

This policy is subject to change. I understand I can obtain a copy of the revised policy by requesting one from the Chief Administration Officer/Privacy Officer.

Employee Signature

Date

Please print name in full

To be completed only if no signed acknowledgement of receipt is obtained. If it is not possible to obtain the individual's acknowledgement, indicate the reason why the acknowledgement was not obtained.

___ Refused to sign

___ Unable to sign

___ Mailed to employee Date: _____

Chief Administration Officer/Privacy Officer

Date



Authorization to Release Medical Information to Employer

This authorization to release medical information is in compliance California Confidentiality of Medical Information Act of 1981 (Cal. Civil Code Section 56 *et seq.*) and is for the purpose of allowing the Desert Healthcare District (“District”) to coordinate personnel matters for employees.

I, _____ (print name of employee), hereby authorize the Custodian of Records of (Doctor and/or facility) _____ to furnish to the District medical records and information pertaining to my medical history, mental or physical condition, services rendered or treatment. Such information may be provided to the Privacy Officer for the District.

Duration: This authorization shall become effective immediately and shall remain in effect until (date) _____, 202___. I understand that I may revoke this authorization at any time, even before the end of this duration, by submitting a written request for revocation to the District’s Privacy Officer.

Uses: The requestor may use the medical records and information hereby released for the coordination of personnel matters, including but not limited to leave requests or medical accommodation requests. I understand that disclosure could lead to re-disclosure that would not be protected under my right to medical confidentiality.

Restrictions: I understand that the District may not further use or disclose the medical information unless another authorization is obtained from me or unless such use or disclosure is specifically required or permitted by law.

Additional Copy: I have been provided a copy of this authorization, and I further understand that I have a right to receive another copy upon request.

Signature:

Date: _____ Time: _____ A.M./P.M.

Employee’s Signature
(if employee is incompetent, signature of legal representative)



AUTHORITIES

Desert Healthcare District Bylaws Article IV

DOCUMENT HISTORY

Revised 03-23-2016

Approved 12-16-2014

DRAFT



POLICY TITLE: PROPRIETY, CONFIDENTIALITY AND PERSONAL INFORMATION

POLICY NUMBER: BOD-16

~~COMMITTEE APPROVAL DATE:~~ ~~XX-XX-XXXX~~03/24/2016

~~BOARD APPROVAL DATE:~~ ~~XX-XX-XXXX~~03/23/2016

~~Resolution #14-03~~ ~~12/16/2014~~

POLICY: ~~PROPRIETY, CONFIDENTIAL AND PERSONAL INFORMATION~~

Policy #BOD-16: During the course of business, the Desert Healthcare District (“District”) may occasionally be provided with confidential medical information related to its employees, directors, or other affiliates (collectively referred to herein as “employees”). This policy is intended to be in compliance with all state and federal laws mandating confidentiality of medical information, including but not limited to the California Confidentiality of Medical Information Act (CMIA) and, to the extent applicable, the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). The law shall supersede any provision of this policy that is in conflict.

GUIDELINES:

1. Employee medical information is considered confidential and shall be protected from unnecessary disclosure. When provision of medical records by a third-party provider is necessary or anticipated, an Authorization to Release Medical Information to Employer form (see attached) must be executed by the employee.

1.1 Definitions. “Medical information” means any individually identifiable information, in electronic or physical form, in possession of or derived from a provider of health care, health care service plan, health insurance plan, pharmaceutical company, or contractor regarding an employee’s medical history, mental or physical condition, or treatment. Such information includes, but is not limited to, medical records, doctor reports, disability certifications, or any written or oral disclosure of health conditions, illnesses, diseases, or requests for accommodation on account of health condition. “Medical information” shall be



further defined to include any individually identifiable medical information provided by the employee directly, unless confidentiality has been waived by the employee. "Individually identifiable" means that the medical information includes or contains any element of personal identifying information sufficient to allow identification of the individual such as the patient's name, address, electronic mail address, telephone number, or social security number, or other information that, alone or in combination with other publicly available information, reveals the individual's identity.

1.2 Designation of a Privacy Officer. The Privacy Officer of the District shall be the Chief Administration Officer as staff Human Resources (HR) representative for the District. Should that position be unfilled, the CEO will serve in the Privacy Officer position. The Privacy Officer shall be responsible for the implementation of this policy; the receipt and maintenance of employee medical information; obtaining required authorizations when necessary; and for maintaining adequate protections to ensure the confidentiality and security of employee medical information.

1.3 Prohibition Against Unauthorized Disclosure. No employee who is through necessity or inadvertence provided another employee's confidential medical information may disclose or use such information without the express authorization from the Privacy Officer. Employees may not use or disclose employee medical information obtained at the District for any reason after the employment relationship with the District ends. Misuse or unauthorized disclosure of confidential medical information will result in discipline, up to and including termination of employment. Employees should relay or provide medical information, when necessary, only to the Privacy Officer. The Privacy Officer shall make every effort to maintain the confidentiality of any employee communication, oral or otherwise, containing an employee's confidential medical information.

1.4 Medical Files. All employee medical information documentation, whether obtained from any post-offer examination, workers' compensation examination, or directly from the employee, shall be maintained in separate, secure medical files. Employee medical files shall be treated as confidential. Employee medical files shall be kept in a locked location, accessible to only the Privacy Officer or his/her authorized designee. No employee may place any medical-related material into an employee's general personnel file.



1.5 Mandate to Report Violations. Any violation of this policy shall be reported to the Privacy Officer as soon as reasonably possible. Because report of violation may necessarily disclose apparent confidential medical information, employees are prohibited from relaying or repeating the report or the conveyed medical information to any party other than the Privacy Officer or his/her authorized designee. This prohibition does not prevent employees from reminding others about the requirements of this policy.

DRAFT



Acknowledgement of Receipt/ Confidentiality of Medical Information Policy

I acknowledge receipt of this policy by signing this form. I understand it is my duty to familiarize myself with this policy and to adhere to its terms. I have been advised of my right to seek clarification on any of the contents herein I do not understand.

This policy is subject to change. I understand I can obtain a copy of the revised policy by requesting one from the Chief Administration Officer~~Human Resources Department~~/Privacy Officer.

Employee Signature

Date

Please print name in full

To be completed only if no signed acknowledgement of receipt is obtained. If it is not possible to obtain the individual's acknowledgement, indicate the reason why the acknowledgement was not obtained.

___ Refused to sign

___ Unable to sign

___ Mailed to employee Date: _____

Chief Administration Officer~~HR Representative~~/Privacy Officer

Date



Authorization to Release Medical Information to Employer

This authorization to release medical information is in compliance California Confidentiality of Medical Information Act of 1981 (Cal. Civil Code Section 56 *et seq.*) and is for the purpose of allowing the Desert Healthcare District (“District”) to coordinate personnel matters for employees.

I, _____ (print name of employee), hereby authorize the Custodian of Records of (Doctor and/or facility) _____ to furnish to the District medical records and information pertaining to my medical history, mental or physical condition, services rendered or treatment. Such information may be provided to the Privacy Officer for the District.

Duration: This authorization shall become effective immediately and shall remain in effect until (date) _____, 202~~1~~⁴_. I understand that I may revoke this authorization at any time, even before the end of this duration, by submitting a written request for revocation to the District’s Privacy Officer.

Uses: The requestor may use the medical records and information hereby released for the coordination of personnel matters, including but not limited to leave requests or medical accommodation requests. I understand that disclosure could lead to re-disclosure that would not be protected under my right to medical confidentiality.

Restrictions: I understand that the District may not further use or disclose the medical information unless another authorization is obtained from me or unless such use or disclosure is specifically required or permitted by law.

Additional Copy: I have been provided a copy of this authorization, and I further understand that I have a right to receive another copy upon request.

Signature:

Date: _____ Time: _____ A.M./P.M.

Employee’s Signature
(if employee is incompetent, signature of legal representative)



AUTHORITIES

Desert Healthcare District Bylaws Article IV

DOCUMENT HISTORY

Revised 03-23-2016

Approved 12-16-2014

DRAFT



POLICY TITLE: ACCESS TO PUBLIC RECORDS

POLICY NUMBER: OP-01

COMMITTEE APPROVAL: XX-XX-XXXX

BOARD APPROVAL: XX-XX-XXXX

POLICY #OP-01: The California Legislature has declared that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. The California Public Records Act ("PRA"), Government Code Sections 6250 to 6270, requires the Desert Healthcare District ("DHCD") to make public records available for inspection by the public and to provide copies upon request. DHCD has established the following guidelines to ensure that all persons understand and are afforded the opportunity to use their right to access public records. A copy of these guidelines will be provided free of charge upon request.

GUIDELINES:

1. "Public records" include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by DHCD regardless of physical form or characteristics. "Writing" means handwriting, typewriting, printing, photocopying, photographing, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds or symbols or any combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.
2. Public records are open to inspection during DHCD office hours, generally 8:30 a.m. – 5:00 p.m. Monday through Friday, except for holidays. Advanced notice is not required to inspect public records; however, the inspection of records is subject to a rule of reason and must be consistent and available within the DHCD offices.

2.1 Records available for immediate inspection include the Statement of Economic Interest (FPPC Form 700) of designated DHCD employees and this Access to Public



Records

Guidelines.

2.2 It is the policy of DHCD that records not exempt from disclosure by state law will be open for public inspection with the least possible delay. There is no charge to inspect records. In order to prevent records from being lost, damaged or destroyed during inspection, DHCD staff may determine the location of, and may monitor, the inspection.

3. While a written request is not required, DHCD prefers that all Public Records Requests be in writing so that DHCD can more accurately identify the records sought and process the request more efficiently. Requests may be in person, by phone, by email or directed to DHCD's office at the following address:

Desert Healthcare District
1140 North Indian Canyon Drive
Palm Springs, CA 92262
Phone: (760) 323-6113
Fax: (760) 323-6509
Email: ahayles@dhcd.org

Please include the following information in your request, so that we may respond to your request in a timely manner:

3.1 A clear and specific description of the information you are requesting. If possible, identify dates, subjects, titles and authors of the records requested. If needed, DHCD staff may ask for additional information if the request is not specific enough to permit identification of the records sought.

3.2 Contact information is recommended so DHCD can obtain clarifying information if needed and send you a response or copies of records.

3.3 The District strives to fulfill requests as soon as possible but not beyond ten (10) days from the date the request is received, DHCD will determine whether the request, in whole or in part, seeks copies of disclosable public records in DHCD's possession and notify the requester of such determination. In unusual circumstances, the 10-day time limit may be extended up to an additional fourteen



(14) days by written notice to the requester, setting forth the reason for the time extension. Unusual circumstances include:

3.3.1 The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

3.3.2 The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request;

3.4 If DHCD determines it will comply with the request, the records will be made available as promptly as possible upon payment, if required, of any applicable copying fees.

3.5 Upon request, DHCD will make an electronic public record available in any electronic format in which DHCD holds the information.

3.6 The cost for all other copies is the direct cost of duplication, or a statutory fee if applicable.

4. In balancing the public's right to access public records with other rights and interests, including the individual right of privacy and the need for DHCD to be able to competently perform its duties, the Legislature has established certain categories of records that may be exempt from public disclosure under specified circumstances. These include but are not limited to, certain personnel records, investigative records, drafts, confidential legal advice, records prepared in connection with litigation, real estate appraisals and evaluations made relative to pending acquisition of property, trade secrets, communications with the Governor's Office and information that is confidential pursuant to other state or federal statutes.

5. Upon receipt of a Court Order or a Subpoena Duces Tecum (a notice to appear and to bring records, or to produce records without appearance) should be forwarded to the Chief Executive Officer and the DHCD legal counsel. While a Subpoena Duces Tecum is issued by a court, it is not always an order of the court declaring that the particular records are subject to disclosure. Such records may still be subject to protection against disclosure by reason of the existence of a privilege or other legal excuse. Therefore, receipt of such a subpoena does not permit disclosure of records in and of itself and legal counsel shall determine the appropriate response.



AUTHORITIES

California Public Records Act Government Code Sections 6250 to 6270

Desert Healthcare District Bylaws Article V, section 5.6

DOCUMENT HISTORY

Approved 02-24-2016

DRAFT



POLICY TITLE: ACCESS TO PUBLIC RECORDS

POLICY NUMBER: OP-01

COMMITTEE APPROVAL/UPDATE: ~~XXXXN/A~~ XX-XX-

BOARD APPROVAL DATE: XX-XX-XXXX02/24/2016

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~~POLICY #: ACCESS TO PUBLIC RECORDS~~

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GUIDELINES:

1. "Public records" include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by DHCD regardless of physical form or characteristics. "Writing" means handwriting, typewriting, printing, photocopying, photographing, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds or symbols or any combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.
2. Public records are open to inspection during DHCD office hours, generally 8:30 a.m. – 5:00 p.m. Monday through Friday, except for holidays. Advanced notice is not required to inspect public records; however, the inspection of records is subject to a rule of reason and must be consistent and available within the DHCD offices.



2.1 Records available for immediate inspection include the Statement of Economic Interest (FPPC Form 700) of designated DHCD employees and this Access to Public Records Guidelines.

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2.2 It is the policy of DHCD that records not exempt from disclosure by state law will be open for public inspection with the least possible delay. There is no charge to inspect records. In order to prevent records from being lost, damaged or destroyed during inspection, DHCDPR staff may determine the location of, and may monitor, the inspection.

3. While a written request is not required, DHCD prefers that all Public Records Requests ~~for records~~ be in writing so that DHCD can more accurately identify the records sought and process the request more efficiently. Requests may be in person, by phone, by email or directed to DHCD's office at the following address:

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Palm Springs, CA 92262
Phone: (760) 323-6113
Fax: (760) 323-6509
Email: ahayles@dhcd.org

Please include the following information in your request, so that we may respond to your request in a timely manner:

3.1 A clear and specific description of the information you are requesting. If possible, identify dates, subjects, titles and authors of the records requested. If needed, DHCD staff may ask for additional information if the request is not specific enough to permit identification of the records sought.

3.2 Contact information is recommended so DHCD can get-obtain clarifying information if needed and send you a response or copies of records.

3.3 The District strives to fulfill requests as soon as possible but not beyond ten (10) days from the date the request is received, DHCD will determine whether the request, in whole or in part, seeks copies of disclosable public records in DHCD's possession and notify the requester of such determination. In unusual



circumstances, the 10-day time limit may be extended up to an additional fourteen (14) days by written notice to the requester, setting forth the reason for the time extension. Unusual circumstances include:

3.3.1 The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

3.3.2 The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request;

3.4 If DHCD determines it will comply with the request, the records will be made available as promptly as possible upon payment, if required, of any applicable copying fees.

3.5 Upon request, DHCD will make an electronic public record available in any electronic format in which DHCD holds the information.

3.6 The cost for all other copies is the direct cost of duplication, or a statutory fee if applicable.

4. In balancing the public's right to access public records with other rights and interests, including the individual right of privacy and the need for DHCD to be able to competently perform its duties, the Legislature has established certain categories of records that may be exempt from public disclosure under specified circumstances. These include but are not limited to, certain personnel records, investigative records, drafts, confidential legal advice, records prepared in connection with litigation, real estate appraisals and evaluations made relative to pending acquisition of property, trade secrets, communications with the Governor's Office and information that is confidential pursuant to other state or federal statutes.

5. Upon [receipt of](#) a Court Order or [receipt of](#) a Subpoena Duces Tecum (a notice to appear and to bring records, or to produce records without appearance) should be forwarded to the Chief Executive Officer and the DHCD legal counsel. While a Subpoena Duces Tecum is issued by a court, it is not always an order of the court declaring that the



particular records are subject to disclosure. Such records may still be subject to protection against disclosure by reason of the existence of a privilege or other legal excuse. Therefore, receipt of such a subpoena does not permit disclosure of records in and of itself and legal counsel shall determine the appropriate response.

AUTHORITIES

California Public Records Act Government Code Sections 6250 to 6270

Desert Healthcare District Bylaws Article V, section 5.6

DOCUMENT HISTORY

Approved 02-24-2016

DRAFT



POLICY TITLE: RECORDS RETENTION

POLICY NUMBER: OP-03

COMMITTEE APPROVAL: XX-XX-XXXX

BOARD APPROVAL: XX-XX-XXXX

POLICY #OP-3: It is the policy of the Desert Healthcare District’s Board of Directors to provide guidelines regarding the retention or disposal of Desert Healthcare District records; provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements.

GUIDELINES:

1. The California Secretary of State has issued local government records management guidelines in accordance with Government Code Section 60200 et seq., which augments the authority of local governments and districts to establish records retention schedule. The Board of Directors of Desert Healthcare District (“District”) is authorized by the provisions of California Government Code sections 60200 et seq., to establish a records retention schedule applicable to District records. The records retention policy assists the District in documenting the records that (i) require office or temporary storage, (ii) have historic or research value, and (iii) should be destroyed because they no longer have any administrative, fiscal, or legal value.

1.1 Authorization for Destruction of Records. The record retention schedule, Exhibit “A”, is the approved schedule for the District which is in compliance with Government Code sections 60200 et seq. The schedule gives the time periods documents must remain open/active for the public, the time period documents will remained closed (saved but may be boxed or in storage) and the process for destroying documents.

1.2 Destruction of Records after Scanning. Any record not expressly required by law to be filed and preserved in original form may be destroyed at any time after it is electronically stored in conformance with the requirements of Government Code section 60203.



1.3 Destruction of Duplicates. Pursuant to Government Code section 60200, any duplicate record, paper, or document which has the original or a permanent photographic copy stored in the files of the District, may be destroyed after confirmation that the original or permanent photographic copy remains on file in the District.

1.4 Retention of Records Not Mentioned. All records, papers, and documents not mentioned in this policy may be scanned as archival records or destroyed so long as such disposal is consistent with the recommendations of the Local Government Records Management Guidelines as set forth by the Secretary of State as the same may be amended from time to time.

1.5 Retained Records. Following Government Code section 60201, the District shall retain records that

- relate to formation, change of organization, or reorganization of the District;
- District ordinance unless it has been repealed or is invalid or unenforceable for a period of five (5) years;
- minutes of a meeting of the legislative body of the District;
- pending claims and litigation records for two (2) years after the disposition;
- records that are the subject of a pending Public Records Act request until the request is granted or two (2) years have passed since denial;
- records of construction projects prior to notice of completion and release of stop notices, if any;
- records related to non-discharged contracts or debts; records of title for District real property;
- unaccepted construction bids/proposals until two (2) years old;
- records that specify the amount of compensation paid to District employees, officers, or independent contractors until seven (7) years old;
- records for which the administrative, fiscal, or legal purpose has not yet been fulfilled.
- emails shall be retained for six (6) months.



EXHIBIT "A"

Review Period

Record Series (Description)	Open/Active	Closed	Disposal	Notes
Accident reports and logs	2 years	2 years	Shred	
Accounting files, miscellaneous	5 years	5 years	Shred	
Accounts payable (vendor files, invoices, employee travel and expense records)	1 year	6 years	Shred	
Accounts receivable	1 year	4 years	Shred	
Agendas, minutes and supporting materials for Board/Committee packet	1 year	Indefinite	Archive	
Agreements with agencies, firms, individuals	1 year	5 years	Shred	Depending on type of agreement, some will be indefinite
Appraisal Reports	1 year	5 years	Shred	Originals to be filed in project file
Audit Reports	10 years	10 years	Shred	
Bank statements (with cancelled checks)	1 year	4 years	Shred	
Board correspondence	1 year	4 years	Shred	Dispose after leaving the Board
Budgets, annual	1 year	Indefinite	Archive	
Cash receipt books with backup and deposit tickets	1 year	4 years	Shred	
Claim or litigation on behalf of DHCD	1 year	Indefinite	Archive	
Claim or litigation against DHCD		Indefinite	Archive	
Computer maintenance files	1 year	3 years	Toss	
Computer programs	1 year	6 years	Toss	



DESERT HEALTHCARE
DISTRICT & FOUNDATION

Computer tape disks/backup	2 years	2 years	Toss	
Computer tracking records	1 year	3 years	Toss	
Conflict of Interest Statements	1 year	Indefinite	Archive	Include oath of office, economic statements, etc.
Correspondence, general	1 year	2 years	Toss	
Deeds	1 year	Indefinite	Archive	
Director's compensation and reimbursement	1 year	4 years	Shred	Dispose after Director leaves Board
Director's fees	1 year	6 years	Shred	Dispose after Director leaves Board
Disability Claims	1 year	Indefinite	Archive	
Easements	1 year	Indefinite	Archive	
Employee records	1 year	6 years	Shred	
Employee records terminated	1 year	6 years	Shred	
Employee time records (i.e. payroll files) including deduction authorizations and overtime	1 year	6 years	Shred	
Employee travel and expense records	6 years	6 years	Shred	
Equipment maintenance records and contracts	1 year	5 years	Toss	
Financial reports, miscellaneous	10 years	10 years	Shred	
Financial Statements, annual	1 year	Indefinite	Archive	
Historical files (history of the former DHD)	1 year	Indefinite	Archive	
Insurance certificates and policies	1 year	6 years	Shred	
Inventory Records	1 year	6 years	Toss	
Investment Portfolio	1 year	Indefinite	Archive	Permanent for research/historical value



DESERT HEALTHCARE
DISTRICT & FOUNDATION

Investments (Certificates of Deposit)	1 year	6 years	Shred	
Lease Agreements	1 year	6 years	Shred	Permanent for research/historical value
Ledgers, General and Journal	1 year	Indefinite	Archive	
Legal opinions	1 year	Indefinite	Archive	
Policies and Procedures	1 year	Indefinite	Archive	
Resolutions	1 year	Indefinite	Archive	
Retirement plan agreements, amendments, and related documents	1 year	Indefinite	Archive	Permanent for historic value
Vehicle operation records	1 year	3 years	Toss	
Vendor files, misc. correspondence	1 year	1 year	Shred	Dispose when no longer relevant
Workers' compensation files	1 year	6 years	Shred	

***Schedule Instructions**

1. Records are Open/Active files for at least the period stated as a matter of general practice. After the Open/Active period has passed, to the extent possible, records will be identified to the applicable department for closure recommendation, via electronic records management systems.
2. Records placed in closed files will be retained for the scheduled period. Notice to the applicable department will be made prior to disposal.



AUTHORITIES

Desert Healthcare District Resolution #11-05

DOCUMENT HISTORY

Approved 05-24-2016

DRAFT



POLICY TITLE: RECORDS RETENTION

POLICY NUMBER: _____ OP-03

COMMITTEE APPROVAL/UPDATE: XX-XX-XXXXN/A

BOARD APPROVAL DATE: XX-XX-XXXX02/23/2016
Resolution #11-05 05/24/2011

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POLICY: ~~RECORDS RETENTION~~

Policy #OP-3:

It is the policy of the Desert Healthcare District's Board of Directors to provide guidelines regarding the retention or disposal of Desert Healthcare District records; provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements.

GUIDELINES:

1. The California Secretary of State has issued local government records management guidelines in accordance with Government Code Section 60200 et seq., which augments the authority of local governments and districts to establish records retention schedule. The Board of Directors of Desert Healthcare District ("District") is authorized by the provisions of California Government Code sections 60200 et seq., to establish a records retention schedule applicable to District records. The records retention policy assists the District in documenting the records that (i) require office or temporary storage, (ii) have historic or research value, and (iii) should be destroyed because they no longer have any administrative, fiscal, or legal value.

1.1 Authorization for Destruction of Records. The record retention schedule, Exhibit "A", is the approved schedule for the District which is in compliance with Government Code sections 60200 et seq. The schedule gives the time periods documents must remain open/active for the public, the time period documents will



remained closed (saved but may be boxed or in storage) and the process for destroying documents.

1.2 Destruction of Records after Scanning. Any record not expressly required by law to be filed and preserved in original form may be destroyed at any time after it is electronically stored in conformance with the requirements of Government Code section 60203.

1.3 Destruction of Duplicates. Pursuant to Government Code section 60200, any duplicate record, paper, or document which has the original or a permanent photographic copy ~~of~~ stored in the files of the District, may be destroyed after confirmation that the original or permanent photographic copy remains on file in the District.

1.4 Retention of Records Not Mentioned. All records, papers, and documents not mentioned in this policy may be scanned as archival records or destroyed so long as such disposal is consistent with the recommendations of the Local Government Records Management Guidelines as set forth by the Secretary of State as the same may be amended from time to time.

1.5 Retained Records. Following Government Code section 60201, the District shall retain records that

- relate to formation, change of organization, or reorganization of the District;
- District ordinance unless it has been repealed or is invalid or unenforceable for a period of five (5) years;
- minutes of a meeting of the legislative body of the District;
- pending claims and litigation records for two (2) years after the disposition;
- records that are the subject of a pending Public Records Act request until the request is granted or two (2) years have passed since denial;
- records of construction projects prior to notice of completion and release of stop notices, if any;
- records related to non-discharged contracts or debts; records of title for District real property;
- unaccepted construction bids/proposals until two (2) years old;



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- records that specify the amount of compensation paid to District employees, officers, or independent contractors until seven (7) years old;
- records for which the administrative, fiscal, or legal purpose has not yet been fulfilled.
- emails shall be retained for six (6) months.

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EXHIBIT "A"

Review Period

Record Series (Description)	Open/Active	Closed	Disposal	Notes
Accident reports and logs	2 years	2 years	Shred	
Accounting files, miscellaneous	5 years	5 years	Shred	
Accounts payable (vendor files, invoices, employee travel and expense records)	1 year	6 years	Shred	
Accounts receivable	1 year	4 years	Shred	
Agendas, minutes and supporting materials for Board/Committee packet	1 year	Indefinite	Archive	
Agreements with agencies, firms, individuals	1 year	5 years	Shred	Depending on type of agreement, some will be indefinite
Appraisal Reports	1 year	5 years	Shred	Originals to be filed in project file
Audit Reports	10 years	10 years	Shred	
Bank statements (with cancelled checks)	1 year	4 years	Shred	
Board correspondence	1 year	4 years	Shred	Dispose after leaving the Board
Budgets, annual	1 year	Indefinite	Archive	
Cash receipt books with backup and deposit tickets	1 year	4 years	Shred	
Claim or litigation on behalf of DHCD	1 year	Indefinite	Archive	
Claim or litigation against DHCD		Indefinite	Archive	
Computer maintenance files	1 year	3 years	Toss	
Computer programs	1 year	6 years	Toss	



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Computer tape disks/backup	2 years	2 years	Toss	
Computer tracking records	1 year	3 years	Toss	
Conflict of Interest Statements	1 year	Indefinite	Archive	Include oath of office, economic statements, etc.
Correspondence, general	1 year	2 years	Toss	
Deeds	1 year	Indefinite	Archive	
Director's compensation and reimbursement	1 year	4 years	Shred	Dispose after Director leaves Board
Director's fees	1 year	6 years	Shred	Dispose after Director leaves Board
Disability Claims	1 year	Indefinite	Archive	
Easements	1 year	Indefinite	Archive	
Employee records	1 year	6 years	Shred	
Employee records terminated	1 year	6 years	Shred	
Employee time records (i.e. payroll files) including deduction authorizations and overtime	1 year	6 years	Shred	
Employee travel and expense records	6 years	6 years	Shred	
Equipment maintenance records and contracts	1 year	5 years	Toss	
Financial reports, miscellaneous	10 years	10 years	Shred	
Financial Statements, annual	1 year	Indefinite	Archive	
Historical files (history of the former DHD)	1 year	Indefinite	Archive	
Insurance certificates and policies	1 year	6 years	Shred	
Inventory Records	1 year	6 years	Toss	



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Investment Portfolio	1 year	Indefinite	Archive	Permanent for research/historical value
Investments (Certificates of Deposit)	1 year	6 years	Shred	
Lease Agreements	1 year	6 years	Shred	Permanent for research/historical value
Ledgers, General and Journal	1 year	Indefinite	Archive	
Legal opinions	1 year	Indefinite	Archive	
Policies and Procedures	1 year	Indefinite	Archive	
Resolutions	1 year	Indefinite	Archive	
Retirement plan agreements, amendments, and related documents	1 year	Indefinite	Archive	Permanent for historic value
Vehicle operation records	1 year	3 years	Toss	
Vendor files, misc. correspondence	1 year	1 year	Shred	Dispose when no longer relevant
Workers' compensation files	1 year	6 years	Shred	

***Schedule Instructions**

1. Records are Open/Active files for at least the period stated as a matter of general practice. After the Open/Active period has passed, to the extent possible, records will be identified to the applicable department for closure recommendation, via electronic records management systems.
2. Records placed in closed files will be retained for the scheduled period. Notice to the applicable department will be made prior to disposal.

AUTHORITIES

[Desert Healthcare District Resolution #11-05](#)

DOCUMENT HISTORY

~~Approved~~ Revised 05-24-2016

POLICY #OP-03

Page 6 of 7
~~Policy #OP-3 Page 6 of 7~~



DESERT HEALTHCARE
DISTRICT & FOUNDATION

Approved 05-24-2011

DRAFT



POLICY TITLE: ELECTRONIC COMMUNICATIONS USAGE AND RETENTION

POLICY NUMBER: OP-04

COMMITTEE APPROVAL: XX-XX-XXXX

BOARD APPROVAL: XX-XX-XXXX

POLICY #OP-4: It is the policy of the Desert Healthcare District (“District”) to provide guidelines for Electronic Communications usage and retention.

GUIDELINES:

1. The purpose of the Electronic Communications Usage and Retention Policy is to:

- Provide clear and concise direction regarding use of the District’s electronic communications systems, including electronic mail (e-mail), text messaging and voicemail.
- Minimize any disruptions to District services related to electronic communications.
- Enhance work productivity through the use of electronic communications.
- Comply with applicable State and Federal laws and District policies related to the use of e-mail and all other forms of electronic communication.

This policy applies to all employees, elected officials, appointed officials, consultants, volunteers or other non-employees who use electronic communications regarding District business. All such persons shall be referred to throughout this policy as “District personnel.”



1.1 Definition of “Official District Record”. Under this Policy, the definition of “Official District Record” follows the definitions provided in the California Public Records Act (Cal. Gov. Code § 6250 et seq.) for “public records” and “writing”:

“...any writing containing information relating to the conduct of the public’s business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics...”

“...‘Writing’ means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.”

1.2 District Email is an Official District Record. E-mail and other forms of electronic communications, such as text messaging and voicemail, generate correspondence and other types of records that can be recognized as Official District Records and may be subject to disclosure under the Public Records Act. In addition, any Official District Records created through email and other forms of electronic communications must be protected and retained in accordance with records retention laws.

Messages transmitted using the District’s email system or using District-owned equipment, such as cell phones, smartphones, or pagers with capabilities for text messaging and voicemail, should be messages which involve District business activities and contain information essential to accomplishment of business-related tasks, or can otherwise be recognized as Official District Records. However, the incidental use of electronic communications (email, text, or voice) that may contain non-District related (personal) matters is permitted. This incidental use shall be limited and must not interfere with employee productivity or the provision of District services. Any incidental (personal) email, text or voice messages are NOT considered public records, but may still be discoverable in litigation. All electronic communications as described in this policy are the property of the District.



1.3 Social Networking and Official District Records. Communications regarding District business that are sent or received through any social networking site may also be subject to the Public Records Act and records retention laws. Until the District adopts and implements an official policy regarding social networking, all District personnel should be cautious in using social networking sites to communicate regarding District business. At a minimum, District personnel should notify social media users that their communications regarding District business may be subject to disclosure. In addition, District personnel should caution all users that social media is not the official method of communicating with the District and should direct users to contact the District via telephone, in writing, or through the District's website.

1.4 District Email System is Not For Storage. The District reserves the right to retrieve and make proper and lawful use of any and all electronic communications transmitted through the District's email system and any District-owned equipment. Although the use of electronic communications is considered official District business, the District's communication systems, including email, text messaging and voicemail, are intended as a medium of communication only. Therefore, the email system and any District-owned equipment such as cell phones, smartphones and pagers should not be used for the electronic storage or maintenance of documentation, including, but not limited to, Official District Records. Regarding email, the system administrator performs regular electronic back-ups of the District's email system. However, the back-up is not a copy of all District email activity that occurred on the District email server during the back-up period.

1.5 Guidelines for Proper Email Usage

- District email access is controlled through individual accounts and passwords. It is the responsibility of District personnel to protect the confidentiality of his or her account and password information.
- District personnel are responsible for managing their mailboxes, including organizing and cleaning out any non-District related messages that do not constitute Official District Records. Email users are responsible for determining if emails contain substantive information regarding District



business or may later be important or useful for carrying out District business, and thus could be considered as Official District Records.

- All District personnel must check and respond to their emails on a regular basis, preferably daily.
- District personnel are expected to remember that email sent from District email accounts is a representation of the District. All District personnel must use normal standards of professional and personal courtesy and conduct when drafting email messages. Email messages should be drafted with the same care and in the same manner as any communication printed on District letterhead. Like any other District communication, email is a reflection of the District's business practices.
- All messages transmitted over the email system should be limited to those which involve District business activities or contain information essential to District personnel for the accomplishment of District-related tasks. Use of the District's email system for personal communication must be kept to a minimum. "Spam" email can be harmful to the District's computer system. Spam email is electronic junk mail, usually unsolicited commercial and non-commercial messages transmitted as a mass mailing to a number of recipients. If an email message does not pertain to District business, it should be deleted from your email account and not forwarded. Examples include jokes, thoughts for the day, "chain" type email messages, etc.
- Email messages should be easy to read and understand. Spelling and grammar should be correct. Avoid using abbreviations unless you are certain the recipient will understand the meaning.
- Messages should be sent to smaller rather than larger audiences where appropriate. Avoid "broadcasting" messages and large documents. Email should not be used for broadcast purposes unless the message is of interest to all District personnel.
- Avoid long email "chain" messages that include past emails attached to a current message. Deleting long strings of previous email exchanges from your reply messages will enhance readability and save disk space.
- Limit designating email as "high-priority" or "urgent" – use those designations only when necessary and appropriate.



1.6 Prohibited Uses of the District's Electronic Communication Systems.

Electronic communications shall not be used for any activity that is a violation of local, state, or federal law. Types of messages prohibited from being transmitted through the District's electronic communications systems include, but are not limited to, the following:

- Messages in support or opposition to campaigns for candidates for an elected office or a ballot measure.
- Messages of a religious nature or promoting or opposing religious beliefs.
- Messages containing language which is insulting, offensive, disrespectful, demeaning, or sexually suggestive.
- Messages containing harassment of any form, sexual or ethnic slurs, obscenities, or any representation of obscenities. For more information please refer to the District's policies regarding harassment and discrimination.
- Messages used to send or receive copyrighted material, proprietary financial information, or similar materials.
- Messages used for gambling or any activity that is a violation of local, state, or federal law.

1.7 No Expectation of Privacy. District personnel have no right or expectation of privacy or confidentiality in any message created, sent, received, deleted, or stored using the District email system or any District-owned communication devices. All messages and any attachments on the District's computer network or other District-owned system or device are the property of the Desert Healthcare District and may be accessed by authorized personnel. District electronic communications may be monitored as allowed by the Electronic Communications Privacy Act, the federal Stored Communications Act, and other any applicable federal or State laws. Most communications



among District personnel are not confidential communications. However, certain communications such as law enforcement investigations, personnel records, or attorney-client communications may be confidential or contain confidential information. Questions about whether communications are confidential, and how they are to be preserved, should be discussed with the Chief Executive Officer.

- **No Snooping.**

It is a violation of this District policy for any District personnel to use the District's electronic communications systems or equipment for purposes of satisfying idle curiosity about the affairs of others. Abuse of authority by accessing another person's email, text or voice messages without their knowledge or consent is prohibited. District personnel found to have engaged in such "snooping" may be subject to disciplinary action consistent with District policies.

- **Access Must be Private**

Notwithstanding the District's right to have authorized personnel access email and other electronic messages, all electronic messages should be treated as confidential by other District personnel and accessed only by the intended recipient. District personnel are not authorized to retrieve, read or listen to any electronic messages that are not sent to them. Any exceptions must receive prior approval by the Chief Executive Officer or their designee.

- **Use Caution with Confidential Information.**

All District personnel must exercise a greater degree of caution in sending confidential information on the District's electronic communications systems than they take with other media because of the risk that such information may be copied and/or retransmitted. When in doubt, DO NOT USE EMAIL, TEXT MESSAGING OR VOICEMAIL as a means of communication. Furthermore, the use of passwords for security does not guarantee confidentiality.

- **Personal Email Accounts and Official District Records**



The use of personal email accounts to transmit messages regarding District business should be avoided by all District personnel. In the event that messages regarding District business are received by District personnel through their personal email accounts, District personnel are requested to forward copies of such emails to their District email addresses. Personal emails discussing District business might be considered Official District Records that are subject to the Public Records Act and records retention laws. District personnel are requested to use only their District email accounts for sending/receiving emails regarding District business.

1.8 Record Retention and Disclosure. Electronic communications are a business tool which shall be used in accordance with generally accepted business practices and all federal and State laws, including the California Public Records Act, to provide an efficient and effective means of intra-agency and interagency communications. Under most circumstances, communications sent electronically are public records, subject to disclosure under the Public Records Act and subject to records retention laws applicable to special districts.

1.8.1 Electronic Messages as Official District Records

The District's email, text messaging and voice mail systems are tools used for the temporary transport of communication, and as methods to send or receive correspondence. If an email message or text message, including any attachments, can be considered an Official District Record, as defined by this Policy (*"any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics"*), such messages must be preserved for the legally required time period in accordance with the District's Records Retention Policy.

1.8.2 Automatic Deletion of Email

The District's email management system automatically deletes District emails, including any text messages that become emails, which are more than **one hundred eighty (180) days** old from all Outlook folders of each District email user. Email in "Deleted" and "Sent" folders will be automatically removed after **one hundred eighty (180) days**.

1.8.3 Managing Your District Email



Individual District personnel are responsible for the management of their mailboxes and associated folders on a daily basis. To ensure maximum efficiency in the operation of the email system, District personnel are directed to delete email messages that are not Official District Records from their inboxes on a daily basis. Examples of such messages are personal emails, email advertisements/announcements, or newsletters received via email. If email messages that are not Official District Records are necessary for transitory work, preliminary drafts, preparation of work product or personal notes, District personnel are directed to either print the email and maintain the paper copy, or create a PDF version of the email (print to PDF) and store the file in an electronic folder on the District's network drive.

Email messages (including any attachments) that are Official District Records shall be preserved by one of the following methods:

- Print the email and place the printed copy in the appropriate file.
- Email should not be stored on portable media (CDs, DVDs, thumb drives, etc.). Electronically move the email out of the District's email system and store it on a network drive.

It is the responsibility of individual District personnel to determine if an email message is an Official District Record which must be retained in accordance with the District's Record Retention Policy. Always consider the content of an email message when you are determining if the email is an Official District Record. The Chief Executive Officer can assist you in making such a determination. In addition, following is a general guideline for determining whether an email message is a public record under the California Public Records Act and records retention laws:

<i>MESSAGES THAT ARE GENERALLY CONSIDERED AS PUBLIC RECORDS</i>	<i>MESSAGES THAT ARE GENERALLY NOT CONSIDERED AS PUBLIC RECORDS</i>
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<ul style="list-style-type: none"> ▪ Emails that are created or received in connection with District business; ▪ Emails that document official decisions or commitments not otherwise documented in official District files; or ▪ Emails that initiate, authorize or complete a transaction of the District's business. 	<ul style="list-style-type: none"> ▪ Personal messages. ▪ SPAM emails, advertisements or other "junk" email. ▪ Messages not related to official District business (e.g., gathering for birthday cake in the lunch room). ▪ Emails transmitting newsletters or general information from other public agencies or vendors.
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Examples of email messages that are generally considered as public records:

- Email requesting to add a consent calendar item to the District Board meeting agenda.
- Emails between District staff regarding the need for an email retention policy.
- Emails between District staff regarding approval of a contract.
- Email that refers to meeting a deadline (i.e., "In compliance with FPPC filing requirements, attached please find...).
- Formal negotiations that exist only in email form.

1.9 Email Attachments. Attachments to email messages should be retained or disposed of according to the content of the attachment itself, not according to the email transmitting the attachment. Many email attachments are simply duplicates of existing documents, or are draft versions of documents that might not be retained by the District after the final version of the document is complete. If you need help in determining whether an attachment to an email message must be retained, please contact the Chief Executive Officer or the Clerk to the Board.

1.10. Preserving Electronic Messages – Public Records Act Requests,



Subpoenas, Claims, and Potential Claims Against the District. Periodically, the District receives requests for inspection or production of documents pursuant to the Public Records Act, as well as subpoenas or court orders for documents. In the event such a request or demand includes electronic messages, District personnel who have control over or access to any such messages, once they become aware of the request or demand, shall use their best efforts, by reasonable means available, to temporarily preserve any such message until it is determined whether the message is subject to preservation, public inspection, or disclosure. District personnel must contact the Chief Executive Officer or the Clerk to the Board regarding any such messages that are within their control.

1.11 Violations. Any person found to have violated this policy may have his or her access to District email, text messaging or other means of electronic communication on District equipment limited or revoked completely. District personnel who violate this policy may be subjected to formal disciplinary action up to and including termination from District employment.

ACKNOWLEDGEMENT OF RECEIPT OF ELECTRONIC COMMUNICATION USAGE
AND RETENTION POLICY



This is to acknowledge that I have received a copy of the Desert Healthcare District “Electronic Communications Usage and Retention Policy.” I understand that it contains important information on the District’s policies with regard to the use of the District’s Electronic Communication Systems and my obligations and responsibilities as an employee/District Board member/contract employee.

I acknowledge that I have read, understand and promise to adhere to the District’s Electronic Communication Usage and Retention Policy. I understand that the provisions in the Policy govern my use of the District’s Electronic Communication Systems and that the District, in its sole and absolute discretion, may change, rescind, or add to this Policy from time to time, with or without prior notice to me.

Printed Name

Date

Signature

This document shall be signed and placed in the Human Resources files.

AUTHORITIES

Desert Healthcare District Bylaws Article V, section 5.6



Desert Healthcare District Resolution #11-05

DOCUMENT HISTORY

Approved 05-24-2016

DRAFT



POLICY TITLE: _____
ELECTRONIC COMMUNICATIONS USAGE AND RETENTION

POLICY NUMBER: OP-04

COMMITTEE APPROVAL UPDATE: XX-XX-XXXXN/A

BOARD APPROVAL DATE: XX-XX-XXXX05/24/2016
~~Resolution #11-05~~ ~~05/24/2011~~

POLICY: ~~ELECTRONIC COMMUNICATIONS USAGE AND RETENTION POLICY~~

Policy #OP-4:

It is the policy of the Desert Healthcare District ("District") to provide guidelines for Electronic Communications s usage and rRetention ~~Policy~~.

GUIDELINES:

1. The purpose of the Electronic Communications Usage and Retention Policy is to:
 - Provide clear and concise direction regarding use of the District's electronic communications systems, including electronic mail (e-mail), text messaging and voicemail.
 - Minimize any disruptions to District services related to electronic communications.
 - Enhance work productivity through the use of electronic communications.
 - Comply with applicable State and Federal laws and District policies related to the use of e-mail and all other forms of electronic communication.



This policy applies to all employees, elected officials, appointed officials, consultants, volunteers or other non-employees who use electronic communications regarding District business. All such persons shall be referred to throughout this policy as “District personnel.”

1.1 Definition of “Official District Record”: -Under this Policy, the definition of “Official District Record” follows the definitions provided in the California Public Records Act (Cal. Gov. Code § 6250 et seq.) for “public records” and “writing”:

“...any writing containing information relating to the conduct of the public’s business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics...”

“...‘Writing’ means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.”

1.2 District Email is an Official District Record. E-mail and other forms of electronic communications, such as text messaging and voicemail, generate correspondence and other types of records that can be recognized as Official District Records and may be subject to disclosure under the Public Records Act. In addition, any Official District Records created through email and other forms of electronic communications must be protected and retained in accordance with records retention laws.

Messages transmitted using the District’s email system or using District-owned equipment, such as cell phones, smartphones, or pagers with capabilities for text messaging and voicemail, should be messages which involve District business activities and contain information essential to accomplishment of business-



related tasks, or can otherwise be recognized as Official District Records. However, the incidental use of electronic communications (email, text, or voice) that may contain non-District related (personal) matters is permitted. This incidental use shall be limited, and must not interfere with employee productivity or the provision of District services. Any incidental (personal) email, text or voice messages are NOT considered public records, but may still be discoverable in litigation. All electronic communications as described in this policy are the property of the ~~Desert Healthcare~~ District.

———**1.3 Social Networking and Official District Records.** Communications regarding District business that are sent or received through any social networking site may also be subject to the Public Records Act and records retention laws. Until the District adopts and implements an official policy regarding social networking, all District personnel should be cautious in using social networking sites to communicate regarding District business. At a minimum, District personnel should notify social media users that their communications regarding District business may be subject to disclosure. In addition, District personnel should caution all users that social media is not the official method of communicating with the District and should direct users to contact the District via telephone, in writing, or through the District's website.

1.4 District Email System is Not For Storage. The District reserves the right to retrieve and make proper and lawful use of any and all electronic communications transmitted through the District's email system and any District-owned equipment. Although the use of electronic communications is considered official District business, the District's communication systems, including email, text messaging and voicemail, are intended as a medium of communication only. Therefore, the email system and any District-owned equipment such as cell phones, smartphones and pagers should not be used for the electronic storage or maintenance of documentation, including, but not limited to, Official District Records. Regarding email, the system administrator performs regular electronic back-ups of the District's email system. However, the back-up is not a copy of all District email activity that occurred on the District email server during the back-up period.



1.5 Guidelines for Proper Email Usage

- District email access is controlled through individual accounts and passwords. It is the responsibility of District personnel to protect the confidentiality of his or her account and password information.
- District personnel are responsible for managing their mailboxes, including organizing and cleaning out any non-District related messages that do not constitute Official District Records. Email users are responsible for determining if emails contain substantive information regarding District business, or may later be important or useful for carrying out District business, and thus could be considered as Official District Records.
- All District personnel must check and respond to their emails on a regular basis, preferably daily.
- District personnel are expected to remember that email sent from District email accounts is a representation of the District. All District personnel must use normal standards of professional and personal courtesy and conduct when drafting email messages. Email messages should be drafted with the same care and in the same manner as any communication printed on District letterhead. Like any other District communication, email is a reflection of the District's business practices.
- All messages transmitted over the email system should be limited to those which involve District business activities or contain information essential to District personnel for the accomplishment of District-related tasks. Use of the District's email system for personal communication must be kept to a minimum. "Spam" email can be harmful to the District's computer system. Spam email is electronic junk mail, usually unsolicited commercial and non-commercial messages transmitted as a mass mailing to a number of recipients. If an email message does not pertain to District business, it should be deleted from your email account and not forwarded. Examples include jokes, thoughts for the day, "chain" type email messages, etc.



- Email messages should be easy to read and understand. Spelling and grammar should be correct. Avoid using abbreviations unless you are certain the recipient will understand the meaning.
- Messages should be sent to smaller rather than larger audiences where appropriate. Avoid “broadcasting” messages and large documents. Email should not be used for broadcast purposes unless the message is of interest to all District personnel.
- Avoid long email “chain” messages that include past emails attached to a current message. Deleting long strings of previous email exchanges from your reply messages will enhance readability and save disk space.
- Limit designating email as “high-priority” or “urgent” – use those designations only when necessary and appropriate.

1.6 Prohibited Uses of the District’s Electronic Communication Systems.

Electronic communications shall not be used for any —activity that is a violation of local, state, or federal law. Types of messages prohibited from being transmitted through the District’s electronic communications systems include, but are not limited to, the following:

- Messages in support or opposition to campaigns for candidates for an elected office or a ballot measure.
- Messages of a religious nature or promoting or opposing religious beliefs.
- Messages containing language which is insulting, offensive, disrespectful, demeaning, or sexually suggestive.
- Messages containing harassment of any form, sexual or ethnic slurs, obscenities, or any representation of obscenities. For more information please refer to the District’s policies regarding harassment and discrimination.
- Messages used to send or receive copyrighted material, proprietary financial information, or similar materials.



- Messages used for gambling or any activity that is a violation of local, state, or federal law.

1.7 No Expectation of Privacy. District personnel have no right or -expectation of privacy or confidentiality in any message created, sent, received, deleted, or stored using the District email system or any District-owned communication devices. All messages and any attachments on the District's computer network or other District-owned system or device are the property of the Desert Healthcare District and may be accessed by authorized personnel. District electronic communications may be monitored as allowed by the Electronic Communications Privacy Act, the federal Stored Communications Act, and other any applicable federal or State laws. Most communications among District personnel are not confidential communications. However, certain communications such as law enforcement investigations, personnel records, or attorney-client communications may be confidential or contain confidential information. Questions about whether communications are confidential, and how they are to be preserved, should be discussed with the Chief Executive Officer.

- **No Snooping.**

It is a violation of this District policy for any District personnel to use the District's electronic communications systems or equipment for purposes of satisfying idle curiosity about the affairs of others. Abuse of authority by accessing another person's email, text or voice messages without their knowledge or consent is prohibited. District personnel found to have engaged in such "snooping" may be subject to disciplinary action consistent with District policies.

- **Access Must be Private**

-

Notwithstanding the District's right to have authorized personnel access email and other electronic messages, all electronic messages should be treated as confidential by other District personnel and accessed only by the intended recipient. District personnel are not authorized to retrieve, read or listen to any electronic messages that are not sent to them. Any



exceptions must receive prior approval by the Chief Executive Officer or their designee.

• **Use Caution with Confidential Information.**

•

All District personnel must exercise a greater degree of caution in sending confidential information on the District's electronic communications systems than they take with other media because of the risk that such information may be copied and/or retransmitted. When in doubt, **DO NOT USE EMAIL, TEXT MESSAGING OR VOICEMAIL** as a means of communication. Furthermore, the use of passwords for security does not guarantee confidentiality.

• **Personal Email Accounts and Official District Records**

The use of personal email accounts to transmit messages regarding District business should be avoided by all District personnel. In the event that messages regarding District business are received by District personnel through their personal email accounts, District personnel are requested to forward copies of such emails to their District email addresses. Personal emails discussing District business might be considered Official District Records that are subject to the Public Records Act and records retention laws. District personnel are requested to use only their District email accounts for sending/receiving emails regarding District business.

— **1.8 Record Retention and Disclosure.** Electronic communications are a business tool which shall be used in accordance with generally accepted business practices and all federal and State laws, including the California Public Records Act, to provide an efficient and effective means of intra-agency and interagency communications. Under most circumstances, communications sent electronically are public records, subject to disclosure under the Public Records Act and subject to records retention laws applicable to special districts.



1.8.1 Electronic Messages as Official District Records

The District's email, text messaging and voice mail systems are tools used for the temporary transport of communication, and as methods to send or receive correspondence. If an email message or text message, including any attachments, can be considered an Official District Record, as defined by this Policy (*"any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics"*), such messages must be preserved for the legally required time period in accordance with the District's Records Retention Policy.

1.8.2 Automatic Deletion of Email

~~_____~~The District's email management system automatically deletes ~~_____~~District emails, including any text messages that become emails, ~~_____~~which are more than ninety-one hundred eighty (90180) days old from all Outlook folders of ~~each~~ District email user. Email in "Deleted" and "Sent" folders will be ~~automatically~~ removed after ninety-one hundred eighty (90180) days.~~_____~~

1.8.3 Managing Your District Email

Individual District personnel are responsible for the management of their mailboxes and associated folders on a daily basis. To ensure ~~_____~~maximum efficiency in the operation of the email system, District ~~_____~~personnel are directed to delete email messages that are not Official ~~_____~~District Records from their inboxes on a daily basis. Examples of ~~such~~ _____ messages are personal emails, email ~~_____~~advertisements/announcements, or newsletters received via email.

If email messages that are not Official District Records are necessary for transitory work, preliminary drafts, preparation of work ~~product~~ or personal notes, District personnel are directed to either ~~_____~~print the email and maintain the paper copy, or create a PDF version ~~_____~~of the email (print to PDF) and store the file in an electronic folder on ~~_____~~the District's network drive.



Email messages (including any attachments) that are Official District Records shall be preserved by one of the following methods:

- Print the email and place the printed copy in the appropriate file.
- Email should not be stored on portable media (CDs, DVDs, thumb drives, etc.). Electronically move the email out of the District’s email system and store it on a network drive.

It is the responsibility of individual District personnel to determine if an email message is an Official District Record which must be retained in accordance with the District’s Record Retention Policy. Always consider the content of an email message when you are determining if the email is an Official District Record. The Chief Executive Officer ~~to the~~ can assist you in making such a determination. In addition, following is a general guideline for determining whether an email message is a public record under the California Public Records Act and records retention laws:

<i>MESSAGES THAT ARE GENERALLY CONSIDERED AS PUBLIC RECORDS</i>	<i>MESSAGES THAT ARE GENERALLY NOT CONSIDERED AS PUBLIC RECORDS</i>
<ul style="list-style-type: none"> ▪ Emails that are created or received in connection with District business; ▪ Emails that document official decisions or commitments not otherwise documented in official District files; or ▪ Emails that initiate, authorize or complete a transaction of the District’s business. 	<ul style="list-style-type: none"> ▪ Personal messages. ▪ SPAM emails, advertisements or other “junk” email. ▪ Messages not related to official District business (e.g., gathering for birthday cake in the lunch room). ▪ Emails transmitting newsletters or general information from other public agencies or vendors.



Examples of email messages that are generally considered as public records:

- Email requesting to add a consent calendar item to the District Board meeting agenda.
- Emails between District staff regarding the need for an email retention policy.
- Emails between District staff regarding approval of a contract.
- Email that refers to meeting a deadline (i.e., “In compliance with FPPC filing requirements, attached please find...”).
- Formal negotiations that exist only in email form.

1.9 Email Attachments

Attachments to email messages should be retained or disposed of according to the content of the attachment itself, not according to the email transmitting the attachment. Many email attachments are simply duplicates of existing documents, or are draft versions of documents that might not be retained by the District after the final version of the document is complete. If you need help in determining whether an attachment to an email message must be retained, please contact the Chief Executive Officer or the Clerk to the Board.

1.10. Preserving Electronic Messages – Public Records Act Requests, Subpoenas, Claims, and Potential Claims Against the District.

Periodically,

the District receives requests for inspection or production of documents pursuant to the Public Records Act, as well as subpoenas or court orders for documents. In the event such a request or demand includes electronic messages, District personnel who have control over or access to any such messages, once they become aware of the request or demand, shall use their best efforts, by reasonable means available, to temporarily preserve any such message until it is determined whether the message is subject to preservation, public inspection, or disclosure. District personnel must contact the Chief



Executive Officer or the Clerk to the Board regarding any such messages that are within their control.

1.11 Violations -

Any person found to have violated this policy may have his or her access to District email, text messaging or other means of electronic communication on District equipment limited or revoked completely. District personnel who violate this policy may be subjected to formal disciplinary action up to and including termination from District employment.



ACKNOWLEDGEMENT OF RECEIPT OF ELECTRONIC COMMUNICATION USAGE AND RETENTION POLICY

This is to acknowledge that I have received a copy of the Desert Healthcare District "Electronic Communications Usage and Retention Policy." I understand that it contains important information on the District's policies with regard to the use of the District's Electronic Communication Systems and my obligations and responsibilities as an employee/District Board member/contract employee.

I acknowledge that I have read, understand and promise to adhere to the District's Electronic Communication Usage and Retention Policy. I understand that the provisions in the Policy govern my use of the District's Electronic Communication Systems and that the District, in its sole and absolute discretion, may change, rescind, or add to this Policy from time to time, with or without prior notice to me.

Printed Name

Date



Signature

This document shall be signed and placed in the Human Resources files.

AUTHORITIES

[Desert Healthcare District Bylaws Article V, section 5.6](#)

[Desert Healthcare District Resolution #11-05](#)

DOCUMENT HISTORY

[Approved 05-24-2016](#)



POLICY TITLE: DELEGATING MINOR CLAIMS TO THE CEO
POLICY NUMBER: OP-06
COMMITTEE APPROVAL: XX-XX-XXXX
BOARD APPROVAL: XX-XX-XXXX

POLICY #OP-06: It is the policy of the Desert Healthcare District (“District”) Board of Directors (“Board”) to provide an efficient procedure for handling minor claims filed against the District per Government Code Section 935.4.

1. Minor claims are considered claims which do not exceed \$2,000.

2. The Board delegates authority to the Chief Executive Officer to take all administrative actions necessary to resolve minor claims against the District which do not exceed \$2,000.

AUTHORITIES

Desert Healthcare District Resolution #11-04

DOCUMENT HISTORY

Approved 05-24-2016



POLICY TITLE: DELEGATING MINOR CLAIMS TO THE CEO

POLICY NUMBER: OP-06

COMMITTEE APPROVAL/UPDATE: XX-XX-XXXXN/A

BOARD APPROVAL DATE: XX-XX-XXXX05/24/2016
Resolution 11-04 04/26/2011

~~POLICY: DELGATING MINOR CLAIM SETTLEMENTS TO THE CEO~~

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Policy # OP-06:

GUIDELINES: It is the policy of the Desert Healthcare District –(“District”) Board of Directors (“Board”) to provide an efficient procedure for handling minor claims filed against the District to an employee as per Government Code Section 935.4.

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1. Minor claims are considered claims which do not exceed \$2,000.

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2. The Board of Directors delegates authority to the Chief Executive Officer to take all administrative actions necessary to resolve minor claims against the Desert Healthcare District which do not exceed \$2,000.

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AUTHORITIES

Desert Healthcare District Resolution #11-04

DOCUMENT HISTORY

Approved 05-24-2016

POLICY #OP-06

Page 1 of 2

Policy #OP-6 Page 1 of 2



DRAFT



POLICY TITLE: LEASE COMPLIANCE POLICY

POLICY NUMBER: OP-07

COMMITTEE APPROVAL: XX-XX-XXXX

BOARD APPROVAL: XX-XX-XXXX

POLICY #OP-07: During the course of business, the Desert Healthcare District (“District”), its Chief Executive Officer (“CEO”), employees or Board of Directors (“Board”) may occasionally receive complaints regarding the Desert Regional Medical Center (“Medical Center”) and its operations. When such complaints are received, it is the policy of the Board to forward the complaint to the Chief Executive Officer and Compliance Officer of the Medical Center through the District CEO, with a request to address the complaint in writing and provide a copy of the response to the District Board.

Should the District receive complaints specific to the Lease between the District and leaseholder of the Medical Center, the District CEO will address the complaint in writing and provide any recommendations to the District Board.

Hospital Lease Oversight Committee:

The Hospital Lease Oversight Committee (“Committee”) shall conduct a quarterly walk-through inspection of portions of the Medical Center. The walk-through shall be coordinated with Hospital Management and the Committee may utilize the services of a consultant who has experience in hospital facilities. After each inspection, the Committee shall provide an inspection report (including notation of any deficiencies) to the District Board, and the Medical Center CEO and Local Governing Board.

1. The Hospital Lease Oversight Committee shall be a standing committee and hold regular meetings per the Brown Act and Bylaws of the District.
2. The Committee shall meet quarterly or more often, if needed to review the status of open issues, resolutions and any new reporting items from the quarterly walk-throughs and other reporting.



3. The Management of the Medical Center shall be invited to attend Committee and District Board meetings and provide written reports on activities at the Hospital.
4. The Committee shall provide monthly updates to the Board.
5. During the fiscal year, the Committee shall review the following information provided by Management at the Medical Center:
 - A list of current Hospital licenses and their expiration dates.
 - A list of current accreditations and their expiration dates.
 - Copies of all insurance policies including property (including earthquake insurance), general liability, professional liability and employer's compensation insurance.
 - Confirmation of the Hospital's participation in Medicare and Medi-Cal
6. The Committee shall periodically provide updates to the full Board on Lease compliance.
7. On an annual basis, Management at the Medical Center shall be requested to provide a comprehensive report on the activities and operations at the Hospital. The report shall include and address the following:
 - Overall operations of the Hospital.
 - Maintenance budget and ongoing maintenance programs.
 - Charity care policy and estimated dollar amount provided for indigent care.
 - Substantiation of benefits of the Hospital to the Community.
 - Confirmation that Core Services are being maintained at the Hospital.
 - List and status of any Subleases and or Assignments.
 - List of donor identifications and documentation of efforts to support District and Foundation efforts to generate additional donor support.

Resolution of Disputes:

In the event of any dispute or disagreement over enforcement or interpretation of Lease compliance, and in accordance with Section 16.12 of the May 30, 1997 Lease, the following Dispute Resolution process shall apply:

- Meet and Confer: The District Board through the CEO shall provide written notice to Management at the Medical Center setting forth the nature of the



- dispute and the parties shall meet and confer in good faith to discuss the dispute within 30 days in an attempt to resolve the dispute.
- Arbitration: Any dispute which cannot be resolved by the meet and confer process may be submitted to binding arbitration. The Arbitration shall be conducted in Riverside County and a single disinterested third party shall be selected by mutual agreement or if the parties cannot agree on the selection of an arbitrator within 15 days, either party may elect to have the dispute arbitrated through JAMS/Endispute. The decision of the arbitrator shall be final and binding and as part of the award the arbitrator may award reasonable and necessary costs incurred by the prevailing party as determined by the arbitrator.
- Mediation: In lieu of Arbitration, the parties may, by mutual agreement of have the dispute resolved through non-binding mediation.



DESERT HEALTHCARE
DISTRICT & FOUNDATION

AUTHORITIES

Desert Healthcare District Bylaws Article VI, section 6.2 (c)

DOCUMENT HISTORY

Revised 02-28-2017

Approved 06-28-2016

DRAFT



POLICY TITLE: LEASE COMPLIANCE POLICY

POLICY NUMBER: OP-07-~~REVISED 02/28/17~~

COMMITTEE APPROVAL: ~~XX-XX-XXXX~~

BOARD APPROVAL DATE: ~~XX-XX-XXXX~~02/28/17
~~Original Approval 06/28/16~~

POLICY: ~~COMPLIANCE WITH THE MAY 30, 1997 LEASE~~

Policy #OP-07:

During the course of business, the Desert Healthcare District ("District"), its Chief Executive Officer ("CEO"), employees or Board of Directors ("Board") may occasionally receive complaints regarding the Desert Regional Medical Center ("Medical Center") and its operations. When such complaints are received, it is the policy of the ~~District Board of Directors~~ to forward the complaint to the Chief Executive Officer and Compliance Officer of the Medical Center through the District CEO, with a request to address the complaint in writing and provide a copy of the response to the District Board ~~of Directors~~.

Should the District receive complaints specific to the Lease between the District and leaseholder of the Medical Center, the District CEO will address the complaint in writing and provide any recommendations to the District Board ~~of Directors~~.

Hospital Lease Governance & Oversight Committee:

The Hospital ~~Lease Governance and~~ Oversight Committee ("Committee") shall conduct a quarterly walk-through inspection of portions of ~~the Desert Regional~~ Medical Center. The walk-through shall be coordinated with Hospital Management and the Committee may utilize the services of a consultant who has experience in hospital facilities. After each inspection, the Committee shall provide an inspection report (including ~~noting of~~ any deficiencies) to the District Board, and the ~~Desert Regional~~ Medical Center CEO and Local Governing Board.



**DESERT HEALTHCARE
DISTRICT & FOUNDATION**

~~1.~~ The Hospital ~~Lease Governance and Oversight~~ Committee shall be a standing committee and hold ~~monthly regular~~ meetings per the Brown Act and Bylaws of the District.

~~2.~~

~~3.~~1. _____

~~4.~~2. _____ The Committee shall meet ~~on a quarterly monthly basis or more often, if needed~~ to review the status of open issues, resolutions and any new reporting items from the quarterly walk-throughs and other reporting.

~~5.~~3. _____ The Management of ~~the Medical Center Desert Regional~~ shall be invited to attend ~~monthly~~ Committee ~~and meetings~~ District Board meetings and provide written reports on activities at the Hospital.

~~6.~~4. _____ The Committee shall provide monthly updates to the Board ~~of Directors~~.

~~7.~~5. _____ During the fiscal year, the ~~Hospital Governance and Oversight~~ Committee shall review the following information provided by Management at the ~~Desert Regional~~ Medical Center:

- A list of current Hospital licenses and their expiration dates.
- A list of current accreditations and their expiration dates.
- Copies of all insurance policies including property (including earthquake insurance), general liability, professional liability and employer's compensation insurance.
- Confirmation of the Hospital's participation in Medicare and Medi-Cal

~~8.~~6. _____ The Committee shall periodically provide updates to the full Board on Lease compliance.

~~9.~~7. _____ On an annual basis, Management at ~~the Medical Center Desert Regional~~ shall be requested to provide a comprehensive report on the activities and operations at the Hospital. The report shall include and address the following:

- Overall operations of the Hospital.
- Maintenance budget and ongoing maintenance programs.



DESERT HEALTHCARE
DISTRICT FOUNDATION

- Charity care policy and estimated dollar amount provided for indigent care.
- Substantiation of benefits of the Hospital to the Community.
- Confirmation that Core Services are being maintained at the Hospital.
- List and status of any Subleases and or Assignments.
- List of donor identifications and documentation of efforts to support District and Foundation efforts to generate additional donor support.

Resolution of Disputes:

In the event of any dispute or disagreement over enforcement or interpretation of Lease compliance, and in accordance with Section 16.12 of the May 30, 1997 Lease, the following Dispute Resolution process shall apply:

- Meet and Confer: The District Board through the CEO shall provide written notice to Management at ~~the Desert Regional~~ Medical Center setting forth the nature of the
- Dispute and the parties shall meet and confer in good faith to discuss the Dispute within 30 days in an attempt to resolve the dispute.
- Arbitration: Any Dispute which cannot be resolved by the meet and confer process may be submitted to binding arbitration. The Arbitration shall be conducted in Riverside County and a single disinterested third party shall be selected by mutual agreement or if the parties cannot agree on the selection of an arbitrator within 15 days, either party may elect to have the Dispute arbitrated through JAMS/Endispute. The decision of the arbitrator shall be final and binding and as part of the award the arbitrator may award reasonable and necessary costs incurred by the prevailing party as determined by the arbitrator.
- Mediation: In lieu of Arbitration, the parties may, by mutual agreement of have the dispute resolved through non-binding mediation.

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AUTHORITIES

Desert Healthcare District Bylaws Article VI, section 6.2 (c)

DOCUMENT HISTORY

Revised 02-28-2017

Approved 06-28-2016

DRAFT



POLICY TITLE: STRATEGIC PLAN

POLICY NUMBER: OP-08

COMMITTEE APPROVAL: XX-XX-XXXX

BOARD APPROVAL: XX-XX-XXXX

POLICY #OP-8: The Desert Healthcare District is responsible for promoting health and wellness. In the Desert Healthcare District By-Laws, Section 6.2 (b), the Board of Directors established a standing committee to promote a strategic plan of action, to improve decision making, to enhance organizational responsiveness, to improve performance and to strengthen the organization.

1. The Board of Directors will meet at least annually to assess, review, and update its strategic plan. This may take the form of a retreat, workshop, special meeting or part of a regularly scheduled meeting, as appropriate.

AUTHORITIES

Desert Healthcare District Bylaws Article VI, section 6.2 (b)

DOCUMENT HISTORY

Approved 05-24-2016



POLICY TITLE: ~~_____~~ **STRATEGIC PLAN**

POLICY NUMBER: OP-08

COMMITTEE APPROVAL: ~~XX-XX-XXXX~~ **N/A**

BOARD APPROVAL: ~~XX-XX-XXXX~~ **05/24/2016**
~~Desert Healthcare District By-Laws Section 6.2 (c)~~

~~POLICY: STRATEGIC PLAN~~

~~Policy #OP-8:~~

~~GUIDELINES:~~—The Desert Healthcare District is responsible for promoting health and wellness. In the Desert Healthcare District By-Laws, Section 6.2 (b), the Board of Directors established a standing committee to promote a strategic plan of action, to improve decision making, to enhance organizational responsiveness, to improve performance, and to strengthen the organization.

1. The Board of Directors will meet at least annually to assess, review, and update its strategic plan. This may take the form of a retreat, workshop, special meeting or part of a regularly scheduled meeting, as appropriate.

AUTHORITIES

Desert Healthcare District Bylaws Article VI, section 6.2 (b)

DOCUMENT HISTORY

Approved 05-24-2016

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POLICY TITLE: POLICIES AND PROCEDURES INCLUDING BIDDING REGULATIONS GOVERNING PURCHASES OF SUPPLIES AND EQUIPMENT, AND BIDDING FOR PUBLIC WORKS CONTRACTS

POLICY NUMBER: OP-10

COMMITTEE APPROVAL: XX-XX-XXXX

BOARD APPROVAL: XX-XX-XXXX

POLICY #OP-10: Government Code section 54202 requires the District to adopt policies and procedures, including bidding regulations, governing purchases of supplies and equipment by the District. In addition, with limited exceptions, Health & Safety Code section 32132 requires the District to competitively bid contracts involving expenditures of more than Twenty Five Thousand Dollars (\$25,000) for materials and supplies to be furnished, sold, or leased to the District, as well as contracts involving expenditures of more than Twenty Five Thousand Dollars (\$25,000) for work to be done.

GUIDELINES:

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I. FORMAL COMPETITIVE BIDDING REQUIREMENTS



A. Contracts Requiring Formal Bids.

Unless exempted by this Policy or applicable law, any contract for work to be done or for materials and supplies to be furnished, sold, or leased to the District shall be awarded by the District through the “formal” bidding procedures specified in this Section “I” (Formal Bidding Requirements) if they involve an expenditure of more than Twenty-Five Thousand Dollars (\$25,000). (H&S Code § 32132(a).) Such contracts involving an expenditure of Twenty-Five Thousand Dollars (\$25,000) or less may be made without soliciting or securing bids. As used herein, “work to be done” may include, among other things, general maintenance work or public works contracts.

B. Bid Procedures.

1. Preparation of Bid Package.

Before entering into any contract which requires formal bidding, the District shall prepare or cause to be prepared a bid package. Unless exempted by the Board of Directors (“Board”) or designee pursuant to Section “III” (Flexibility and Waiver of Policy Requirements) below, the bid package shall include a notice inviting bids, instructions to bidders, bid form (which shall include a provision as to the method for determining the lowest bidder, whether on: 1. Base bid alone; 2. Identified alternates; 3. Prioritized order of alternates within identified budget; or 4. Other “fair manner”), contractors qualification statement contract form, conditions of the contract, required bonds and other forms, drawings, and full, complete, and accurate plans and specifications, giving such directions as will enable any competent supplier or contractor to ascertain and carry out the contract requirements.

The Board or designee shall endeavor to include all required contract documents in the bid package. To the extent that the Board or their designee determines, pursuant to Section “III” (Flexibility and Waiver of Policy Requirements) below, that any required contract document cannot be incorporated into the bid package, its terms shall be



negotiated with the lowest responsible bidder prior to the award of the contract.

To the extent possible, the plans and specifications shall also be reviewed and approved by the District's authorized representative prior to their insertion in the bid package.

2. Notice Inviting Bids – Contents

All bid packages shall include a notice inviting bids. The notice inviting bids shall include, among other things determined necessary for a particular contract by the Board or designee, information as to the type, quality and quantity of materials, supplies or work to be provided, the contract performance schedule, the project location, the basis for determining the lowest bidder (whether on: 1. Base bid alone; 2. Identified alternates; 3. Prioritized order of alternates within identified budget; or 4. Other "fair manner"), a contact person, and other bid requirements and information regarding how to obtain a bid package, the place where bids are to be received, and the time by which they are to be received. For contracts involving public works projects, the notice inviting bids shall also contain any other information required by state law or Section "II" (Provisions Applicable to Public Works Contracts) of this Policy.

3. Notice Inviting Bids - Distribution by Mail, Posting or Other Means.

Except in cases of emergency or where not practicable, all suppliers and contractors who have notified the District in writing that they desire to bid on contracts, and all suppliers and contractors which the District would like to bid on contracts, shall be furnished with the notice inviting bids by postal or electronic mail.

In addition to notifying all such persons by mail, the District shall post the notice inviting bids in one or more public places typically used by the District. It shall be posted in sufficient time in advance of the bid opening to allow bidders to bid, as determined by the Board or designee. The notice shall remain posted until an award has been



made. Notice may also be made by telephone, facsimile, telegram, personal contact, letter, or other informal means.

4. Notice Inviting Bids - Advertising/Publication.

Except in cases of emergency or where circumstances require that less notice be given, as determined by the Board pursuant to Section "III" (Flexibility and Waiver of Policy Requirements) below, the notice inviting bids shall be published once a week for at least two (2) consecutive weeks, as follows:

- a. In a newspaper of general circulation published in Riverside County; or
- b. In trade journals or papers of general circulation as the Board, or designee, deems proper.

In the event that the Board determines, pursuant to Section "III" (Flexibility and Waiver of Policy Requirements) below, that circumstances require less than the prescribed notice period, he/she shall endeavor to provide notice by publication to the extent practicable under the circumstances.

For cost efficiency purposes, the published notice inviting bids need not be as detailed as that provided by other means, including by mail, posting or inclusion in the bid package, but should contain the legally and practically required essential contents of the notice, including but not limited to, where and how to obtain the complete bid package, Labor Code notice provisions, and bonding requirements.

5. Bid Form.

As part of the bid package, the District shall furnish to each bidder an appropriate bid form prepared by the District for the type of contract being let. Bids not presented on forms so furnished, or exact copies thereof, shall be rejected as non-responsive.



6. Presentation of Bids.

All bids shall be presented under sealed cover. Upon receipt, the bid shall be date and time stamped.

Any bids received after the due date and specified time shall be returned unopened. (Gov. Code § 53068.)

7. Withdrawal of Bids.

Bids may be withdrawn at any time prior to the time fixed in the public notice for the opening of bids only by written request made to the person or entity designated in charge of the bidding procedure. The withdrawal of a bid does not prejudice the right of the bidder to timely file a new bid. Except as authorized by law for public works contracts (Pub. Contract Code §5100 et seq.), no bidder may withdraw its bid after opening for the period of time indicated in the bid package, which period shall be at least forty-five (45) days.

C. Award of Contracts.

1. Opening of Bids.

On the day named in the public notice, the District shall publicly open the sealed bids. Award of the contract shall be to the lowest responsive and responsible bidder, if at all. All bidders shall have complied with the foregoing bid procedures, except as otherwise provided herein and except for any minor errors or irregularities which may be waived by the District. After a bid is opened it shall be deemed irrevocable for the period specified in the invitation to bid.

The Board of Directors is under no obligation to accept the lowest responsive and responsible bid received, since the District has absolute discretion in the acceptance of bids and reserves the right to reject all bids if it is desires. The Board of Directors also reserves the right to determine the conditions of responsibility including



matters such as delivery date, product quality, and the service and reliability of the supplier.

2. Responsible Bidder.

The District's determination of whether a bidder is responsible shall be based on an analysis of each bidder's ability to perform, financial statement (if required), experience, past record and any other factors it shall deem relevant. If the lowest bidder is to be rejected because of an adverse determination of the bidder's responsibility based on the District's staff review, the bidder shall be entitled to be informed of the adverse evidence and afforded an opportunity to rebut that evidence and to present evidence of responsibility. In such event, the District shall give the rejected bidder and the bidder to be awarded the contract at least five (5) working days' notice of a public board meeting at which the responsibility issue shall be considered by the Board. No other notice, other than that required for Agenda descriptions by the Ralph M. Brown Act, shall be required. The Board may, in its discretion, continue its consideration and determination of the issue to future meetings of the Board within the time authorized for the award of the contract. The Board's decision shall be conclusive.

3. Bid Challenges.

If any bidder wishes to challenge a potential bid award, he or she shall file a written objection within five (5) calendar days following bid opening. The written objection shall include specific reasons why the District should reject the bid questioned by the bidder. The District may, in its discretion, consider the protest during the public meeting at which the contract award is to be considered, or it may consider it at a prior meeting. The District shall give the challenging bidder and the bidder to be awarded the contract at least five (5) working days' notice of the board meeting at which the challenge shall be considered by the Board. No other notice, other than that required for Agenda descriptions by the Ralph M. Brown Act, shall be required. The Board may, in its discretion, continue its consideration



and determination of the issue to future meetings of the Board within the time authorized for the award of the contract. The Board's decision shall be final.

4. Notice to Bidders Not Awarded the Contract; Return of Bid Security.

Whenever a contract is not to be awarded to a bidder, such bidder shall be notified by regular mail not more than five (5) working days after the award of the contract to another bidder. The bid security supplied by the bidder shall be returned with the notice.

D. Emergencies.

The District may, by majority vote of the Board of Directors, award any contract for work to be done or for materials and supplies to be furnished, sold, or leased to the District without soliciting or securing bids if it determines that an emergency exists as provided for in Health & Safety Code section 32136 as it may be amended from time to time.

E. Contracts Not Requiring Formal Bids Pursuant to Law.

Medical or Surgical Equipment or Supplies: Contracts for purchases of medical or surgical equipment or supplies may be made without soliciting or securing bids. (H&S Code § 32132(b).) As used herein, "medical or surgical equipment or supplies" shall be defined as provided in Health & Safety Code section 32132(d), as that section may be amended from time to time. Currently, Section 32132(d) defines these terms to include "only equipment or supplies commonly, necessarily, and directly used by, or under the direction of, a physician and surgeon in caring for or treating a patient in a hospital." (H&S Code § 32132(d).) If bids are solicited, the "formal" bidding procedures specified in this Section "I" (Formal Bidding Requirements), modified as the Board or designee shall determine to be in the District's best interest, shall be followed.

II. PROVISIONS APPLICABLE TO PUBLIC WORKS CONTRACTS



The following provisions govern all contracts awarded by the District for public works:

A. Prequalification for Bids \$100,000 or Over.

1. Prequalification Requirements.

The District shall, on contracts in which the estimated cost is equal to or exceeds One Hundred Thousand Dollars (\$100,000), require all prospective bidders to prequalify by completing an appropriate "Contractor's Qualification Statement" and submitting a listing of experience in performing the type of contract being let, a current Dunn & Bradstreet report, a summary of current trade agreements, and such other information as the District shall deem relevant.

The requirement of pre-qualification shall be indicated in the notice inviting bids. The second newspaper publication shall be published to allow potential bidders at least seven (7) days to submit pre-qualification requirements and the District at least five (5) days to review submitted pre-qualification packages prior to distribution of bid packages, which distribution shall be at least thirty (30) days prior to the time by which bids are to be received.

The Contractors Qualification Statement shall be verified under oath and submitted on or before the due date specified in the notice inviting bids. The documents submitted for pre-qualifications shall remain confidential and not open to public inspection. The decision as to prequalification shall be made by the Board, or designee. Pre-qualification procedures are intended to assist the District in determining "responsibility" of bidders but shall not be conclusive evidence thereof.

2. Notice and Protest Requirements.

The District shall notify each potential bidder in writing by regular mail within seventy-two (72) hours after the District's decision as to pre-qualification. A duplicate of all such notices shall be mailed to the



Secretary of the Board of Directors of the District. Bid packages shall only be provided to pre-qualified contractors, except as set forth below.

Whenever a contractor is notified of the District's denial of pre-qualification to bid on a contract, the contractor may file a written protest to the disqualification within seventy-two (72) hours of its receipt of notice of disqualification. Receipt shall be deemed to be two (2) days after mailing of the notice. The written objection shall include specific reasons why the District should not disqualify the bidder. The District may, in its discretion, consider the protest during a public meeting prior to the circulation of bid packages, or it may allow the protestor to submit a bid under protest.

If the District chooses to consider the protest prior to the circulation of bid packages, it shall give the challenging bidder at least five (5) working days' notice of the board meeting at which the challenge shall be considered by the Board. No other notice, other than that required for Agenda descriptions by the Ralph M. Brown Act, shall be required. The Board may, in its discretion, continue its consideration and determination of the issue to future meetings of the Board prior to circulation of bid packages. The Board's decision shall be final.

If the District allows the bidder to bid under protest the bid package will be provided only after the bidder has made payment therefore in an amount equal to the District's cost of printing and reproduction of the bid package.

If a written protest is not timely received from the bidder, the bidder waives any right to bid under protest.

B. Qualification for Bids Under \$100,000.

The District shall, on contracts in which the estimated cost is less than One Hundred Thousand Dollars (\$100,000), require all prospective bidders to



complete an appropriate "Contractor's Qualification Statement," submit a list of the contractor's experience in performing the type of contract being let and such other information as the District shall deem relevant. The Statement shall be verified under oath and submitted prior to or with the contractor's bid, as determined by the Board or designee. The documents submitted for qualification shall remain confidential and not open to public inspection. These documents shall be considered by the District in making its award to the lowest responsible bidder but shall not be deemed conclusive evidence of responsibility.

C. Bid Security.

All bids shall be accompanied by bid security in an amount equal to at least ten percent (10%) of the total bid price. The security shall be in a form as follows:

1. Cashier's or Certified Check in the required amount; or
2. Bidder's Bond executed by an admitted surety insurer and made payable to the District.

Any bid not accompanied by one of the foregoing forms of bidder's security shall be rejected as non-responsive.

An "admitted surety insurer" means a corporate insurer or a reciprocal or interinsurance exchange to which the Insurance Commissioner of the State of California has issued a certificate of authority to transact surety insurance in this state. (Code of Civ. Proc. § 995.120.)

The bid security for all other unsuccessful bidders shall be returned to them within five (5) working days after the contract is awarded.

D. License Requirement.

In every completed bid, and in all construction contracts and subcontracts, shall be included the license number of the contractor and all subcontractors



working under them. No project may be awarded to a contractor which is not licensed pursuant to state law or which utilizes subcontractors not so licensed.

E. Insurance.

All contracts shall require insurance of the type, in amounts and with provisions approved by District Legal Counsel and management. All contractors awarded contracts shall furnish the District with original certificates of insurance and endorsements effecting coverage required by the contract. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf and shall be on forms supplied or approved by the District. All certificates and endorsements must be received and approved by the District before work commences, or sooner if indicated by the contract documents. The District shall reserve the right to require complete, certified copies of all required insurance policies, at any time.

At a minimum, all general liability and automobile insurance policies shall contain the following provisions, or contractor shall provide endorsements on forms supplied or approved by the District to add the following provisions to the insurance policies: (1) the District, its directors, officers, employees and agents shall be covered as additional insureds with respect to the work or operations performed by or on behalf of the contractor, including materials, parts or equipment furnished in connection with such work; and (2) the insurance coverage shall be primary insurance as respects the District, its directors, officers, employees and agents, or if excess, shall stand in an unbroken chain of coverage excess of the contractor's scheduled underlying coverage. Any insurance or self-insurance maintained by the District, its directors, officers, employees and agents shall be excess of the contractor's insurance and shall not be called upon to contribute with it in any way.

At a minimum, all workers' compensation and employers' liability policies shall contain the following provision, or contractor shall provide endorsements on forms supplied or approved by the District to add the



following provision to the insurance policies: (1) the insurer shall agree to waive all rights of subrogation against the District, its directors, officers, employees and agents for losses paid under the terms of the insurance policy which arise from work performed by the contractor.

At a minimum, all policies shall contain the following provisions, or contractor shall provide endorsements on forms supplied or approved by the District to add the following provisions to the insurance policies: (1) coverage shall not be canceled except after thirty (30) days prior written notice by mail has been given to the District; and (2) any failure to comply with reporting or other provisions of the policies, including breaches of warranties, shall not affect coverage provided to the District, its directors, officials, officers, employees and agents. Insurance carriers shall be qualified to do business in California and maintain an agent for process within the state. Such insurance carrier shall have not less than an "A" policyholder's rating and a financial rating of not less than "Class VII" according to the latest Best Key Rating Guide.

All insurance required by the contract shall contain standard separation of insureds provisions. In addition, such insurance shall not contain any special limitations on the scope of protection afforded to the District, its directors, officers, employees or agents.

All builders'/all risk insurance policies shall provide that the District be named as loss payee. In addition, the insurer shall waive all rights of subrogation against the District. The making of progress payments to the contractor shall not be construed as creating and insurable interest by or for the District, or as relieving the contractor or its subcontractors of any responsibility for loss from any direct physical loss, damage or destruction covered by the builders'/all risk policy occurring prior to final acceptance of the work by the District.

The District shall not be liable for loss or damage to any tools, machinery, equipment, materials or supplies of the contractor. The contractor shall supply to the District an endorsement waiving the insurance carrier's right



of subrogation against the District for all policies insuring such tools, machinery, equipment, materials or supplies.

F. Contract Requirements.

1. Performance Bond.

A Performance Bond is an undertaking furnished by a contractor for the faithful performance of the contract by the contractor guaranteeing that performance of the contract will be accomplished according to its terms. Every public works contract or contract for a work of improvement over Twenty-Five Thousand (\$25,000) or contracts of one contractor with the District which aggregate Twenty-Five Thousand Dollars (\$25,000) or more, shall provide for the filing of a separate performance bond by the contractor executed by an Admitted Surety. An "admitted surety insurer" means a corporate insurer or a reciprocal or interinsurance exchange to which the Insurance Commissioner of the State of California has issued a certificate of authority to transact surety insurance in this state. (Code of Civ. Proc. § 995.120.) Each Performance Bond shall be in a sum equal to One Hundred percent (100%) of the contract price or equal to the sum of the aggregate outstanding contracts. In any notice giving call for bids for any contract, the notice shall state that the Performance Bond is required. The Performance Bond shall not be used as a substitute for a determination of bidder responsibility. The District shall also require the Performance Bond to comply with any other legal requirements, as they may be amended from time to time.

2. Materials and Labor Payment Bond.

A Payment Bond means a bond which insures the payment in full of the claims of all persons supplying labor and/or materials to the project. (Civil Code § 3096.) In contrast to the Performance Bond, the Payment Bond guarantees payment of the obligation of all claimants who have furnished labor or materials to a work of improvement.



A Payment Bond executed by an Admitted Surety Insurer, as defined above, shall be required for all public works contracts or contracts for works of improvement in amounts and in a form required by Civil Code sections 3247 and 3248, as these sections may be amended from time to time. The bond must be in the form of a Payment Bond and not a deposit in lieu of bond. The District shall also require the Payment Bond to comply with any other legal requirements, as they may be amended from time to time.

3. Time for Completion/Liquidated Damages.

Every contract shall state the time when the whole or any specified portion of the work shall be completed. In the discretion of the Board of Directors, giving consideration to the size and nature of the project, the contract may provide that for each day completion is delayed beyond the specified time(s), the contractor shall forfeit and pay to the District a specified sum of money, to be deducted from any payments due or to become due to the contractor. The provision for liquidated damages shall be in a form approved by District Legal Counsel. (Civil Code § 1671; Gov. Code § 53069.85.)

4. Retentions; Substitution of Securities in Lieu of Retentions.

Contract Retentions shall be withheld and released in compliance with Public Contract Code sections 7107 and 9203. In accordance with California Public Contract Code section 22300, a provision shall be included in every invitation for bid and in every contract to permit the substitution of security for any monies withheld to insure performance (Retentions).

5. Bonus for Early Completion.

Any contract may also provide for the payment of extra compensation to the contractor as a bonus for completion of the project prior to the specified contract time. If such bonus for early completion is to be awarded to the contractor, the bid specifications



shall also state the availability of such bonus compensation and the requirements therefore. (Gov. Code § 53069.85.)

6. Listing and Substitution of Subcontractors.

Subcontractors shall be listed by the general contractor in its bid in accordance with, and shall not be substituted in violation of, the provisions of the Subletting and Subcontracting Fair Practices Act. (Pub. Contract Code § 4100 et seq.)

7. Contract Terms.

All contract terms, including, but not limited to, the contract form, general conditions and special conditions shall be approved by District Legal Counsel.

G. Changes in Plans and Specifications

Every contract shall provide that the District may make changes in the plans and specifications for the project after execution of the contract. Bid procedures as set forth in this Policy need not be secured for change orders which do not materially change the scope of the project, as set forth in the original contract, if each individual's change order does not total more than five percent (5%) of the original contract. (H&S Code § 32132(c).)

However, if the original contract met all of the competitive bidding requirements set forth in this Policy, the contract may be terminated, amended or modified as provided in the original contract and according to the terms and provisions set forth in the original contract without regard to the five percent (5%) limitation set forth above. The compensation payable, if any, shall be determined as set forth in the original contract or applicable state law.

All changes or amendments to the original contract must be in writing and signed by both the contractor and a duly authorized representative of the District.



III. FLEXIBILITY AND WAIVER OF POLICY REQUIREMENTS

In recognition of the fact that the contracting and procurement needs of the District may from time to time render certain procedures or requirements herein impracticable, the Board or designee is authorized to permit or waive deviations from this Policy, to the extent permitted by law, upon making a written finding that such deviations are in the District's best interests in consultation with District Legal Counsel as to legal issues involved. This written finding will be included with the Staff Report when item is presented to the Finance and Administration Committee and Board of Directors for approval.

AUTHORITIES

California Gov. Code section 54202

California Health and Safety Code – HSC § 32132

Desert Healthcare District Bylaws Article V, section 5.6

DOCUMENT HISTORY

Revised 05-24-2016

Approved 12-18-2012



POLICY TITLE: **POLICIES AND PROCEDURES INCLUDING BIDDING REGULATIONS GOVERNING PURCHASES OF SUPPLIES AND EQUIPMENT, AND BIDDING FOR PUBLIC WORKS CONTRACTS**

POLICY NUMBER: OP-10

COMMITTEE APPROVAL: XX-XX-XXXXN/A

BOARD APPROVAL DATE: XX-XX-XXXX05/24/2016
~~Policy Approved by Board: 12/18/2012~~

POLICY #OP-10:

Government Code section 54202 requires the District to adopt policies and procedures, including bidding regulations, governing purchases of supplies and equipment by the District. In addition, with limited exceptions, Health & Safety Code section 32132 requires the District to competitively bid contracts involving expenditures of more than Twenty Five Thousand Dollars (\$25,000) for materials and supplies to be furnished, sold, or leased to the District, as well as contracts involving expenditures of more than Twenty Five Thousand Dollars (\$25,000) for work to be done.

GUIDELINES:

~~The following policies and procedures governing purchases of supplies and equipment, and procurement and bidding for public works contracts were adopted at the December 18, 2012 Board of Directors meeting:~~

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Contract Award: Must be competitively bid and awarded to the Lowest Responsible Bidder.

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I. FORMAL COMPETITIVE BIDDING REQUIREMENTS

A. Contracts Requiring Formal Bids.

Unless exempted by this Policy or applicable law, any contract for work to be done or for materials and supplies to be furnished, sold, or leased to the District shall be awarded by the District through the “formal” bidding procedures specified in this Section “I” (Formal Bidding Requirements) if they involve an expenditure of more than Twenty-Five Thousand Dollars (\$25,000). (H&S Code § 32132(a).) Such contracts involving an expenditure of Twenty-Five Thousand Dollars (\$25,000) or less may be made without soliciting or securing bids. As used herein, “work to be done” may include, among other things, general maintenance work or public works contracts.

B. Bid Procedures.

1. Preparation of Bid Package.

Before entering into any contract which requires formal bidding, the District shall prepare or cause to be prepared a bid package. Unless



exempted by the Board of Directors (“Board”) or ~~their~~ designee pursuant to Section “~~III~~V” (Flexibility and Waiver of Policy Requirements) below, the bid package shall include a notice inviting bids, instructions to bidders, bid form, ~~(~~which shall include a provision as to the method for determining the lowest bidder, whether on: 1. Base bid alone; 2. Identified alternates; 3. Prioritized order of alternates within identified budget; or 4. Other “fair manner.”~~)~~, contractors qualification statement contract form, conditions of the contract, required bonds and other forms, drawings, and full, complete, and accurate plans and specifications, giving such directions as will enable any competent supplier or contractor to ascertain and carry out the contract requirements.

The Board or ~~their~~ designee shall endeavor to include all required contract documents in the bid package. To the extent that the Board or their designee determines, pursuant to Section “~~III~~V” (Flexibility and Waiver of Policy Requirements) below, that any required contract document cannot be incorporated into the bid package, its terms shall be negotiated with the lowest responsible bidder prior to the award of the contract.

To the extent possible, the plans and specifications shall also be reviewed and approved by the District's authorized representative prior to their insertion in the bid package.

2. Notice Inviting Bids – Contents

All bid packages shall include a notice inviting bids. The notice inviting bids shall include, among other things determined necessary for a particular contract by the Board or ~~their~~ designee, information as to the type, quality and quantity of materials, supplies or work to be provided, the contract performance schedule, the project location, the basis for determining the lowest bidder, ~~(~~whether on: 1. Base bid alone; 2. Identified alternates; 3. Prioritized order of alternates within identified budget; or 4. Other “fair manner.”~~)~~, a contact person, and other bid requirements and information regarding how to obtain



a bid package, the place where bids are to be received, and the time by which they are to be received. For contracts involving public works projects, the notice inviting bids shall also contain any other information required by state law or Section "II" (Provisions Applicable to Public Works Contracts) of this Policy.

3. Notice Inviting Bids - Distribution by Mail, Posting or Other Means.

Except in cases of emergency or where not practicable, all suppliers and contractors who have notified the District in writing that they desire to bid on contracts, and all suppliers and contractors which the District would like to bid on contracts, shall be furnished with the notice inviting bids by postal or electronic mail.

In addition to notifying all such persons by mail, the District shall post the notice inviting bids in one or more public places typically used by the District. It shall be posted in sufficient time in advance of the bid opening to allow bidders to bid, as determined by the Board or ~~their~~ designee. The notice shall remain posted until an award has been made. Notice may also be made by telephone, facsimile, telegram, personal contact, letter, or other informal means.

4. Notice Inviting Bids - Advertising/Publication.

Except in cases of emergency or where circumstances require that less notice be given, as determined by the Board pursuant to Section "~~III~~" (Flexibility and Waiver of Policy Requirements) below, the notice inviting bids shall be published once a week for at least two (2) consecutive weeks, as follows:

- a. In a newspaper of general circulation published in Riverside County; or
- b. In trade journals or papers of general circulation as the Board, or ~~their~~ designee, deems proper.



In the event that the Board determines, pursuant to Section “~~III~~” (Flexibility and Waiver of Policy Requirements) below, that circumstances require less than the prescribed notice period, he/she shall endeavor to provide notice by publication to the extent practicable under the circumstances.

For cost efficiency purposes, the published notice inviting bids need not be as detailed as that provided by other means, including by mail, posting or inclusion in the bid package, but should contain the legally and practically required essential contents of the notice, including but not limited to, where and how to obtain the complete bid package, Labor Code notice provisions, and bonding requirements.

5. Bid Form.

As part of the bid package, the District shall furnish to each bidder an appropriate bid form prepared by the District for the type of contract being let. Bids not presented on forms so furnished, or exact copies thereof, shall be rejected as non-responsive.

6. Presentation of Bids.

All bids shall be presented under sealed cover. Upon receipt, the bid shall be date and time stamped.

Any bids received after the due date and specified time shall be returned unopened. (Gov. Code § 53068.)

7. Withdrawal of Bids.

Bids may be withdrawn at any time prior to the time fixed in the public notice for the opening of bids only by written request made to the person or entity designated in charge of the bidding procedure. The withdrawal of a bid does not prejudice the right of the bidder to timely file a new bid. Except as authorized by law for public works contracts (Pub. Contract Code §5100 et seq.), no bidder may withdraw its bid



after opening for the period of time indicated in the bid package, which period shall be at least forty-five (45) days.

C. Award of Contracts.

1. Opening of Bids.

On the day named in the public notice, the District shall publicly open the sealed bids. Award of the contract shall be to the lowest responsive and responsible bidder, if at all. All bidders shall have complied with the foregoing bid procedures, except as otherwise provided herein and except for any minor errors or irregularities which may be waived by the District. After a bid is opened it shall be deemed irrevocable for the period specified in the invitation to bid.

The Board of Directors is under no obligation to accept the lowest responsive and responsible bid received, since the District has absolute discretion in the acceptance of bids and reserves the right to reject all bids if it desires. The Board of Directors also reserves the right to determine the conditions of responsibility including matters such as delivery date, product quality, and the service and reliability of the supplier.

2. Responsible Bidder.

The District's determination of whether a bidder is responsible shall be based on an analysis of each bidder's ability to perform, financial statement (if required), experience, past record and any other factors it shall deem relevant. If the lowest bidder is to be rejected because of an adverse determination of the bidder's responsibility based on the District's staff review, the bidder shall be entitled to be informed of the adverse evidence and afforded an opportunity to rebut that evidence and to present evidence of responsibility. In such event, the District shall give the rejected bidder and the bidder to be awarded the contract at least five (5) working days' notice of a public board meeting at which the responsibility issue shall be considered by the Board. No other notice, other than that required for Agenda



descriptions by the Ralph M. Brown Act, shall be required. The Board may, in its discretion, continue its consideration and determination of the issue to future meetings of the Board within the time authorized for the award of the contract. The Board's decision shall be conclusive.

3. Bid Challenges.

If any bidder wishes to challenge a potential bid award, he or she shall file a written objection within five (5) calendar days following bid opening. The written objection shall include specific reasons why the District should reject the bid questioned by the bidder. The District may, in its discretion, consider the protest during the public meeting at which the contract award is to be considered, or it may consider it at a prior meeting. The District shall give the challenging bidder and the bidder to be awarded the contract at least five (5) working days' notice of the board meeting at which the challenge shall be considered by the Board. No other notice, other than that required for Agenda descriptions by the Ralph M. Brown Act, shall be required. The Board may, in its discretion, continue its consideration and determination of the issue to future meetings of the Board within the time authorized for the award of the contract. The Board's decision shall be final.

4. Notice to Bidders Not Awarded the Contract; Return of Bid Security.

Whenever a contract is not to be awarded to a bidder, such bidder shall be notified by regular mail not more than five (5) working days after the award of the contract to another bidder. The bid security supplied by the bidder shall be returned with the notice.

D. Emergencies.

The District may, by majority vote of the Board of Directors, award any contract for work to be done or for materials and supplies to be furnished, sold, or leased to the District without soliciting or securing bids if it



determines that an emergency exists as provided for in Health & Safety Code section 32136 as it may be amended from time to time.

E. Contracts Not Requiring Formal Bids Pursuant to Law.

Medical or Surgical Equipment or Supplies: Contracts for purchases of medical or surgical equipment or supplies may be made without soliciting or securing bids. (H&S Code § 32132(b).) As used herein, “medical or surgical equipment or supplies” shall be defined as provided in Health & Safety Code section 32132(d), as that section may be amended from time to time. Currently, Section 32132(d) defines these terms to include “only equipment or supplies commonly, necessarily, and directly used by, or under the direction of, a physician and surgeon in caring for or treating a patient in a hospital.” (H&S Code § 32132(d).) If bids are solicited, the “formal” bidding procedures specified in this Section “I” (Formal Bidding Requirements), modified as the Board or ~~their~~ designee shall determine to be in the District's best interest, shall be followed.

II. PROVISIONS APPLICABLE TO PUBLIC WORKS CONTRACTS

The following provisions govern all contracts awarded by the District for public works:

A. Prequalification for Bids \$100,000 or Over.

1. Prequalification Requirements.

The District shall, on contracts in which the estimated cost is equal to or exceeds One Hundred Thousand Dollars (\$100,000), require all prospective bidders to prequalify by completing an appropriate “Contractor's Qualification Statement” and submitting a listing of experience in performing the type of contract being let, a current Dunn & Bradstreet report, a summary of current trade agreements, and such other information as the District shall deem relevant.



The requirement of pre-qualification shall be indicated in the notice inviting bids. The second newspaper publication shall be published to allow potential bidders at least seven (7) days to submit pre-qualification requirements and the District at least five (5) days to review submitted pre-qualification packages prior to distribution of bid packages, which distribution shall be at least thirty (30) days prior to the time by which bids are to be received.

The Contractors Qualification Statement shall be verified under oath and submitted on or before the due date specified in the notice inviting bids. The documents submitted for pre-qualifications shall remain confidential and not open to public inspection. The decision as to prequalification shall be made by the Board, or ~~their~~ designee. Pre-qualification procedures are intended to assist the District in determining "responsibility" of bidders, but shall not be conclusive evidence thereof.

2. Notice and Protest Requirements.

The District shall notify each potential bidder in writing by regular mail within seventy-two (72) hours after the District's decision as to pre-qualification. A duplicate of all such notices shall be mailed to the Secretary of the Board of Directors of the District. Bid packages shall only be provided to pre-qualified contractors, except as set forth below.

Whenever a contractor is notified of the District's denial of pre-qualification to bid on a contract, the contractor may file a written protest to the disqualification within seventy-two (72) hours of its receipt of notice of disqualification. Receipt shall be deemed to be two (2) days after mailing of the notice. The written objection shall include specific reasons why the District should not disqualify the bidder. The District may, in its discretion, consider the protest during a public meeting prior to the circulation of bid packages, or it may allow the protestor to submit a bid under protest.



If the District chooses to consider the protest prior to the circulation of bid packages, it shall give the challenging bidder at least five (5) working days' notice of the board meeting at which the challenge shall be considered by the Board. No other notice, other than that required for Agenda descriptions by the Ralph M. Brown Act, shall be required. The Board may, in its discretion, continue its consideration and determination of the issue to future meetings of the Board prior to circulation of bid packages. The Board's decision shall be final.

If the District allows the bidder to bid under protest the bid package will be provided only after the bidder has made payment therefore in an amount equal to the District's cost of printing and reproduction of the bid package.

If a written protest is not timely received from the bidder, the bidder waives any right to bid under protest.

B. Qualification for Bids Under \$100,000.

The District shall, on contracts in which the estimated cost is less than One Hundred Thousand Dollars (\$100,000), require all prospective bidders to complete an appropriate "Contractor's Qualification Statement," submit a list of the contractor's experience in performing the type of contract being let and such other information as the District shall deem relevant. The Statement shall be verified under oath and submitted prior to or with the contractor's bid, as determined by the Board or ~~their~~ designee. The documents submitted for qualification shall remain confidential and not open to public inspection. These documents shall be considered by the District in making its award to the lowest responsible bidder, but shall not be deemed conclusive evidence of responsibility.

C. Bid Security.

All bids shall be accompanied by bid security in an amount equal to at least ten percent (10%) of the total bid price. The security shall be in a form as follows:



1. Cashier's or Certified Check in the required amount; or
2. Bidder's Bond executed by an admitted surety insurer and made payable to the District.

Any bid not accompanied by one of the foregoing forms of bidder's security shall be rejected as non-responsive.

An "admitted surety insurer" means a corporate insurer or a reciprocal or interinsurance exchange to which the Insurance Commissioner of the State of California has issued a certificate of authority to transact surety insurance in this state. (Code of Civ. Proc. § 995.120.)

The bid security for all other unsuccessful bidders shall be returned to them within five (5) working days after the contract is awarded.

D. License Requirement.

In every completed bid, and in all construction contracts and subcontracts, shall be included the license number of the contractor and all subcontractors working under ~~him~~her. No project may be awarded to a contractor which is not licensed pursuant to state law or which utilizes subcontractors not so licensed.

E. Insurance.

All contracts shall require insurance of the type, in amounts and with provisions approved by District Legal Counsel and ~~management~~risk manager. All contractors awarded contracts shall furnish the District with original certificates of insurance and endorsements effecting coverage required by the contract. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf, and shall be on forms supplied or approved by the District. All certificates and endorsements must be received and approved by the District before work commences, or sooner if indicated by



the contract documents. The District shall reserve the right to require complete, certified copies of all required insurance policies, at any time.

At a minimum, all general liability and automobile insurance policies shall contain the following provisions, or contractor shall provide endorsements on forms supplied or approved by the District to add the following provisions to the insurance policies: (1) the District, its directors, officers, employees and agents shall be covered as additional insureds with respect to the work or operations performed by or on behalf of the contractor, including materials, parts or equipment furnished in connection with such work; and (2) the insurance coverage shall be primary insurance as respects the District, its directors, officers, employees and agents, or if excess, shall stand in an unbroken chain of coverage excess of the contractor's scheduled underlying coverage. Any insurance or self-insurance maintained by the District, its directors, officers, employees and agents shall be excess of the contractor's insurance and shall not be called upon to contribute with it in any way.

At a minimum, all workers' compensation and employers' liability policies shall contain the following provision, or contractor shall provide endorsements on forms supplied or approved by the District to add the following provision to the insurance policies: (1) the insurer shall agree to waive all rights of subrogation against the District, its directors, officers, employees and agents for losses paid under the terms of the insurance policy which arise from work performed by the contractor.

At a minimum, all policies shall contain the following provisions, or contractor shall provide endorsements on forms supplied or approved by the District to add the following provisions to the insurance policies: (1) coverage shall not be canceled except after thirty (30) days prior written notice by mail has been given to the District; and (2) any failure to comply with reporting or other provisions of the policies, including breaches of warranties, shall not affect coverage provided to the District, its directors, officials, officers, employees and agents. Insurance carriers shall be qualified to do business in California and maintain an agent for process within the state. Such insurance carrier shall have not less than an "A"



policyholder's rating and a financial rating of not less than "Class VII" according to the latest Best Key Rating Guide.

All insurance required by the contract shall contain standard separation of insureds provisions. In addition, such insurance shall not contain any special limitations on the scope of protection afforded to the District, its directors, officers, employees or agents.

All builders'/all risk insurance policies shall provide that the District be named as loss payee. In addition, the insurer shall waive all rights of subrogation against the District. The making of progress payments to the contractor shall not be construed as creating and insurable interest by or for the District, or as relieving the contractor or its subcontractors of any responsibility for loss from any direct physical loss, damage or destruction covered by the builders'/all risk policy occurring prior to final acceptance of the work by the District.

The District shall not be liable for loss or damage to any tools, machinery, equipment, materials or supplies of the contractor. The contractor shall supply to the District an endorsement waiving the insurance carrier's right of subrogation against the District for all policies insuring such tools, machinery, equipment, materials or supplies.

F. Contract Requirements.

1. Performance Bond.

A Performance Bond is an undertaking furnished by a contractor for the faithful performance of the contract by the contractor guaranteeing that performance of the contract will be accomplished according to its terms. Every public works contract or contract for a work of improvement over Twenty-Five Thousand (\$25,000) or contracts of one contractor with the District which aggregate Twenty-Five Thousand Dollars (\$25,000) or more, shall provide for the filing of a separate performance bond by the contractor executed by an Admitted Surety. An "admitted surety insurer" means a corporate insurer or a reciprocal or interinsurance exchange to which the



Insurance Commissioner of the State of California has issued a certificate of authority to transact surety insurance in this state. (Code of Civ. Proc. § 995.120.) Each Performance Bond shall be in a sum equal to One Hundred percent (100%) of the contract price or equal to the sum of the aggregate outstanding contracts. In any notice giving call for bids for any contract, the notice shall state that the Performance Bond is required. The Performance Bond shall not be used as a substitute for a determination of bidder responsibility. The District shall also require the Performance Bond to comply with any other legal requirements, as they may be amended from time to time.

2. Materials and Labor Payment Bond.

A Payment Bond means a bond which insures the payment in full of the claims of all persons supplying labor and/or materials to the project. (Civil Code § 3096.) In contrast to the Performance Bond, the Payment Bond guarantees payment of the obligation of all claimants who have furnished labor or materials to a work of improvement.

A Payment Bond executed by an Admitted Surety Insurer, as defined above, shall be required for all public works contracts or contracts for works of improvement in amounts and in a form required by Civil Code sections 3247 and 3248, as these sections may be amended from time to time. The bond must be in the form of a Payment Bond and not a deposit in lieu of bond. The District shall also require the Payment Bond to comply with any other legal requirements, as they may be amended from time to time.

3. Time for Completion/Liquidated Damages.

Every contract shall state the time when the whole or any specified portion of the work shall be completed. In the discretion of the Board of Directors, giving consideration to the size and nature of the project, the contract may provide that for each day completion is delayed beyond the specified time(s), the contractor shall forfeit and pay to



the District a specified sum of money, to be deducted from any payments due or to become due to the contractor. The provision for liquidated damages shall be in a form approved by District Legal Counsel. (Civil Code § 1671; Gov. Code § 53069.85.)

4. Retentions; Substitution of Securities in Lieu of Retentions.

Contract Retentions shall be withheld and released in compliance with Public Contract Code sections 7107 and 9203. In accordance with California Public Contract Code section 22300, a provision shall be included in every invitation for bid and in every contract to permit the substitution of security for any monies withheld to insure performance (Retentions).

5. Bonus for Early Completion.

Any contract may also provide for the payment of extra compensation to the contractor as a bonus for completion of the project prior to the specified contract time. If such bonus for early completion is to be awarded to the contractor, the bid specifications shall also state the availability of such bonus compensation and the requirements therefore. (Gov. Code § 53069.85.)

6. Listing and Substitution of Subcontractors.

Subcontractors shall be listed by the general contractor in its bid in accordance with, and shall not be substituted in violation of, the provisions of the Subletting and Subcontracting Fair Practices Act. (Pub. Contract Code § 4100 et seq.)

7. Contract Terms.

All contract terms, including, but not limited to, the contract form, general conditions and special conditions shall be approved by District Legal Counsel.

G. Changes in Plans and Specifications



Every contract shall provide that the District may make changes in the plans and specifications for the project after execution of the contract. Bid procedures as set forth in this Policy need not be secured for change orders which do not materially change the scope of the project, as set forth in the original contract, if each individual's change order does not total more than five percent (5%) of the original contract. (H&S Code § 32132(c).)

However, if the original contract met all of the competitive bidding requirements set forth in this Policy, the contract may be terminated, amended or modified as provided in the original contract and according to the terms and provisions set forth in the original contract without regard to the five percent (5%) limitation set forth above. The compensation payable, if any, shall be determined as set forth in the original contract or applicable state law.

All changes or amendments to the original contract must be in writing and signed by both the contractor and a duly authorized representative of the District.

III. FLEXIBILITY AND WAIVER OF POLICY REQUIREMENTS

In recognition of the fact that the contracting and procurement needs of the District may from time to time render certain procedures or requirements herein impracticable, the Board or ~~their~~ designee is authorized to permit or waive deviations from this Policy, to the extent permitted by law, upon making a written finding that such deviations are in the District's best interests in consultation with District Legal Counsel as to legal issues involved. This written finding will be included with the Staff Report when item is presented to the Finance and ~~Audit~~Administration Committee and Board of Directors for approval.

AUTHORITIES

California Gov. Code section 54202



California Health and Safety Code – HSC § 32132

Desert Healthcare District Bylaws Article V, section 5.6

DOCUMENT HISTORY

Revised 05-24-2016

Approved 12-18-2012

DRAFT



POLICY TITLE: PROCUREMENT OF PROFESSIONAL SERVICES
POLICY NUMBER: OP-11
COMMITTEE APPROVAL: XX-XX-XXXX
BOARD APPROVAL: XX-XX-XXXX

POLICY #OP-11: Government Code section 4525 et seq. requires the District to select firms to provide certain professional services on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required.

GUIDELINES:

I. REQUIREMENTS FOR PROCURING PROFESSIONAL SERVICES

Contracts for professional services (per Gov. Code § 4525 et seq. and Gov. Code § 53060 et seq.), as described in more detail below, shall be awarded by the Board of Directors (“Board”) or designee through the purchasing procedures specified herein:

1. Professional Services

Contracts for professional services, as defined in Government Code section 4525, which specifically includes, professional architectural, landscape architectural, engineering, environmental, land surveying, construction project management and any other services specified in Government Code section 4526, as it may be amended from time to time, shall be awarded by following the purchasing procedures specified in this Policy.

Additionally, other professional service contracts as set forth in Government Code section 53060, limited to special services and advice in financial, economic, accounting, legal or administrative professional services may be procured through this Policy.

In no event shall a contract for professional services be awarded based solely upon the lowest cost to the District. The policy requires that contracts for professional



services exceeding a certain dollar value and some offering certain services as described below be bid.

The procurement of professional services exceeding \$50,000.00 will be bid per the guidance below:

The specific services, Legal, Audit and Investment Advice will be reviewed and potentially bid on the following schedule regardless of proposed contract amount. Legal services shall be reviewed and potentially bid every three (3) years; audit services will be reviewed and potentially bid every five (5) years, and investment advisor services will be reviewed and potentially bid every five (5) years.

2. Bid Procedures – Professional Services Contracts of \$50,000.00 or more.

A. Preparation of Request for Qualifications and Proposals (RFQ & RFP).

The key criteria for selecting a firm to provide professional services will be their ability to provide the needed services at the highest and best value to the District. Before entering into any contract with a value of Fifty Thousand Dollars (\$50,000.00) or more pursuant to this Policy, the Board or designee shall prepare or cause to be prepared a written request for qualifications and/or proposals (“RFQ/P”). Unless exempted by the Board or designee pursuant to Section “II” (Flexibility and Waiver of Policy Requirements) below, the RFQ/P shall include at least the following information: (1) the specific nature or scope of the services being sought; (2) the type and scope of project contemplated; (3) the estimated term of the contract; (4) the specific experience expected of the firm; (5) the time, date and place for submission of the RFQ/P; (6) a contact person who can answer questions of the firms; (7) a contract form; and (8) the evaluation criteria to be utilized in the selection of the firm.

The Board or designee shall endeavor to include all required information in the RFQ/P. To the extent that the Board of Directors or their designee determines, pursuant to Section “II” (Flexibility and Waiver of Policy Requirements) below, that any required information cannot be incorporated into the RFQ/P, its terms shall be negotiated with the successful consultant or supplier prior to the award of the contract.



B. Circulation of Request for Qualifications/Proposals.

The District shall attempt to obtain and consider completed RFQ/P's from at least three (3) qualified sources.

C. Procedures - Professional Services Contracts of less than \$50,000.00.

1. Request for Qualifications, Selection and Award

Before entering into any contract with a value of less than Fifty Thousand Dollars (\$50,000.00), the Board or designee shall transmit written or oral Request for Qualifications (RFQ) to qualified firms. The District shall attempt to transmit RFQ to at least three (3) qualified sources, and the District shall endeavor to obtain at least three (3) completed proposals. After the Board or designee has selected the most qualified consultant or supplier, the actual fee for service and other agreement terms will be negotiated. If an agreement cannot be reached, negotiations shall begin with the next most qualified consultant or supplier. Contracts for budgeted professional services less than \$50,000 does not require further action by the Board.

3. Professional Services – CEO Authorized Services up to \$5,000

Periodically, a service may be necessary to move forward with a task or project included in the Strategic Plan or Annual Budget. The Board authorizes the Chief Executive Officer to execute a service agreement for such services. Service Agreement shall be approved by Legal Counsel and presented to Board as an informational item at the next Board of Director's meeting.

When the Board or designee awards any contract pursuant to this Policy, the contract award shall be based on the proposal, which is in the best interests of the District. In addition, unless exempted pursuant to Government Code section 4529, contracts for professional architectural, landscape architectural, professional engineering, environmental, land surveying, construction project management and any other services specified in Government Code section 4526, as it may be amended from time to time, shall be awarded on the basis of demonstrated



competence and on the professional qualifications necessary for the satisfactory performance of the services required. In no event shall a contract for such professional services be awarded on the basis of cost alone. (Gov.Code § 4525 et seq.).

II. FLEXIBILITY AND WAIVER OF POLICY REQUIREMENTS

In recognition of the fact that the contracting and procurement needs of the District may from time to time render certain procedures or requirements herein impracticable, the Board or designee is authorized to permit or waive deviations from this Policy, to the extent permitted by law, upon making a written finding that such deviations are in the District's best interests in consultation with District Legal Counsel as to legal issues involved. This written finding will be included with the Staff Report when item is presented to the Finance and Administration Committee and Board of Directors for approval.

AUTHORITIES

California Gov. Code § 4525 et seq.

California Gov. Code § 53060 et seq.

Desert Healthcare District Bylaws Article V, section 5.6

DOCUMENT HISTORY

Approved 12-15-2015



POLICY TITLE: PROCUREMENT OF PROFESSIONAL SERVICES

POLICY NUMBER: OP-11

COMMITTEE APPROVAL: ~~XX-XX-XXXX~~ 11/17/15

BOARD APPROVAL-DATE: ~~XX-XX-XXXX~~ 12/15/2015

POLICY: ~~PROCUREMENT OF PROFESSIONAL SERVICES~~

POLICY #OP-11: Government Code section 4525 et seq. requires the District to select firms to provide certain professional services on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required.

GUIDELINES:

I. REQUIREMENTS FOR PROCURING PROFESSIONAL SERVICES

Contracts for professional services (per Gov. Code § 4525 et seq.) and ~~per~~ (Gov. Code § 53060 et seq.), as described in more detail below, shall be awarded by the Board of Directors ("Board") or ~~their~~ designee through the purchasing procedures specified herein:

1. Professional Services

Contracts for professional services, as defined in Government Code section 4525, which specifically includes, professional architectural, landscape architectural, engineering, environmental, land surveying, construction project management and any other services specified in Government Code section 4526, as it may be amended from time to time, shall be awarded by following the purchasing procedures specified in this Policy.

Additionally, other professional service contracts as set forth in Government Code section 53060, limited to special services and advice in financial, economic, accounting, legal or administrative professional services may be procured through



this Policy.

In no event shall a contract for professional services be awarded based solely upon the lowest cost to the District. The policy requires that contracts for professional services exceeding a certain dollar value and some offering certain services as described below be bid.

The procurement of professional services exceeding \$50,000.00 will be bid per the guidance below:

The specific services, Legal, Audit and Investment Advice will be reviewed and potentially bid on the following schedule regardless of proposed contract amount. Legal services shall be reviewed and potentially bid every three (3) years; audit services will be reviewed and potentially bid every five (5) years, and investment advisor services will be reviewed and potentially bid every five (5) years.

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A. Preparation of Request for Qualifications and Proposals (-RFQ & RFP).

The key criteria for selecting a firm to provide professional services will be their ability to provide the needed services at the highest and best value to the District. Before entering into any contract with a value of Fifty Thousand Dollars (\$50,000.00) or more pursuant to this Policy, the Board of Directors or their designee shall prepare or cause to be prepared a written request for qualifications and/or proposals ("RFQ/P"). Unless exempted by the Board of Directors or their designee pursuant to Section "II" (Flexibility and Waiver of Policy Requirements) below, the RFQ/P shall include at least the following information: (1) the specific nature or scope of the services being sought; (2) the type and scope of project contemplated; (3) the estimated term of the contract; (4) the specific experience expected of the firm; (5) the time, date and place for submission of the RFQ/P; (6) a contact person who can answer questions of the firms; (7) a contract form; and (8) the evaluation criteria to be utilized in the selection of the firm.

The Board of Directors or their designee shall endeavor to include all required information in the RFQ/P. To the extent that the Board of Directors

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or their designee determines, pursuant to Section "II" (Flexibility and Waiver of Policy Requirements) below, that any required information cannot be incorporated into the RFQ/P, its terms shall be negotiated with the successful consultant or supplier prior to the award of the contract.

B. Circulation of Request for Qualifications/Proposals.

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1. Request for Qualifications, Selection and Award

Before entering into any contract with a value of less than Fifty Thousand Dollars

(\$50,000.00), the Board ~~of Directors~~ or ~~their~~ designee shall transmit written or oral Request for Qualifications (RFQ) to qualified firms. The District shall attempt to transmit RFQ to at least three (3) qualified sources, and the District shall endeavor to obtain at least three (3) completed proposals. After the Board ~~of Directors~~ or ~~their~~ designee has selected the most qualified consultant or supplier, the actual fee for service and other agreement terms will be negotiated. If an agreement cannot be reached, negotiations shall begin with the next most qualified consultant or supplier. Contracts for budgeted professional services less than \$50,000 does not require further action by the Board ~~of Directors~~.

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Periodically, a service may be necessary to move forward with a task or project included in the Strategic Plan or Annual Budget. The Board authorizes the Chief Executive Officer to execute a service agreement for such services. Service

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Agreement shall be approved by Legal Counsel and presented to Board as an informational item at the next Board of Director's meeting.

When the Board ~~of Directors or their~~ designee awards any contract pursuant to this Policy, —the contract award shall be based on the proposal, which is in the best interests of the District. In addition, unless exempted pursuant to Government Code section 4529, contracts for professional architectural, landscape architectural, professional engineering, environmental, land surveying, construction project management and any other services specified in Government Code section 4526, as it may be amended from time to time, shall be awarded on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. In no event shall a contract for such professional services be awarded on the basis of cost alone. (Gov.Code § 4525 et seq.).

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II. FLEXIBILITY AND WAIVER OF POLICY REQUIREMENTS

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AUTHORITIES

California Gov. Code § 4525 et seq.

California Gov. Code § 53060 et seq.

Desert Healthcare District Bylaws Article V, section 5.6

DOCUMENT HISTORY

POLICY #OP-11
Policy #OP-11 Page 4 of 5

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Approved 12-15-2015

DRAFT



POLICY TITLE: SUSTAINABILITY PROGRAM

POLICY NUMBER: OP-13

COMMITTEE APPROVAL: XX-XX-XXXX

BOARD APPROVAL: XX-XX-XXXX

POLICY #OP-13: The Desert Healthcare District (“District”) recognizes the importance of sustainability in developing and promoting healthy behaviors and healthy communities. The District is committed to being a leader in implementing sustainable measures in all facets of its operations and to model sustainable practices that promote, encourage and empower the community to take actions that will improve the environment, the economy and the quality of life and health for future generations.

With this in mind, the District seeks to instill a culture of sustainability by investing in improvements to our residents’ health and environment and promoting sustainable healthy communities throughout the District.

In addition to a commitment to expand and share its knowledge on sustainability generally, the District intends to lead by example by building public spaces and buildings to high green standards, enhancing energy efficiency and promoting the use of renewable resources and sustainable products while utilizing the technology and supporting the infrastructure necessary to support sustainable programs and practices.

For sustainable development, a structure is necessary in which environmental, economic and social factors are coordinated for a healthy community. The District needs to lead this coordination as well as advocate to the policy makers to remove environmental, cultural and institutional barriers to good health and ensure sustainable health care services for all residents. Long term action is the key to achieve sustainability with the overlapping issues in health and environment.

GUIDELINES:

POLICY #OP-13

Page 1 of 4



1. Improve air quality and reduce local emissions:
 - a) Encourage contractors, grantees, and the public to attend meetings via web conferencing
 - b) Enhance technology to accommodate web conferencing
 - c) Enhance website utility to reduce trips, promote transparency and ease of access to information
 - d) Support alternatives to gas fed lawnmowers and leaf blowers
2. Reduce waste and amount of materials consumed. Replace styrofoam products with corn based degradable products:
 - a) Utilize glassware for meetings
 - b) Waste Separation - Hire a recycling company to pick up office recyclables
 - c) Reduce paper board and committee packets - utilize web posting, conferencing and digital distribution of packets to the extent feasible
 - d) Utilize technology where possible to eliminate or reduce need for copying
3. Reduce amount of potable water used:
 - a) Incorporate smart controllers
 - b) Water efficient landscape
 - c) Install low flow toilets
 - d) Install automatic faucets
 - e) Use filtered water instead of purchasing plastic water bottles
4. Reduce trip miles:
 - a) Support efforts to promote ride sharing, walking and biking to reduce trip miles
5. Incorporate sustainable purchasing and the use of local suppliers:
 - a) Adopt sustainable purchasing policies for cleaning and office supplies
 - b) Promote the use of local vendors when feasible
6. Adopt sustainable business and purchasing practices:
 - a) Purchase green products
 - b) Adopt sustainable purchasing policies for cleaning and office supplies
7. Support local vendors:



- a) Buy local products and services when feasible
- 8.** Increase energy efficiency and promote renewable resources:
- a) Improve building and system energy efficiency
 - b) Change lighting to sensors
 - c) Window tinting to reduce heat
 - d) Install automatic/programmable thermostats
- 9.** Incorporate renewable energy in facility design and operations:
- a) Integrate renewable, solar energy in new parking facility
 - b) Work with DRMC (lessee) to identify opportunities to enhance the hospital campus by investing in sustainable infrastructure enhancements and/or programs that socially, physically and environmentally contribute to a healthy campus and community
- 10.** Embed sustainable principles and practices:
- a) Incorporate sustainability and sustainable best practices into the DHCD work culture
 - b) Establish a District “Green Team” to identify sustainable practices and opportunities, vet proposals and monitor/report progress
 - c) Seek employee suggestions and implement when feasible
 - d) Develop an online “suggestion box” for feedback on policy/suggestions/implementation and additional ideas for improving operations
 - e) Incorporate sustainability into recruitment, hiring and performance evaluation practices
 - f) Add sustainability expectations into recruitment efforts, job descriptions and performance evaluations
 - g) Inform, train and educate board, staff, agencies and public
 - h) Incorporate ongoing sustainability education and training for employees and grant agencies
- 11.** Be an early adopter and become a model for sustainable programs and practices:
- a) Update employees on a regular basis of new sustainable programs and office practices to improve energy use, paper usage and recycling



- b) Enhance the website to highlight District sustainability practices, lifting the District up as an example for the rest of the Valley
- c) Participate in Mayor's Leadership Council and share policies, progress, data and reports

- 12.** Incorporate sustainability principles and practices into grant making policies and procedures:
- a) Add sustainable principles and practices into grant and agency expectations
 - b) Share sustainability policies and programs with grant agencies and encourage their adoption
 - c) Utilize web conferencing and paperless meetings where possible

AUTHORITIES

Desert Healthcare District Bylaws Article V, section 5.6

DOCUMENT HISTORY

Revised	05-24-2016
Approved	06-22-2010



POLICY TITLE: SUSTAINABILITY PROGRAM

POLICY NUMBER: OP-13

COMMITTEE APPROVAL: XX-XX-XXXXN/A

BOARD APPROVAL DATE: XX-XX-XXXX05/24/2016
~~Previously Approved Board Date: 06/22/2010~~

POLICY: ~~SUSTAINABILITY PROGRAM~~

Policy #OP-13: The Desert Healthcare District ("District") recognizes the importance of sustainability in developing and promoting healthy behaviors and healthy communities. The District is committed to being a leader in implementing sustainable measures in all facets of its operations and to model sustainable practices that promote, encourage and empower the community to take actions that will improve the environment, the economy and the quality of life and health for future generations.

With this in mind, the District seeks to instill a culture of sustainability, by investing in improvements to our resident's' health and environment and promoting sustainable healthy communities throughout the District.

In addition to a commitment to expand and share its knowledge on sustainability generally, the District intends to lead by example by building public spaces and buildings to high green standards, enhancing energy efficiency and promoting the use of renewable resources and sustainable products while utilizing the technology and supporting the infrastructure necessary to support sustainable programs and practices.

For sustainable development, a structure is necessary in which environmental, economic and social factors are coordinated for a healthy community. The District needs to lead this coordination as well as advocate to the policy makers to remove environmental, cultural and institutional barriers to good health and ensure sustainable health care services for all residents. Long term action is the key to achieve sustainability with the overlapping issues in health and environment.



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 - a) Utilize glassware for meetings
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 - e) Incorporate sustainability into recruitment, hiring and performance evaluation practices
 - f) Add sustainability expectations into recruitment efforts, job descriptions and performance evaluations



- g) Inform, train and educate board, staff, agencies and public-
- h) Incorporate ongoing sustainability education and training for employees and grant agencies

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 - b) Enhance the website to highlight District sustainability practices, lifting the District up as an example for the rest of the Valley
 - c) Participate in Mayor's Leadership Council and share policies, progress, data and reports
 - d) ~~Be an early adopter~~

- 12. Incorporate sustainability principles and practices into grant making policies and procedures:-
 - a) Add sustainable principles and practices into grant and agency expectations
 - b) Share sustainability policies and programs with grant agencies and encourage their adoption
 - c) Utilize web conferencing and paperless meetings where possible

AUTHORITIES

[Desert Healthcare District Bylaws Article V, section 5.6](#)

DOCUMENT HISTORY

Revised 05-24-2016

Approved 06-22-2010



POLICY TITLE: LAS PALMAS MEDICAL PLAZA POLICY FOR LEASING

POLICY NUMBER: LPMP-01

COMMITTEE APPROVAL: XX-XX-XXXX

BOARD APPROVAL DATE: XX-XX-XXXX

POLICY # LPMP-01: It is the policy of the Desert Healthcare District (“District”) Board of Directors to provide a leasing policy for the Las Palmas Medical Plaza.

1. When the Desert Healthcare District (District) receives notification of availability of a suite, the District will notify the Desert Regional Medical Center (DRMC) team of the vacancy, unless communications from DRMC have been made to the District within the prior three months that indicate they are not interested in additional suites or that any of their existing suites are available for reassignment to a prospective tenant.
 - a. Following the delivery of the notice of vacancy to DRMC, DRMC will be provided 15 days to notify the District in writing of DRMC’s desire to lease the vacant space.
 - b. In the event DRMC provides such notification, the District will enter into negotiations with DRMC regarding the terms of the lease of the vacant space.
 - c. If DRMC and the District are unable to agree upon the terms of a lease within 30 days following the District’s receipt of the notification of interest by DRMC, the District may, at its election, continue to negotiate the terms of a lease with DRMC and/or seek other replacement tenants for the vacant space.
 - d. If following the 15 day notice of vacancy period DRMC has not notified the District of DRMC’s desire to lease the vacant space, the District will actively seek replacement tenants, showing the suite to generate interest, and acquiring information to ensure the prospective tenants meet the leasing requirements.
2. Prospective tenants will be required to be a medical office or provide related services. Prospective tenants will provide a completed application and financial statements for a background check. The District will execute a lease with qualified tenants.



AUTHORITY

Desert Healthcare District Bylaws Article V, section 5.6

DOCUMENT HISTORY

Revised	05-24-2016
Approved	06-23-2015

DRAFT



POLICY TITLE: LAS PALMAS MEDICAL PLAZA POLICY FOR LEASING

POLICY NUMBER: LPMP-01

COMMITTEE APPROVAL UPDATE: N/A XX-XX-XXXX

BOARD APPROVAL DATE: XX-XX-XXXX 05/24/2016
~~Resolution 11-04~~ ~~06-23-15~~

POLICY : ~~LAS PALMAS MEDICAL PLAZA POLICY FOR LEASING~~

Policy# LPMP-01:

GUIDELINES: It is the policy of the Desert Healthcare District (“District”) Board of Directors to provide a leasing policy for the Las Palmas Medical Plaza.

1. When the Desert Healthcare District (District) receives notification of availability of a suite, the District will notify the Desert Regional Medical Center (DRMC) team of the vacancy, unless communications from DRMC have been made to the District within the prior three months that indicate they are not interested in additional suites or that any of their existing suites are available for reassignment to a prospective tenant.
 - a. Following the delivery of the notice of vacancy to DRMC, DRMC will be provided 15 days to notify the District in writing of DRMC’s desire to lease the vacant space.
 - b. In the event DRMC provides such notification, the District will enter into negotiations with DRMC regarding the terms of the lease of the vacant space.
 - c. If DRMC and the District are unable to agree upon the terms of a lease within 30 days following the District’s receipt of the notification of interest by DRMC, the District may, at its election, continue to negotiate the terms of a lease with DRMC and/or seek other replacement tenants for the vacant space.
 - d. If following the 15 day notice of vacancy period DRMC has not notified the District of DRMC’s desire to lease the vacant space, the District will actively seek replacement tenants, showing the suite to generate interest, and acquiring information to ensure the prospective tenants meet the leasing requirements.



DESERT HEALTHCARE

2. Prospective tenants will be required to be a medical office or provide related services. Prospective tenants will provide a completed application and financial statements for a background check. The District will execute a lease with qualified tenants.

AUTHORITY

Desert Healthcare District Bylaws Article V, sSection 5.6

DOCUMENT HISTORY

Revised 05-24-2016

Approved 06-23-2015

DRAFT



POLICY TITLE: LAS PALMAS MEDICAL PLAZA LEASE EXECUTION POLICY

POLICY NUMBER: LPMP-02

COMMITTEE APPROVAL: XX-XX-XXXX

BOARD APPROVAL DATE: XX-XX-XXXX

POLICY: # LPMP-02: It is the policy of the Desert Healthcare District (“District”) Board of Directors to provide a lease execution policy for the Las Palmas Medical Plaza.

1. The standard lease and lease terms, including lease and Common Area Maintenance (“CAM”) rates, are to be reviewed annually.
 - a. Adjustments, if any, are made to the standard lease.
2. When a lease agreement or lease extension is prepared with a prospective tenant, the lease agreement/extension is presented to the Finance & Administration Committee for approval.
3. The lease agreement/extension is then forwarded to the Board of Directors for approval under the Consent Agenda.
4. Once approved, the lease agreement/extension is signed by the tenant and executed by the District’s Chief Executive Officer.

AUTHORITY

Desert Healthcare District Bylaws Article V, section 5.6

DOCUMENT HISTORY

Revised	05-24-2016
Approved	06-23-2015



POLICY TITLE: LAS PALMAS MEDICAL PLAZA LEASE EXECUTION POLICY

POLICY NUMBER: LPMP-02

COMMITTEE APPROVAL UPDATE: N/A XX-XX-XXXX

BOARD APPROVAL DATE: XX-XX-XXXX 05/24/2016
~~Resolution 11-04~~ ~~06-23-15~~

POLICY: ~~LAS PALMAS MEDICAL PLAZA LEASE EXECUTION POLICY~~

Policy# LPMP-02:

GUIDELINES: It is the policy of the Desert Healthcare District (“District”) Board of Directors to provide a lease execution policy for the Las Palmas Medical Plaza.

1. The standard lease and lease terms, including lease and Common Area Maintenance (“CAM”) rates, are to be reviewed annually.
 - a. Adjustments, if any, are made to the standard lease.
2. When a lease agreement or lease extension is prepared with a prospective tenant, the lease agreement/extension is presented to the Finance & Administration Committee for approval.
3. The lease agreement/extension is then forwarded to the Board of Directors for approval under the Consent Agenda.
4. Once approved, the lease agreement/extension is signed by the tenant and executed by the District’s Chief Executive Officer.

AUTHORITY

Desert Healthcare District Bylaws Article V, sSection 5.6

DOCUMENT HISTORY

Revised 05-24-2016
Approved 06-23-2015