**HEALTH AND SAFETY CODE - GENERAL**
**HEALTH AND SAFETY CODE - GENERAL - DIVISION 2 [20000 - 25990]** ( Division 2 added by Stats. 1939. Act 21. )
**HOSPITALS [20700 - 25990]** ( Division 2 renumbered by Stats. 1939. Act 21. )

**ARTICLE 4. Powers [20747 - 20748]** ( Article 4 added by Stats. 1945. Ch. 932. )

**20747.** Each local district shall have and may exercise the following powers:

(a) To sue and be sued in all actions and proceedings.

(b) To adopt and alter at will an official seal which shall be judicially noticed.

(c) To purchase, receive, hold, rent, hold, lease, use and enjoy property of every kind and description within and without the limits of the district, and to convey, sell, lease, rent, exchange, and otherwise dispose of any property of the district, whenever the board shall deem it proper to do so.

(d) To operate the light and power system for the district and to purchase electric energy for the district, and to sell surplus electric energy outside the district.

(e) To establish one or more funds for the benefit of the district, to administer any trust devised or bequeathed to the benefit of the district, to designate one or more depositories for the district's funds, to receive its gifts, devises, and bequests, and to administer the same according to the terms thereof, including complete discretion as to what situation is the state of awareness, and when and otherwise provided, disposal of the same for the benefit of the district.

(f) To employ such officers, agents, and employees as may be required by the board of directors, and to define their duties and fix the functions required to the board of directors, and to define their duties and fix the functions required to the board of directors, subject to which the greater part of the land in the district is devoted to agricultural purposes and to establish and maintain contracting the district, except that if the county has a county counsel, the directors may call upon the county counsel for legal services.

(g) To enforce any ordinance of the district by imposing penalties for violation of such ordinance. The penalties shall not exceed those imposed by ordinance of the county in which the district is located.

(h) To provide the duties and powers of the public tax collector, assessor, and other officers and employees of the county, and to perform all the duties and functions of the district, and to employ such officers, agents, and employees as may be required by the board of directors, and to define their duties and fix the functions required to the board of directors, subject to which the greater part of the land in the district is devoted to agricultural purposes and to establish and maintain contracting the district, except that if the county has a county counsel, the directors may call upon the county counsel for legal services.

(i) To employ and to dismiss at will such officers, agents, and employees as may be required by the board of directors, and to define their duties and fix the functions required to the board of directors.

(j) To provide the duties and powers of the public tax collector, assessor, and other officers and employees of the county, and to perform all the duties and functions of the district, and to employ such officers, agents, and employees as may be required by the board of directors, and to define their duties and fix the functions required to the board of directors, except that if the county has a county counsel, the directors may call upon the county counsel for legal services.

(k) To acquire, maintain, and operate ambulances or emergency ambulances and to provide ambulance service.

(l) To acquire, maintain, and operate a system of fire alarm boxes, fire hydrants, and other equipment for fire protection and to establish training centers, health education programs, ambulance and emergency ambulance, and other equipment, and to provide ambulance service and emergency ambulance service, and to establish and maintain a system of fire alarm boxes, fire hydrants, and other equipment for fire protection and to establish and maintain a system of fire alarm boxes, and to establish and maintain a system of fire alarm boxes.

(m) To establish and maintain a system of fire alarm boxes, fire hydrants, and other equipment for fire protection and to establish and maintain a system of fire alarm boxes, and to establish and maintain a system of fire alarm boxes.

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credit.

(3) The district may enter into a new and separate line of credit to repay a previous line of credit pursuant to paragraph (1), provided that the district complies with this section in entering into a new line of credit.

(4) Enter into a line of credit with a commercial lender for the sole purpose of consolidating debt incurred by the district prior to January 1, 2010. Debt incurred under this paragraph shall be repaid within 20 years of the consolidation borrowing. The total amount of debt that a district may have outstanding at any one time under this paragraph shall not exceed the amount of two million dollars ($2,000,000).

(b) Enter into capital leases for the purchase by the district of equipment to be used for any district purpose.

(1) The term of any capital lease shall not be longer than 10 years.

(2) The district may secure the purchase of equipment by a capital lease by giving the lender a security interest in the equipment leased under the capital lease.

(c) Enter into lease-purchase agreements for the purchase by the district of real property, buildings, and facilities to be used for any district purpose. The term of any lease-purchase agreement shall not exceed 10 years.

(d) Nothing in this section shall provide the district with the authority to increase taxes in order to repay a line of credit established pursuant to subdivision (a) unless the tax is passed pursuant to Article 4.6 (commencing with Section 53750) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

*(Amended by Stats. 2010, Ch. 70, Sec. 1. (SB 1458) Effective July 9, 2010.)*

**32131.** The board of directors may maintain membership in any local, state or national group or association organized and operated for the promotion of the public health and welfare or the advancement of the efficiency of hospital administration, and in connection therewith pay dues and fees thereto.

*(Added by Stats. 1951, Ch. 277.)*

**32132.** (a) Except as otherwise provided in this section, or in Chapter 3.2 (commencing with Section 4217.10) of Division 5 of Title 1 of the Government Code, the board of directors shall let any contract involving an expenditure of more than twenty-five thousand dollars ($25,000) for materials and supplies to be furnished, sold, or leased to the district, or any contract involving an expenditure of more than twenty-five thousand dollars ($25,000) for work to be done, to the lowest responsible bidder who shall give the security the board requires, or else reject all bids.

Except as otherwise provided in this section, for a local health care district that is a small and rural hospital, as defined in Section 124840, the board of directors shall acquire materials and supplies that cost more than twenty-five thousand dollars ($25,000), but less than fifty thousand dollars ($50,000), through competitive means, except when the board determines either that (1) the materials and supplies proposed for acquisition are the only materials and supplies that can meet the district's need, or (2) the materials and supplies are needed in cases of emergency where immediate acquisition is necessary for the protection of the public health, welfare, or safety. As used in this paragraph, "competitive means" has the same meaning as used in subdivision (b) of Section 32138.

(b) Subdivision (a) shall not apply to medical or surgical equipment or supplies, to professional services, or to electronic data processing and telecommunications goods and services.

(c) Bids need not be secured for change orders that do not materially change the scope of the work as set forth in a contract previously made if the contract was made after compliance with bidding requirements, and if each individual change order does not total more than 5 percent of the contract.

(d) As used in this section, "medical or surgical equipment or supplies" includes 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.

(e) Nothing in this section shall prevent any district health care facility from participating as a member of any organization described in Section 23704 of the Revenue and Taxation Code, nor shall this section apply to any purchase made, or services rendered, by the organization on behalf of a district health care facility that is a member of the organization.

*(Amended by Stats. 1996, Ch. 1023, Sec. 297. Effective September 29, 1996.)*

**32132.5.** (a) Notwithstanding Section 32132 or any other provision of law, upon approval by the board of directors of the Sonoma Valley Health Care District, the design-build procedure described in Chapter 4 (commencing with Section 22160) of Part 3 of Division 2 of the Public Contract Code may be used to assign contracts for the construction of a building or improvements directly related to construction of a hospital or health facility building at the Sonoma Valley Hospital.

(b) For purposes of this section, all references in Chapter 4 (commencing with Section 22160) of Part 3 of Division 2 of the Public Contract Code to "county" and "local agency" shall mean the Sonoma Valley Health Care District and its board of directors.

(c) A hospital building project utilizing the design-build process authorized by subdivision (a) shall be reviewed and inspected in accordance with the standards and requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 (Chapter 1 (commencing with Section 129675) of Part 7 of Division 107).

(d) This section shall become operative January 1, 2025.

*(Repealed (in Sec. 4) and added by Stats. 2014, Ch. 931, Sec. 5. (SB 785) Effective January 1, 2015. Section operative January 1, 2025, by its own provisions.)*

**32132.7.** (a) Notwithstanding Section 32132 or any other law, upon approval by the board of directors of the Last Frontier Health Care District, the design-build procedure described in Chapter 4 (commencing with Section 22160) of Part 3 of Division 2 of the Public Contract Code may be used to assign contracts for the construction of a building or improvements directly related to construction of a hospital or health facility building at the Modoc Medical Center.

(b) For purposes of this section, all references in Chapter 4 (commencing with Section 22160) of Part 3 of Division 2 of the Public Contract Code to "local agency" shall mean the Last Frontier Health Care District and its board of directors.

(c) A hospital building project utilizing the design-build process authorized by subdivision (a) shall be reviewed and inspected in accordance with the standards and requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 (Chapter 1 (commencing with Section 129675) of Part 7 of Division 107).

*(Added by Stats. 2014, Ch. 18, Sec. 2.5. (SB 268) Effective May 29, 2014. Operative on January 1, 2015, when Ch. 931 (SB 785) took effect, as provided in Stats. 2014, Ch. 18, Sec. 4. Note: The version added by Sec. 2 of Stats. 2014, Ch. 18, was previously operative.)*

**32132.8.** (a) Notwithstanding Section 32132 or any other law, upon approval by the board of directors of the Mayers Memorial Hospital District, the design-build procedure described in Chapter 4 (commencing with Section 22160) of Part 3 of Division 2 of the Public Contract Code may be used to assign contracts for the construction of a building or improvements directly related to construction of a hospital or health facility building at the Mayers Memorial Hospital.

(b) For purposes of this section, all references in Chapter 4 (commencing with Section 22160) of Part 3 of Division 2 of the Public Contract Code to "local agency" mean the Mayers Memorial Hospital District and its board of directors.

(c) A hospital building project utilizing the design-build process authorized by subdivision (a) shall be reviewed and inspected in accordance with the standards and requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 (Chapter 1 (commencing with Section 129675) of Part 7 of Division 107).

*(Amended by Stats. 2016, Ch. 86, Sec. 188. (SB 1171) Effective January 1, 2017.)*

**32132.96.** (a) Except as provided in subdivision (b), (c), or (d), a district that is authorized and elects to use the design-build process described in Chapter 4 (commencing with Section 22160) of Part 3 of Division 2 of the Public Contract Code for the construction of housing shall require that at least 20 percent of the residential units constructed be subject to a recorded affordability restriction for at least 55 years and be affordable to all of the following:

(1) Lower income households, as defined in Section 50079.5.

(2) Very low income households, as defined in Section 50105.

(3) Extremely low income households, as defined in Section 50106.

(4) Persons and families of low or moderate income, as defined in Section 50093.

(b) Subdivision (a) shall not apply if the city, county, or city and county in which the district is predominantly located has adopted a local ordinance that requires a greater percentage of the units be affordable to lower income households, very low income households, extremely low income households, and persons and families of low or moderate income.

(c) Subdivision (a) shall not apply to any district that is authorized and elects to use the design-build process described in Chapter 4 (commencing with Section 22160) of Part 3 of Division 2 of the Public Contract Code for the construction of any health facilities or retirement facilities exclusively providing care or supportive services to the elderly, disabled adults, or individuals with dementia, including, but not limited to, residential care facilities for the elderly.

(d) Subdivision (a) shall not apply to any district that is authorized and elects to use the design-build process described in Chapter 4 (commencing with Section 22160) of Part 3 of Division 2 of the Public Contract Code for the construction of workforce housing that is otherwise required by local ordinance.

*(Added by Stats. 2018, Ch. 257, Sec. 2. (AB 2019) Effective January 1, 2019.)*

**32133.** At least once each year the board shall engage the services of a qualified accountant of accepted reputation to conduct an audit of the books of the hospital and prepare a report. A notice of the report shall be published, pursuant to Section 6061 of the Government Code and shall include all of the following:

(a) The date the audit was completed.

(b) The preparer and the executor of the audit.

(c) The location, including address, of the file for public inspection.

(d) The website link to the audit report on the district's internet website.

(e) A summary of any material findings or declaration of no material findings.

*(Amended by Stats. 2021, Ch. 224, Sec. 5. (SB 813) Effective January 1, 2022.)*

**32134.** The effective date of any contract entered into for the construction and leasing of any hospital building or facilities shall be the date of execution of said lease notwithstanding the fact that said lease may be later amended.

*(Added by Stats. 1957, Ch. 539.)*

**32136.** The board of directors may, without following the bidding provisions in Section 32132 hereof, let contracts for work to be done or for materials and supplies to be furnished, sold or leased to the district, if it first determines that an emergency exists warranting such expenditure due to fire, flood, storm, epidemic, or other disaster and is necessary to protect the public health, safety, welfare, or property.

*(Added by Stats. 1959, Ch. 1081.)*

**32137.** The board of directors may, by resolution, change the name of the district. The change in the name of the district shall be effective upon the filing of a verified copy of the resolution with the county clerk of the county or counties in which the hospital district lies.

*(Amended by Stats. 1998, Ch. 829, Sec. 42. Effective January 1, 1999.)*

**32138.** (a) The board of directors shall acquire electronic data processing and telecommunications goods and services with a cost to the district of more than twenty-five thousand dollars ($25,000) through competitive means, except when the board determines either that (1) the goods and services proposed for acquisition are the only goods and services which can meet the district's need, or (2) the goods and services are needed in cases of emergency where immediate acquisition is necessary for the protection of the public health, welfare, or safety.

(b) As used in this section, "competitive means" includes any appropriate means specified by the board, including, but not limited to, the preparation and circulation of a request for a proposal to an adequate number of qualified sources, as determined by the board in its discretion, to permit reasonable competition consistent with the nature and requirements of the proposed acquisition.

(c) When the board awards a contract through competitive means pursuant to this section, the contract award shall be based on the proposal which provides the most cost-effective solution to the district's requirements, as determined by the evaluation criteria specified by the board. The evaluation criteria may provide for the selection of a vendor on an objective basis other than cost alone.

*(Amended by Stats. 1992, Ch. 1358, Sec. 5. Effective January 1, 1993.)*

**32139.** The board of directors shall do all of the following:

(a) Adopt an annual budget in a public meeting, on or before September 1 of each year, that conforms to generally accepted accounting and budgeting procedures for special districts.

(b) Establish and maintain an Internet Web site that lists contact information for the district. The Internet Web site shall also list all of the following:

(1) The adopted budget.

(2) A list of current board members.

(3) Information regarding public meetings required pursuant to Section 32106 or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(4) A municipal service review or special study conducted by a local agency formation commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code), if any. The board may comply with this paragraph by posting a link on its Internet Web site to another government Internet Web site that contains the specified information.

(5) Recipients of grant funding or assistance provided by the district, if any.

(6) Audits of the district's accounts and records pursuant to Section 26909 of the Government Code or Section 32133 of this code. The board may comply with this paragraph by posting a link on its Internet Web site to another government Internet Web site that contains the specified information.

(7) Annual financial reports to the Controller, submitted pursuant to Section 53890 of the Government Code. The board may comply with this paragraph by posting a link on its Internet Web site to another government Internet Web site that contains the specified information.

(8) The district's policy for providing assistance or grant funding described in subdivision (c).

(9) Any other information the board deems relevant.

(c) Adopt annual policies for providing assistance or grant funding, if the district provides assistance or grants pursuant to Section 32126.5 or any other law. This policy shall include all of the following:

(1) A nexus between the allocation of assistance and grant funding with health care and the mission of the district.

(2) A process for the district to ensure allocated grant funding is spent consistently with the grant application and the mission and purpose of the district, including, but not limited to, requirements that a grant recipient must meet, such as grant contract terms and conditions, fiscal and programmatic monitoring by the district, and reporting to the district.

(3) The district's plan for distributing grant funds for each fiscal year.

(4) A process for providing, accepting, and reviewing grant applications.

(5) A prohibition against individual meetings regarding grant applications between a grant applicant and a district board member, officer, or staff outside of the district's established grant awards process. A district's established grant awards process may include the provision of technical assistance to grant applicants, upon request, by district grant program staff.

(6) Beginning January 1, 2020, guidelines for all of the following:

(A) Awarding grants to underserved individuals and communities, and to organizations that meet the needs of underserved individuals and communities.

(B) Considering the circumstances under which grants may be awarded to multiple or single recipients, and exceptions to these circumstances.

(C) Evaluating the financial need of grant applicants.

(D) Considering the types of programs eligible for grant funding, including direct patient care, preventive care, and wellness programs.

(E) Considering the circumstances under which grants may be provided to prior grant recipients, and exceptions to these circumstances.

(F) Considering sponsorships of charitable events.

(G) Funding other government agencies.

(H) Awarding grants to, and limiting funds for, foundations that are sponsored or controlled by, or associated with, a separate grant recipient.

*(Amended by Stats. 2018, Ch. 257, Sec. 3. (AB 2019) Effective January 1, 2019.)*

**32140.** Upon filing a petition under federal bankruptcy law, the board of directors shall provide written notice within 10 business days to the local agency formation commission of the principal county in which it is located.

*(Added by Stats. 2018, Ch. 257, Sec. 4. (AB 2019) Effective January 1, 2019.)*