



SUMMARY OF PROCEEDINGS

KERN COUNTY HOSPITAL AUTHORITY BOARD OF GOVERNORS

**Kern Medical
1700 Mount Vernon Avenue
Conference Room 1058
Bakersfield, California 93306**

Regular Meeting
Wednesday, November 16, 2016

11:30 A.M.

BOARD RECONVENED

Directors present: Berjis, Bigler, McGauley, McLaughlin, Nilon, Pelz
Directors absent: Sistrunk

NOTE: The vote is displayed in bold below each item. For example, Nilon-McLaughlin denotes Director Nilon made the motion and Vice Chair McLaughlin seconded the motion.

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM NO. 24: MADE FINDING THAT THE NEED TO TAKE ACTION ON A NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED ON NOVEMBER 11, 2016. THE AUTHORITY RECEIVED A WRITTEN COMMUNICATION FROM A POTENTIAL PLAINTIFF THREATENING LITIGATION AFTER THE AGENDA WAS POSTED. THE DEADLINE TO RESPOND IS PRIOR TO THE DATE OF THE NEXT BOARD OF GOVERNORS MEETING ON DECEMBER 14, 2016. ACCORDINGLY, NOVEMBER 16, 2016 IS THE LAST DAY FOR THE BOARD TO BE UPDATED IN CLOSED SESSION PRIOR TO THE NEXT MEETING –

Nilon-McLaughlin: 6 Ayes; 1 Absent - Sistrunk

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: ALL ITEMS LISTED WITH A "CA" WERE CONSIDERED TO BE ROUTINE AND APPROVED BY ONE MOTION.

BOARD ACTION SHOWN IN CAPS

NOTE: CHIEF FINANCIAL OFFICER ANDREW CANTU ARRIVED AT 11:38 A.M., AFTER THE VOTE ON THE CONSENT AGENDA

PUBLIC PRESENTATIONS

- 1) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. **SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE AND SPELL YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU!**
NO ONE HEARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 2) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Government Code section 54954.2(a)(2))

DIRECTOR NILON EXPRESSED HIS GRADITUDE FOR THE CARE HIS FAMILY EXPERIENCED DURING A RECENT HOSPITAL STAY AT KERN MEDICAL AND ENCOURAGED STAFF TO CONTINUE DOING GREAT WORK

ITEMS FOR CONSIDERATION

- 3) Presentation by Kern County Hospital Authority Chief Executive Officer Russell V. Judd recognizing Kern Medical SHOUT OUT! employees for the period July 1, 2016, 2016 through October 31, 2016 –
MADE PRESENTATION

CA

- 4) Minutes for Kern County Hospital Authority Board of Governors regular meeting on October 19, 2016 –
APPROVED
Nilon-McLaughlin: 6 Ayes; 1 Absent - Sistrunk

CA

- 5) Proposed Amendment No. 9 to Agreement 1038-2009 with Medsphere Systems Corporation, an independent contractor, for implementation and maintenance of the OpenVista® electronic medical record and related applications, extending the term for three years from November 16, 2016 through November 15, 2019, and increasing the maximum payable by \$2,399,232, to cover the extended term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 2016-077
Nilon-McLaughlin: 6 Ayes; 1 Absent - Sistrunk

CA

- 6) Proposed retroactive Amendment No. 1 to Agreement 358-2015 with Mercer (US) Inc., an independent contractor, for human resources consulting services, extending the term for one year from June 9, 2017 through June 8, 2018, adding statement of work for benchmarking of management positions and rewards programs for the development of compensation strategies, and increasing the maximum payable by \$320,000, from \$200,000 to \$520,000, to cover the additional services –
APPROVED; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN STATEMENT OF WORK; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 2016-078 SUBJECT TO APPROVAL AS TO FORM BY COUNSEL
Nilon-McLaughlin: 6 Ayes; 1 Absent - Sistrunk

CA

- 7) Proposed retroactive Amendment No. 1 to Agreement 662-2016 with the County of Kern, as represented by the Kern County Public Health Services Department-Emergency Medical Services Division, for designation of Kern Medical Center as a Level II trauma center from July 1, 2016 through June 30, 2019, in an amount not to exceed \$420,339 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 2016-079
Nilon-McLaughlin: 6 Ayes; 1 Absent - Sistrunk

CA

- 8) Proposed Amendment No. 1 to Agreement 03116 with the County of Kern for lease of a portion of the Public Services Building at 2700 "M" Street, Bakersfield, California 93301, clarifying the terms of the monthly operations fee –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 2016-080
Nilon-McLaughlin: 6 Ayes; 1 Absent - Sistrunk

CA

- 9) Proposed Amendment No. 8 to Agreement 042-2015 with Cantu Management Group, Inc., an independent contractor, for Chief Financial Officer and healthcare financial management services, adding certain terms to provide for the hiring of additional staff at cost plus benefits, and increasing the maximum payable by \$4,236,774, from \$12,643,914 to \$16,880,688, to cover the additional expenses –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 2016-081
Nilon-McLaughlin: 6 Ayes; 1 Absent - Sistrunk

CA

- 10) Proposed Amendment No. 1 to Agreement 07616 with KSA Group Architects, an independent contractor, for engineering and architectural services, increasing the maximum payable by \$200,000, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 2016-082
Nilon-McLaughlin: 6 Ayes; 1 Absent - Sistrunk

CA

- 11) Proposed Amendment No. 1 to Agreement 487-2012 with Martin L. Goldman, M.D., a contract employee, for professional medical and administrative services in the Department of Radiology, increasing the annual salary by \$25,000, from \$425,000 to \$450,000, adding payment for excess call coverage, and increasing the maximum payable by \$250,000, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 2016-083
Nilon-McLaughlin: 6 Ayes; 1 Absent - Sistrunk

CA

- 12) Proposed Amendment No. 3 to Agreement 1048-2010 with Total Renal Care, Inc., an independent contractor, for dialysis services, extending the term for three years from December 1, 2016 through November 30, 2019, and increasing the maximum payable by \$1,200,000, to cover the extended term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 2016-084
Nilon-McLaughlin: 6 Ayes; 1 Absent - Sistrunk

CA

- 13) Proposed Amendment No. 7 to Agreement 1324502 with Vantage Technology Consulting Group, an independent contractor, for construction management services related to completion of the B wing emergency power project and IDF closet upgrades, increasing the maximum payable by \$48,250, to cover the additional services –
MADE FINDING PROJECT IS EXEMPT FROM FURTHER CEQA REVIEW PER SECTIONS 15301 AND 15061(b)(3) OF STATE CEQA GUIDELINES; APPROVED;
AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 2016-085
Nilon-McLaughlin: 6 Ayes; 1 Absent - Sistrunk

CA

- 14) Proposed retroactive Agreement with Black Hall Construction, Inc., an independent contractor, for construction services related to the D wing decommission project, effective October 27, 2016, in an amount not to exceed \$311,039 –
MADE FINDING PROJECT IS EXEMPT FROM FURTHER CEQA REVIEW PER SECTIONS 15301 AND 15061(b)(3) OF STATE CEQA GUIDELINES; APPROVED;
AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 2016-086
Nilon-McLaughlin: 6 Ayes; 1 Absent - Sistrunk

CA

- 15) Report on quarterly expenditures authorized by Kern County Hospital Authority Chief Executive Officer –
RECEIVED AND FILED
Nilon-McLaughlin: 6 Ayes; 1 Absent - Sistrunk

CA

- 16) Kern County Hospital Authority Chief Executive Officer report -
RECEIVED AND FILED
Nilon-McLaughlin: 6 Ayes; 1 Absent - Sistrunk
- 17) Kern County Hospital Authority Chief Financial Officer report -
RECEIVED AND FILED
Pelz-McGauley: 6 Ayes; 1 Absent - Sistrunk

CA

- 18) Claims and Lawsuits Filed as of October 31, 2016 –
RECEIVED AND FILED
Nilon-McLaughlin: 6 Ayes; 1 Absent - Sistrunk

ADJOURNED TO CLOSED SESSION
McGauley-Nilon

CLOSED SESSION

- 19) Request for Closed Session regarding peer review of health facilities
(Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 20) Request for Closed Session regarding peer review of health practitioners
(Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 21) CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives:
Chief Deputy County Counsel Karen S. Barnes and designated staff - Unrepresented
Employee: Kern County Hospital Authority Chief Executive Officer (Government Code
Section 54957.6) – SEE RESULTS BELOW
- 22) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Chief Executive Officer
(Government Code Section 54957) – SEE RESULTS BELOW
- 23) Request for Closed Session for the purpose of discussion or taking action on authority
trade secrets (Health and Safety Code Section 101855(e)(1)) – SEE RESULTS
BELOW
- 24) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government
Code Section 54956.9(d)(2), (e)(3).) Number of cases: Two (2) Significant exposure
to litigation in the opinion of the Board of Governors on the advice of legal counsel,
based on: The receipt of a claim pursuant to the Government Claims Act or some
other written communication from a potential plaintiff threatening litigation, which non-
exempt claim or communication is available for public inspection – SEE RESULTS
BELOW

RECONVENED FROM CLOSED SESSION

Pelz-McGauley

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item No. 19 concerning a Request for Closed Session regarding peer review of health facilities (Health and Safety Code Section 101855(j)(2)) – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 20 concerning a Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) – HEARD; BY A UNANIMOUS VOTE OF THOSE DIRECTORS PRESENT (1 ABSENT - SISTRUNK), THE BOARD APPROVED ALL PROVIDERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, RELEASE OF PROCTORING, ADDITIONAL PRIVILEGES, AND VOLUNTARY RESIGNATION OF PRIVILEGES; DIRECTOR BERJIS ABSTAINED FROM VOTING ON HIMSELF; NO OTHER REPORTABLE ACTION TAKEN

Item No. 21 concerning CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Chief Deputy County Counsel Karen S. Barnes and designated staff - Unrepresented Employee: Kern County Hospital Authority Chief Executive Officer (Government Code Section 54957.6) – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 22 concerning PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Chief Executive Officer (Government Code Section 54957) – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 23 concerning a Request for Closed Session for the purpose of discussion or taking action on authority trade secrets (Health and Safety Code Section 101855(e)(1)) – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 24 concerning CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2), e(3).) Number of cases: Two (2) Significant exposure to litigation in the opinion of the Board of Governors on the advice of legal counsel, based on: The receipt of a claim pursuant to the Government Claims Act or some other written communication from a potential plaintiff threatening litigation, which non-exempt claim or communication is available for public inspection – HEARD; NO REPORTABLE ACTION TAKEN

ADJOURNED TO WEDNESDAY, DECEMBER 14, 2016 AT 11:30 A.M.

McLaughlin



/s/ Raquel D. Fore
Authority Board Coordinator



/s/ Russell E. Bigler
Chairman, Board of Governors
Kern County Hospital Authority