



SUMMARY OF PROCEEDINGS

KERN COUNTY HOSPITAL AUTHORITY BOARD OF GOVERNORS

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

Regular Meeting
Wednesday, July 19, 2023

11:30 A.M.

BOARD RECONVENED

Board Members: Alsop, Berjis, Bigler, Brar, McLaughlin, Pelz, Pollard
Roll Call: 5 Present; 2 Absent - Brar, McLaughlin

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

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

BOARD ACTION SHOWN IN CAPS

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. In addition, 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!**

GEORGE PFISTER HEARD REGARDING THE TIMELINE AND FINANCIAL IMPLICATIONS OF SEISMIC RETROFIT OF KERN MEDICAL CENTER; CHIEF EXECUTIVE OFFICER SCOTT THYGERSON RESPONDED REGARDING THE HISTORY OF HOSPITAL SEISMIC RETROFIT IN CALIFORNIA

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 BERJIS REPORTED ON THE RECENT ACHIEVEMENTS IN GRADUATE MEDICAL EDUCATION DURING THE LAST ACADEMIC YEAR INCLUDING THE RESIDENT/FELLOW GRADUATION, THE NUMBER OF GRADUATES WHO PLAN TO STAY IN KERN COUNTY, AND THE START OF THE LARGEST CLASS OF RESIDENTS AND FELLOWS IN KERN MEDICAL CENTER HISTORY ON JULY 1, 2023

ITEMS FOR CONSIDERATION

CA

- 3) Minutes for the Kern County Hospital Authority Board of Governors regular meeting on June 21, 2023 and special meeting on June 29, 2023 –
APPROVED
Pollard-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin

CA

- 4) Proposed retroactive Personal/Professional Services Agreement with Patton Sheet Metal Works, Inc., doing business as Patton Air Conditioning, an independent contractor, for H/VAC mechanical system maintenance and repairs, from July 14, 2023 through July 13, 2026, in an amount not to exceed \$950,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 088-2023
Pollard-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin

CA

- 5) Proposed Amendment No. 1 to Personal/Professional Services Agreement 55521 with Skarphol/Frank Associates, formally known as Paul Skarphol, doing business as Skarphol Associates, an independent contractor, for architectural/engineering services for major maintenance and capital projects, for the period November 19, 2021 through November 18, 2024, increasing the maximum payable by \$250,000, from \$250,000 to \$500,000, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 089-2023
Pollard-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin

CA

- 6) Proposed Agreement with Mountain West Builders, Inc, an independent contractor, for construction services related to laboratory modifications, effective July 19, 2023, in an amount not to exceed \$148,020 –
MADE FINDING THAT THE PROJECT IS EXEMPT FROM FURTHER CEQA REVIEW PER SECTIONS 15301, 15302 AND 15061(b)(3) OF STATE CEQA GUIDELINES; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 090-2023; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF \$134,564

Pollard-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin

CA

- 7) Proposed Master Lease Schedule No, 682210 to Agreement 053-2018 with Presidio Technology Capital, LLC, an independent contractor, for the lease of core network switches to support Philips Telemetry and Novarad PACS Radiology Imaging Core Systems, from August 1, 2023 through July 31, 2028, in an amount not to exceed \$7,318,974 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 091-2023

Pollard-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin

CA

- 8) Proposed Addendum to Agreement 078-2018 with UBEO West, LLC, formally known as Ray A Morgan Company, an independent contractor, containing nonstandard terms and conditions, for the period April 20, 2019 through April 19, 2024, for purchase of additional IT equipment in an amount not to exceed \$6,550 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 092-2023

Pollard-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin

CA

- 9) Proposed Agreement with CareFusion Solutions, LLC, doing business as MedKeeper, an independent contractor, for pharmacy compliance and operations software from July 19, 2023 through July 18, 2028, in an amount not to exceed \$160,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 093-2023

Pollard-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin

CA

- 10) Proposed Service Agreement with Morrison Management Specialists, Inc., an independent contractor, for dietary and nutrition services from August 1, 2023 through July 31, 2028, in an amount estimated not to exceed \$9,800,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 094-2023

Pollard-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin

CA

- 11) Proposed retroactive Service Contract with Sciton, Inc., an independent contractor, containing nonstandard terms and conditions, for laser device repairs, for a term of one year from May 17, 2023 through May 16, 2024, in an amount not to exceed \$22,454, and rescission of Agreement 063-2023, dated May 17, 2023 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 095-2023

Pollard-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin

- CA
12) Proposed retroactive Amendment No. 2 to the Memorandum of Understanding 062-2021 with Kern Behavioral Health and Recovery Services, an independent contractor, for mental health services, for the period July 1, 2022 through June 30, 2024, to delineate responsibility for transportation, credentialing and ECT services, effective December 6, 2022, and rescission of Amendment 085-2023, dated June 21, 2023 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 096-2023
Pollard-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin
- CA
13) Update on Section 218 Election of the Social Security Act –
RECEIVED AND FILED
Pollard-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin
- CA
14) Proposed Compliance Program for Fiscal Year 2023-2024 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 097-2023
Pollard-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin
- CA
15) Proposed Agreement with C-S and J Pathology Medical Group, Inc., an independent contractor, containing nonstandard terms and conditions, for professional medical services in the Department of Pathology from July 19, 2023 through July 18, 2024, in an amount not to exceed \$20,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 098-2023
Pollard-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin

NOTE: CHIEF EXECUTIVE OFFICER SCOTT THYGERSON LEFT THE ROOM PRIOR TO THE DISCUSSION ON AGENDA ITEM 16 AND DID NOT RETURN UNTIL AFTER THE DISCUSSION AND VOTE ON ITEM 16

- 16) Proposed Agreement with Alton Scott Thygeron, a contract employee, for services as chief executive officer of Kern County Hospital Authority for an initial term of three years, effective July 19, 2023, with an option to renew for one additional term of two years, in an amount not to exceed \$1,970,261 during the initial term and \$1,377,533 during the renewal term, with total compensation not to exceed \$3,347,794 over the term, plus applicable benefits –
VICE PRESIDENT & GENERAL COUNSEL KAREN S. BARNES MADE PRESENTATION; DIRECTORS ALSOP, BERJIS, BIGLER, AND POLLARD HEARD IN SUPPORT OF HIRING CHIEF EXECUTIVE OFFICER ALTON SCOTT THYGERSON AS AN EMPLOYEE OF KERN COUNTY HOSPITAL AUTHORITY; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 099-2023
Alsop-Berjis: 5 Ayes; 2 Absent - Brar, McLaughlin
- 17) Kern County Hospital Authority Chief Executive Officer report –
CHIEF EXECUTIVE OFFICER SCOTT THYGERSON ANNOUNCED THIS IS DIRECTOR ALSOP'S LAST MEETING AND THANKED HIM FOR HIS SERVICE ON THE BOARD OF GOVERNORS; DIRECTOR ALSOP EXPRESSED HIS APPRECIATION AND OPPORTUNITY TO SERVE; RECEIVED AND FILED
Berjis-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin

- 18) Kern County Hospital Authority Chief Financial Officer report –
CHIEF FINANCIAL OFFICER ANDREW CANTU MADE PRESENTATION; DIRECTORS
BIGLER AND PELZ HEARD; RECEIVED AND FILED
Pollard-Alsop: 5 Ayes; 2 Absent - Brar, McLaughlin

CA

- 19) Monthly report on What's Happening at Kern Medical Center –
RECEIVED AND FILED
Pollard-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin

CA

- 20) Miscellaneous Correspondence –
RECEIVED AND FILED
Pollard-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin

CA

- 21) Claims and Lawsuits Filed as of June 30, 2023 –
RECEIVED AND FILED
Pollard-Pelz: 5 Ayes; 2 Absent - Brar, McLaughlin

ADJOURNED TO CLOSED SESSION

Berjis-Pollard

CLOSED SESSION

- 22) Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 23) Request for Closed Session regarding peer review of health facilities (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 24) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(Government Code Section 54956.9(d)(2) & (e)(2)) Number of cases: One (1) Significant exposure to litigation in the opinion of the Board of Governors on the advice of legal counsel, based on: Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the Authority and that are known to a potential plaintiff or plaintiffs. Facts and circumstances are as follows: Meridian Healthcare Partners, Inc. – SEE RESULTS BELOW
- 25) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Service Employees International Union, Local 521 Plaintiff/Petitioner, v. Kern County Hospital Authority, Kern Medical Surgery Center, LLC, and DOES 1-25, Defendants/ Respondents, Kern County Superior Court Case No. BCV-22-101782 JEB – SEE RESULTS BELOW
- 26) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Service Employees International Union, Local 521, Charging Party, v. Kern County Hospital Authority, Respondent, Public Employment Relations Board Case No. LA-CE-1580-M – SEE RESULTS BELOW

- 27) CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Chief Executive Officer Scott Thygerson, and designated staff - Employee organizations: Service Employees International Union, Local 521 (Government Code Section 54957.6) – SEE RESULTS BELOW
- 28) CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Vice President & General Counsel Karen S. Barnes, and designated staff - Unrepresented Employees (Government Code Section 54957.6) – SEE RESULTS BELOW

RECONVENED FROM CLOSED SESSION

Alsop-Berjjs

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item 22 for Closed Session concerning peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) – HEARD; BY A UNANIMOUS VOTE OF THOSE DIRECTORS PRESENT (MOTION BY DIRECTOR PELZ, SECOND BY DIRECTOR POLLARD; 2 ABSENT - DIRECTORS BRAR MCLAUGHLIN), THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, RELEASE OF PROCTORING, REQUEST FOR REVISION OF PRIVILEGES, CHANGE IN STAFF STATUS, AND VOLUNTARY RESIGNATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

Item 23 concerning Request for Closed Session regarding peer review of health facilities (Health and Safety Code Section 101855(j)(2)) – HEARD; NO REPORTABLE ACTION TAKEN

Item 24 concerning CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2) & (e)(2)) Number of cases: One (1) Significant exposure to litigation in the opinion of the Board of Governors on the advice of legal counsel, based on: Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the Authority and that are known to a potential plaintiff or plaintiffs. Facts and circumstances are as follows: Meridian Healthcare Partners, Inc. – HEARD; NO REPORTABLE ACTION TAKEN

Item 25 concerning CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Service Employees International Union, Local 521 Plaintiff/Petitioner, v. Kern County Hospital Authority, Kern Medical Surgery Center, LLC, and DOES 1-25, Defendants/ Respondents, Kern County Superior Court Case No. BCV-22-101782 JEB – HEARD; NO REPORTABLE ACTION TAKEN

Item 26 concerning CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Service Employees International Union, Local 521, Charging Party, v. Kern County Hospital Authority, Respondent, Public Employment Relations Board Case No. LA-CE-1580-M – HEARD; NO REPORTABLE ACTION TAKEN

Item 27 concerning CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Chief Executive Officer Scott Thygerson, and designated staff - Employee organizations: Service Employees International Union, Local 521 (Government Code Section 54957.6) – HEARD; NO REPORTABLE ACTION TAKEN

Item 28 concerning CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Vice President & General Counsel Karen S. Barnes, and designated staff - Unrepresented Employees (Government Code Section 54957.6) – HEARD; NO REPORTABLE ACTION TAKEN

ADJOURNED TO WEDNESDAY, AUGUST 16, 2023 AT 11:30 A.M.

Pollard



/s/ Mona A. Allen
Authority Board Coordinator



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