



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, August 16, 2023

11:30 A.M.

BOARD RECONVENED

Board Members: Berjis, Bigler, McLaughlin, Pelz, Pollard, Zervis
Roll Call: 4 Present; 2 Absent - McLaughlin, Pollard

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

NOTE: DIRECTOR POLLARD JOINED THE MEETING 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. 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!**
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)) –
NO ONE HEARD

RECOGNITION

- 3) Presentation by the Chief Executive Officer recognizing the appointment of James L. Zervis, Kern County Chief Administrative Officer, to the Kern County Hospital Authority Board of Governors –
CHIEF EXECUTIVE OFFICER SCOTT THYGERSON RECOGNIZED THE APPOINTMENT OF DIRECTOR ZERVIS TO THE BOARD OF GOVERNORS; CHAIRMAN BIGLER AND DIRECTOR BERJIS WELCOMED DIRECTOR ZERVIS; DIRECTOR ZERVIS HEARD REGARDING HIS APPOINTMENT

ITEMS FOR CONSIDERATION

CA

- 4) Minutes for the Kern County Hospital Authority Board of Governors regular meeting on July 19, 2023 –
APPROVED
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard

CA

- 5) Proposed Agreement with Mohammed A. S. Molla, M.D., a contract employee, for professional medical and administrative services in the Department of Psychiatry from August 16, 2023 through August 15, 2028, in an amount not to exceed \$3,000,000, plus applicable benefits –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 100-2023
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard

CA

- 6) Proposed Agreement with John B. Schlaerth, M.D., A Medical Corporation, an independent contractor, for professional medical services in the Department of Obstetrics and Gynecology from September 1, 2023 through August 31, 2025, in an amount not to exceed \$800,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 101-2023
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard

CA

- 7) Proposed Personal/Professional Services Agreement with Aspen Street Architects, Inc., an independent contractor, for analysis and report in compliance with the non-structural evaluation required by Senate Bill 1953, Seismic and Compliance Safety Act and 2022 applicable law from August 16, 2023 through August 15, 2026, in an amount not to exceed \$550,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 102-2023
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard

CA

- 8) Proposed Agreement with McMurtrey Lince, Inc., an independent contractor, for HVAC replacement services, effective August 16, 2023, in an amount not to exceed \$350,384 – MADE A FINDING 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 103-2023; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF THE TOTAL CONTRACT PRICE
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard

CA

- 9) Proposed Agreement with James E. Thompson, Inc., doing business at JTS Construction, an independent contractor, for construction services related to installation of two HVAC units, effective August 16, 2023, in an amount not to exceed \$172,500 – MADE A FINDING 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 104-2023; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF THE TOTAL CONTRACT PRICE
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard

CA

- 10) Proposed retroactive Personal/Professional Services Agreement with G.L. Bruno Construction, Inc., an independent contractor, for emergency HVAC repair and maintenance services from July 21, 2023 through July 20, 2026, in an amount not to exceed \$450,000 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 105-2023
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard

CA

- 11) Proposed retroactive Rental Contract with H&E Equipment Services, Inc., an independent contractor, containing nonstandard terms and conditions, for rental equipment for the Emergency Temporary Air Handler project, in an amount not to exceed \$1,871 – MADE A FINDING 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 106-2023
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard

CA

- 12) Proposed Agreement with Teleflex, LLC, an independent contractor, containing nonstandard terms and conditions, for purchase of urology surgical supplies, effective August 16, 2023, in an amount not to exceed \$120,000 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 107-2023
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard

CA

- 13) Proposed retroactive Amendment No. 1 to Kern County Hospital Authority Defined Contribution Plan for Management, Mid-Management and Confidential Employees, amending the Adoption Agreement with Voya Institutional Trust Company, an independent contractor, to permit recognition of service with other employers for vesting purposes only, effective July 1, 2023 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 108-2023
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard

CA

- 14) Proposed Value Rental Supplement to Addendum to Agreement 078-2018 with UBEO West, LLC, an independent contractor, approved at the regular meeting on July 19, 2023 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 111-2023; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN FOR RECEIPT OF DELIVERY OF EQUIPMENT
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard

CA

- 15) Proposed Presidio Technology Capital Financing Application for State and Local Government in support of Master Lease Schedule 682210 with Presidio Technology Capital, LLC, an independent contractor, approved at the regular meeting on July 19, 2023 – APPROVED; ADOPTED RESOLUTION 2023-008; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 112-2023; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN FURTHER LEASE DOCUMENTS SUBJECT TO APPROVAL AS TO FORM BY COUNSEL
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard

CA

- 16) Proposed Price Change and Renewal Amendment to the Master Customer Agreement 16016 with Experian Health, Inc., an independent contractor, containing nonstandard terms and conditions, for the period September 14, 2016 through September 13, 2023, for revenue cycle support, extending the term for three years from September 14, 2023 through September 13, 2026, and increasing the maximum payable by \$285,840, from \$802,812 to \$1,088,652, to cover the term – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 113-2023
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard

CA

- 17) Proposed Agreement with Hamilton Medical, Inc., an independent contractor, for purchase of medical ventilators from August 16, 2023 through August 15, 2028, in an amount not to exceed \$1,000,000 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 114-2023
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard

CA)

- 18) Proposed retroactive Side Letter of Agreement to Memorandum of Understanding 042-2021 with Committee of Interns and Residents/Service Employees International Union 1957, for the period July 1, 2021 through June 30, 2024, to permit resident physicians to seek reimbursement from the Educational Fund to supplement the remaining 50% of the fee to cover the cost of USMLE Step 3 or COMLEX-USA licensing examination, effective July 1, 2022 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 115-2023
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard

CA)

- 19) Proposed retroactive Personal/Professional Services Agreement with McMurtrey Lince, Inc., an independent contractor, for general construction services and maintenance related to the CT scan trailer from May 1, 2023 through April 30, 2026, in an amount not to exceed \$450,000 – MADE A FINDING 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 116-2023
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard

NOTE: CHIEF EXECUTIVE OFFICER SCOTT THYGERSON, CHIEF MEDICAL OFFICER GLENN GOLDIS, M.D., CHIEF OPERATING OFFICER TYLER WHITEZELL, CHIEF AMBULATORY AND OUTREACH OFFICER RENEE VILLANUEVA, CHIEF STRATEGY OFFICER NATALEE GARRETT, VICE PRESIDENT HUMAN RESOURCES LISA HOCKERSMITH, AND EXECUTIVE ASSISTANT AND AUTHORITY BOARD COORDINATOR MONA ALLEN LEFT THE ROOM PRIOR TO THE DISCUSSION ON AGENDA ITEM 20 AND DID NOT RETURN UNTIL AFTER THE DISCUSSION AND VOTE ON ITEM 20

- 20) Proposed Agreement with Meridian Healthcare Partners, Inc., an independent contractor, to terminate Agreement 012-2021 for healthcare consulting and executive management services including supervision and management of the day-to-day operations of Kern Medical Center, effective August 31, 2023, in an amount not to exceed \$850,000 – VICE PRESIDENT & GENERAL COUNSEL KAREN S. BARNES MADE PRESENTATION; CHAIRMAN BIGLER AND DIRECTOR POLLARD HEARD IN SUPPORT OF TERMINATING THE AGREEMENT WITH MERIDIAN HEALTHCARE PARTNERS, INC. AND THANKED MERIDIAN FOR ITS SERVICE AND THE TURNAROUND OF KERN MEDICAL CENTER; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 117-2023
Pollard-Berjis: 5 Ayes; 1 Absent - McLaughlin
- 21) Kern County Hospital Authority Chief Financial Officer report – CHIEF FINANCIAL OFFICER ANDREW CANTU MADE PRESENTATION; DIRECTOR PELZ HEARD REGARDING DECREASE OF DAYS IN ACCOUNTS RECEIVABLE; DIRECTOR ZERVIS HEARD REGARDING LEVEL OF INDIGENT FUNDING; RECEIVED AND FILED
Pelz-Pollard: 5 Ayes; 1 Absent - McLaughlin
- 22) Kern County Hospital Authority Chief Executive Officer report – CHIEF EXECUTIVE OFFICER SCOTT THYGERSON MADE PRESENTATION; RECEIVED AND FILED
Berjis-Pelz: 5 Ayes; 1 Absent - McLaughlin
- CA
23) Monthly report on What's Happening at Kern Medical Center – RECEIVED AND FILED
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard
- CA
24) Miscellaneous Correspondence – RECEIVED AND FILED
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard
- CA
25) Claims and Lawsuits Filed as of July 31, 2023 – RECEIVED AND FILED
Pelz-Berjis: 4 Ayes; 2 Absent - McLaughlin, Pollard

ADJOURNED TO CLOSED SESSION
Berjis-Pollard

CLOSED SESSION

- 26) Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 27) 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
- 28) 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
- 29) 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
- 30) CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Chief Executive Officer Scott Thygerson, and designated staff - Unrepresented Employees (Government Code Section 54957.6) – SEE RESULTS BELOW

RECONVENED FROM CLOSED SESSION

Pollard-Zervis

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item 26 concerning 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 (MOTION BY DIRECTOR BERJIS, SECOND BY DIRECTOR POLLARD); 1 ABSENT - DIRECTOR MCLAUGHLIN), THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, RELEASE OF PROCTORING, REQUEST FOR REVISION OF PRIVILEGES, CHANGE IN STAFF STATUS, VOLUNTARY RESIGNATION OF PRIVILEGES, AND AUTOMATIC TERMINATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

Item 27 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 28 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 29 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 30 concerning CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Chief Executive Officer Scott Thygerson, and designated staff - Unrepresented Employees (Government Code Section 54957.6) – HEARD; NO REPORTABLE ACTION TAKEN

ADJOURNED TO WEDNESDAY, SEPTEMBER 20, 2023 AT 11:30 A.M.

Zervis



/s/ Mona A. Allen
Authority Board Coordinator



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