



July 12, 2024

2023-2024 Kern County Grand Jury
c/o Foreperson Melissa H. Brown
1415 Truxtun Avenue, Suite 600
Bakersfield, CA 93301

Dear Grand Jury Foreperson Brown:

The East Kern Health Care District has received the 2023-2024 Kern County Grand Jury's Report, titled "East Kern Health Care District – *Rural Health Care Crisis!*"

The Board has considered the report with attention and regard for the work the Grand Jury has done on behalf of our community, and with gratitude for the time each of the esteemed members of the Grand Jury has spent thoughtfully considering the ways in which the District can improve.

The Grand Jury's report provided our Board with important and timely considerations that impact many of those who live here. This thorough examination of health care in our rural area brings needed attention to the critical issues our community is facing.

We acknowledge the findings presented in the report and take them seriously. Our District is committed to upholding the highest standards of integrity, transparency, and accountability throughout all areas of our work, including this response. To that end, we initiated meaningful conversations on our Board, have wrapped in expert government consultants, and have re-committed to engaging with all our stakeholders.

While we have taken to heart the Grand Jury's recommendations and are responding to them now, we will also continue this reflective process to ensure our practices are aligned with all legal requirements and, beyond that, the best practices that are intended to provide transparency.

The Board has reviewed the report's recommendations and have found nearly all of them to have important merit. In the spirit of continuous improvement, we intend to follow through with those noted in the enclosed response, and moreover, we intend to provide updates on our progress twice yearly.

Thank you for the valuable opportunity you've given EKHCD to improve our health care operations and administration. We appreciate the Grand Jury's dedication to the well-being of our community.

Sincerely,

Karen Macedonio, President
EKHCD

East Kern Health Care District – Board of Directors’ Responses to the 2023-2024 Kern County Grand Jury Report “East Kern Health Care District – *Rural Health Care Crisis!*”

EKHCD Responses to FINDINGS

F1. *The EKHCD Board Meeting agendas are posted in a timely manner on their website. Meetings are held in a small office on North Loop Boulevard and made accessible via Zoom. Unfortunately, the live audio-visual feed is poor quality and does not show all Board Members participating in the meeting. The audio-visual shortcomings can be distracting and frustrating, therefore making the flow of information difficult for the public to follow. Board Members sit facing the camera, meaning that they sit with their backs to the public. This makes it difficult for the Board to engage with community members.*

RESPONSE: EKHCD agrees with this finding.

F2. *Not all previous meetings are available on the website for the public to review. In addition, some archived Zoom videos are poor quality, as the sound frequently cuts out, and Board Members in some meetings used only audio without the visual aspect. This does not meet the requirements of AB 2449.*

RESPONSE: EKHCD agrees with this finding.

F3. *Board Meetings are scheduled for 5:00 pm and usually begin on time; however, one board member frequently arrives late or attends via Zoom from another location. This disrupts the flow of the meeting. Zooming from an alternate location raises the question by the Grand Jury, “Can this member be considered part of the quorum, and is the remote location open to the public?” This may not meet the requirements of AB 2449.*

RESPONSE: EKHCD agrees with this finding.

F4. *Board Members generally follow the guidelines of The Brown Act, and their legal counsel provides guidance in times of uncertainty; however, Robert’s Rules of Order are not always followed. Some Board Members have been observed using cell phones throughout the meeting and engaging in side conversations, sometimes behind notepads preventing the public from hearing the topic of conversation. Some Board Members also sporadically leave the room for a few minutes, thus affecting the quorum status.*

RESPONSE: EKHCD agrees with this finding.

F5. *The aftermath of the fire at the building on Bay Avenue revealed that the building was not up to current building codes. The building sustained fire, water, and structural damages resulting in an*

unsafe condition. Asbestos was also detected during an inspection. Code upgrades may not be covered by their insurance claim, leaving the EKHCD to pay for the upgrades.

RESPONSE: EKHCD agrees with this finding.

F6. Annexation of Ridgecrest Regional Hospital will benefit Eastern Kern County communities with improved access to health care and governmental funding sources. During the annexation process, the EKHCD will have to update their Administrative Code of Operating Procedures and Municipal Service Review (MSR) to include the operations of RRH facilities and its other entities.

RESPONSE: EKHCD agrees with this finding.

F7. The EKHCD Board opted not to fill a position left vacant in 2023. This has led to voting difficulties and maintaining a quorum. Three Board Member positions will be open for election in November 2024, filling all five seats.

RESPONSE: EKHCD agrees with this finding.

F8. The EKHCD website is well maintained; however, the Staff and Board Meeting Minutes webpages need to be updated regularly and made available to the public.

RESPONSE: EKHCD agrees with this finding.

EKHCD Responses to RECOMMENDATIONS

R1. Relocate the Board meetings to a room that can accommodate the entire Board and the public. Audio-visual equipment should be properly positioned so that all Board Members can be seen and heard at the same time anytime there is a quorum. This should be in place by September 1, 2024. (Finding 1)

RESPONSE: The recommendation is a goal of the District and the Board understands why it is important for all parties to see and be seen when there is a quorum present.

The District has explored multiple ways in which it would be able to accommodate the entire Board with audio-visual equipment installed in a way that would allow for full view of and by the Board and public. Currently, the District does not have viable options to accomplish this objective. Obstacles include lack of viable meeting space in the jurisdiction of the District, a Brown Act requirement. Those spaces that would be potential meeting locations large enough to physically accommodate the Board and public have audio-visual and WiFi limitations that would create new, additional challenges.

It is the Board's intention to complete upgrades necessary to enlarge the meeting room at the North Loop location, to fulfill this recommendation. Better meeting space and optics is important and will be accomplished, with steps being taken between now and June 2026.

Once a full timeline is established by the Board, it will be made public to the community.

R2. Ensure both Board Meeting minutes and videos are made available to the public prior to the next meeting. This should be in place by September 1, 2024. (Findings 2 and 4)

RESPONSE: This recommendation has been accomplished by the Board as of the June 30, 2024, meeting. The District has performed its due diligence related to identifying all minutes and video - any minutes and video not currently published on the agency website remain absent due to those materials not appearing to be in the possession of the District.

R3. Change the Board Meetings to a time that is more convenient to accommodate all Board Members and the public. This will reduce meeting distractions (Board Members coming in late or having to leave the room) and ensure a quorum is met at all times. This should be completed by September 1, 2024. (Finding 3)

RESPONSE: The Board agrees with this recommendation and has instituted more frequent breaks so that Board members and the public who need these breaks, have them.

When a Board member must leave and this creates a lack of quorum, the Board meeting is paused, and this pause will be noted in the minutes.

Prior experiments with moving the meeting time have failed. Less members of the public participate when the meeting time has moved, and the 5 o'clock hour has proven to create the most engagement. In June, the Board passed an action to establish two regular Board meetings per month; this action allows for more instances where the public will have an opportunity to engage with the Board.

The District's Directors are committed to ensuring a quorum and recognizes the need to participate from the beginning of the meeting until the end.

R4. Establish and adhere to a decorum policy for the Board Meetings to ensure public transparency. Follow Robert's Rules of Order, eliminate cell phone usage, and reduce side bar conversations during the meeting. This should be in place by September 1, 2024. (Finding 4)

RESPONSE: The Board will establish a decorum policy by September 1, 2024, to ensure public transparency. The Board policy will address best practices regarding cell phone usage and reduction or elimination of side bar conversations. The Board would like clarification related to the Grand Jury's recommendation for the usage of Robert's Rules of Order. Though these Rule of Order are in the District's current Administrative Code, the Board may adopt a set of parliamentary procedures that allows full compliance with the Brown Act while best suiting the needs of a small District.

The Board will eliminate cell phone usage in meetings and will reduce side bar conversations. The District is willing to invest in Board training as relates to these objectives.

R5. Work with California City's Building Planning Department to ensure that repairs of the Bay Avenue Building will be up to current building codes. This should be initiated by September 1, 2024. (Finding 5)

RESPONSE: The objectives of this recommendation were already initiated when the repair permits were pulled for the Bay Avenue Building. The Board will continue to ensure that repairs will be up to current building codes as it continues to implement work.

R6. *Develop and publish a strategic plan with the Ridgecrest Regional Hospital on how to use the annexation to benefit all residents of Eastern Kern County with convenient access to medical and health care. This should be in place by November 30, 2024. (Finding 6)*

RESPONSE: The Board agrees with this recommendation and wishes to fulfill develop and publish a strategic plan with the Ridgecrest Regional Hospital on how to harness an annexation to benefit the community with accessible health care. While a due date in 2024 is overly challenging to the District, the process to develop this strategic plan was begun several months ago. Further development of the Strategic Plan is anticipated throughout 2025, with completion by November 2025.

The strategic plan is envisioned to address multiple areas in three categories: Year One, Years Two through Five, and Years 10 – 50. These partitions in the plan will address near-range and future deliverables that will be identified in the comprehensive Strategic Plan that will identify the gaps and need for grants.