MINUTES OF THE HOSPITAL DISTRICT NUMBER ONE OF MOHAVE COUNTY JANUARY 9, 2024 MEETING – H.I. JOHNSON BOARD ROOM KINGMAN REGIONAL MEDICAL CENTER

PRESENT: Penny Holden, Chair Libby Mathiesen

> Carol Newmyer Dan Valentine

Dave French **EXCUSED:**

Joshua Hoffman, KRMC CFO **GUESTS:** Kevin Keener, KRMC Finance Director

> Barry Moore, KRMC Controller Cheryl Porter, KRMC CQO

Krystal Burge, KHI Board Chair

PUBLIC

ATTENDEES: Carol Pearson John Holden

> Katie Tacheron Ed Baumgartner Penny White Rebecca Foster

Bill Franzen

TOPIC DISCUSSION/CONCLUSION **FOLLOW-UP**

CALL TO ORDER – The Chair, Penny Holden, called the meeting to order at 4:00 p.m.

ROLL CALL OF THE HOSPITAL DISTRICT BOARD MEMBERS – Roll call was taken by the Chair, Penny Holden. As indicated above, Mr. French was excused; however, all other board members were present and a quorum was identified.

CONSIDERATION AND APPROVAL OF MINUTES

ACTION: MOTION MADE BY MRS. MATHIESEN TO APPROVE THE

> DECEMBER 5, 2023 REGULAR SESSION BOARD MEETING MINUTES. NO SECOND WAS VOICED. AS NO SECOND WAS VOICED, NEITHER

DISCUSSION COULD PROCEED NOR APPROVAL BE OBTAINED.

FOLLOW-UP: DEFER DISCUSSION/APPROVAL TO MARCH 5, 2024 REGULAR

SESSION BOARD MEETING.

FINANCIAL MATTERS AND REPORTS

Α. Oral report by Mr. Barry Moore regarding the monthly Hospital District Financial Statements and County Treasurer's Fund Balance Report(s). Highlights presented were as follows: Assets: Cash on hand increased by \$200,075. Cash balance as of November 30, 2023 was \$2,450,334.

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This included rent, reimbursements by KRMC in prior months approved expenses, plus recovery from Lehman Bros, minus two invoices paid for \$327.97. Property, Plant and Equipment decreased as expected from depreciation. Liabilities: Total accounts payable equaled \$976,562. The IGA GME fee is accrued for \$976,562 and should be paid in January 2024. Audit Revenue and Expenses showed lease income at \$165,402 with lease interest income equal to \$34,567 for a total of \$200,000. Other income equaled \$10.00 from Lehman Brothers recovery/gain with total expenses equaling \$10,890. Net Income for November was \$189,120 and Fiscal Year to Date, July through November was \$945,562.

- B. Mr. Joshua Hoffman reported on the final FORVIS Audit for Kingman Healthcare, Inc., and Subsidiary (D/B/A Kingman Regional Medical Center) Independent Auditor's Report and Consolidated Financial Statements June 30, 2023 and 2022. Highlights presented were as follows: No significant material changes. Did catch-up on some outstanding Purchase Orders. Operating Income totaled \$4.6 million; Investment Return totaled \$9.3 million and Excess of Revenues Over Expenses for 2022-2023 totaled \$13.8 million for the fiscal year.
- C. **Discussion and Possible Action regarding** the (1) final FORVIS Audit for Hospital District Number One of Mohave County Independent Auditor's Report and Financial Statements June 30, 2023 and 2022. (2) Approve the secretary to forward the Final FORVIS Audit Report to the Clerk of the Board of Supervisors as per Arizona Revised Statute Title 48-251.

ACTION: MOTION MADE BY MR. VALENTINE AND SECONDED BY DR.

NEWMYER TO ALLOW THE SECRETARY TO FORWARD THE FINAL FORVIS AUDIT REPORT TO THE CLERK OF THE

BOARD OF SUPERVISORS AS PER ARIZONA REVISED STATUTE TITLE 48-251. ALL IN FAVOR WITH NO

OPPOSITION.

FOLLOW-UP: SECRETARY TO FORWARD AUDIT TO CLERK OF THE BOARD

OF SUPERVISORS PER ARIZONA STATUTE TITLE 48-251.

NEW BUSINESS

A. **Discussion and Possible Action** regarding the Attorney Invoice for \$467.50.

ACTION: MOTION MADE BY MRS.MATHIESEN TO PAY THE ATTORNEY

INVOICE OF \$467.50. NO SECOND WAS VOICED. AS NO

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SECOND WAS VOICED NEITHER DISCUSSION COULD PROCEED NOR APPROVAL BE OBTAINED.

FOLLOW-UP: DEFER DISCUSSION/APPROVAL TO MARCH 5, 2024 REGULAR

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B. **Discussion and Possible Action** regarding upcoming Hospital District Board elections. Three positions are up for re-election; therefore, the Board may want to place an advertisement in the local newspaper asking for Hospital District Number One eligible electors to consider applying for a Hospital District Board position.

ACTION: MOTION MADE BY MRS. MATHIESEN AND SECONDED BY DR.

NEWMYER TO ALLOW PLACEMENT OF AN ADVERTISEMENT

IN THE LOCAL NEWSPAPER ASKING FOR HOSPITAL

DISTRICT NUMBER ONE ELIGIBLE ELECTORS TO CONSIDER

APPLYING FOR A HOSPITAL BOARD POSITION. ALL IN

FAVOR WITH MR. VALENTINE OPPOSED.

FOLLOW-UP: BOARD CHAIR AND SECRETARY TO HANDLE NEWSPAPER

ADVERTISEMENT.

C. **Discussion and Possible Action** regarding paperwork that will come from the Elections Office (Allen Tempert) allowing the secretary and the chair to perform the necessary requirements to meet the deadlines for this upcoming election. Mrs. Holden stated that this request is based upon election laws rather than a specific request from her. Mrs. Holden further stated that she does not know exactly what will be required as this information has not been released by the Elections Office; however, it is anticipated that such should be received by the end of January.

ACTION: MOTION MADE BY MRS. MATHIESEN AND SECONDED BY DR.

NEWMYER TO APPROVE THE SECRETARY AND CHAIR TO PERFORM THE NECESSARY REQUIREMENTS TO MEET THE DEADLINES FOR THE UPCOMING ELECTION. ALL IN FAVOR

WITH NO OPPOSITION.

FOLLOW-UP: SECRETARY AND CHAIR TO HANDLE MEETING ELECTION

DEADLINES ONCE LETTER FROM ELECTIONS OFFICE IS

RECEIVED.

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D. **Discussion and Possible Action** regarding setting up an Open Meeting Laws training course at our next board meeting. Mrs. Holden reported that the meeting has been set up for the Regular Session of the Board meeting on March 5, 2024. Mr. Danee Garone, staff attorney from the Arizona Ombudsman will make the virtual 75–90-minute presentation. The training session will begin at 4:00 pm and board members will need to make allowances for a longer than usual meeting.

UNFINISHED BUSINESS

- A. Mrs. Holden reminded board members of the upcoming Bylaws Committee meeting to be held Thursday, January 11, 2024 at 1:00p.m. in the H.I. Johnson Board Room.
- B. Mrs. Holden reported that the Board's Records Room has been completely set up and organized. No one is to contact any hospital employee for any document requests or for any information regarding the Hospital District Board. All requests must go through the chair.
- C. Mrs. Holden reported that the web page was designed and approved at the November 7, 2023 Regular Session Board Meeting. Other than the secretary and/or chair, no one is to contact hospital employees to make any changes to the web page. All requests must go through the chair. Mrs. Holden then stated that Mr. Valentine's request to have his picture removed was denied at this time. Mr. Valentine responded that he only wanted to change his current picture for another one, that he was not asking for his picture to be completely removed. Mr. Valentine further stated that he didn't know Board members didn't have control over their own personal images as his personal image displayed on the web page was his to which the chair responded the web page design and layout were voted and approved at the November 7th meeting and that included pictures.
- D. Mrs. Holden reported on the December 5, 2023 letter addressed to Mr. Dan Valentine and why it was read during the Call to the Public. Mrs. Holden stated the letter was written because she contacted the attorney, and his instructions were to read the letter during the Call to the Public. Mrs. Holden further stated that she had tried to address the issues at the Bylaws Committee Meeting but to no avail. So, when she contacted the attorney including numerous times, she followed his exact instructions with how to handle the situation. Dr. Newmyer subsequently responded she didn't agree with that and she didn't think the reading of the letter was appropriate as the chair is not part of the public and the chair cannot write a letter about another board member and criticize another board member and then read it during the Call to the Public. Mrs. Holden responded to Dr. Newmyer that the Board's attorney wrote the letter to which Mr. Valentine stated, you went through our attorney to write a letter that has your name on it; who paid for that and who gave you permission to contact the attorney? Mrs. Holden responded that

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the chair does not need approval to contact the attorney and the bill generated was the bill on the agenda of which payment was deferred. In response to Dr. Newmyer's comments, Mrs. Mathiesen stated that the Call to the Public allows the public to express concerns to which Dr. Newmyer responded that she understood that; however, this situation was different in that it involved the criticism of a board member who had a right to respond.

A subsequent discussion ensued between Mrs. Holden and Dr. Newmyer relative to Mrs. Holden respectfully telling Dr. Newmyer the letter to Mr. Valentine was none of her concern as she didn't know all of the involved facts. Dr. Newmyer responded that during the Call to the Public, an individual who is being criticized should be allowed to respond as that is the law and that did not occur for Mr. Valentine. Mrs. Holden responded that she didn't believe Mr. Valentine asked to be heard, to which Mr. Valentine responded that he wasn't given the chance as Mrs. Holden immediately adjourned the meeting as can be proved by his in-hand audio transcript. Mrs. Holden then asked if Mr. Valentine would like to respond to the letter of December 5, 2023 to which he replied (1) now you want a response; (2) you're going to give me some time. Mr. Valentine subsequently stated he had no response at this time because he had to prepare one but one was coming.

SUMMARY OF CURRENT EVENTS – KHI BOARD REPRESENTATIVE(S) AND/OR KRMC CEO OR HIS REPRESENTATIVE(S)

The KHI Board Chair, Krystal Burge, reported that the KHI Foundation completed all of their end-of-the year responsibilities. The KHI/KRMC Christmas party was well attended. KRMC is holding a blood Drive within the next few days.

CALL TO THE PUBLIC

Mr. Ed Baumgartner – The following letter was read by Mr. Baumgartner and is being documented verbatim in these minutes. The letter is as follows:

REPLY TO LETTER READ INTO THE MINUTES OF THE MEETING, CALL THE PUBLIC AT THE DECEMBER 5, 2023 MEETING.

Before I begin, I have made the following observations from what was said both before and after the reading of the letter directed to me.

QUOTE:

Mrs. Holden says at the beginning of the Call to the Public:

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1"At this time, I have a letter that came from our attorney that I'm going to ask Catherine to read into the minutes so that it's recorded into the minutes." These are her words, not mine.

Mrs. Holden says to Catherine Furtado at the end of the reading of the letter:

² Respectfully submitted, Penny Holden, Chair, Hospital District Number One of Mohave County. Then Mrs. Holden states to Mrs. Furtado. "That is a letter from you (meaning Mrs. Furtado), not me or the lawyer. The meeting is adjourned." Again, these are her words, not mine. With that being said at the meeting I am responding to what was said. <u>Note:</u> These are not my words, they are theirs. I have the recording and transcript.

Therefore, my reply is directed at the following people who were involved in this document:

¹Mrs. Holden, ²Mrs. Furtado, Recording Secretary/Custodian of Records for Hospital District One, Mohave County (HDOMC) and an employee and ¹Mr., Mrs., or Ms. "Our Attorney" whoever that may be.

¹Mrs. Holden states that a letter from "our attorney" will be read in the Call to the Public segment of the meeting and entered into the minutes of the December 5, 2023.

- a) "Our attorney does not know Dan Valentine. Any document that was created and gave to Mrs. Holden and Mrs. Furtado is totally and completely based on what somebody told them, period.
- b) Who was involved in this? Mrs. Furtado's position in this shows that Mrs. Holden was also including her in the conversation, and she is not Board member. Her job and her job only is to record the minutes of the Board meetings, be custodian of records and "such other duties and powers as may be assigned from time to time by the Board of Directors." This is in plain language in the current bylaws. I didn't see where the Board of Directors assigned her the task of reading this document in Call to the Public while she was on duty in the capacity of Board Secretary. It was Mrs. Holden that involved her in this issue and again this was mentioned at the meeting¹. These are not my words, they are theirs! The recording of the meeting is readily available. Mrs. Furtado has this information, including the audio recordings of the meeting which she is responsible for.

Now for the most important thing. What does my health have to do with this panel and my health issue(s) and concerns I had with KHI/KRMC? What business has this to do with this board? To make a statement in front of Mr. Dave French, Vice Chair, Mrs.

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Libby Mathiesen, Carol Newmyer, M.D., Carol Pearson, Penny White, Mr. Joshua Hoffman, KRMC CFO, Mr. Kevin Keener, KRMC Finance Director, Mr. Barry Moore, KRMC Controller, Ms. Cheryl Porter, KRMC CQO, Mr. David Schott, KRMC CAO, Dr. Anthony Santarelli, KRMC Director of Research, Ms. Candice McMillon, KRMC & Sponsored Programs, Finance Analyst is absolutely slanderous, defamatory, and definitely violated my right to privacy. I do not know any of these people either personally or professionally and they have no idea who I am. On top of my being subjected to this the personnel of KHI/KRMC including the KHI Board and their Executive staff should have serious issues with being subjected to this. Especially in this forum. To bring KHI's business to District One is irresponsible. To make a statement that I have a:

"Conflict of Interest"

"You have sought membership on this board for the purpose of retaliating against the hospital for a perceived injustice to you by the hospital. Your personal grudge against the hospital stemming from a previous matter as a patient has clouded your judgment and led you to prioritize your personal interests over the interests of the community."

There is only one reason and only one reason I am on this Board. In this letter it was stated, "You have sought membership on this board for the purpose of retaliating against the hospital for a perceived injustice to you by the hospital." For the record there is only one reason that I am presently on this Board. It is because of Mrs. Holden. She convinced me and encouraged me to put in my letter of intent. One item she suggested was, that the Board in 2025 (when we have new 3 new members installed) would be able to review the KHI rental agreement. That of course was debunked recently in at a Board meeting conversation.

I am not the only one that was encouraged to do this. Go to the Board packet of March 7, 2023, and look at page 17. Again, these are not my words. She was the one that conveyed to me more than once she had an issue with KHI/KRMC. One issue was Ivermectin being banned from use on patients with Covid-19 and she was upset over that. Refer to March 1, 2022, HDOMC packet and look at page 4 involving a Mr. McConnell. I wasn't there, this was before my time, and now I understand Mr. McConnell is not employed at KHI/KRMC anymore.

So, lets discuss the alleged retaliation issue between KHI and me. What could I possibly do to retaliate holding the Board position I have? Why would I want to do this? I am one person in 5 and have little or no influence on anything this Board does. That has been proven more than once. Maybe I could pass a motion to raise the rent? This is so far-fetched that it is hard to understand where this comes from.

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I will not discuss anything in this forum about any health issues I had with KHI/KRMC. That is an issue between me personally and KHI/KRMC and that is of my choosing not Mrs. Holden, Mrs. Furtado nor "Our Attorney." I discuss my health issues or encounters with whom I choose, and it is nobody's business on this panel unless I choose to do so. Mr. and Mrs. Holden and I are personal friends, and she knows what happened to me and used this issue to embarrass herself, KHI/KRMC and every person in the room on December 5th, 2023. I know because I am getting the feedback, and nobody I know understands who would do this. The Board I know for a fact, sitting at this table, that there is almost 100 years of professional medical experience in their fields, and they know what I am talking about. You just don't do things like this.

So how is this issue addressed? Here are a few of the ideas I have come up with.

- 1. Remember the old adage, "You cannot put toothpaste back in the tube." I have been damaged by this, along with my family and my friends. The people in that room that day, now have an opinion of me. It would be proper for the Board to investigate the three parties who did this and find out how this got to where it is now. The Board owes that to the public, KHI/KRMC, myself and the others in the room that day.
- 2. Mrs. Holden's position on this Board needs to be reviewed by the Board, they need to decide whether she is fit to be in the position of Chairperson.
- 3. Mrs. Furtado needs to understand that her position is to perform the duties of a recording secretary and custodian of records. She is not to participate in <u>any</u> these meetings unless she is called on by the Board. She is no one person's personal assistant. She doesn't take orders from any Board member to do anything out of the scope of her job. Refer back to prior recording secretary and reflect on how she handled things. Imagine Mrs. Mathiesen handing Mrs. Yarush a document like the one that was read on December 5th and asking her to read such a thing to a group of people that were present that day?

Imagine!

In conclusion, and I have said it several times in the past, "I don't care what we do as a Board, as long as we do it right!" We follow the rules, plain and simple.

Regards,

Dan Valentine, Board Member Hospital District One of Mohave County, Arizona 86409

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Defined: "Conflict of interest' means an individual has multiple interests and uses his or her official position to exploit, in some way, his or her position for his or her own direct, unique, pecuniary, and personal benefit."

The following is a printed audio transcript that Mr. Baumgartner handed to the secretary for the record; this documentation is verbatim:

This is the transcript from the December 5th, 2023, Board of Directors meeting, Hospital District Mohave County. This was during the call to the public when Mrs. Holden Handed a letter (handout) to Mrs. Furtado, Recording Secretary (Board Employee on duty) to read aloud to everybody in the room including KHI staff, the public and the Board itself.

Penny Holden: Call to the public

Is there anybody in the public that would like to? Okay

<u>Carol Pearson:</u> It seems as if some of the board members might not have been on board before because when minutes are sent out it's requested from the board or the members, however, the group is set up, that you send your changes, your additions, anything that you want to say at that time so when you come to your meeting you don't have any, you might have little changes, but you don't have this tremendous disagreement. So, it's really the responsibility of the board members to do that.

<u>Penny Holden:</u> ¹ At this time, I have a letter that came from our attorney that I'm going to ask Catherine to read into the minutes so that it's recorded into the minutes.

Catherine Furtado: Dear Mr. Valentine, I am writing to address your recent behavior at board meetings, which has become increasingly disruptive and detrimental to the board's ability to conduct its business effectively. Your actions have caused significant delays, derailed discussions, and created a hostile environment for other board members and staff. Through your actions, it has become apparent that you are prioritizing your personal interests ahead of community interests. As a board member, you have a responsibility to uphold the board's mission and values, which include conducting meetings in a respectful and orderly manner. Your behavior has consistently violated these principles, and it is no longer acceptable. Specifically, I would like to address the following concerns. Personal attacks. Your repeated attacks on myself, the secretary, and other board members are inappropriate and unprofessional. These attacks create a toxic atmosphere and make it difficult for board members to focus on the important work of the board. Disregard for agenda. Your insistence on introducing topics that are not on the agenda or have not been adequately clarified is disrespectful of the board's process and hinders the orderly flow of meetings. Failure to provide evidence. Your accusations against the board and individual

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members have been unfounded and unsupported by evidence. Accusations against an individual and the entire board requires substantial evidence. Making such serious allegations without proper substantiation is damaging to the board's reputation and credibility. Disregard for board procedures. Your attempts to obtain board meeting minutes from hospital staff rather than through the appropriate channels demonstrate a lack of understanding of board procedures. This issue has been addressed on multiple occasions, including at board meetings and the Bylaws Committee meeting on November 15, 2023. As we have discussed in previous board meetings, it is paramount to maintain a clear distinction between the hospital and the hospital district board. We are two separate entities working collaboratively for the best interests of the community. Public perception of our distinct roles is essential. Disregard for board requirements and rules. You emailed me on November 27, 2023, requesting items to be added to the agenda for the December 5, 2023 board meeting. I previously responded to your email, seeking clarification on some of the items you proposed. In accordance with A.R.S. 38-431.02a, agenda items must be specific and not generic. To date, you have not provided the necessary clarification regarding the items that were initially unclear. As a result, these items were not included on the December 5, 2023 agenda and were not discussed during the meeting. If you wish to have these items considered for an upcoming meeting, please provide the required clarification beforehand. Conflict of interest: You have sought membership on this board for the purpose of retaliating against the hospital for a perceived injustice to you by the hospital. Your personal grudge against the hospital stemming from a previous matter as a patient has clouded your judgment and led you to prioritize your personal interests over the interests of the community. Your behavior is not only disruptive but also a violation of your oath of office as outlined in A.R.S. 38-231. As a board member, you have a duty of loyalty to the board, which means acting in the best interests of the board and the community. Your actions have consistently demonstrated a disregard for this duty. I urge you to reconsider your approach to board meetings and to conduct yourself in a manner that is respectful, cooperative, and focused on the needs of the community. Your responsibility to the community is to participate in board meetings in a way that prioritizes the best interests of the community, not your personal interests. I implore you to prioritize the community's interests over your own. If you are unable to put the community first while serving on the board, I strongly urge you to carefully consider whether this is the right board for you and whether you should tender your immediate resignation. Respectfully submitted, Penny Holden Chair, Hospital District Number One of Mohave County.

Penny Holden: ² No, this is a letter from you, not from me or the lawyer. The meeting is adjourned.

Carol Newmyer: He's not allowed to respond to this?

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Penny Holden: No, because it's an open call to the public.

The following is a letter read by Mr. Bill Franzen that will be documented verbatim in these minutes:

Mr. Bill Franzen -

Call to the Public

My name is Bill Franzen. I have attended these meetings for over a year now.

I have noticed since this summer that the meetings are progressively becoming more and more hostile.

From my perspective and what I have witnessed, the chairperson for this board is hostile, disruptive, rude, unprofessional, and disrespectful. I have now seen this happen with more than one member. This is not how the Board was running prior to Mrs. Holden taking the position.

I have seen the Board chair bully board members, then make remarks quietly to the secretary to only see them both laugh on November 7, 2023.

I was disappointed and appalled at the December 5th meeting when the Mrs. Holden, (the Chair) handed Mrs. Furtado, (the Board Secretary) a letter addressed to Dan Valentine, a Board member. She read the letter out loud during the call to the public and into the record. When Mrs. Furtado finished the letter, Mrs. Holden told the secretary it was a letter from her (meaning Mrs. Furtado, the secretary) not the lawyer or herself, Mrs. Holden. Mrs. Furtado also was speaking in the capacity of the Board appointed recording secretary and was being paid to read that letter out loud to everybody in the boardroom. The meeting was in session at that time if you recall. In that Board room were several KHI employees, Board members, and members of the public and including myself. This should have been covered in private (executive session) if anybody had an issue with any other Board member.

As a member of the public, and a frequent attendee of these Board meetings, in my opinion the Chair in her capacity is not fit to serve on this Board. Previous to her being voted into that position on the Board it was respectful and ran without friction. Being a bully is not a qualification to be a Board chair or member.

Respectfully,

Bill Franzen

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Other members of the public voiced their concerns, and they are documented below, albeit not verbatim but rather summarized/paraphrased.

John Holden: Mr. Holden asked what is the object and end game to a solution? Asked what are we going to do to fix this? All these statements have been made now what is the solution?

Katie Tacheron: Stated she has been attending meetings for the past year and has never seen such bad behavior by people who think they should be on the board. She is disgusted and appalled by the bullying and the only person who has exhibited bullying, disruptive behavior is Mr. Valentine.

Penny White: Stated she has been coming to board meetings for 5 years and was on the board for 4 years. Stated the board is not functioning as it should be with bickering going on. Health care is failing and continues to fail the people. Health care rests right here. This community needs health care and wants health care in the community. Stated no place for growth. Asking this board to step up and work together. In response to Penny White's comments, she was informed that the District Board does not have the authority to address health care issues whether it be patient issues, physician issues, and/or employee issues. This Board is the real estate board only and only the KHI Board can address health care issues relative to patient issues, physician issues and employee issues. Penny White further responded that the District Board was established to address health care issues and if this hospital is not here then how can the community have access to quality health care services for the community.

Krystal Burge: Stated that health care is important in small communities. The Executive Team is here for the patient and community. Trying to take care of that for the community. Both boards are trying to work together to become part of the solution not the problem. She is committed to quality patient care at KRMC and she continues to work to bring the staff competence up to produce that high level of quality health care not only for Kingman but Arizona.

Bill Franzen: Administration does not care. He's talked to the CEO and head of nursing and nothing happens regarding his concerns relative to patient care issues.

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ADJOURNMENT – With no further business to discuss, the meeting was adjourned at 5:53 p.m.

Respectfully submitted,

Penny Holden, Chair

Catherine Furtado, Recording Secretary Custodian of Records

Date Approved: March 12, 2024