

**Minutes**  
**EMPLOYEE BENEFITS TRUST**  
**COUNCIL CHAMBERS**  
**1090 E. Union Street San Luis, Arizona 85349**  
**October 2, 2023**  
**4:30 p.m.**

1. **CALL TO ORDER/ROLL CALL** Chairman De La Hoya called the meeting to order at approximately 4:32 p.m.

**THOSE Present:**

Board Member Maria Gonzalez  
Board Member Gustavo MacGrew arrived at approx—4:33 p.m.  
Secretary Maria Sabori  
Vice-Chairman Emma Torres – via Zoom  
Chairman – Tadeo A. De La Hoya

**OTHERS PRESENT:**

Kay Marion Macuil, City Attorney  
Janet Taylor, Legal Secretary-Clerk of the Board  
Jenny Torres, Assistant City Manager  
Susan Posada, Benefits Coordinator  
Monica Castro, Director of Finance  
Mary Barajas Gutierrez, Human Resources Coordinator  
Adela Cortez, Director of Human Resources  
Ruben Lopez, Antonio Maldonado, Axel Chayra, Domingo Sosa-IT Department  
Olivia Jenkins, Operations Coordinator

2. **CONSENT AGENDA**

**All matters are considered routine by the Employee Benefit Trust Board and will be enacted by one motion. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.**

- 2.A. **MINUTES OF:**

- Special meeting held on June 14, 2023

**MOTION:** Chairman De La Hoya and Board Member Maria Gonzalez approve the consent agenda as presented. **Motion passed unanimously.**

**The vote was as follows:**

Secretary Maria Sabori	Aye
Board Member Gustavo MacGrew	Aye
Board Member Maria Gonzalez	Aye
Vice-Chairman Emma Torres	Aye

**3. DISCUSSION AND POSSIBLE ACTION ITEMS:**

**3.A.** Discussion and possible action on any and all matters regarding quarterly review of the benefit plan. **(Susan Posada, Broker and Consultant)**

Ms. Posada gave a PowerPoint presentation on the quarterly review of the benefit plan (a copy of which is available in the HR Department). She discussed the financial results ending June 30, 2023. Ms. Posada explained that there was not a lot of information available due to the two (2) Third Party Administrators. 90 Degrees and HealthComp. 90 Degrees is processing the run-out claims, and they are having to integrate the run-out claims and put them all together. Hopefully, by next month, everything will be completed. It could take up to a year for all of the claims to come in.

Ms. Posada discussed the negotiation of the Stop-Loss. Due to the large claims that came in, she was able to negotiate a savings of \$466,375.00. She stated the Stop Loss Premium had increased to 34.35%, and a laser was negotiated. She also stated that there was a 4% increase in funds, and it was due to an increase in staff.

The actual claims decreased by 16%. Ms. Posada discussed the large claims and that there were 36 of them. The Stop Loss paid or will pay for the plan year \$1,750,775.23. Ms. Posada said that they negotiated a cap of 30% for the next two (2) years.

Ms. Posada also discussed the plan savings and the work that goes into that.

In closing, Ms. Posada requested the opportunity to address the RFP process.

**Discussion only; no action taken**

**4. EXECUTIVE SESSION**

**4.A.** Discussion and possible action on any and all matters regarding action to hold an executive session under A.R.S. § 38-431.03(A) subsection (3) for discussion or consultation for legal advice with the City Attorney regarding the current broker contract and the broker proposals in response to the request for qualifications and bids. And discussion and possible action on any and all matters regarding action to hold an executive session under A.R.S. § 38-431.03(A) subsection (4) for discussion or consultation with the City Attorney in order for the Trustees to consider their position and instruct the City Attorney regarding the Trustees' position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, specifically, the current broker

contract and the broker proposals in response to the request for qualifications and bids. **(Kay Marion Macuil, City Attorney).**

Chairman De La Hoya would not entertain a vote to go into executive session. He requested the item be discussed publicly and asked the City Attorney Kay Macuil if he should read it out.

Board Member Maria Gonzalez stated she was not comfortable discussing the item in an open session. And what they should do?

Vice Chairman Emma Torres stated she would like to go into executive session as well.

Secretary Maria Sabori stated she did as well.

Board Member Gustavo MacGrew stated the same.

City Attorney Kay Macuil stated to Chairman De La Hoya; so, Chairman, you are not going to read the item?

Chairman De La Hoya responded: I am not going to call for the vote on this item unless we discuss it in public.

Ms. Macuil responded by saying; you have stumped me, Chairman.

Chairman De La Hoya repeated, saying I am not calling for the vote, so they are asking you how to proceed.

Acting City Manager Jenny Torres stated: in this type of situation, for example, in a council meeting, if the Mayor doesn't, then the Vice-Mayor or a board member is next.

Ms. Macuil responded yes, we have a vice chair, Emma Torres.

Vice-Chairman Emma Torres responded that she didn't think it was best for them to decide on an RFP openly because she understood others submitted their proposals as well, and I don't feel comfortable discussing this in the public.

Vice-Chairman Emma Torres entertained a motion to go into executive session, and the second was made by Board Member Maria Gonzalez.

Chairman De La Hoya replied; I have not abstained Kay.

Ms. Macuil stated to Emma Torres that there had been a second to her motion and asked if she would like to entertain a vote. Ms. Torres replied that she would like to entertain a vote.

**The vote was as follows:**

Secretary Maria Sabori	Aye
Board Member Gustavo MacGrew	Aye
Board Member Maria Gonzalez	Aye

Vice-Chairman Emma Torres      Aye  
Chairman Tadeo De La Hoya      Nay

Chairman De La Hoya stated for the record that he did not abstain himself, nor did he relinquish his chairman duties to anyone. And no one made a motion to that effect.

The vice-chairman asked if we could move forward and go into executive session.

Ms. Macuil responded; yes, there has been a majority vote.

Ms. Torres responded; let us go into executive session, please.

*Entered executive session at approximately 4:55 p.m.*

*The Board returned to regular session at approximately 5:58 p.m.*

*No motion was held to back into regular session.*

## **5. ADJOURNMENT**

*Chairman De La Hoya adjourned the meeting at approximately 5:59 p.m.*