

STATE OF TEXAS

(Minutes conducted via electronic voting)

COUNTY OF CAMERON

BE IT REMEMBERED, that on the **22nd day of September, 2023**, the Board of Trustees of the Brownsville Independent School District met in a **Special Called Board Meeting** at the Administration Building, 1900 Price Road, Brownsville, Texas, for the purpose of transacting any and all business that came before the Board and with the following to wit:

PRESENT:

Jessica Gonzalez	President
Daniella Lopez Valdez	Vice-President
Denise Garza	Secretary
Carlos Elizondo	Member
Eddie Garcia	Member
Frank Ortiz	Member
Minerva Peña	Member

ABSENT:

None

ALSO PRESENT:

Dr. Rene Gutierrez	Superintendent of Schools
Robert David	Attorney for the Board
Kevin O’Hanlon	Attorney for the Board (via zoom)

ALSO ABSENT:

None

WHEREUPON, a quorum being present and it appearing before the Board, it is hereby so found that notice of this **Special Called Board Meeting** has been duly given in the manner and for the length of time as prescribed by law. The meeting was called to order and declared ready for the transaction of business with the following to wit:

- I. Meeting called to order by Ms. Jessica Gonzalez, Board President at 6:00 p.m.**
- II. Moment of Silence led by Dr. Rene Gutierrez, Superintendent of Schools.**
- III. Pledge of Allegiance led by Daniella Lopez Valdez, Board Vice-President.**
- IV. Roll Call: Ms. Jessica Gonzalez, Board President announced that all Trustees are present.**
- V. Recommend approving the agenda of the Special Called Board Meeting of Friday, September 22, 2023, with any corrections/deletions.**

Motion made by Eddie Garcia, seconded by Daniella Lopez Valdez, and unanimously carried to recommend approving the agenda of the Special Called Board Meeting of Friday, September 22, 2023 with no corrections/deletions as stated by administration. (7-0-0)

VI. Recommend approving the minutes with any corrections:

- A. Rescheduled Regular Board Meeting for Tuesday, April 18, 2023

Motion made by Jessica Gonzalez, seconded by Denise Garza, and unanimously carried to recommend approval of the minutes for the Rescheduled Regular Board Meeting of Tuesday, April 18, 2023. (7-0-0)

VII. Superintendent's Report: *SB 1566

A. Conference Presentation(s):

1. Introduction Presentation by Valley Risk Consulting and Presentation by the five Finalists ranked by the Employee Benefits Committee on September 1, 2023.

Ms. Jessica Gonzalez, Board President stated, Dr. Gutierrez, before I pass it on, just, minder, the exact, we are going to do it the exact same way that EBC did it. They present for 10 minutes, a five question, five minutes for answers. **Dr. Rene Gutierrez, Superintendent of Schools stated, okay, let me call on Mr. Roger Garza from Valley Risk Consulting.** Ms. Gonzalez stated, go ahead Mr. Garza. Mr. Roger Garza, Valley Risk Consulting Consultant stated, good afternoon, President Gonzalez, Superintendent Gutierrez, Dr. Gutierrez and Honorable Members of the Board of Trustees, for the record, I'm Roger Garza, Consultant for the Risk Management Department here at BISD. This afternoon we are going to be discussing and hearing from the finalists for CSP #24-112. Before we get started, I would like to give you a, brief the Board on some of the solicitation processes utilized by BISD so that we can all become a little familiar with some of the processes as we move forward. BISD utilizes the competitive sealed proposal methodology when it solicits proposals. In this proposal, and I'm going to call it 1112, we had other services that we also solicited in addition to this, 1112 and this was done for competitive purposes and auditing and as well. For the timeline that we have, we did an advertising timeline from 6-18-2023 and also on 6-25-2023. The proposals were due on 8-1 of 2023 which we felt was ample time for submissions. We had district administrative ranking committee that met on August 22nd, we also had an employee benefits committee, number 1, that met on August 22nd, on the same day. We scheduled a Board Insurance Committee, workshop number 1 on 8-23 and again, we had another Board Insurance Committee workshop, along with the EBC on 9-1. The methods that I described earlier, the solicitation methods, you have a competitive sealed proposal, very restrictive, a method of solicitation. You also have a request for proposals, its flexible, adjustable and again, in some cases, its confused a lot with a CSP concept. The competitive sealed proposal doesn't allow a lot of information to flow one way or the other, none the less, we also have the request for information, we have a request for qualifications and the rarely used, request for quotations, very flexible. In this competitive sealed proposal, as I mentioned earlier, we currently have 4 of them that are outstanding, we currently have CSP#24-112 which is the employer paid life insurance and AD&D, we also have #24-111, which is the stop loss insurance which is 24, I'm sorry, 111 and we also have the TPA solicitation, 24-112 and then we also have the pharmacy benefit management which is 24-113. In this competitive sealed proposal, narrows the scope of work very restrictive and is price driven, it avoids a lot of favoritism, its used, we used the method of IONWAVE which is your bidding concept, it's your

vendor. The vendor must, participating vendors will have to register and create a password in order to access that information. BISD vendors have to complete a form and the questions are answered all electronic. In this CSP, #112, we had 27 questions that were answered and were filed with an addendum and you should have a copy of that in front of you. It's also very transparent and documents every question and every access to that program. In this particular CSP, there will be no changes to the selected TPA will have to administer the same plan that we currently have directly, unless any changes are made by the Board and only the Board can make those changes. The purpose of the solicitation was we had an expiring contract terms, we had rising health care costs, we were trying to explore new cost savings programs that might be available to us and we also had some medical utilization that we wanted to help control. A TPA basically, it's the company that administers all your benefit programs, it follows all the ACA regulations, it processes claims on behalf of the district and manages the districts employee benefit programs. We are very fortunate in this CSP, we had 8 TPA's that submitted for participation, in prior years, we've only had 3 and 4 at the most, so we've almost doubled the participation levels. We had 3 direct care clinics, 2 disease management programs and a statement of qualifications. The key factors that we try to look for in these submittals are contract language, transparency, admin fees, transaction fees, medical rebates and credits and licenses as well. The finalists that we have currently would be, and this is in alphabetical order is Aetna, Blue Cross, Frontier, TX Pool and UHC. I'm available to answer any questions you may have. Ms. Gonzalez stated, we can go ahead and, so, Mr. Garza, we are going to start with the presentations, we will do the top 2. Mr. Garza stated, yes ma'am. Ms. Gonzalez stated, they can be in alphabetical order, that's fine, the 10 minutes, if I can have Legal help me out with the timing and then if there is any question, 5 minutes, also, if Legal can help me with timing. So, go ahead and introduce. Mr. Carlos Elizondo, Board Member interjected, may I real quick? Ms. Gonzalez stated, Mr. Elizondo. Mr. Elizondo asked, Mr. Roger. Mr. Garza stated, yes sir. Mr. Elizondo asked, this time, its for real right? Mr. Garza replied, yes sir, all the information that was asked, it was provided and you can have, you have copies of it there, in electronic format, we actually printed them. So, there's 1,300 copies of addendums, questions and responses in front of you. Mr. Elizondo asked, and also, the information that was given, was given to everybody again, because it's the same I asked the last time? Mr. Garza replied, that is correct, yes sir. Mr. Elizondo asked, that is the correct answer this time? Mr. Garza replied, yes sir. Mr. Elizondo asked, and also, there's extensions to that, was the extension to the medical and the PBM as well? Mr. Garza replied, yes sir. Mr. Elizondo asked, so both of them got extended, right, not just the stop loss? Mr. Garza replied, that is correct, yes sir. Mr. Elizondo asked, medical and PBM were extended to everybody, right? Mr. Garza replied, yes sir. Ms. Gonzalez stated, Mr. Ortiz. Mr. Frank Ortiz, Board Member asked, Mr. Roger, just a follow up question, I know that you presented the, the companies in alphabetical order, they have been ranked already, is that correct sir? Mr. Garza replied, that is correct, yes sir. Mr. Ortiz asked, just so that our public knows, could you, and I see it on backup here, but can you let us know how the ranking went? Mr. Garza replied, with the Superintendent's permission, the Board Presidents permission, I can. I would prefer that if that's what your wish. **Dr. Gutierrez interjected, Legal, there's not a problem if we announce the rankings, right?** Ms. Minerva Peña, Board Member interjected, question. Ms. Gonzalez stated, then

if Legal says, I'm sorry, if Legal says it's okay, then I'm okay with that. Ms. Peña stated, I have a question first. Ms. Gonzalez stated, Ms. Peña. Ms. Peña stated, because I've been told that the people that are going to present, they don't know that yet, so, they are going to come and present and they are going to be surprised because they haven't been told, that's what I was told. So, my thing is, if they don't know and they are going to present and if we present it now, I mean, is that going to be kind of awkward to do, I'm asking? And the second question I had, why was this information not put on a thumb drive and it couldn't be electronically, I've gotten electronics with a lot more paper than this on it. So, why did they choose to use all this paper and send it to us, all this means it's harder to carry around. Ms. Gonzalez interjected, we made that decision and I will include myself in that we, because first, I'm just going to be honest, it's a damned if you do, damned if you don't. First, it's why we don't have copies, hard copies, now, its why do we have hard copies, so, Mr. Roger Garza, can you tell Mr. Ortiz, answer his question, I'm so sorry, I said it wrong. Mr. Garza stated, yes ma'am, its, we have United Healthcare ranked number 1 and Blue Cross ranked number 2 sir. Mr. Ortiz asked, how about 3, 4, and 5? Mr. Garza replied, we have Aetna ranked number 3 and then we have Texas Health Pool ranked number 4 and Lucent ranked number 5. Mr. Ortiz asked, and they were ranked by the Insurance Committee, is that correct sir? Mr. Garza replied, that is correct, yes sir. Mr. Ortiz stated, okay, I just wanted to bring that up because I wanted the public to know. Mr. Garza stated, yes sir. Mr. Ortiz stated, thank you. Ms. Gonzalez stated, go ahead and introduce the first presenter and then Legal, just a reminder on the time. **Ms. Rosie Peña, Purchasing Department Director stated, good evening Madame Board President Ms. Gonzalez, Superintendent Dr. Gutierrez and distinguished Board Members. The following guidelines shall be adhered to for the carrier presentations. Presentations will be 15 minutes each, 10 minutes for presentation, 5 minutes for question and answer. Please be reminded that the questions must remain the same for all presenters. Maximum 2 representatives will be allowed in the Board room during the presentation. The carriers have drawn for their presentation positions, the first carrier to present will be Blue Cross Blue Shield and they are out of Richardson, Texas.**

Presenters

1. BlueCross BlueShield of Texas

Ms. Cindy Sosa, Blue Cross Blue Shield Representative stated, good evening Board President, Superintendent, Board of Trustees, my name is Cindy Sosa and I have got Tita Iruegas, we are with Blue Cross Blue Shield of Texas. We are currently your health care administrator for your employees benefits and we want to thank you for the confidence that you have placed in us, is it showing? There we go, we want to thank you for the confidence that you placed in us to be your health care administrator for the past 4 years. Ms. Gonzalez stated, I'm sorry, hold on, we are hearing some background noise. Ms. Denise Garza, Board Member asked, can we stop the time please? Ms. Garza asked, can we move it back to 9:30? Can we move it back to 9:30 instead of 9:19? Ms. Gonzalez replied, yes. Ms. Garza stated, or, we can give back the whole 10. Ms. Minerva Peña, Board Member interjected, yeah, let's start over. Ms. Gonzalez stated, I'm okay with the 10. Ms. Sosa stated, thank you very much, okay, again, good evening Board President, Superintendent, Board of Trustees, my name is

Cindy Sosa and this is Tita Iruegas, we are with Blue Cross Blue Shield of Texas and we are your current health care administrator for the past 4 years and we want to thank you for the confidence that you have placed in us. Today, I know you are selecting the, your districts health care administrator and we know this impacts both the district and the districts employees. It's a big decision and it's a very important one. We believe we are still the right fit for Brownsville ISD. We believe there are 4 main components of selecting the right health care administrator. One if financials, a carrier that has proven cost of savings and someone that you trust that will manage your claims. Two is access, access to a broad network and great medical benefits. Three is improved health outcomes and Tita will go through some of the variety of programs that we have that we can provide to your employees that can control their chronic conditions or even give them wellness incentives. And then four is best in class and member service. We understand the district, school districts, especially here in the Rio Grande Valley, we have 14 school districts here in the Rio Grande Valley but 60 thousand members. So, we have proven results. So, I wanted to talk about financials, we had Brownsville ISD a while back and unfortunately, we had lost it to United Healthcare. However, we won your business back in 2019, at that time, your health plan was in financial need, but after one year with Blue Cross Blue Shield, we turned it around and got your financials back in stable. And then for the past 3 years and 10 months, we have saved the district 5121 million dollars and the district paid 100 million. So, how did we save 511 million dollars in less than 4 years? Year over year, your district claims about 98.5% of your claims are saving, are getting a 74% discount, 98.5% of your claims are getting 74% discount, which means, for every dollar, we're saving the district 74 cents and the district is only paying 26 cents. If any other carrier says they can match this or can be any lower, we would like you all to ask them to put that in writing and guarantee that because we have. The second component is access, we will continue, you will continue to have access to our broad PPO network and access to medical care providers all across the United States, we own our network 100%. What does this mean to the district? It means that we control our provider contracts so we can get the best negotiated rate for the district and we don't rent networks as well. There are other carriers that rent networks so they don't have any control of negotiated rates. We did a study for Brownsville ISD's claims and we have a 4.7-million-dollar savings advantage of other major carriers. The other thing for access is in Cameron County alone, we have more than 800 more providers than any other major carriers. Turn it over to Tita. Ms. Tita Iruegas, Blue Cross Blue Shield Representative stated, thank you, the improved outcome is the number, 3rd component. We want to ask Brownsville ISD to offer a virtual preventive health check up to the employees of Brownsville ISD, it helps identify your pre-diabetics with this program. It is easy, it does require a blood test, its quick and painless and this has proven that they have identified prediabetics, someone that don't know and this is the kit comes to the member. Another improved outcome will be to implement our well-being programs and these programs are the ones that can help identify chronic conditions and we can help you manage those conditions. Well on Target is a member portal and they can work on programs that we have available, we have other programs

under the well-being management to help with pain chronic relief, lose weight, not dieting but teaching how to eat, diabetes and hypertension. Diabetes is a nutritional program teaching how to eat, hypertension, knowing their reading. Pregnancy, it can help women of family and mental health, learn to live. Improve the outcome by getting, participating in those programs, the employees get points, they can get back gifts, anywhere from a gift card to bicycles or sunglasses. We also have the member experience, what the Texans, we have covered over 60 thousand members here in the valley. We do cover in most of the school districts that we have in here, I service myself all the way from Brownsville to Roma. Some of those districts have been with us for 17 years and they still continue to be with us. The average for the school districts is 9 years that they stayed with us. What we suggest also, it's a clinic that you all can select and they, there's a school district that has a clinic and what they do, they provide primary care, lab and x-rays and they also refer members to the, to the specialists. We are right here with you, in conclusion is, I want you to know that we are right here with you, Diana is your marketing service, she is on site, I am here from the valley. I am a phone call away and an hour and thirty-minute drive. Ms. Sosa stated, so our commitment, Brownsville ISD are listed above and, in your packet, again, we will guarantee our network discounts, network utilization, our service performance and we will put our administration at risk if we don't meet these. We also are also offering some wellness credits over the next 3 years and you can see those in your packets as well. Again, why is Blue the right, Blue Cross Blue Shield of Texas the right partner for Brownsville ISD? Again, the 4 components, financials, we've saved the district, in less than 4 years, 511 million dollars, access, we have 800 more providers in Cameron County than any other major competitor, meaning your employees will not have any disruption, they can keep their doctor. The health outcomes, as Tita talked about, wellness management programs that will keep your employees healthy and we can manage your claims. And the member experience, again, we are local, we are focused on Rio Grand Valley and we are focused on Brownsville ISD. So, we ask for your trust again and for us to take care of Brownsville ISD, we thank you very much.

Ms. Gonzalez stated, okay guys, we will turn it over for question and answer, just keep in mind that whatever you ask them, you need to ask the others. Mr. Elizondo asked, real quick, you are asking, is the preventive health plan, is it embedded in the program already? Ms. Iruegas replied, the preventive care or the one that I explained, preventive care, it is, at any doctor. This virtual preventive care is something that we are offering, its new. Mr. Elizondo asked, its new but it's? Ms. Iruegas added, it will be included. Mr. Elizondo echoed, it will be included. For the same cost, no additional cost to the district. Ms. Iruegas stated, yes, no additional. Mr. Elizondo stated, so. Ms. Iruegas interjected, just the claim. Mr. Elizondo asked, just the claim, but it is part of the program that you're selling the district, right? Ms. Iruegas replied, yes sir, it is. Mr. Elizondo stated, okay, thank you. Ms. Peña asked, yes, how long have you been serving the valley? I know Blue Cross has been around for many years, but how long have you been serving the valley? Ms. Iruegas replied, February 17th, 2024 will be 32 years myself. Ms. Peña asked, and here in the valley? Ms. Iruegas replied, here in the valley, I am here, I used to, was in

Mission, then I came back to Harlingen and then I went back to Mission, but yes, I have worked for Blue Cross for 32 years, servicing the valley, only. Ms. Peña asked, and I don't know if you know this answer, how long has that company been serving the state of Texas? Ms. Iruegas replied, 94 years. Ms. Peña stated, thank you. Ms. Iruegas stated, you are welcome. Ms. Gonzalez stated, Ms. Lopez Valdez? Ms. Daniella Lopez Valdez, Board Vice-President asked, in, in terms of working with doctors, I know you said that everybody, that you have a large access, do they (inaudible) our employees get to keep their doctors that they currently have? Ms. Sosa replied, yes, so you guys are, you use our, our broad PPO network, which is majority of the, of the physicians not just in the valley but in Texas and the United States, so yes, no change in the, in the network. Ms. Iruegas interjected, may I add, there will be no disruption and we know that whenever there is a change, there's disruption in a lot of members might opt, if their provider is not in the network, they might opt to not continue the treatment and then, you know, what happens, they end up in the hospital and cost the district more. Ms. Gonzalez asked, is everybody good? Ms. Peña stated, I have one more question. Ms. Gonzalez stated, go ahead Ms. Peña. Ms. Peña asked, when people call and I've seen this happen, when people call the company for your Blue Cross Blue Shield because something does not appear to be covered and there is a big issue with it, do you voluntarily let them know that the district is self-insured and they need to contact their administration from BISD for further, I'm trying to think of the word, for further, for further assistance to have what they need to get covered? Do you let them know that at the end of the day, its not Blue Shield Blue Cross who is paying, it's the district. So, if Blue Shield Blue Cross says, well, this is not what we recommend, you may contact your district and they have the authority to decide yes or no, do you let them know that? When let's say, something that's life and death? Ms. Iruegas stated, when its medically necessary, it will not be something that it's denied, if it's something that it's not covered under the plan, they usually, they will refer them to me, personally and then I talk to them to see what the problem is and then I contact the districts when that happens. Ms. Peña asked, but do you let them know if you recommend, and the reason I say this and I'll tell all the companies that, I've seen companies do that and I think it's a great thing, when they refer them back to the district, do you do that? Ms. Iruegas replied, sometimes we do when it's a third, a third appeal, we let them know, go and directly and contact, they can make the decision for you all and we have comp for, probably, you know, what is called and exception. Ms. Peña stated, thank you. Ms. Gonzalez stated, thank you ladies very much, we appreciate all that you do, can we get the next one. Ms. Soza stated, thank you very much. Ms. Gonzalez stated, thank you.

Ms. Rosie Peña, Purchasing Department Director stated, the next presenter is United Health Group from Houston, Texas.

2. United Healthcare

Mr. Darrel Chapman, Representative for United Healthcare stated, good evening. Ms. Connie Hernandez, Local Field Account Manager with United Healthcare stated, good evening. Ms. Jessica Gonzalez, Board President stated, go ahead sir. Mr. Chapman stated, thank you very much, so, I'm going to introduce

myself, my name is Darrell Chapman with United Healthcare and I brought. Ms. Hernandez stated, hello, Connie Hernandez, Local Field Account Manager out of Harlingen. Mr. Chapman stated, and what we really want to talk about today is, we have offered a proposal to the Brownsville ISD for the medical benefits for your employees, effective as January 1 of this, of next year. As a prior carrier that was with you, I think, 3 years ago, I think the one thing that I'd like to talk about is what our responsibility is, right. The ISD hires your healthcare company to basically spend your tax payer money wisely, to ensure that your employees have access to the best healthcare, the best network, but most importantly, tools, right. We all know healthcare is complicated and I would think everybody here would raise their hand and say its very hard to understand how to use the healthcare system. As, as your administrator, all you are hiring us to do is to administer your claims. All the claims are actually paid by the district with some, you know, other stop loss things in there, but you are really paying these claims out of your budget, right? So, you are hiring us to make sure that money is spent wisely, that your taxpayers get the most for the money that you spend which is a lot of money. So, what we like to talk about is, you know, who we are and how we help your employees. First of all, our people, I have been working this market now for almost 10 years, I presented to this Board, at least different Members many times. I was here when we were awarded the business many years ago, we have Connie, who is local, Connie lives here, she's a member of the community, she's the primary contact for United Healthcare and then we have a whole bunch of other people on our team. I also like to talk about wellness programs, right, your employees want programs to help them get healthier, to help them stay healthy, weight loss programs that we have in place like Real Appeal which is a really, you know, engaging program to help your employees feel comfortable with weight loss, to help them have weight loss and you know, at the end of the day, you know, reduce the core morbidities around diabetes and all those other things that go with it. We also have, you know, measurable value with UHC through Optum, Optum is our sister company that is with us. Optum is kind of the engine behind who we are as a data company which is really what we are, we analyze data constantly and that data helps us help your employees when they reach out and they need help with their benefits. That's going to be around some of our wellness programs which we talked about but also around some of our clinical engagement programs when your members call in. We do have the largest national carrier network in the country, our network is open access, its seamless. When we flip on the switch, the entire country lights up, makes no difference whether your member sees a doctor down the street or decides to go to MD Anderson up in Houston or even to another hospital in another state. There's no state line division with our network, so, your employees have the option with the partnership of their doctors to go to the facility that is most appropriate for them. We also have in place our concierge service and this is a very unique approach to service, you know, this integrates member service with clinical engagement and we will get to that in a second. So, again, talking about our team, we have Connie up there, you can see there's a whole slew of other folks that are there but Connie is going to be your primary contact. We also have in our proposal an onsite service representative which he hadn't

before, you have a current one in place now, hopefully we will, if we are awarded, we will have her apply for that position and be awarded that. But, you know, our advocate for member service model is where I think I'd like to start, which is really about, we all know, what's the first thing that we do when healthcare company calls you on the phone? You don't want to pick it up, right, you don't want us to help you, so, as we reach out to your members throughout the time, trying to help them if we see a member that has, you know, a newly diagnosed issue with diabetes or something like that. Our nurses do reach out to them but a lot of the times, the members don't respond. So, what this service line does, which is very concierge in nature, when a member calls in who we are trying to reach out to, to help and they are calling us for something simple, the data is analyzed and based on their projected needs, we will send them to either a regular service person that can just help them with a simple issue. But if we've got a member, one of your employees that was just diagnosed with something difficult, you know, diabetes or something like that, that member isn't going to be sent to that service line, their phone call is actually going to go to a registered nurse and that's going to be somebody who can immediately help them with what's going on with their lives. Talk to them about the programs that we've put in place, what you, as the ISD are offering to your employees and to not only help them with the basic service issue but when the members calling on their time, they will say, let me help you with that, but also, we noticed a new medication for diabetes, anything like that, can I help you with that also, right? And that's important because your employees, they don't, they don't all understand how the system works and they don't all understand that our help is not there for any other reason but to get things taken care of by the best doctors quickly, diagnosed quickly, treat quickly, get things taken care of the right way the first time. Because if you don't, that's when you have an employee who goes through something very difficult. So, with that I'm going to kind of hand it over to Connie, she can talk a little bit about some of the programs that we've put in place and as you can see, I mean, this is robust, these are all programs that your employees could use when they need help. And when they call in, our job is to help them with that, so. Ms. Hernandez stated, we have an advanced clinical engagement team out of Richardson, Texas and they help support members with case management, transitional care, so, if you are in the hospital and you transition home, this team reaches out and makes sure that transition is smooth. They also assist with our disease management programs so if you are diabetic, pre-diabetic, we have our diabetes disease management program. We have our Livongo if you're prediabetic, high blood pressure, your diabetic, that's a program that they can join in if that's something they want to do. We have our asthma, we have COPD, heart failure, maternity support, so many programs, our real appeal interactive weight loss program, one pass, that is also a new program for gyms memberships. So, if a member is interested in any of those programs, this team reaches out and assists the member to get engaged in these programs. We also have our special needs initiative program for those families with, having that journey with that child, this team will also assist them on that program as well. Mr. Chapman stated, the intent is to have a lot of ways that we can help your members, really, we are spending your money, we are not doing anything except trying to help them understand the

healthcare system and I think being a data company, having worked for United Healthcare for almost 20 years, I wouldn't be here if I didn't believe it. I know a lot of you were here when we were your administrator before, we make promises but our whole thing is we want to keep them, you know, I tell people, I'm not bringing on new groups, I'm bringing on references right. My whole thing is, when you're happy, you tell other schools that you're happy, we hope that you do talk to some of the references that we have in the area, you know, talk to some of your employees about when we were your carrier before and for those of you that remember, please, think about that, right. I'm, we put together, you know, a proposal that has all of this stuff in our fee, but at the end of the day, its about claim costs, right, the fee is a small part of what you are spending, you know, 10, maybe 20%, its your claims. And the question is, who do you think will spend that money wiser, right? We understand its your money. *Mr. Robert David, Legal Counsel interjected, 1 minute.* Mr. Chapman continued, taxpayer money, we are talking teachers, we are talking schools, right, we are talking educating your students here and if we can't do that responsibly, then we don't deserve it, but, I do firmly believe that we will spend it the way you want us to spend it as a School Board, so, thank you very much. Ms. Gonzalez stated, thank you sir, before we proceed with the questions, Ms. Peña had a question for Legal. Ms. Peña asked, yes, can I ask him, this is not a question, it's a question but not a question, I heard him say something and I think I heard it wrong, can I ask him to repeat if he said that? Can I ask him, I'm going to ask him, this is what I heard you say, did you say that? Mr. Chapman asked, say what? *Mr. David replied, no, we may look back at the presentation but we must ask all presenters the same questions, so we must ask him the same.* Ms. Peña stated, he made a statement that sounds really not good, I want to ask him, can I ask him to say that and you are telling me no. *Mr. David stated, that's correct, we can look back at the presentation but we cannot change questions between presenters.* Ms. Peña stated, okay, but its not a question, I'm just asking him something, he presented, did you say this right now, that I heard and it? Mr. Chapman interjected, maybe with just a simple yes or no. Ms. Gonzalez asked, did you, do you want to check the backup really quick, the right here, what they gave us? Ms. Peña stated, I want to ask him a question on a statement he just made that's no where in here, did I hear you say this and I want to ask, did I hear correctly, because. Mr. Chapman interjected, my guess is no, but I would. Ms. Denise Garza, Board Secretary interjected, she's asking for clarification. Ms. Peña stated, I want a clarification and a verification of what he said, that's all, so how? *Mr. David stated, I understand, Kevin, do you, Kevin O'Hanlon is on zoom for us today, Kevin, do you have a different opinion than myself?* Ms. Peña stated, I just want to ask him to clarify a statement that I heard him make and you are telling me that I cannot because that's a question. I just want him to verify something that just, he just stated Kevin, but its nowhere in the notes, it's something he made right now as a presentation but its not anywhere in the books, did I hear correctly? *Mr. Kevin O'Hanlon, Legal Counsel stated, we'll look it up while you're, during the break.* Ms. Peña asked, it was, no, it was like a comment that he made, that's what it was, it was a comment that he made, now, did I hear that comment correctly. So, you are telling me that legally, that I cannot ask him to clarify that comment that comment that I heard? *Mr. O'Hanlon replied, that's, the, that's how we are operating on this.* Ms. Peña stated, that's your choice, that's not something we are tied to, but you are telling me that you're not allowing me

to ask a clarification. Mr. Elizondo interjected, Minerva, you're the Board Member here, you can ask whatever you want, okay, that's the right that you have. Ms. Gonzalez interjected, legally, that's the advice from Legal so. Ms. Peña stated, I know, but Legal knows, but I know Legal, Kevin, I'm asking for them to clarify a question. Mr. Elizondo interjected, Minerva, ask the question, you have the authority to ask whatever you want. Mr. Gonzalez interjected, sir, sir, Mr. Elizondo. Mr. Elizondo stated, excuse me ma'am. Ms. Gonzalez stated, no sir. Mr. Elizondo continued, you have the authority, excuse me, excuse me ma'am. Ms. Gonzalez stated, no sir. Mr. Elizondo continued, you have the authority to ask the question. Ms. Gonzalez stated, Mr. Elizondo. Mr. Elizondo stated, you can bang the hammer a hundred times, I'm going to finish my question, my comment. You can ask. Ms. Gonzalez stated, you are out of line. Mr. Elizondo continued, anything to clarify because you are going to, be quiet, you are going to clarify the question that you have because you are going to vote on it. Ms. Peña stated, I know, and you know, let me, let me. Mr. Elizondo added, ask the question or verify your question, don't ever interrupt me like that Ms. Gonzalez. Ms. Peña stated, let me just ask Legal something, can I ask Legal something Ms. Jessica? Ms. Gonzalez stated, I just did. Ms. Peña asked, can I ask Legal something Ms. Jessica, may I? Ms. Gonzalez stated, I just finished asking Legal. Ms. Peña asked, I need to ask Legal a question, Jessica, may I? Ms. Gonzalez stated, ask Legal the question Ms. Peña. Ms. Peña continued, because I thought we were in the United States, I cannot believe. Ms. Gonzalez stated, I know where we are. Ms. Peña stated, well, I'm sorry, but you keep trying to keep us from speaking. Mr. Elizondo interjected, this is not a dictatorship. Ms. Peña stated, well, that's how I'm feeling, like we have a dictatorship. Mr. Elizondo echoed, its not a dictatorship. Mr. Eddie Garcia, Board Member interjected, its not a dictatorship. Mr. Elizondo stated, okay, the President only runs the meeting. Mr. Garcia added, but there is rules that we need to follow. Mr. Elizondo added, does not dictate when and when we cannot talk let's put and clarify that. Ms. Peña stated, okay, okay, let me just ask, let me ask Legal, I'm sorry, I should have just asked Legal. Ms. Gonzalez stated, just ask Legal. Ms. Peña asked, sir, you have been listening to the meeting, am I correct Mr. O'Hanlon? You've been, you know, you are listening to the same thing I'm listening to, am I right? And I can ask my, my, this is what I heard, so can you clarify, did I hear this correctly because you heard everything he said and I heard it and it bothered me and maybe I heard it wrong, "when you call, when we call you, you don't answer because you don't want to talk to us", and then he continued to say what they were doing, did I hear that correctly? Mr. Chapman stated, okay, so that, that was me being, being a little sarcastic and not using it in the proper context. Ms. Gonzalez stated, thank you. Ms. Peña stated, okay, thank you because that scared the heck out of me. Mr. Chapman stated, yeah, the context is, when your healthcare company calls you. Ms. Gonzalez stated, thank you. Mr. Chapman continued, you don't want to answer. Ms. Gonzalez stated, so, we are going to go back to the original questions. Ms. Peña stated, I appreciate your time. Ms. Gonzalez stated, we did write them down or do you guys want to go one by one the way you guys asked them, you went first Mr. Elizondo. Mr. Elizondo stated, real quick question, I apologize for the. Mr. Chapman stated, that's okay. Mr. Elizondo continued, semantics here, just real quick, I asked the same question of the other one. The health plan has the wellness portion of it, is that included in your, in your plan and it's at no addition cost to the district as well, right, or to the employee? Mr. Chapman replied, the wellness app and the wellness programs

that we have embedded are at no charge to the district, the real appeal weight loss program is a very robust and intense weight loss program that does have charges associated with that on an ongoing basis which are claim costs which are only paid by the district upon success in the program. Mr. Elizondo stated, and that's, I'm glad that you added that extra, but my, my biggest concern is the wellness side, so, if I need to go draw blood and stuff like that, labs need to be drawn, its at no cost because it's already embedded in this program that you are selling the district. Mr. Chapman stated, yeah, the wellness programs that we have are embedded in the program, that is correct, yes, yes. Ms. Gonzalez asked, thank you, Ms. Peña, do you remember your questions or do you want to say them? Ms. Peña replied, yes, Ms. Gonzalez stated, okay, go ahead. Ms. Peña asked, sir, how long have you been serving the Rio Grande Valley with your insurance company United? Mr. Chapman replied, I've been working down here over 10 years. Ms. Peña asked, how long has the company been serving with, before, maybe you, what's the years of your company serving the Rio Grande Valley? Mr. Chapman replied, I would say at least 20, 25 years, maybe even longer, yeah, I don't have the specific time frame but I know that the Rio Grande Valley has been an, a very important part of the state for us for many, many years. Ms. Peña asked, and do you know how long United has been serving the State of Texas? Mr. Chapman replied, 35, 40 years, ballpark, yeah, that's, yeah, that's a long time, we are not new, yeah. Ms. Peña asked, thank you, now, my second, my last question is, do you let the insured persons or employee know when they have a claim denied by you, you go to a doctor or you have, you're going to have some need of some medical help and of course, they go through the medical insurance before they even touch your body and try and save you and then your insurance company says, no, this is not covered. And it appears to be that something that might be kind of life and death for them, but sometimes we don't see it that way as a company, do you let them know, you can always contact your district cause they are self-insured and at the end of the day, they make the final decision on covering you because its coming from their pocket, not from United's pocket, do you let them know that out of courtesy? Mr. Chapman replied, I would say yes to that question, I mean, there is a lot of things like an emergency visit, which you referenced life or death. I think it would be very rare that something that's an emergency would be declined because we base it on what we call, prudent layperson. Which is, if your employee thinks it's an emergency then it is, right. Ms. Peña stated, and the reason I say this is because we have doctors, you know, that say you're fine and then you go to another doctor and you are almost dying. So, my question to you, and you know this is a fact, what I just stated, so my question to you is, if its something that you have that's not covered, but its detrimental to your health, would you tell them, its not on the list that we can cover, but you may contact the district directly because they are self-insured and. Mr. Chapman interjected, well, let me ask you a question, is that what you want us to tell them because as an ASO customer, we will tell them what you want. Some groups would not want us to tell them that. Ms. Peña stated, well, I would not say that because I cannot choose who lives and dies and the reason I say this is because a person in BISD, 10 years ago, went through that and thank God, that the local decided to let him live. Mr. Chapman, yeah, we, that's me, that's common sense, of course we would tell them. Ms. Peña stated, yes, but some, not to everyone. Mr. Chapman stated, the members of the ISD could say don't because you're self-insured, right, don't make us look bad. Ms. Peña

asked, yeah, but I'm saying, would you refer them and say, look, we are not the ones saying, if you don't believe with our decision, contact your district. Mr. Chapman stated, absolutely. Ms. Peña stated, thank you, that's all. Ms. Gonzalez stated, thank you. Mr. Chapman echoed, absolutely, that is your, you're self-insured, you pay the claims, those are your choices. Ms. Gonzalez stated, we do have another question for you. Ms. Peña interjected, let them finish Jessica, yes sir, and I'm sorry she, go ahead. Mr. Chapman stated, you can override anything, right, as an ASO customer, this is what we are here for. Ms. Peña stated, I really appreciate you for that, thank you. Ms. Hernandez stated, I want to add something to that. Ms. Gonzalez stated, go ahead. Ms. Hernandez stated, so if something is denied, the member will get a notification and the doctor does get that also and explain it is denied. Then the member will, or employee will reach out to the benefits team and the loop me in. I work with the escalated issues and then that's when I find out what is missing, is it the doctor, lately, it's been the clinics, the facilities, they are just. *Mr. David interjected, 30 seconds.* Ms. Hernandez stated, yes, we want this done but no medical necessity explaining why something is needed to be done. So, that's where I loop in, I'm looped in and then I take over and I make sure, if it is something that is medical necessary, it has to be done, then we can get it approved and I the middle person between the doctor and. Mr. Chapman interjected, our job is to keep your employees healthy and get the care that they need, that is our job. Ms. Peña stated, I really appreciate that, thank you. Mr. Chapman stated, yeah, thank you. *Mr. David stated, and time is now expired for questions.* Ms. Lopez Valdez stated, Legal, there was one more question that I asked, am I allowed to ask even though the time went out because I asked the other? *Mr. David replied, it is, yes.* Ms. Lopez Valdez asked, do the network of doctors remain the same, if our employees have a certain doctor, do they get to keep their doctor? Mr. Chapman replied, so our network in this area is extremely robust, we did not do a disruption report as part of this RFP but we have done it for other RFP's and we consistently get matches of 99% or higher. So, that's going to be a very rare thing that happens, but if a member is seeing a doctor, currently for something who is not in our network as of January 1st, we will allow a transition of care process to transition them to a doctor that's in network, but during that time, we will also do everything that we can to contract with that doctor in the process. If somebody is not participating its usually just because they don't, right, it's not because we don't want them or they don't want to be with us, it's just the way it is, right, we can't have 100%. But I will tell you, our network here is the least of your concerns with United Healthcare, this is, we have the largest network across the country and from our prospective, we help your members by having the doctors that they trust and our focus is to have the doctors that they trust, okay, thank you. Ms. Gonzalez stated, thank you guys very much, we will move forward with public comment.

VIII. PUBLIC COMMENT:

Veronica Borrego – XA1, XIB1a – Ms. Borrego stated, good evening Dr. Gutierrez, Board President Gonzalez and Board Members, my name is Veronica Borrego and I am the proud president of the Association of Brownsville Educators, AOB E, the largest and longest serving association in BISD. I am here tonight to speak on a few items, first off, I am glad to see the unassigned respiratory medication on the agenda. This could be

lifesaving and as I have said many a times before, the safety of both students and staff should always be of the utmost importance. I wanted to speak on other items on the agenda, but again, there is a lack of transparency, even though we have expressed on many occasions the need for transparency. There is minimal to no information online for us to access to be well informed and to come here and speak in front of the Board. There is an item on the agenda in reference to the current district's insurance consultant, we would like to know if the consultant and the Board have not yet secured a 3rd party administrator for medical insurance? Why there is a recommendation tonight, being made by the Employee Benefits Committee for wellness and disease management? It seems that some of these companies that presented have these services or some of these services embedded within them. AOB will continue to stress the importance of transparency and information being provided to the public in a timely manner. Thank you for your time and attention and have a good evening.

Patrick Hammes – XC1 – Mr. Hammes stated, good evening Board President Gonzalez, Dr. Gutierrez, Members of the Board, Patrick Hammes speaking on the behalf of BEST, Brownsville Educators Stand Together and AFT, American Federation of Teachers, a union of professionals. Just very brief, I hope these minutes carry over to the next meeting that I don't use. I wanted to thank the Board and I want to thank administration for following the process that's been in place for 30 plus years and letting the EBC listen to the presentations and make the recommendations. I want to thank Tony Meza as the Chairperson, for his leadership and I want to thank all the members of the Members of the Employee Benefit Committee for their dedication and effort and the extra time they take to, to attend these meetings and for their input. I believe the EBC knows they are an advisory committee, but in the past, most Boards have followed the recommendations and we hope that you will give them the same respect and consideration, thank you very much, have a wonderful evening, have the best of evenings, we will see you in a couple of weeks.

The Board may deliberate or take action regarding the following agenda items.

Board policy BE (Local) and Robert's Rules limits debate to two opportunities. A Trustee may debate a motion for three minutes on the first speaking opportunity and two minutes on the second opportunity.

IX. Recommend approving the Consent Agenda. The Board has agreed to discuss the following items. All of the items below that are not called out will be approved by consent.

(All presentations limited to five (5) minutes)

Ms. Jessica Gonzalez, Board President stated, before, before we move forward on 1, I just did want to take advantage and thank, I believe we have somebody from the Sheriff's Department here, I just wanted to thank you sir, for being here, I know we have an item on the agenda for you, you are ready to move forward but, I just wanted to call it out and thank you guys and we are ready to acknowledge but we are ready to move on to C1. Ms. Minerva Peña, Board Member stated, question. Ms. Gonzalez stated, yes ma'am. Ms. Peña asked, I know that the recommendation for the Senate Bill 294 is excellent, but just out of courtesy, for parents that don't have social media and aren't all day on their phone the way some of us are, could you politely, just make a mention of what that is, because it's a wonderful thing, but Dr. Gutierrez, could you, in a nutshell say what the Senate Bill 294 is and how wonderful it's going to be for our children? Ms. Gonzalez stated, sure, will, yes sir.

Action taken after discussion of X. A. 1

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| X. A. General Function | 1, 2 3 |
| B. Payments | 1 |
| C. Bids/Proposals/Purchase | |

X. Consent Agenda:

A. Recommend approval of the following General Function Item(s):

1. Recommend for Brownsville I.S.D. to adopt Senate Bill 294 to allow access to unassigned respiratory distress medication and respond to anticipated episodes at each campus. Brownsville I.S.D. would be following the guidelines to Senate Bill 294. **Consent Agenda**

Discussion of agenda item X. A. 1 as requested by Minerva Peña (refer to agenda item IX).

Dr. Rene Gutierrez, Superintendent of Schools stated, Mr. Guerrero, go ahead. Mr. Alonso Guerrero, Health Services/Maintenance Department Director stated, good evening, so, Senate Bill 294 is unassigned respiratory distress medication at every campus. It's just like we have epinephrine auto injectors for allergic reactions, we are now going to have albuterol nebulizer for any kid or any adult that is having respiratory distress on campus to make sure the kid is safe and before EMS gets there or before they get their home. A kid forgot their asthma medication at home, we can always take care of them before the parent has to go home and get it and bring it to the campus. Ms. Peña stated, and thank you because I think that's exciting that they are going to allow the asthma medication to be administered. And my question was this, we are going to have the medication, locally or are parents going to be required to bring the medication and have it at the nurse's station? Mr. Guerrero replied, no, each campus is going to have a nebulizer, a nebulizer mask and the medication available for anybody who needs it. Ms. Peña stated, and thank you because growing up with this kind of problem, it was something that's of real benefit. So, I'm very excited that they are looking forward to helping our nurses help our students, so thank you for that. Ms. Gonzalez, Mr., Mr., give me a second, Mr. Ortiz and then Mr. Elizondo have a question. Mr. Frank Ortiz, Board Member stated, yes, Mr. Guerrero, question for you. Mr. Guerrero stated, yes sir. Mr. Ortiz continued, I also am happy that we are going to adopt, you know, Senate Bill 294, I think it's great, not only for our students but for our employees as well. The questions that I have for you are these. What is the timeline, I was looking and reading the backup, I know that there's going to be some training of the nurses, then there is going to be training of the campus staff and then for the supplies to be able to come in. What is the timeline that we are looking at and getting and taking and getting this in place? Mr. Guerrero stated, I'm hoping by the next week or two, we should have everything in place, from the training, we have been training with the nurses, this is part of their usual training that they get to be able to recognize somebody who's having a respiratory distress, not just asthma but respiratory distress. So, we have those trainings in place already and we just need to get those medications in here and the vendors that we've been speaking to, they have it available, ready to ship as soon as we process a P.O. Mr. Ortiz asked, have the campuses already identified the staff that's going to get trained? Mr. Guerrero replied, correct, there's, the same staff that's trained for auto-injectors and other medications in campus are going to be used for the same nebulizer treatments. Mr. Ortiz stated, okay, I think it's a good plan and I do like the timeline, I'm glad that it's not dragging, you know, forever, you said about a week

to two weeks, I think that's great. Ms. Gonzales stated, Mr. Elizondo. Mr. Carlos Elizondo, Board Member stated, yes, just a real quick question. **Mr. Guerrero stated, yes sir.** Mr. Elizondo asked, do you have the policy in place already for the administration of these medications? **Mr. Guerrero replied, correct sir, we have a policy in place.** Mr. Elizondo asked, and under that policy, are they going to be non-licensed individuals that are going to be able to administer that medication? **Mr. Guerrero replied, primarily, our licensed individuals and then when they are not available, after hours, because part of the Senate Bill requires that if they are on, off campus and an event, we train somebody that can do it.** Mr. Elizondo asked, so you are going to have non-licensed, so, on the non-licensed, how many nurses are we in need of for the school district? **Mr. Guerrero replied, right now, we submitted today, two PR's for LVN's and we have two pending.** Mr. Elizondo stated, and the reason I ask is because what happens when we start using the policies to administer medication, especially for non-licensed employees who are not trained to give these medications or recognize the effects of these medications and it puts us at, at, you know, in a little pinch, I would say. **Mr. Guerrero stated, correct.** Mr. Elizondo continued, so, my recommendation is to make sure that we hire those nurses LVN's, RN's, so that way we don't have to use non-licensed individuals and maybe look into policies strictly using a licensed individual first and foremost before we actually start training individuals who are not licensed. Because I would hate to replace our nurses or our LVN spots with non-licensed and the superintendent would use it as a, a, you know, I guess, a crutch to be able to say, well, we got someone else that can do it because they are trained for it. So, my priority is making sure that our licensed nurses are upfront, especially with this new policy that's going to be in place. So, my recommendation is making sure that you got enough LVN's and RN's to make sure that this program. **Mr. Guerrero stated, correct.** Mr. Elizondo added, is done accordingly. **Mr. Guerrero stated, correct, and that's our priority, to have our nurses do it first too.**

Motion was made by Jessica Gonzalez, seconded by Minerva Peña and unanimously carried for approval of the General Function Items as reflected on the Consent Agenda. (7-0-0)

2. Discussion, consideration and possible action to donate two portable buildings to the Cameron County Sheriff's Office to further their training abilities. **Consent Agenda**
3. Recommend approval to authorize the ESSER Burns ES HVAC upgrades, Phase I Project under CSP #23-158 as substantially complete. **Consent Agenda**

B. Recommend approval of the following Payment(s):

1. Recommend approval of Payment #2 for \$363,375.00, as partial payment to Carrier Corporation, for Construction Services work completed on the ESSER Burns E.S. HVAC upgrades Phase I (Package 3) Project to be paid from ESSER III fund 282. **Consent Agenda**

C. Recommend approval of the following Bid(s)/Proposal(s)/Purchase(s):

1. Recommend awarding CSP #24-112 for Third Party Services, Preferred Organization for Self-Funded BISD Employee Benefit Plan, Wellness and Disease Management as ranked by the Employee Benefits Committee on September 1, 2023 and allow Administration to negotiate a contract. Recommend awarding Miracle Medical of Weslaco, Texas and UMatteer, LLC of San Antonio, Texas for Wellness and Disease Management. The term of

this contract is effective January 1, 2024, to December 31, 2024. Services will be rendered based on the needs of the district. The proposal is for a three (3) year term with an option to renew for two (2) additional one (1) year term.

Mr. Carlos Elizondo, Board Member stated, I make a motion. Ms. Minerva Peña, Board Member stated, question. Mr. Elizondo continued, I make a motion to maybe put this after the TPA has been in place because what's happening right now, that we've got individuals here who actually presented that this type of service is already embedded in the major medical plan. So, there would be no need for something like this to be brought to the table as an add on and then of course, some of questions that I have, has this already been vetted through the insurance benefits committee? Ms. Jessica Gonzalez, Board President asked, do you mean the, which part specifically? Ms. Peña interjected, third party service. Mr. Elizondo stated, specifically what we are going to vote on right now. Ms. Peña restated, third party service. Mr. Elizondo asked, Mr. Gutierrez, has that been vetted through the insurance benefits committee already? **Dr. Rene Gutierrez, Superintendent of Schools replied, yes, Roger.** Mr. Roger Garza, Consultant stated, yes sir, they both presented on September the 1st. Mr. Elizondo asked, so who sits on the Insurance Benefits Committee, or the Insurance Committee, I'm sorry, the Board? Ms. Peña interjected, well, I have a question real quick. Ms. Gonzalez stated, lets answer his question, I know Eddie Chairs it, you are co-chair. Mr. Elizondo asked, has it been brought to you guys? **Dr. Gutierrez stated, it's been brought to the full Board.** Mr. Elizondo asked, excuse me? No, no, no, the Insurance is Chaired by Mr. Garcia and I think its co-chair. Ms. Gonzalez stated, Mr. Garcia, Denise and Minerva Peña. Mr. Elizondo asked, has it been brought to you guys. Ms. Peña replied, no, and I. Mr. Elizondo asked, so, so why has it not been brought to the Board Insurance Committee before its presented to the public for a vote, or to us? Ms. Peña interjected, well, real quick question, I'm on his coat tail here, please, no offense, why are we going to spend money and pay a third party when the people who are getting this insurance for the district do that already for us. I've been studying that when I saw this, so, why are we going to spend this extra money for a third party, no offense to you, I know you need to get a job. But, my job is to save all the money I can from our teachers and all our employees, why are we doing this? Because this is what's been presented, when its already embedded in the company that is also a third party cause the TPA is going to be also a third-party because that insurance company is not going to pay the bills, we are. Mr. Elizondo stated, again, and Mr. Roger, this is the reason I have an issue with, with, with the way you handle business, it hasn't been brought up to the, these Members who Chair that Committee. Its been circumvented through the process and now we have to vote on it, but yet the people who actually sit in these Committees are not aware of anything. But now, you are presenting something for us to vote on it, I don't know if it was brought in by the superintendent or was it brought in by you, I don't know the question, maybe you can answer it to us? But, again, we sit here with no knowledge behind of what we need to vote on, yet, the people who sit here in front and make these votes don't even know what's going on. Ms. Peña stated, well my question is why put them together? Mr. Elizondo asked, and they just told you in public that they were never brought. Ms. Peña asked, why are you putting them together? **Mr. Garza replied, if I may?** Mr. Elizondo interjected, why do we continue to do this Mr. Garza? Ms. Gonzalez stated, I believe, to my understanding that was the meeting that I didn't attend, the Insurance Committee meeting. Denise Garza, Board Secretary stated September 1st. Mr. Elizondo stated, but Ms. Gonzalez, I just asked the question and the answer was that it was

not, Mr. Gutierrez agrees to that. Ms. Gonzalez stated, well, that's where I was going. Mr. Elizondo continued, so, again, why are we circumventing the Board Members who have to, who have to vote on something like this for the employees? Ms. Gonzalez stated, no, its not that we are circumventing. Mr. Elizondo stated, at a cost to the district, at a cost to the taxpayers and Ms. Minerva sits on that chair and she says no, Mr. Garcia, I don't know. Ms. Peña stated, after we had the presentation of insurance companies, we should have had a presentation for this and they did not. So, we went, we were just there, quiet, we couldn't speak, all we could do was see that that meeting was taking place. Why was this not done for this and this is embedded in the people who were selected by the IBC Committee, why are we going to spend extra money for a third party when they have that already for us and I've been studying that. It's something that I've been studying ladies and gentlemen, I'm going to be very blank, I'm going to step on toes and I apologize, this is taxpayer's money, we don't need this. Ms. Peña asked, why do we feel obligated, we do not need this? Ms. Gonzalez stated, it was approved, it was approved. Ms. Denise Garza, Board Secretary interjected, Ms. Peña, at the previous Committee meetings it was open for discussion and we requested and RFQ, we were all in that Committee. Ms. Peña stated, I was expecting one after that Committee, because remember, that happened after the IBC at the CAB building, so, I expected to have another one for this and it didn't happen, why? Ms. Garza stated, and I understand that, but it's like we can't be dragging this any further. Ms. Peña stated, no, we are not dragging, this is not, this is not something that is dragging, because we can approve an insurance company or a third party for our insurance benefits for our people, for our employees and we can hold on this because this, no offense sir, this thing that he does is not detrimental to the healthcare of our employees. But choosing the insurance company, third party that is, because that's where they go to the doctors, they don't go to the doctors, the insurance company does, so, why do we do them separate? Ms. Garza stated, well, Ms. Peña, you've been here since 2008, this is how its been done all these years. Ms. Peña stated, no, things have changed a lot mijita, since 2008, drastically. Ms. Gonzalez stated, okay, before we keep on, before we keep on going, I just want to make sure that the community understands that the Board did vote to go out for CSP's so this isn't 100% new, we knew we were going to. Ms. Peña interjected, what is CSP's, please, say the actual word, not the acronym. Ms. Gonzalez stated, competitive sealed proposal. Ms. Peña stated, right, but I like them separate, not together. Ms. Gonzalez stated, Ms. Lopez. Ms. Daniella Lopez Valdez, Board Vice-President stated, yes, I, I know that this has been done, this process has been done with the EBC Committee and I just want to make sure that the EBC Committee knows that we are very grateful for you all for participating not only once, but twice. Because I believe the outcome from our last insurance meeting was that to interview all, all, to allow all 14 to present and we did allow that so, in the ranking process, it seems like they were very, very similar the two times that you had to rank them. So, I just want the EBC Committee to know that they are valued and that this motion is to approve what they have, what they have recommended, they have brought to the table and what they want us to recommend. So, thank you to the EBC Committee. Ms. Peña asked, and may I, please? The EBC Committee, when I was there, I never saw them, I don't remember anyone addressing the third-party company to the EBC Committee, so the EBC Committee has no say or no picking on this third-party administrator that is here tonight embedded together. That was never mentioned and I stayed until the end of that meeting, so please forgive me, if we say, make a statement, that did not happen at that meeting, it is not a true statement. Because I was there from beginning to end and it was an all-day thing, so, please forgive me, the EBC Committee

did not have anything to do with picking this part of it. He introduced the insurance companies, but no, oh, also, we have these people that are applying for third party administrator. And Dr. Gutierrez, tell me the difference between a risk manager for our health insurance and a consultant? **Dr. Gutierrez stated, I think its about the same because we have the consultant and the risk manager is what Roger is doing, it's the.** Ms. Peña asked, but if we have that embedded in the company that is going to be our third party that is going to charge us a nice pretty penny, why would we double our expenses to the tax payers, no offense to you, by getting this part and that's what I've been studying and I noticed that that's why I noticed that Mr. Elizondo asked the question to the insurance company and they do that already. No offense, I know you need a job, but why are we going to take tax payers money and use it if we don't have to, right. Ms. Gonzalez stated, I'm sorry Mr. Garza (inaudible). Ms. Peña stated, I'm sorry, right now the economy is real bad sir, so I'm trying to save as much as possible. Mr. Garza interjected, ma'am, let me, let me help you out, maybe I can enlighten this for you, a third-party administrator is only licensed to administer claims and your plan document and independent licensed risk manager like myself, give you advice on what they should be doing and kind of keeps an eye on the situation. You are trying to commingle both of them and if they use that word kind of liberally, that's on them, to me, it's very specific, I look out after your best interest. Now, to get back with the question that you had on hand about the two independent preventive, they've been here since as long as I can remember, all we are doing is asking the Board to continue the relationship with them, however, they did present at the Employee Benefit Committee, they did rank them, they knew exactly what they were asking for. Some of these carriers do offer that service and they do say its embedded in their cost, but, the claim is not embedded in the cost, the claim is totally independent of that, so, that comes out of your funds. So, there is, there is some differential in services there, the UHealth situation is a, it's a biometric testing that they do on employees when they do the open enrollment, they do test for chronic diseases that may be or may have or they are getting treated for and they do report those results to the doctor. Ms. Gonzalez stated, Mr. Ortiz, I'm sorry. Mr. Frank Ortiz, Board Member stated, just in listening to the two presentations that were done a little earlier, it concerns me also that we are having to pay for services that are already embedded within the other two companies that we are looking at, that concerns me. Ms. Gonzalez stated, Mr. Elizondo. Mr. Elizondo stated, just real quick, and you talked about UHealth, UHealth is, you know. Mr. Garza interjected, UHealth, UHealth sir. Mr. Elizondo stated, UHealth, right, thank you, you matter too, so, so. Ms. Peña interjected, yes you do. Ms. Elizondo continued, so my question is, is there an additional cost to the district by having these two companies outside of our major medical? Mr. Garza replied, there's a cost related to the bio-metric testing, they don't typically do that as a third-party administrator, they hire subcontractors, they don't, in fact, you, they mentioned some of them during the presentation, I was writing notes on, they have Livongo, Livongo will charge you for it. Kind of, basically very similar to what diabetic supply manager, I think its Miracle Medical will charge, but they actually do give you credit for some of the rebates that they get for the, for the bio-metric, the glucose machines, so, there's some, there's some credits that come back to the district as well, what we are doing is just putting the supplies in front of the employees, that's what, that's what they're doing. Mr. Elizondo stated, okay, so now the bio-medical, so, after the employee and I'm going to tell you, just, the employee goes out, you know, you

matter and I matter and they get these bio-medical readings, right, and then they are mailed to their home? Mr. Garza stated, no sir, they are mailed to their doctors. Mr. Elizondo asked, all of them? Mr. Garza replied, yes sir, and that's, that was one of the primary concerns that we had originally when we examined them back 10 years ago, was we wanted to make sure that the doctors were getting this information so that they could alert the patient to conditions that were being developed. Mr. Elizondo stated, great, I'm just trying to develop a timeline, so, they go out there, get their bio-medicals, they send them to the doctor, should that doctor not already be following that patient for those chronic conditions? And so why would the employee have to, or the district have to pay for something outside of that doctor's care to tell them what they have already been probably doing in the first place, see what I'm saying? Mr. Garza stated, yes sir and, and I say, I'm just a messenger, so. Mr. Elizondo stated, I know, but I will kill the messenger too. Ms. Peña stated, no you won't. Mr. Elizondo stated, and that's unfortunate, you are the messenger. Ms. Peña added, question, not kill, question. Mr. Elizondo stated, so, so, but you see what I'm saying, so you are asking me to approve something that a doctor who is already a licensed MD under the plan is following these employees because they do have chronic and you know some of those chronic conditions, whatever they may be, many and why would they have to go outside and the district pay for another biomedical screen to tell the doctor, hey, these are the labs. As an MD or Doctor, PA, Nurse Practitioner, who ever is following these individuals, are usually getting these bio-metric readings within that visit. So, now you are asking us to draw some outside, send it to the doctor, the doctor calls him, that incurs a cost, not only to the district but to the employee because its not free, you have a co-pay, right? Mr. Garza stated, the, the bio-metric, the U Matter doesn't have one. Mr. Elizondo stated, I know that, but when they go see the doctor, guess what? Mr. Garza stated, they have a co-pay. Mr. Elizondo stated, the doctor is going to get a co-pay right. Mr. Garza stated, yes sir. Mr. Elizondo continued, so, now we are forcing him, to go over there again. Mr. Garza stated, well, I think it's. Mr. Elizondo interjected, so all these are costs to the district and since we are self-funded, guess what, it's a cost to the taxpayers. Mr. Garza stated, yes sir, if there is a cost associated with that and I understand that, but in the past 5 to 6 years, we've identified approximately 17 lifesaving events that I could say that resulted in a person actually getting some, an advanced notice of a condition that was about to happen. Now, I'm not saying it saved their lives, I'm not saying that, I'm just saying, the times that it has happened, its, they have been very grateful that they got that test. Not everyone goes to the doctor every 3 or 4 months or once a year, but the ones that don't are actually the ones we are trying to identify. These are your high claimants, potential high claimants that were result in high oncology costs. Mr. Elizondo asked, we already have those, right? Mr. Garza asked, sir? Mr. Elizondo reinstated, we already have those? Mr. Garza stated, we, we have some of those. Mr. Elizondo stated, we already have them. Mr. Garza stated, yes sir. Mr. Elizondo asked, not because of bio-metric were going to reduce those? Mr. Garza replied, no sir, its just a life saving notification. Mr. Elizondo stated, I agree and so does 911, right. Mr. Garza replied, yes sir, and again, I. Ms. Gonzalez interjected, don't move from there Roger, we still have more questions, its Denise and then Mr. Ortiz. Ms. Garza stated, thank you Mr. Garza, but could I have Ms. Rosario Peña to the podium please? Ms. Peña, I have a question, because its part of our backup but the community doesn't have this backup. **Ms. Rosie Peña, Purchasing Department Director stated, yes ma'am.** Ms. Garza asked, can you let the community and our viewers know what was the actual CSP

and how it was written out and issue out to everyone? **Ms. Peña replied, yes ma'am, a competitive sealed proposal has been, historically, in use by the district for larger contracts such as this and for construction services. It's a more competitive form of solicitation whereby it is assured that a certain process is followed and we do not deviate from that process. Specifications were written and reviewed by our Employee Benefits Department as well as Mr. Garza's office.** Ms. Garza asked, okay, so can, okay, so, our CSP was number 24-112, third party services, preferred provider organization for the self-funded BISD employee benefit plan, wellness and disease management and that's how it was written out, correct, and everybody received this CSP that way? **Ms. Peña replied, correct ma'am.** Ms. Garza echoed, correct, so this is nothing new to any of us because this is the way it was written out, this is how it went out and it had been brought to us not just, you know, one time, but several times. Ms. Gonzalez stated, exactly. Ms. Garza stated, thank you Ms. Peña for the clarification and letting our viewers and our community know that difference, you know, that it was a CSP not an RFQ. **Ms. Peña stated, that is correct, thank you ma'am.** Ms. Garza stated, thank you. Ms. Gonzalez stated, Mr. Ortiz has a, a. Mr. Elizondo interjected, I have a question for you ma'am. Ms. Gonzalez stated, well, don't leave Ms. Peña, Carlos has a question but Mr. Ortiz is first. Mr. Ortiz asked, once again, to what I just said a little while ago and I certainly concur with what Mr. Elizondo said earlier, I believe it's important that we approve the TPA first you know, to avoid any duplication services and incurring additional costs, that's the only thing that concerns me at this point in time. I think we are going the other way around as Mr. Elizondo mentioned and I certainly agree with what he said and I think we should approve a TPA first. Ms. Peña interjected, may I? Ms. Gonzalez stated, Mr. Elizondo. Mr. Elizondo stated, yes, real quick, I don't think, maybe I came across, I'm not discrediting the process, not one, not one way or the other, so, now, the clarification is, who spearheaded this, was it you or was it Mr. Garza? **Ms. Peña replied, no, it was the Employee Benefits Department sir and they are following specifications that were set forth prior. In other words, in all our contracts for insurance TPA's.** Mr. Elizondo asked, and that's, and I'm not disregarding the CSP process whatsoever, what I'm saying is, who spearheaded this project? **Ms. Peña replied, it was the Employee Benefits Department and of course, Valley Risk because they are our consultants.** Mr. Elizondo asked, so, who is Valley Risk? **Ms. Peña replied, Valley Risk is Mr. Roger Garza.** Mr. Elizondo asked, so, Mr. Roger Garza spearheaded this? **Ms. Peña replied, the Employee Benefits Department is the one that originates the bid and they contract out, or the district contracts out with Mr. Roger Garza who is our consultant for this contract.** Mr. Elizondo asked, so the Employee Benefits Committee said, we want to make sure that we have this bio-metric program on the side, aside from our major medical? **Ms. Peña replied, the Employee Benefits Department sir.** Ms. M. Peña interjected, Committee. **Ms. R. Peña stated, not the Committee ma'am, the Employee Benefits Department, together with Valley Risk reviewed the specifications set forth on the CSP.** Mr. Elizondo stated, okay, so Ms. Peña is confused, so now. Ms. Peña interjected, no, that's not what he asked, he asked for. Mr. Elizondo continued, the department and the benefits committee are two totally different people, right? **Ms. R. Peña stated, that is correct.** Mr. Elizondo stated, okay, so that's, that's what we want to make sure that we understand, not the employees, right? **Ms. R. Peña stated, no, the Employee Benefits Committee does not review the specification, if that is the question.** Ms. Peña asked, why? **Ms. R. Peña replied, ma'am, I'm not sure why, but historically, historically, its been coming out of the Employee Benefits Department who originates the CSP and together with Valley Risk**

or whoever our consultant is. Mr. Elizondo asked, so, again, I'm not, I'm not disregarding the process whatsoever, what I'm trying to find out, who spearheaded this program because what it looks like is that we are pushing the cart in front of the horse. Our major medical program has some of these benefits included, right? They are inside that process, what this does is it completely puts out a second portion of it outside of our major medical which is going to cost the district extra monies if they use it or they don't use it, am I correct? **Ms. R. Peña replied, Mr. Elizondo, I believe that Ms. Zarate or Mr. Garza would be able to answer better.** Mr. Elizondo stated, Ms. Zarate, let me ask her the question, thank you, I just want to know who I need to address, who these people are because when you just say employee benefits, it confuses us up here. **Ms. Maricela Zarate Puente, Employee Benefits Department Director stated, yes, good afternoon.** Ms. Peña interjected, Ms. Jessica, can we approve, if I understood Mr. Elizondo's first motion, to approve the TPA and then to do the third-party services on another date. Ms. Gonzalez stated, I believe that was his motion but I never got a second. **Ms. Pat C. Perez, Administrative Assistant to the Board of Trustees stated, the motion was to change the order of the day.** Ms. Peña stated, okay, then I would like to make a motion that we approve the TPA. **Ms. Perez stated, well, I have a motion on the floor.** Ms. Peña stated, okay, okay, what was your, say your motion all over again. Mr. Elizondo stated, let me finish my questions and then we will deal with that. Ms. Peña stated, I apologize. Mr. Elizondo continued, I still got questions, thank you ma'am. So, again, my, I'm trying, I trying to figure out who spearheaded this UHealth or U Matter, I'm sorry, U Matter and what's the other portion of it? **Ms. Zarate stated, yes, good evening.** Mr. Elizondo echoed, U Matter and Miracle Medical. **Ms. Zarate continued, yes, good evening, Board President, Dr. Gutierrez and Members of the Board, the Employee Benefits Committees and myself at the helm, spearheaded this with the guidance and consultation with Valley Risk Consultants.** Mr. Elizondo stated, because Ms. Rosie said that the Employee Benefits Committee was not involved, it was just the department, so, there's two, right? **Ms. Zarate stated, right, you have the Employee Benefits Department and then separate we have the Employee Benefits Committee.** Mr. Elizondo stated, so Ms. Peña said it wasn't the Benefits Committee, it was the Department, so what is it now? **Ms. Zarate stated, the Department sir.** Mr. Elizondo asked, not the Committee, you just said the Committee, right? **Ms. Zarate stated, oh, I apologize if I said that.** Mr. Elizondo stated, just because that's confusing a lot of people, it has nothing to do with the Employee Benefits Committee, its got to do. **Ms. Zarate interjected, for clarification, yes sir, its Employee Benefits Department.** Mr. Elizondo echoed, Employee Benefits Department and Mr. Garza. **Ms. Zarate stated, correct.** Mr. Elizondo stated, again. Ms. Gonzalez stated, I have a question for Legal, so the motion on the table is to move the, the order, but we already approved the agenda, we can still move it after the fact? Ms. Peña interjected, yes. *Mr. Robert David, Legal Counsel stated, yes, the items on the agenda may be taken out of turn which is effectively what Mr. Elizondo's motion is.* Ms. Gonzalez stated, I just wanted it said publicly, thank you so much. *Mr. David stated, absolutely.* Ms. Peña stated, I have a question for Mr., Dr. Gutierrez, what is the price that we pay the consultant? **Dr. Gutierrez stated, I have in the, we have the contract in the.** Ms. Peña stated, cause that's public information because the tax payers are paying, none of us, in fact, yeah, we all pay, it coming out of our pockets too. Ms. Gonzalez stated, the agenda item is not the consultants fee, the agenda item is to, for third party services. Ms. Peña stated, but, we gotta pay the third-party services so I want to know the money. **Dr. Gutierrez stated, Ms. Peña, the contract is part of the packet, it's a discussion item**

that we have in closed session but this contract is in there, its in the, its in the backup. Ms. Peña stated, and, I, I'm just wondering if, I know that historically, and people historically, well, historically we have been doing things that are kind of strange and they are not working anymore like they used to. Why could we not separate them and this is something that we need to, and he, you said that, because of the motion that you are making, because you moved it till after. Yeah, but what you can do is pull you motion and make a motion that we only approve the TPA and move the other one later. Mr. Elizondo stated, well, I will amend my motion as to. Ms. Peña stated, modify. Mr. Elizondo stated, yeah, I mean we can approve the TPA but I'm going to vote against this U Matter and what's the other one, the wellness and disease management. Ms. Peña stated, yeah, but the TPA, can you make a motion to. Ms. Gonzalez stated, for Pat, just go ahead and clarify your motion. Mr. Elizondo asked, Pat, can we make, can we separate, because it's confusing because everything is involved in one, in one agenda item. I don't know why it was written that way, Mr. Gutierrez, did you, did you write this agenda item? **Dr. Gutierrez replied, no sir.** Mr. Elizondo asked, who wrote it? **Dr. Gutierrez stated, it was, it was with Roger and Employee Benefits.** Mr. Elizondo stated, so Roger, again, Roger, Roger, you are all over this place man, Roger. Ms. Peña asked, Mr. Elizondo, could you pull your motion and restate. Mr. Elizondo stated, as my grandma used to say, ay Roger, chihuahuas. Ms. Gonzalez stated, just again, for clarity for Pat. Mr. Elizondo stated, there's a lot of, there's a lot of issues here, that's what I'm trying to figure out, it's all embedded, I mean, this is a lot of spaghetti here, you know, everything is in one, I mean, its confusing not only to us, its confusing to the district, it's confusing to the taxpayers and everybody that's here. I mean, it should have been separate agenda items, what I'm seeing here is that we are approving the TPA and allowing administration to make the deals later. Is that what I'm gathering at? I mean, the attorney. Ms. Peña asked, can you change your motion Mr. Elizondo? Mr. Elizondo replied, hold on, let me explain, can you explain this motion because its confusing, to me it's a lot of word salad, everything is in one. What is this agenda item approving or not approving? *Mr. David stated, yes, no, Mr. Elizondo, this is for everything listed, however, it may be approached in piecemeal motions if you will. Essentially, the Board may make multiple motions on the same item, its essentially allowing for all of these matters should be discussed at the meeting. So, if you plan to, for example, respond to the first part regarding disease and wellness or rather that second in one motion and the rest in another, that would be perfectly permissible.* Mr. Elizondo stated, because the way it sits right now, the way it reads, if we vote on it, its, its, everything. Ms. Peña stated, unless you change the motion. Mr. Elizondo stated, wait, let the, let me get the explanation, that's why they pay him a lot of money, look, he is over there too, they pay both of them a lot of money. Can you explain to me, if we were to vote on this, how is it that we are voting on it, it's a whole package, am I correct? *Mr. David replied, if you're to make a motion based specifically on the item XE1, to approve as written, then it would everything as listed. However, otherwise, you'd be required to list out the actual motion, the motion language, what you are moving to approve, which you could limit in scope between everything listed or a specific piece of it if you'd like.* Mr. Elizondo stated, this is what I'm gathering at, we shouldn't make these motions where they are all grouped into one, Mr. Gutierrez, we should put it our just like you do in everything else. Line, or single by single so there is no confusion to us or the public. It makes the transparency a little foggy, you know what I'm saying? That was my question but thank you for answering. *Mr. Kevin O'Hanlon, Legal Counsel stated, let me interject something, that the agenda language doesn't dictate the motion, the agenda language is there to identify what subject*

matter of the discussion is. If you choose, to, you want to break it up, move to divide the question, the motion is yours, you don't have to make the motion and the wording of the, of the agenda item, make a motion. Mr. Elizondo stated agreed Mr. O'Hanlon, I understand that, but the, the way, if you can simplify, not everybody is an attorney like you and has all the 120 years of service, you know, doing this, but, and the knowledge behind this, but us, that we don't know this or the public that doesn't know that it's very, very confusing if you get my drift. Ms. Gonzalez stated, Ms. Lopez. Mr. Elizondo added, I'd like to make a motion to approve the TPA. *Mr. O'Hanlon stated, well, the (inaudible) you have the full range of motion.* Ms. Peña stated, okay, but you have to withdraw your first. **Ms. Perez asked, sir, you are going to withdraw the change?** Mr. Elizondo stated, I withdraw it, yes. Ms. Peña asked, so your motion is to approve the TPA only. Ms. Gonzalez stated, say that for the minutes please. Mr. Elizondo stated, yes, only the TPA, is that going to come back to us? **Dr. Gutierrez asked, was there a second on this motion?** Ms. Peña stated, second. Mr. Elizondo asked, the question, before I modify it completely, is that going to come back to us or is this a full trump card to allow administration to do what they want? **Dr. Gutierrez replied, well, I want to see what the direction of the Board is going to be with the motions.** Ms. Peña interjected, if, well, here's a question, if the motion is to turn around and just approve the TPA tonight and do the other one, you can finish you motion, Mr. Elizondo, and, and leave the consultant to another matter or separate them, you can do that. So, clearly say, I motion that we approve the TPA only in this item and make the consultant a second item for approval. Mr. Elizondo stated, okay, we can do that, that's fine, I'll amend my motion. Ms. Peña stated, why don't we do that, to separate them. Mr. Elizondo stated, separate, separate the TPA and then, and then the consultant with the rest of whatever it is, wellness, disease and U Matter and. *Mr. David stated, yes, the means for doing that would just be limiting the scope of your language in terms of what the motion is. Essentially, if you would like to move to approve the TPA, that would be all that's needed, as far as that motion is concerned.* Mr. Elizondo stated, yeah, I'd like to approve the TPA but also making sure that the superintendent comes back to at least the Board for, you know, whatever the follow up would be. *Mr. O'Hanlon interjected, you can't ask the superintendent to interpret the intention of your motion until you had a vote on it, you are asking what the superintendent will do. I don't know, unless they can see what the motion is and whether it passes.* Ms. Peña asked, well, when the motion, Mr. O'Hanlon, when the motion gets made and second, and I second his motion, do you not have discussion, you are saying, as part of the discussion, we wouldn't be able to ask the superintendent his opinion or his concern or his future actions at all, is that what you are telling us to do or not to do? *Mr. O'Hanlon stated, no, you, you absolutely can but you are asking the superintendent to comment on what he is going to do before he knows what you are telling him.* Ms. Peña stated, well, we. *Mr. O'Hanlon stated, I can tell you what he is going to do, he's going to do what you tell him to do.* Ms. Peña stated, okay, I appreciate that. *Mr. O'Hanlon stated, someone needs to make a motion and give him instructions and then he will carry them out.* Ms. Gonzalez stated, okay, so we do have a motion on the table to approve just the TPA, correct, Pat, is that what you have? My only, just for point of clarity, is which TPA? Ms. Peña asked, Mr. Carlos, which TPA, Mr. Carlos? Mr. Elizondo replied, the Employee Benefits Committee recommendation is what. Ms. Gonzalez stated, the top one. Mr. Elizondo stated, yes, whatever they recommend. Ms. Peña stated, so your motion is to approve the Employee Benefits, which is United, mention the name. Mr. Elizondo stated, right, United Healthcare. Ms. Gonzalez asked, you got it Pat? So, again, its just for, the motion is just to approve just the TPA, the top ranked by

EBC, correct? Alright, lets vote guys, or Ms. Pat, I'm sorry. **Ms. Perez stated, its recommend approval of TPA only, recommended by Employee Benefits Committee, United Healthcare.** Mr. Elizondo stated, that was the recommendation of the EBC, right? Ms. Peña stated, yes, thank you. *Mr. David asked, I'm sorry, I believe earlier that Blue Cross Blue Shield was the first ranked?* Mr. Ortiz stated, no sir, no sir. Ms. Garza stated, no, they were first to present but ranking wise, it was United. *Mr. David stated, okay.* Ms. Peña added, they presented alphabetically, not in position of points. Mr. Elizondo stated, so read the language, the attorneys, speak into the mic. *Mr. David stated, absolutely, so, I was seeking to clarify the agency that was being approved, so, essentially the motion is to approve the TPA only as to that matter as recommended by the Employee Benefits Committee, which would be to United Healthcare for the term recommended in the item which would be for a three-year term with an option to renew for two additional one-year terms.* Mr. Elizondo asked, are we obligated to stay there the three years? *Mr. David replied, for the first three years, yes sir.* *Mr. O'Hanlon interjected, no.* Ms. Peña stated, no, the answer is no, the answer is no. Mr. Elizondo stated, Mr. O'Hanlon please. Ms. Peña continued, for the (inaudible), the answer, he's correct, Mr. O'Hanlon is correct, no, if something goes wrong, we always have authority. Ms. Gonzalez stated, okay, hold on. *Mr. O'Hanlon stated, you can, you can adopt that, you are not bound by the agenda language to do anything, the agenda language is made a recommendation, you are not bound by that, you can't go more, but you could go less.* Mr. Elizondo asked, so, Mr. O'Hanlon, I'm going to let you know, so, we can do one year, right? *Mr. O'Hanlon replied, if you choose to do so, the answer is yes.* Mr. Elizondo asked, and we can do two years, correct? Ms. Peña stated, yes. *Mr. O'Hanlon stated, if you choose to do, the answer is yes.* Mr. Elizondo stated, or we could do three. Ms. Peña echoed, or we could do three. *Mr. O'Hanlon stated, then you will have to, we can come and do, do this all this much fun after only one year.* Ms. Peña asked, sir, let's keep three, yes, yes, lets keep three. **Ms. Perez stated, please vote.** *Mr. O'Hanlon interjected, but, but the other thing is, is that as a second part of that, you should, you should say how many options.* Ms. Peña stated, they did say that. *Mr. O'Hanlon stated, well, no, not in his question, he said one or two.* Mr. Elizondo stated, go ahead and, Mr. O'Hanlon, say that again. *Mr. O'Hanlon stated, you should, if you, the recommendation was a three and two ones, so, if you want to make a motion, I would do a, whatever the primary term ends, probably, it's in your interest to have optional years, I would think, your option, not the company's.* Mr. Elizondo stated, and I was going to ask you, just a real quick clarification question, there is no Dustin Garza in the mix on this, right? **Dr. Gutierrez replied, I don't know if there is any agents of any kind sir, we are looking at the third-party administrator, we are not discussing agents.** Ms. Peña stated, right, we are not, we are just on TPA. Mr. Elizondo asked, there is no Dustin Garza in the mix, is what I asked? **Dr. Gutierrez replied, my answer is I don't know.** Mr. Elizondo stated, okay.

Motion made by Carlos Elizondo, seconded by Minerva Peña, and unanimously carried to recommend awarding CSP #24-112 for Third Party Services, Preferred Organization for Self-Funded BISD Employee Benefit Plan, Wellness and Disease Management as ranked by the Employee Benefits Committee on September 1, 2023 and allow Administration to negotiate a contract. The term of this contract is effective January 1, 2024 to December 31, 2024. Services will be rendered based on the needs of the district. The proposal is for a three (3) year term with an option to renew for two (2) additional one (1) year term, (7-0-0)

Ms. Daniella Lopez Valdez, Board Vice-President stated, I would like to make a motion to recommend awarding Miracle Medical of Weslaco, Texas and U Matter LLC of San Antonio, Texas for wellness and disease management as they were the only two who we had on the submittals, thank you. Mr. Carlos Elizondo, Board Member stated, I have a question. Ms. Denise Garza, Board Member stated, I will second. Ms. Jessica Gonzalez, Board Member stated, Mr. Elizondo. Mr. Elizondo stated, yes, thank you, just a real quick clarification, Ms. Gonzalez, you do understand that this is outside of the major medical, it is going to cost the district more money? It will cost the district more money. Ms. Minerva Peña, Board Member stated, yes. Mr. Elizondo added, just as long as you understand that, that's what we are voting on, that it's going to cost the district more money, especially when they use this, its outside of the major medical, a lot of this is already embedded in the program. We were able to get the clarification from the actual vendors themselves where the specifically stated, that's why I asked the questions, and they said that they do provide these services. So, what you are doing is you're, duplication, like Mr. Ortiz says, duplication of services. So, just make sure that you guys are aware of what you are voting on, its that you are going to duplicate the services and it's going to cost the district more money. Mr. Frank Ortiz, Board Member asked, why don't we come back and put this, you know, at another date and time after we've vetted what this company has to offer so that we wont duplicate services. Ms. Gonzalez interjected, there's a motion. Mr. Ortiz stated, I know there's a motion but its just my, my opinion on what we should have done. Mr. Elizondo stated, I agree with Mr. Ortiz, I think we should wait on it, I mean, you can always amend your motion and we can come back and that way, if it is a duplication of services then maybe you save face, and if its not, then, you can always vote it again, you've got the majority. Ms. Peña asked, Dr. Gutierrez, Ms. Jessica, may I ask Dr. Gutierrez a question? Ms. Gonzalez replied, Ms. Peña, I'm sorry, go ahead. Ms. Peña asked, how much does this cost the district? **Dr. Rene Gutierrez, Superintendent of Schools replied, I would not know, that's what I was asking for, the cost of this Mr. Garza.** Mr. Elizondo stated, please don't ask Mr. Garza. Ms. Peña stated, no, Mr. Garza, have a seat, I would like to talk to our financial people. Ms. Gonzalez stated, okay, let Mr. Cespedes. Ms. Peña echoed, Mr. Cespedes. Ms. Gonzalez stated, let's do this, insurance falls under Dr. Cantu, Dr, Cantu, can you answer all the questions that my colleagues have, please, since insurance does fall under you, correct? **Dr. Nereida Cantu, Deputy Superintendent, Business Division replied, I will do my very best ma'am to answer every question.** Ms. Gonzalez stated, you always do great. **Dr. Cantu added, I don't, I don't have a packet with me or any information.** Mr. Elizondo asked, Mr. Gutierrez, this falls under you, everything falls under you. **Dr. Gutierrez stated, yes sir, everything falls under me and that's why we have the consultant along with our Employee Benefits.** Mr. Elizondo interjected, but the consultant lied to us the last time, you understand? Ms. Gonzalez stated, he did not lie. Mr. Elizondo stated, yes, he did. Ms. Gonzalez asked, what's the question? Ms. Peña replied, the question is, and if Dr. Cantu does not have the answer, because its sudden and brought up, I know you have a gentleman sitting next to you that's called our CFO, which I have a lot of confidence in, you please feel free to ask him because I'm very, I apologize, I'm going to step on toes, but there is no other way to do it. When you are in charge and you are the main person of the department, you have to know every question that will be asked of you of your department and it's disheartening when I ask and I'm told, I don't know and then we go to the other person and nobody is prepared and down the line, nobody knows, nobody knows, nobody knows. And it just sends out a very bad, bad vibe to our community because the taxpayers are suffering with the economy to pay their taxes,

to keep their home, to keep us going and have the money that we have. Ms. Lopez Valdez interjected, I want to call a question. Mr. Elizondo stated, Mr. Gutierrez, real quick, stop pushing the vote, I'm listening, I'm hearing you. Ms. Peña stated, yes, I'm hearing everything you are saying too, to my colleagues. Mr. Elizondo asked, why are you pushing the vote? **Dr. Gutierrez replied, there's a first and a second sir, just.** Mr. Elizondo stated, Mr. Gutierrez, again, this is the second time I hear you tell her, okay. Ms. Lopez Valdez stated, I was asking. Mr. Elizondo stated, Ms. Valdez, please. Ms. Peña stated, we heard him, Ms. Daniella, I heard, I have excellent hearing. Mr. Elizondo stated, refrain, refrain from pushing this vote, I've heard you twice already, okay, I usually don't say anything, but I'm telling you right now, you turned around and you told Ms. Gonzalez, I'm sorry, Ms. Lopez Valdez, I heard him, I'm old but I'm not deaf. **Dr. Gutierrez stated, Ms. Lopez is.** Mr. Elizondo stated, I'm just letting you know, please stop from refraining from pushing any vote. **Dr. Gutierrez asked, can I answer sir?** Mr. Elizondo stated, you can answer whatever you want. **Dr. Gutierrez stated, I'm going to answer that she made a motion, there's a second, she's asking me about this question about.** Mr. Elizondo stated, don't lie to me like everybody else has, I looked at you and I heard you. **Dr. Gutierrez, okay, that's fine, that's all I'm going to say.** Mr. Elizondo stated, do not lie to me. Ms. Peña interjected, okay, okay, guys, please, yes sir, please stop and I apologize, I'm going to step on your toes because I might be very candid. My friends don't cross into my business and my business don't cross into my friendship, that's why I keep my business and my friendships longer. Sir, forgive me and it's been on TV and people will see, when we are talking and we are leaning on to each other and we are talking and telling each other stuff, I can hear it, all the way over there and the public sees that we are doing that and that is what makes some of my colleagues very uncomfortable. We really need to refrain from doing that and stop encouraging each other what to do, because and then when somebody brings it to us, we can't deny it, when I do something wrong, okay, I did it. I'd rather eat a crow than a whole buzzard by denying it. So, please understand that it's not personal, it's just business, please understand that, thank you. Ms. Garza stated, and Ms. Peña, I would like to say that we are all guilty of doing that. Ms. Peña stated, yes, we are. Ms. Garza continued, because I've seen you do it as well so we are guilty. Ms. Peña stated, yes, I will admit to it, yes ma'am and we need to stop doing it and I will admit to it and I will deny that I won't do it and I won't deny when I say something that I said, I won't deny it, I'll admit it. Ms. Garza stated, we have a first and a second. Ms. Gonzalez stated, we do. Ms. Garza continued, but I'd like to make, you know, I motion to, and I made, I mean, I made the second only because this does benefit our employees, these are the two companies that come out to our campuses, they do the blood work. Many times, our employees don't go to the doctor and this is where they find out if, you know, they are pre-diabetic or they have any other, you know, issues that maybe they will recommend them to go to the doctor. So, this is a kind of preventative that you know, for those individuals that do not go to the doctor, cause we do know and that's one thing I have heard these past 3 years, of many employees who choose not to go to the doctor and then they finally go to the doctor and it's a bit, already too late because they have prolonged it. So, this is just, this is why I second it because these are the two companies that put in for this and its benefitting our employees and I want to make sure that our employees stay healthy. Ms. Gonzalez asked, Ms. Pat, are you ready with the. Ms. Peña interjected, question, I have a question please. Ms. Gonzalez stated, Ms. Peña. Ms. Peña stated, okay, so, what I'm understanding my colleague to say, Mr. Roger, can I ask Mr. Roger this? **Dr. Gutierrez stated, yes ma'am, go ahead.** Ms. Peña asked, sir, would you say, yes, this pertains to

you, what she just said, so, what she just said, I didn't know this, that the employees call you in your office and you give them medical advice whether or not to go. Mr. Garza stated, no ma'am. Ms. Peña continued, because that's what I understood her to say. Ms. Gonzalez stated, no, that's not what she said. Mr. Garza added, no ma'am, that's not true. Ms. Garza stated, I said, U Matter, the two companies that were, that I, that we second. Ms. Peña stated, the third-party service, the third-party service. Ms. Garza stated, the U Matter and Miracle, they come to our campuses, this is where they go fasting, they have bloodwork done and then they get their results later and that's where it tells them if they have any, maybe they are pre-diabetic or they will refer them and tell them like, you need to go see a physician. Ms. Peña asked, but how much does that cost us, that's what I'm trying to. Ms. Garza stated, it costs the employee nothing. Ms. Peña stated, no, no, no, the district my dear, I've been asking, who has the answer, how much this is going to cost us? Ms. Garza stated, you want the best for our employees, isn't cost no, does it matter when it comes to our employees? Ms. Peña stated, okay, there is a lot of suspicious things going on with this thing, I'm going to tell you frankly and people that are associated with this company that used to work for us, there's a lot of things. I want to be able, I want to be able to vet all of this stuff. Ms. Lopez Valdez interjected, who works from our. Ms. Garza interjected, yeah, who from our district works? Ms. Peña stated, well, he mentioned the name and I want to make sure and nobody can answer that. Ms. Gonzalez stated, lets make sure that (inaudible). Ms. Peña asked, why are we rushing, why are you rushing? Ms. Garza stated, you are assuming an individual is part of this. Ms. Peña stated, that's why I want to investigate and you won't let us, you say, lets approve it. Ms. Gonzalez stated, we do have a call to question. Ms. Peña stated, I just want to give us more time to investigate. Ms. Garza stated, check the backup. Ms. Peña stated, it's not on the backup because I don't have all the details. Mr. Elizondo asked, can I have a? Ms. Peña stated, yes, I'm sorry. Mr. Elizondo stated, just real quick. Ms. Peña added, I want to make sure. Mr. Elizondo continued, this is an additional cost to the district, just so you know. Ms. Peña stated, yes, I know. Mr. Elizondo stated, and it doesn't benefit maybe myself or someone who is not an employee but when they had it before, my wife used it and it failed, okay, that's what I'm telling you. There is an additional cost, its not a life saver, okay, so don't, don't sit here and say that it's a life saver, its not. If you don't use it, guess what, you said, you just said. Ms. Garza stated, I benefited from it. Mr. Elizondo stated, I'm telling you, there's a lot of people that have not. Ms. Gonzalez stated, okay, we have. Mr. Elizondo continued, I'm not done yet, I'm just letting you know that this is an additional cost to the district. Ms. Gonzalez stated, yes. Mr. Elizondo added, you have the majority four, you'll pass it, no issue, I have no problem with that, whatsoever, okay, just be mindful that its an additional cost aside from our major medical where this is already part of that cost. Ms. Gonzalez state, yes, you've made that very clear. Mr. Elizondo stated, there's no need for this, thank you, I just want to make sure that I ran that through everybody's head. Ms. Peña stated, and here's the point, really quick. Ms. Gonzalez asked, Pat, you are ready with the motion written down? Ms. Peña stated, Ms. Jessica, what she said, that the people go to the campuses, Blue Cross Blue Shield has that ability too, and they have done it, I mean, United, United, just said that they had that ability too and they will come and they will talk to you. So, yes ma'am, if United can come and do it and we already approved United and they'll come and do that and we let them come and do that, we are going to save a lot of money but now I'm hearing you say, no, I'm insisting that this private company does it. Why are we going to misuse our taxpayer's money when I've got kids that cant go to competition cause the schools don't have the funds to give the teacher the

pay to go take them to compete? I know because I donate out of my pocket to get those kids to the competition and my question is, its not needed. Mr. Eddie Garcia, Board Member asked, can we ask United, see if they provide those services? Mr. Elizondo stated, most definitely. Ms. Peña stated, yeah, they did. Mr. Elizondo stated, I did ask that, Mr. Garcia. Ms. Gonzalez stated, keep in mind that. Mr. Elizondo continued, I did ask that question and that's why I asked that question to both of them. Mr. Garcia asked, can you come up and just let us know if you can send people out there to the schools to provide these types of services? Mr. Darrel Chapman, Representative for United Healthcare stated, without reading the details, I can't be 100% sure of my answer, which is a fair answer, but if what you are asking is we can send people out to your campuses to do bio-metric screenings of your employees, yes, we can do that. Ms. Gonzalez stated, thank you. Mr. Chapman asked, anything else? Mr. Elizondo asked, and the readings are going to be, or if they have questions, like you mentioned earlier, you have that new program where a nurse will, you know, contact the individual or the employee contacts a nurse. Mr. Chapman stated, yes, no, I was asked, the charge for the bio-metric screenings would be a cost for them but I think that would be a cost with any vendor that did that. We would then take that data and we would upload it into our claims system which would provide us additional information on your members for our reach. Mr. Elizondo asked, and that data is readily available to your physicians within the network? Mr. Chapman replied, absolutely, yeah. Mr. Elizondo stated, so there is no need for them to go out there and schedule something, it could be directly pulled from the system to the patient who is in the network. Mr. Chapman stated, yeah, the benefit is we have it in our claims system, that's the benefit too. Mr. Elizondo stated, right. Ms. Garza asked, okay, you mentioned that there is a cost to our members. Mr. Chapman stated, no, not to the members, it's a claim cost for the actual bio-metric screenings, right, to have somebody come out and do the blood draw. Ms. Peña asked, part of what you do for the rest of the claims, am I correct, like, that's part of what? Mr. Chapman stated, yeah, its would be a claim cost. Ms. Peña echoed, just like a regular claim cost, yes. Mr. Chapman echoed, it's a claim cost and I, Connie may actually know the actual cost for them but. Ms. Connie Hernandez, Local Field Account Manager with United Healthcare stated, I do not know the actual cost but we can, that's something, if we wanna table it, we can also provide that information. Ms. Gonzalez stated, I was going to say. Ms. Garza asked, Mr. Hernandez, have you guys done this with any other school district where you could provide this screening for our employees, because I know that our employees really, they do depend on these screenings, a lot of our, especially like our bus drivers, our maintenance employees? Mr. Chapman stated, yeah, we highly recommend it. Ms. Hernandez stated, we used to have a program called simply engaged, it has not changed to UHC Rewards and so, those bio-metric screenings can be done and now members are getting rewarded. So, that may be something else that we can pull some numbers as well. Mr. Chapman stated yeah, I mean, I will tell you, United Healthcare does this for their own employees and we offer options, right. Ms. Garza stated, okay, so lets just say we were to go back and like table this and then you can kind of get us an analysis at cost, what it would cost per head of our employees and then we can get these other two, what's it call it, vendors, U Matter and Miracle and have them give us a cost and compare and see if it's something that we are going to use through United or you know, maybe it benefits us to go out. Ms. Hernandez stated, and the good thing is also, these bio-metric screenings, its not just an onsite event, the member can do it at home, they get a kit, they can

do it that way as well, they can also go and see their physician and if. Ms. Lopez Valdez interjected, I'll go ahead and amend it to table it. Ms. Garza stated, I'll second it. Ms. Gonzalez stated, okay. Ms. Peña stated, Mr. Ortiz's desire. Mr. Elizondo stated, second. Mr. Chapman stated, I was going to say, since we have been awarded, it may be beneficial to have us review what you are looking for, for duplication. Ms. Gonzalez stated, well, that's what I was trying to say, so we do have a motion to table and then part of the first one that has already passed is still to negotiate a contract so we can, that's a whole other issue. Mr. Chapman stated, happy to. Ms. Gonzalez stated, so there is a motion Ms. Pat. Ms. Elizondo stated, second. Ms. Garza stated, I second, but, is there a time frame by when we have to approve this, like, services, that way, you know, we don't sit on it, you know, we can move forward? Ms. Peña stated, well, we already approved the TPA and that was the. Ms. Garza stated, no, no, I know, but for them to gather the information, by when does it have to be brought back to the Board with all the facts. Ms. Peña stated, how much time you want to give them is what you want to say.

Dr. Gutierrez asked, how much time do you need, sir, how much time do you need? Ms. Peña asked, can we ask, can we speak to United sir? How much time do, would you like or do you need to get this information? Mr. Chapman replied, it's a Friday evening at 7 so, it's going to be a little difficult to get it, it's something we would ask our underwriters, yeah, there's different levels, it's something we can probably get Monday or Tuesday, yeah, it's not going to be a lengthy process, its. Ms. Gonzalez stated, okay, so the week of the Board (inaudible). *Mr. O'Hanlon interjected, can I.* Ms. Peña stated, and you work directly, if you work directly with. *Mr. O'Hanlon interjected, can I insert something here?* Ms. Gonzalez stated, yes, Kevin, yes. *Mr. O'Hanlon stated, alright, we are a little bit talking apples and oranges that I can see that the United people are a little nervous. They don't provide medical services, they are a third-party administrator, what our employees are entitled to in the way of services, are defined in our plan, alright. In the event that one of the options that is before you in this backup is to be proactive and direct contract with the service provider. In the absence of that, United will provide and pay for those services and they may be the same services that are administered by a physician or physician assistant medical professional of the patient's choice that qualifies under the plan. They don't send people to doctors, they look at the claim and they pay the claim or don't in accordance with the plan. They may have recommendations, they may have proactive kinds of information with respect to employees about what to look at to maintain their health, most companies do, I think United does, but they don't, in the absence of that, they're not going to go out and administer, do the clinic stuff, we are going to have to arrange for that if we want to do that.* Ms. Gonzalez stated, okay, so. *Mr. O'Hanlon continued, in the absence of that, United will simply pay the bills for those services that qualify under our plan.* Ms. Peña stated, we understand Mr. O'Hanlon. Ms. Gonzalez stated, okay, so then we have a motion on the table to table. **Ms. Pat C. Perez, Administrative Assistant to the Board of Trustees stated, yes, please vote.** Ms. Gonzalez echoed, please vote guys. Ms. Peña asked, and Dr. Gutierrez, Ms. Jessica, may I ask? Mr. Elizondo interjected, is it to table forever? Ms. Gonzalez replied, yes ma'am. Ms. Peña asked, Dr. Gutierrez, would you be in direct contact with United Healthcare and the individuals, please forgive me, because I think it's better that we speak to the people that we are asking instead of having somebody try to get in and block, because I noticed it happened just right now when you went to the podium. So, could they contact you directly and you work with them directly to find out the information sir? **Dr. Gutierrez replied, yes ma'am.** Ms. Peña stated, thank you. Ms. Gonzalez stated, Ms. Pat.

Amended motion made by Daniella Lopez Valdez, seconded by Denise Garza, to recommend tabling agenda item on Miracle Medical of Weslaco, Texas and U Matter LLC of San Antonio, Texas for wellness and disease management as they were the only two who we had on the submittals, (7-0-0)

XI. CLOSED MEETING: as pursuant to the Texas Government Code Sections: 551.071, 551.072, 551.074, 551.082, and 551.084. 7:48 P.M.

XII. BOARD RECONVENES - Board action on agenda items discussed in Executive Session. (9:00 A.M.)

Ms. Jessica Gonzalez, Board President stated, we are back, Ms., Ms. Pat. *Mr. Robert David, Legal Counsel asked, sorry, did the Board want to read a statement prior to resuming with the agenda? Dr. Rene Gutierrez, Superintendent of Schools replied, no, no, this is at the end for announcements. Mr. David stated, okay, thank you.*

Motion made by Jessica Gonzalez, seconded by Denise Garza to recommend approval grouping agenda items XI. A1, 2 and 3. (7-0-0)

A. PERSONNEL MATTER(S):

1. Presentation, acceptance and approval of Resignations. (5) (G-7-0-0)
2. Recommend approval of personnel for the 2023-2024 school year(s) – Instructional Coach. Subject to receipt of all outstanding documentation.(1) (G-7-0-0)
3. Recommend approval of Campus Professional Employee (P.A.) for change in salary for the 2023-2024 Fiscal School Year. (G-7-0-0)

B. BOARD MEMBER REQUEST(S):

1. Action Item(s)

- a. Discussion and possible action concerning status of District’s Insurance consultant. (Board Agenda Request Carlos Elizondo/Board Support Minerva Peña)

Mr. Carlos Elizondo, Board Member stated, I would like to make a motion to terminate contract, effective today. Mr. Frank Ortiz, Board Member stated, I second. Ms. Minerva Peña, Board Member stated, I have a question. Ms. Jessica Gonzalez, Board President stated, Ms. Peña. Ms. Peña asked, attorney, is it something that we are able to do today if the vote so goes that way, it something that the district has a right to do? *Mr. Robert David, Legal Counsel replied, under the contract, it does require that we give a 60-day termination notice, however, we could ask that he, that the consultant stop providing services effective today or we could ask him to waive the termination waiting period and rather not the consultant but the consultant company.* Ms. Peña asked, okay, so let’s, okay, but let’s say, he doesn’t want to waive the fee, so there is 60 days, so he would have to continue working and providing service for 60 days, is that what I hear you say? *Mr. David replied, so, essentially the way it would work is if you did want to terminate today, you could terminate today, however, you would still have to pay him through the end of the termination notice based on the terms of the contract.* Ms. Peña stated, so, the terms of the contract would mandate that he continue assisting until the 60

days or if he is terminated today, we pay him 60 days but he does, is not required to continue serving these 60 days. *Mr. David stated, I'm sorry for cutting off initially Ms. Peña, if you did vote to terminate effective today, it would mean that you could stop him from further performing under the contract but you would still have to pay him through the 60 days for the termination notice.* Ms. Peña stated, thank you. Ms. Gonzalez asked Ms. Pat, you ready? **Ms. Pat C. Perez, Administrative Assistant to the Board of Trustees stated, please vote.** Ms. Peña stated, and I'd like to, Ms. Jessica. Ms. Gonzalez stated, Ms., Peña. Ms. Peña continued, I'd like to say I am for this because I honestly believe that any way we can save money to give to our district, students and our teachers to go and participate with our students when they have all these competitions, I'd like to save this money cause I believe that we can have other, like the current insurance company take this responsibility and save the district money. At this point in time, please forgive me, I'm very limited on consultants cause consultants just tell you stuff that they go look for you when you can look for it yourself or have somebody that already works for you help you look for that stuff. So, for that reason, I am not for a consultant in this area. Ms. Gonzalez stated, thank you. **Ms. Perez stated, motion failed, 3 yes, 4 no.**

Motion made by Carlos Elizondo, seconded by Frank Ortiz, to recommend approval to terminate contract effective today, concerning District's Insurance consultant. (Board Agenda Request Carlos Elizondo/Board Support Minerva Peña)

The following vote was recorded

Yea: Mr. Elizondo, Mr. Ortiz, Ms. Peña
Nay: Ms. Lopez Valdez, Ms. Garza, Mr. Garcia, Ms. Gonzalez
Abstain:

Motion Failed: 3-4-0

C. ATTORNEY CONSULTATION

XII. BOARD RECONVENES - Board action on agenda items discussed in Executive Session.

XIII. Announcement(s):

Ms. Jessica Gonzalez, Board President stated announcements, Ms. Peña. **Dr. Rene Gutierrez, Superintendent of Schools echoes, Ms. Peña.** Ms. Minerva Peña, Board Member stated, yes, if I may, Ms. Jessica, I want to address the public and the people who are here. On behalf of all the Board, I really would like to apologize, we get very passionate, we forget sometimes that we are up here. And when we are really deep into what want and what we need because our heart believes in it, we can be very abrasive to each other. And sometimes we might be rude to each other and come across as something really bad to be sitting up here addressing our students. And I would also like to ask our students to forgive us and not follow our pattern because we need to stay in control of our feelings and respectful as much as possible and not mistreat people. Because I do want to say, from all of us, we never intend to hurt or insult anyone when we call them out. But, it's the passion that we have to serve our community, our children, our

teachers, our staff and give them the best, sometimes, some of your real hostile feeling comes out and it's not supposed to. So, for that, forgive us because we are here to serve you and we do promise and we are going to work really hard so we can continue to address, be stern, be firm, without being abrasive and insulting. So, I'm sorry, we apologize and thank you for the confidence you have in us cause we do serve you with a lot of love, god bless you all, thank you. Ms. Denise Garza, Board Member stated, thank you Ms. Peña saying that on behalf of the Board because that was a discussion we did have and we have all come to an agreement that we are sorry, so, thank you for speaking for behalf of all of us. Ms. Peña stated, you are welcome. Ms. Gonzalez stated, thank you as well and with that, I motion. **Dr. Gutierrez stated, just, again, for my staff as well, just to, I want to say the same, that we just, get very passionate, we care about our district, we care about our employees, but we will do better as, to work together as a team of 8 to, to be more aware that the public is watching us, the kids are watching us and we need to set the example, be the role models, to be better in how we handle ourselves up here, thank you.** Mr. Carlos Elizondo, Board Member stated, thank you, I would like to make a motion to adjourn. Ms. Gonzalez stated second. Ms. Peña stated, and as we waiting for this, I want to make sure that the teachers, the staff, and people in charge if you don't like the way we act, up here and you are right its wrong, please make sure you never follow our practice and do it to your employees. Remember, you don't like the way we act up here, you wont like to do it to yourselves and you wont like to do it to your employees. So, please learn from us its not a good practice work really hard to be very passionate and very empathetic towards our, your employees and your students and your staff, thank you. Ms. Gonzalez stated, thank you for that, ready Pat, ready.

XIV. Adjournment.

Motion was made by Carlos Elizondo, seconded by Jessica Gonzalez and unanimously carried to approve to adjourn the Special Called Board Meeting at 9:06 P.M. (7-0-0)

➤ **There being no further business appearing before the Board, the meeting was adjourned.**

**(HANDOUTS ADDED TO OFFICIAL MINUTES)
(AUDIO/VIDEO TAPES OF THE OPEN MEETING AND THE WRITTEN CERTIFIED AGENDA
OF THE CLOSED MEETING ARE ON FILE)**

Approved by:

Jessica Gonzalez, President of the Board

Date

Attested by:

Denise Garza, Secretary of the Board

Date

Notes: Font style designation

Board of Trustees
Administration
Board Attorney
Staff Attorney
Speaker/Presenter

(Minutes presented at Rescheduled Board Meeting held on April 9, 2024)