

CITY OF SURPRISE
Health Benefits Trust Fund Board
16000 N. Civic Center Plaza
Surprise, AZ 85374

Thursday, January 14, 2021 @ 4:15 PM
COUNCIL CHAMBERS



For instructions on how to comment on agenda items and public hearings, please go to Health Benefits Trust Fund Board Link: <https://bit.ly/3fCT6gv>

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Current Events and Reports
- E. Staff Reports
- F. Health Benefits Trust Fund Board Agenda

CALL TO THE PUBLIC:

INSTRUCTIONS: In order to address the Board\Commission, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the Secretary before the meeting begins.

Note: A.R.S. 38-431.01(H) - During this time members of the public may address the Board\Commission only on issues within the jurisdiction of the Board\Commission which are not an item on the agenda. At the conclusion of the open call, the Board\Commission may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

CONSENT AGENDA:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- 1. Internal Consideration and action pertaining to approval of a waiver of liens in the amount of \$37,708.26 to facilitate a Legal Workers' Compensation Settlement with Rachael Tidd.
- G. Other Business and Future Agenda Items
- H. Executive Session

For information purposes: Upon a public majority vote of a quorum ("Commission"), the Commission may hold an executive session, which will not be open to the public, but for only the following purposes: discussion or consideration of records exempt by law from public inspection (A.R.S. §38-431.03(A)(2));

or discussion or consultation for legal advice with the attorney or attorneys of the public body (A.R.S. §38-431.03(A)(3)).

Confidentiality Requirements: Pursuant to A.R.S. §38-431.03(C)(D), any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney or by agreement of the Commission, or as otherwise ordered by a court of competent jurisdiction.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

I. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: Monday, January 11, 2021 @ 5:40 p.m.

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.



CITY OF SURPRISE
Health Benefits Trust Fund Board

Council Meeting Date: January 14, 2021
Submitting Department: Legal
Staff Recommendations:

Contact Person:
District: Internal

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval of a waiver of liens in the amount of \$37,708.26 to facilitate a Workers' Compensation Settlement with Rachael Tidd.

Motion:

I move to approve waiver of liens in the amount of \$37,708.26 in exchange for, and subject to, waiver of any and all Workers' Compensation claims and benefits to the extent allowed by law by Rachael Tidd.

Background:

Rachael Tidd filed a certain Workers' Compensation claim(s) based on an alleged industrial injury from an incident that occurred on or about November 30, 2017. In an effort to resolve and finalize Ms. Tidd's Workers' Compensation claim(s), the parties have tentatively agreed that Ms. Tidd will, to the extent allowed by law, waive any present and future Workers' Compensation claims and benefits in exchange for the City waiving healthcare liens or lien rights which total \$37,708.26. These are liens or rights that exist by operation of law when the City's Workers' Compensation Program or Health Benefits Program pays for healthcare under the respective programs.

Because the Trust Board has certain oversight of the Health Benefits and Workers' Compensation Trusts and the referenced liens are associated with monies paid from those Trust Funds, the City Attorney has recommended that in this limited situation, it would be prudent to obtain approval to waive the liens from the Trust Board.

Objective Analysis:

This action is consistent with all applicable laws and will facilitate settlement of a Workers' Compensation claim consistent with the policies and interests of the City.

Policy Compliant:

This action is consistent with the applicable Trust Agreements, the City's self-insured Workers' Compensation Program policies and the Surprise Municipal Code.

Financial Impact:

The City will waive potential future collection on \$37,708.26 in liens in exchange for waiver of any present or future costs and expenses associated with Ms. Tidd's Workers' Compensation claim(s).

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:
