

## **RESOLUTION NO. 5493**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ELECTING TO BE SUBJECT TO PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT ONLY WITH RESPECT TO MEMBERS OF A SPECIFIC EMPLOYEE ORGANIZATION AND FIXING THE EMPLOYER'S CONTRIBUTION AT AN AMOUNT GREATER THAN OR EQUAL TO THAT PRESCRIBED BY SECTION 22825 OF THE GOVERNMENT CODE.**

**WHEREAS**, Government Code Section 22850.3 provides that a contracting agency may elect, upon proper application, to participate under the Public Employees' Medical and Hospital Care Act with respect to a recognized employee organization only; and

**WHEREAS**, Government Code Section 22754 (g) defines any Special District as a contracting agency, and

**WHEREAS**, A Special District is hereby defined as a non-profit, self-governed public agency within the State of California, and comprised solely of public employees performing a governmental rather than proprietary function, and

**WHEREAS**, The City of Morgan Hill, hereinafter referred to as Special District is an entity meeting the above definition; and

**WHEREAS**, The Special District desires to obtain for the members of the City Council who are active employees and retirees of the agency, the benefit of the Act and to accept the liabilities and obligations of an employer under the Act and Regulations; and

**WHEREAS**, Government Code Section 53208.5 (b) prohibits any member of a legislative body whose service first commences on and after January 1, 1995 from receiving health and welfare benefits greater than the most generous schedule of benefits being received by any category of nonsafety employees; and

**WHEREAS**, Government Code Section 53201 (c) (1) provides that a legislative body that provided benefits to former elected members shall not provide benefits to any person first elected to a term of office that begins on or after January 1, 1995, unless the member participates on a self-pay basis or was fully vested prior to January 1, 1995; and

**WHEREAS**, Government Code Section 53201 (c) (2) prohibits a local agency that did not provide benefits to former elective members of a legislative body before January 1, 1994, from providing benefits after January 1, 1994, unless the members participate on a self-pay basis;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL AS FOLLOWS:**

1. That the Special District elect, and it does hereby elect, to be subject to the provisions of the Act; and
2. That the employer's contribution of each active employee and eligible retiree shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan or plans as listed in the most current Management Resolution.
3. That the City of Morgan Hill will establish eligibility requirements for retired City Council Members; and
4. That the executive body appoint and direct, and it does hereby appoint and direct, the Human Resources Manager to file with the Board of Administration of the Public Employees' Retirement System a verified copy of this Resolution, and to perform on behalf of said Special District all functions required of it under the Act and Regulations of the Board of Administration; and
5. That the coverage under the Act be effective as identified in the most current Management Resolution.

**PASSED AND ADOPTED** by the City Council of the City of Morgan Hill at a meeting held on the 20th day of June 2001, by the following vote:

<b>AYES:</b>	<b>COUNCIL MEMBERS:</b>	<b>Larry Carr, Hedy L. Chang, Greg Sellers, Steve Tate</b>
<b>NOES:</b>	<b>COUNCIL MEMBERS:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>COUNCIL MEMBERS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>COUNCIL MEMBERS:</b>	<b>Dennis Kennedy</b>

**☞ CERTIFICATION ☞**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Resolution No. 5493 adopted by the City Council at the Meeting on June 20, 2001.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**