



Board Policy No. 125

Health and Welfare Benefits for Retired Elected Officials

ADOPTED: 11/1985

RECENT AMENDMENT: 01/2014

SEE ALSO: 120, 123

SUBJECT CATEGORY: SECTION 100, GOVERNANCE & ADMINISTRATION

SUBSECTION: COMPENSATION AND BENEFITS (Board of Directors)

CONTROL DEPARTMENT: GENERAL COUNSEL

I. ATTACHMENTS

Resolution No. 612 (Adoption), Enacted by the Board of Directors on November 26, 1985

Resolution No. 2022 (Amendment), Enacted by the Board of Directors on October 11, 2001.

Resolution No. 14-004 (Amendment), Enacted by the Board of Directors on January 22, 2014.

* NOTE: All Resolutions remain in effect.

RESOLUTION NO. 612

RESOLUTION OF THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT FOR THE CONTINUATION AND PAYMENT OF HEALTH AND WELFARE BENEFITS FOR THE BENEFIT OF FORMER MEMBERS OF THE BOARD WHO SERVE IN OFFICE AFTER JANUARY 1, 1981, AND WHOSE TOTAL SERVICE AT THE TIME OF TERMINATION IS NOT LESS THAN TWELVE (12) YEARS

WHEREAS, Section 53201(b) of the Public Utilities Code provides that the legislative body of a local agency may provide for the continuation of any health and welfare benefits for the benefit of former members of the legislative body who serve in office after January 1, 1981, and whose total service at the time of termination is not less than twelve (12) years; and

WHEREAS, the Board of Directors of the Alameda-Contra Costa Transit District constitute a "legislative body" within the context and intent of Section 53201(b) of the Public Utilities Code; and

WHEREAS, Section 53205 of the Public Utilities Code provides that the legislative body may form funds under its jurisdiction, authorize payment of all, or such portion as it may elect, of the premiums, dues and other charges for health and welfare benefits of officers, employees, retired employees, former elective members specified in subdivision (b) of Section 53201, and retired members of the legislative body subject to its jurisdiction; and

WHEREAS, the Personnel Committee of the Board of Directors did on November 30, 1983, adopt a motion recommending the Board of Directors approve continuation of health and welfare benefits for Directors terminating services on or after January 1, 1981, as authorized by Sections 53201 and 53205 of the Public Utilities Code, and furthermore the full cost of such continued benefits to be paid by the District; and

WHEREAS, the Board of Directors as a part of a regularly scheduled meeting did on May 9, 1984, accept and adopt the recommendation of the Personnel Committee with respect to continuance of health and welfare benefits for Directors terminating service on or after January 1, 1981, as authorized by Sections 53201 and 53205 of the Public Utilities Code, and furthermore the full cost of such continued benefits to be paid by the District.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors does as a matter of record adopt Resolution No. 612 confirming the previous action of the Board of Directors to continue health and welfare benefits for Directors terminating service on or after January 1, 1981, as authorized by Sections 53201 and 53205 of the Public Utilities Code, and furthermore the full cost of such continued benefits to be paid by the District.

I certify that Resolution No. 612 was duly and regularly adopted by the Board of Directors of the Alameda-Contra Costa Transit District on Tuesday, November 26, 1985.

I further certify that said Resolution No. 612 and related subject matter is recorded on Page 99 of Volume No. XXI.

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
LAWRENCE A. ROSENBERG, Secretary

James J. Adams
Deputy

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

RESOLUTION NO. 2022

A RESOLUTION AUTHORIZING THE INCLUSION OF FORMER BOARD MEMBERS IN THE DISTRICT'S HEALTH PLAN, ESTABLISHING ELIGIBILITY CRITERIA AND APPLICABLE BENEFITS

WHEREAS, on November 26, 1985, the Alameda-Contra Costa Transit District Board of Directors adopted Resolution No. 612 continuing District paid health and welfare benefits for Directors who terminated service on or after January 1, 1981, as authorized by sections 53201 and 53205 of the Public Utilities Code; and

WHEREAS, effective January 1, 1989, Public Utilities Code §99157 provided:

"Notwithstanding any other provision of law, a transit district may not provide any life, accident, or health insurance plan to any member or former member of the governing board of the district who first served as a member of the governing board after January 1, 1989, that exceeds the benefits provided to full-time active or retired district employees. The terms, conditions, or contributions applicable to any plan provided for employees shall also apply to any plan provided for those members of the governing board"; and

WHEREAS, on September 20, 2001, a majority of the Executive Committee recommended the Board of Directors consider extending health benefits to former Directors, consistent with the limitations in Public Utilities Code §99157;

NOW, THEREFORE, THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT BOARD OF DIRECTORS DOES RESOLVE AS FOLLOWS:

SECTION 1. Approves extending to former Directors of the District the continuation of health benefits based on the following criteria:

- *Eligibility.* Health Benefits may only be extended to former Directors who held the position of Director on or after July 1, 1998, who held the position of Director for a minimum of 5 years and who were at least 55 years of age when they left office.
- *Open Enrollment.* A one-time open enrollment in Kaiser and HealthNet shall be made available to former Directors meeting the above criteria within 60 days of approval by the Board of Directors. Thereafter, an offer to enroll eligible Directors will occur within 60 days of the seating of new Directors. However, if a former Director has had an opportunity to enroll in a retiree medical plan and declined to do so, he/she shall be precluded from participating in those plans in the future.

United Healthcare will only be offered to eligible Board members who live outside a Kaiser/HealthNet service area, and any costs paid by the District will be limited to the lowest HMO.

- *Payment.* The health benefits shall be paid as follows:

1. District will pay 50% of the medical premium, based on the lowest HMO rate, for Directors with 5 years of service. An additional 10% of the medical premium will be added for each year of service. For example, the District will pay 80% of the lowest HMO premium for a Director who is at least 55 years old with eight years of service. Costs for spousal or dependent participation shall be borne by the participating Director.
 2. Eligible Directors will receive free dental and vision coverage but must pay for spousal and/or dependent participation.
- *Medical Bridge.* Directors who are at least 50 years old with at least 15 years of service may elect to remain with the District benefit plan on Direct (self) pay status. Directors are eligible to convert to retiree medical benefits at age 55.

SECTION 2. This resolution shall not affect the health benefits available to Directors or former Directors who qualify under Resolution No. 612.

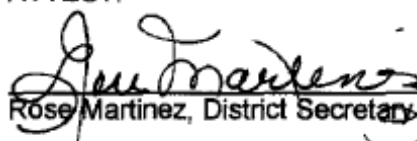
SECTION 3. This resolution shall become effective immediately upon its passage and adoption by four affirmative votes of the Board of Directors.

RESOLUTION NO. 2022 WAS PASSED AND ADOPTED THIS 11th day of October 2001.



 Matt Williams, President

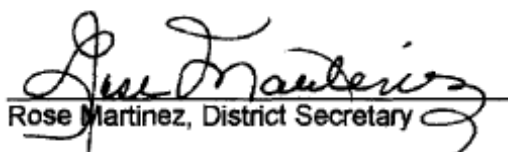
ATTEST:



 Rose Martinez, District Secretary

I, Rose Martinez, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Resolution was passed and adopted at a Regular Meeting of the Board of Directors held on the 11th day of October 2001, by the following roll call vote:

AYES: Directors Piras, Creason, Wallace, Harper, Vice President Peoples
 NOES: Director Cross
 ABSENT: President Williams
 ABSTAIN: None



 Rose Martinez, District Secretary

Approved as to Form:



 Kenneth C. Scheidig, General Counsel

**ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
RESOLUTION NO. 14-004**

**A RESOLUTION AUTHORIZING A CHANGE TO THE LANGUAGE OF
BOARD POLICY NO. 138 - HEALTH AND WELFARE BENEFITS FOR RETIRED ELECTED OFFICIALS
TO MAKE THE POLICY CONFORM TO APPLICABLE LAWS**

WHEREAS, on November 26, 1985, the Alameda Contra Costa Transit District Board of Directors adopted Resolution No. 612 continuing paid health and welfare benefits for Directors who terminated service on or after January, 1981, as authorized by sections 53201 and 53205 of the California Public Utilities Code, which Resolution established Board Policy No. 138, Health and Welfare Benefits for Retired Elected Officials; and

WHEREAS, on October 11, 2001, the Board of Directors adopted Resolution No. 2022 which amended Board Policy No. 138 to establish eligibility criteria and applicable health and welfare benefits in conformity with California Public Utilities Code section 99157; and

WHEREAS, California Government Code section 53201 provides that Directors who are elected since January 1, 1995, who have served one or more terms of office, and who elect to receive District health and welfare benefits upon retiring from service as Directors must pay for the cost of the health and welfare benefit premiums themselves; and

WHEREAS, on or about October 30, 2013, District staff recommended to the Board of Directors that Board Policy No. 138 be changed in order to make it conform to the requirements of California Government Code section 53201;

NOW THEREFORE, the Board of Directors of the Alameda-Contra Costa Transit District does resolve as follows:

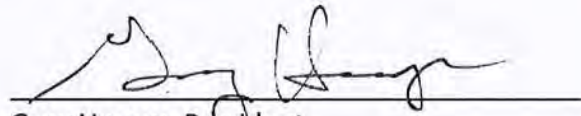
Section 1. Board Policy No. 138, Health and Welfare Benefits for Retired Elected Officials, is hereby amended to state that "Former Directors who were elected after January 1, 1995 shall be responsible for paying the cost of all premiums for District health and welfare insurance extended to them after retirement from District service."

Section 2. This resolution shall not affect the health benefits currently received by the two former Directors who qualified under Resolutions 612 and 2022.


Section 3. The eligibility criteria shall remain as set forth in Resolution 2022.

Section 4. This resolution shall become effective immediately upon its passage by four affirmative votes of the Board of Directors.

PASSED AND ADOPTED this 22nd day of January 2014.


Greg Harper, President

Attest:

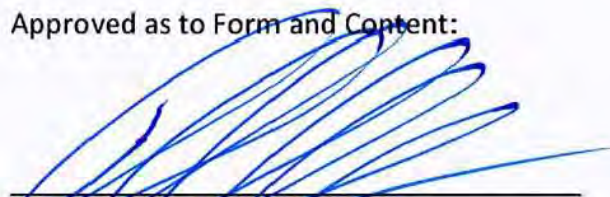

Linda A. Nemeroff, District Secretary

I, Linda A. Nemeroff, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Resolution was passed and adopted at a regular meeting of the Board of Directors held on the 22nd day of January 2014, by the following roll call vote:

AYES: DIRECTOR PEEPLES, VICE PRESIDENT WALLACE, DIRECTORS ORTIZ, WILLIAMS,
DAVIS, YOUNG, PRESIDENT HARPER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE


Linda A. Nemeroff, District Secretary

Approved as to Form and Content:


David A. Wolf, General Counsel