

RESOLUTION NUMBER R- 314961

DATE OF FINAL PASSAGE JUN 12 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, PURSUANT TO SECTION 24 OF THE FISCAL YEAR 2024 SALARY ORDINANCE, ADOPTING AN AMENDED CAFETERIA BENEFITS PLAN FOR ELIGIBLE EMPLOYEES FOR JULY 1, 2023 THROUGH JUNE 30, 2024 AND ESTABLISHING FLEXIBLE BENEFIT ALLOTMENTS.

WHEREAS, the Salary Ordinance for Fiscal Year 204 (Salary Ordinance) was adopted by the Council of the City of San Diego (City Council) on April 25, 2023 (O-21636); and

WHEREAS, section 24 of the Salary Ordinance provides that the City Council may establish additional benefit programs, upon the Mayor's recommendation; and

WHEREAS, the City Council initially established the City of San Diego Flexible Benefits Plan (Flexible Benefits Plan), effective October 1, 1984, and the City Council wishes to adopt the amended and restated Flexible Benefits Plan for eligible employees in Fiscal Year 2024; and

WHEREAS, the Flexible Benefits Plan is intended to provide eligible employees a choice between certain taxable and nontaxable benefits offered under it; and

WHEREAS, the Flexible Benefits Plan is as a cafeteria plan under section 125 of the Internal Revenue Code, and must be interpreted consistently with that section and related guidance issued by the Internal Revenue Service; and

WHEREAS, the City Council also wishes to adopt the Flexible Benefits Plan allotments or credits for eligible employees to fund health insurance and other benefits; and

WHEREAS, under the Meyers-Milias-Brown Act (MMBA), the City must meet and confer with its recognized employee organizations over the annual Flexible Benefits Plan allotments that the City provides its represented employees; and

WHEREAS, the Flexible Benefit Plan allotments for the City's represented employees for the period July 1, 2023 through June 30, 2024 have been negotiated, approved, and set forth in the Memoranda of Understanding (MOU) between the City and all six of its recognized employee organizations: Deputy City Attorneys Association of San Diego, by San Diego Resolution R- **314961** (June 6, 2023); Local 127, American Federation of State, County, and Municipal Employees, AFL-CIO, by San Diego Resolution R- **314961** (June 6, 2023); San Diego Municipal Employees' Association, by San Diego Resolution R- **314961** (June 6, 2023); California Teamsters Local 911, by San Diego Resolution R- 314186 (June 21, 2022), San Diego City Firefighters, International Association of Firefighters Local 145, by San Diego Resolution R- 314187 (June 21, 2022); and San Diego Police Officers Association, by San Diego Resolution R- 314185 (June 21, 2022); and

WHEREAS, the City Council also wishes to approve the allotments for the City's unrepresented employees who are eligible for benefits under the City's Flexible Benefits Plan, adopting the Mayor's recommendations; and

WHEREAS, the Flexible Benefit Plan was amended, by San Diego Resolution R-314196) (July 1, 2022), to change the plan year from a fiscal year to a calendar year basis; and

WHEREAS, certain section of the Flexible Benefits Plan relating to Timing of Contributions and Grace Periods must now be amended to reflect the change to a calendar year plan year; and

WHEREAS, the City Council wishes to amend sections 7.7 (Timing of Contributions), 7.9, and 8.9 (Grace Periods) of the Flexible Benefits Plan to reflect the change to a calendar year plan year; and

WHEREAS, the funds appropriate for the Flexible Benefits Plan for Fiscal Year 2024 are set forth in the annual Appropriation Ordinance; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

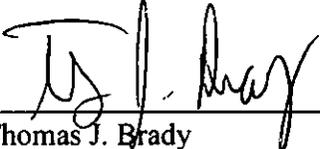
BE IT RESOLVED that, pursuant to section 24 of the Salary Ordinance, the City Council adopts the amended Flexible Benefits Plan, which is Attachment A to this Resolution, and which is also on file in the Office of the City Clerk as Document No. RR-**314961**, for all designated eligible employees for Fiscal Year 2023.

BE IT FURTHER RESOLVED that the City Council adopts the allotments or credits for flexible benefits for eligible employees under the Flexible Benefits Plan for Fiscal Year, as set forth in the Attachments B and C to this Resolution, and the amounts in Attachments B and C are the total amount of flexible benefits allotted for each eligible employee.

BE IT FURTHER RESOLVED that the City Council authorizes the Mayor or his designee to take any and all action necessary to provide the health care coverage required under the Affordable Care Act and related federal regulations, for those employees who are not eligible employees under the Flexible Benefits Plan.

BE IT FURTHER RESOLVED that the City Council authorizes the Mayor to execute agreements with the appropriate organizations providing the benefits designated in the Flexible Benefits Plan.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Thomas J. Brady
Deputy City Attorney

TJB:jvg
May 31, 2023
Or.Dept: Human Resources
CC No. N/A
Doc. No. 3320205

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 06 2023.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 6/12/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 0 6 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 1 2 2023

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California

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