

ORDINANCE NUMBER O- 21805 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 24 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE EXTENSION OF THE  
FLEXIBLE BENEFITS PLAN AND COBRA  
ADMINISTRATION SERVICES CONTRACT WITH  
WAGeworks.

WHEREAS, the San Diego City Council (City Council) initially established the City of San Diego Flexible Benefits Plan (Flexible Benefits Plan or Plan), effective October 1, 1984; and

WHEREAS, on April 17, 2018, the City Council authorized the Mayor to enter into agreements with appropriate organizations to provide services and benefits under the Plan (San Diego Resolution R-311678); and

WHEREAS, in June 2018, the Mayor approved an Agreement with WageWorks, Inc., to provide claims administration services for the Health Care Spending Account and Dependent Care Spending Account components of the Plan, as well as the health care continuation coverage administrative services under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA); and

WHEREAS, section 10.02 of the Flexible Benefits Plan provides that the City Council has authority to delegate certain administrative duties under the Plan to third parties; and

WHEREAS, on November 5, 2018, the City Council authorized WageWorks, Inc., to administer claims under the Health Care Spending Account and Dependent Care Spending Account components of the Plan, and to provide administrative service under COBRA (San Diego Resolution R-312028); and

WHEREAS, the City's current agreement with WageWorks, Inc., to provide these administrative services related to the Flexible Benefits Plan expired on December 31, 2023; and

WHEREAS, in accordance with the City's procurement policies, a Request for Proposal (RFP) seeking a service provider for certain administrative duties related to the Flexible Benefits Plan is in the process of being released; and

WHEREAS, until the RFP process is completed, the Risk Management Department wishes to extend the contract with WageWorks, Inc., to avoid service disruption; and

WHEREAS, the proposed contract extension with WageWorks will run retroactively from January 1, 2024 through December 31, 2024 for an amount not to exceed \$125,000.00; and

WHEREAS, the extension will continue the contractual relationship between the City and WageWorks, requiring compliance with San Diego City Charter section 99, which provides that no contract, agreement, or obligation where the City incurs debt extending for a period of more than five years may be authorized except by ordinance adopted by a two-thirds majority vote of the City Council; and

WHEREAS, the funding source for the WageWorks contract extension will be the Risk Management Administration Fund, Fund 720048; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the agreement between the City and WageWorks, presented to this City Council and on file in the Office of the City Clerk as Document No. **00-21805**, is approved, and the Mayor or his designee is authorized to execute the agreement.

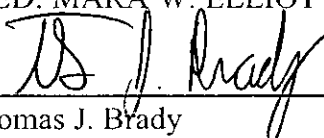
Section 2. That a two-thirds vote is required for City Council approval of this ordinance, pursuant to Charter section 99.

Section 3. That the Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$125,000.00 from the Risk Management Administration Fund, Fund 720048, for Flexible Benefit Plan administrative services for the period January 1, 2024 through December 31, 2024.

Section 4. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Thomas J. Brady  
Senior Deputy City Attorney

TJB:jvg  
March 27, 2024  
April 22, 2024 COR. COPY  
Or.Dept: Risk Management  
Doc. No. 3607008\_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAY 14 2024.

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: 5/24/24  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on MAY 14 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input type="checkbox"/>	<input checked="" 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"/>
Henry L. Foster III	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 MAY 24 2024.

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 Kristle Medina, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

APR 22 2024, and on MAY 24 2024.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

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

By Kristle Medina, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <b>21805</b>