



BOARD OF SUPERVISORS

COUNTY OF BUTTE, STATE OF CALIFORNIA

Resolution No. 19-007

RESOLUTION OF THE COUNTY OF BUTTE REGARDING BENEFITS OF BUTTE COUNTY BOARD OF SUPERVISORS MEMBERS

WHEREAS, Butte County Board of Supervisors Members (“Board Members”) are exempt from the Merit System and some employee benefits provisions of the Personnel Rules; and

WHEREAS, the Butte County Board of Supervisors grants benefits to Board Members that are the same as or similar to those provided to classified employees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Butte, State of California, that this resolution will supersede the replace Resolution Number 18-125; and

BE IT FURTHER RESOLVED that Board Member benefits shall be as follows:

1. Vacation Leave Accrual and Use

Board Members do not accrue vacation.

2. Sick Leave Accrual and Use

a) Board Members do not accrue sick leave.

b) If a regular employee of the County is elected into office as a Butte County Board Member and there is no break in service by so doing, any sick leave on accrual as of the date that elected office is taken may be frozen at the option of the employee until such time as the elected official separates from County service. Upon separation from County service said individual may opt for California Public Employees Retirement System (“CalPERS”) service credit or cash out as outlined in Subsection c below.

c) On retirement or separation in good standing from County employment, the Board Member may be paid for any sick leave over thirty (30) days at one-half the normal rate up to a maximum of three thousand dollars (\$3,000), or may apply the leave time to service credit for retirement purposes.

d) Thirty (30) days prior to retirement from County service, a Board Member may opt to purchase back any sick leave accruals that were frozen at the time of taking office so that the unused balance is restored.

3. Holiday Leave

Board Members do not receive compensation for holidays.

4. Administrative Leave

Board Members do not accrue paid administrative leave.

5. Bereavement Leave

Board Members do not receive bereavement leave.

6. Retirement Plan

Board Members are eligible to participate in the County retirement program as contracted through California Public Employees' Retirement System ("CalPERS").

Participation in the retirement plan shall be consistent with the requirements of the California Public Employees' Pension Reform Act of 2013 as it is currently enacted and as it is amended in the future, and its implementing regulations, referred to hereinafter collectively as "PEPRA". To the extent PEPRA conflicts with any provision of this Resolution, PEPRA will govern.

a). **"New Members"** - For purposes of this section "New Member" is defined by PEPRA to be any of the following (statutory reference is to the California Government Code):

1. An individual who becomes a member of any public retirement system for the first time on or after January 1, 2013, and who was not a member of any other public retirement system prior to that date.
2. An individual who becomes a member of a public retirement system for the first time on or after January 1, 2013, and who was a member of another public retirement system prior to that date, but who was not subject to reciprocity under subdivision (c) of Section 7522.02.
3. An individual who was an active member in a retirement system and who, after a break in service of more than six months, returned to active membership in that system with a new employer. For purposes of this subdivision, a change in employment between state entities or from one school employer to another shall not be considered as service with a new employer.

Board Members who are "New Members", as defined above, are eligible to participate in the County retirement program as contracted through CalPERS. The retirement program is integrated with Social Security and the retirement benefit is based on the highest average annual compensation over a three-year period and the 2% @ 62 formula.

b). **"Classic Members"**: For purposes of this section "Classic Member" is defined as members who do not meet the definition of "New Members" as defined by PEPRA. Board Members who are "Classic Members", as defined above, are eligible to participate in the County retirement program as contracted through CalPERS. The retirement program is integrated with Social Security and the retirement benefit is based on the highest single year of salary and on the 2% @ 55 formula.

Any Board Members sworn in on or after January 7, 2013 will pay on a pre-tax basis five (5%) of salary for the employee share of their CalPERS pension.

7. Unemployment Insurance

Board Members are not covered by unemployment insurance.

8. Health, Dental, Vision and Life Insurance

a) Participation.

Board Members are entitled to participate in a County sponsored Health Plan under the County's CalPERS contract and including dental, vision, and life insurance elements. All Board Members and the Board Members' dependents shall be entitled to participate in the county-sponsored group health plan. Within the first thirty (30)

days of employment eligible Board Members must elect or decline health coverage. If an election is not made, the Board member will be presumed to have declined coverage and will be eligible at the next open enrollment or in conjunction with a qualifying event. The effective date of coverage will be the first of the month following thirty (30) days of employment. Coverage will terminate on the last day of the month following the employment termination month. The County must be notified of a Qualifying Event within thirty (30) days of the date of the event, or otherwise, as required by law. All documentation/verification must accompany the request for coverage.

b) Premium.

Board Members shall pay their share of the total monthly premium for employee and dependent coverage to be paid through a payroll deduction as calculated by subtracting the monthly County contribution (stipulated in section d below) from the monthly premium rate.

c) Description.

The Butte County Flexible Benefits Plan (hereafter "Cafeteria Plan") is available to all Board Members. There will be two (2) participation levels, identified as Option "A" and Option "B" as per Section 8d) below. Once the selection is made, it will remain in force until the following plan year, unless a qualifying event, as defined by the IRS, occurs. The fee for a third party administrator will be paid by the County.

d) Participation Levels

Option A - CORE PLAN

Board Members who elect Option A to participate in the County sponsored medical plan will receive the County health benefits flex contribution (as specified below) to be utilized to purchase their selected medical plan and cannot be cashed out. In the event that a Board Member selects a medical plan that results in an excess County contribution, that excess contribution will be deemed a non-health flex contribution that may be taken as taxable income or applied to pre-tax dental, vision or other alternative approved benefits. Should a Board Member decline County sponsored medical coverage, such Board Member will receive a cash-in-lieu payment if the Board Member complies with the requirements outlined in Option B below.

The County will pay to the Board Members' Flexible Benefit Account the following amounts for Board Members who elect Option A:

Employee Only	\$462.78
Employee plus one	\$921.30
Family	\$1,207.41

The above amounts include the PEMHCA minimum which is paid outside of the County's Section 125 plan.

Board Members, regardless of medical plan participation status, are eligible to enroll in the County's dental and/or vision programs. Board Member contributions for dental and vision will be deducted from Board Member's regular payroll on a pre-tax basis. Board Members that have elected Option A can also elect to participate in optional benefits. If the Board Member has any surplus Flexible Benefit Account credits after making all elections required to participate in the health insurance, the Board Member can use that surplus toward the Flexible Benefit Options. Board Members that wish to participate in the optional benefits in the plan, with the exception of the cash back option, but do not have any surplus credits, can elect to have pre-tax payroll deductions in an amount to cover the cost of their elections.

Option B - FLEXIBLE BENEFIT OPTIONS

Board Members who decline County sponsored medical coverage and elect Option B must provide the following in order to receive the cash-in-lieu:

(1) proof that the Board Member and all individuals for whom the Board Member intends to claim a personal exemption deduction (“tax family”), have or will have minimum essential coverage through another source of group health insurance (coverage not obtained in the individual market or through Covered California) for the plan year to which the opt out arrangement applies (“opt out period”); and

(2) the Board Member must sign an attestation that the Board Member and his/her tax family have or will have such minimum essential coverage for the opt out period. A Board Member must provide the attestation every plan year at open enrollment or within 30 days after the start of the plan year. The opt-out payment cannot be made and the County will not in fact make payment if the County knows that the Board Member or tax family member doesn’t have such alternative coverage, or if the conditions in this paragraph are not otherwise satisfied.

Board members initially elected on or before December 31, 2016, will receive an employer flex credit contribution of one hundred eighty-six dollars and sixteen cents (\$186.16) per pay period for Board members who elect and satisfy the requirements outlined above for Option B. Board members initially elected on or after January 1, 2017, will receive an employer flex credit contribution of ninety-two dollars and thirty-one cents (\$92.31) per pay period for Board members who elect and satisfy the requirements outlined above for Option B.

Board Members may elect a pre-tax deduction (through regular payroll or cash-in-lieu) to purchase any of the Flexible Benefit Options. Should a Board Member receive cash-in-lieu that is not utilized for Flexible Benefit Options, the amount will be included as taxable income.

e) Administration

- No benefits will be paid to employees in Option B until all requirements outlined in the Flexible Benefits – Option B section have been met.
- All Board Members and their dependents, including registered domestic partner pursuant to Family Code Section 297.5, shall be entitled to participate in the County's Flexible Benefits Plan.
- Any money deposited in the Flexible Spending Account of a Board Member must be used during the plan year (with the exception of \$500 which may be carried over to the following plan year); otherwise, the remaining balance reverts to the County.

f) Retired Employee Options.

Board Members initially sworn into office prior to January 1, 2010, retiring in good standing before age 65 from the County of Butte under the provisions of the county’s contract with CalPERS, who are eligible under PEMHCA and who enroll in health care, may continue to cover themselves and eligible dependents under the health plan as provided in Personnel Rules section 12.9. The county shall pay the full premium for such coverage until the retiree becomes 65 years of age or is covered by another governmental or employer-paid health plan. The contribution shall include the PEMHCA statutory minimum contribution. Application for post-retirement health coverage shall be made to the Director-Human Resources, prior to the official termination date of county service, in a manner and form prescribed by the Director.

Board Members initially sworn into office after December 31, 2009, with five (5) years or more of cumulative service with Butte County, retiring in good standing before age 65 from the County of Butte under the provisions of the county’s contract with the CalPERS, who are eligible under PEMHCA and who enroll in health care, may continue to cover themselves and eligible dependents under the health plan. The county shall pay

a premium contribution at the rate of the HMO, Delta DPO, and Vision Service Plan premiums for such coverage until the retiree becomes 65 years of age or is covered by another governmental or employer-paid health plan. The contribution shall include the PEMHCA statutory minimum contribution. Board Members initially sworn into office after December 31, 2009, who have less than five years of service, who are eligible under PEMHCA, and who enroll in health care, shall receive the PEMHCA statutory minimum contribution. Application for post-retirement health coverage shall be made to the Director-Human Resources, prior to the official termination date of county service, in a manner and form prescribed by the Director.

g) Life Insurance.

Life Insurance is provided for Board Members in the amount of \$25,000. Purchase of supplemental life insurance is also available at group rates.

9. Deferred Compensation Plan

Board Members may participate in an IRS Section 457 Deferred Compensation Plan up to the maximum allowed by the law.

10. Employee Assistance Program

Board Members and eligible family members are entitled to participate in County's Employee Assistance Program in accordance with the terms of the agreement between the County and the vendor. Services available to Board Members and eligible family members include but are not included to the following:

- Marital and family problems
- Alcohol Abuse
- Financial and credit concerns
- Child care
- Pre-retirement planning
- Legal issues and questions
- Relationship issues
- Drug dependency
- Emotional problems and stress
- Elder care
- Federal taxpayer problems
- Interpersonal conflicts

11. Long Term Disability Insurance

Board Members are covered by Long Term Disability Insurance, which provides for disability income protection with a guarantee replacement of 60% of the monthly earning up to a maximum of five thousand dollars (\$5,000) per month, beginning on the 91st day of disability with benefits payable for illness or accident to age 65. This policy provides for a ninety (90) day waiting period.

PASSED AND ADOPTED by the Butte County Board of Supervisors this 29th day of January, 2019, by the following vote:

AYES: Supervisors Connelly, Ritter, and Chair Lambert

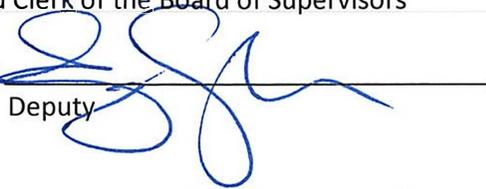
NOES: None

ABSENT: Supervisor Teeter

NOT VOTING: Supervisor Lucero

ATTEST:

Shari McCracken, Chief Administrative Officer
and Clerk of the Board of Supervisors

By: 
Deputy


Steve Lambert, Chair
Butte County Board of Supervisors