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RESOLUTION NO. 2015-59

**A RESOLUTION OF THE ALBANY CITY COUNCIL
CAPPING COUNCIL BENEFITS AT THE KAISER
PREMIUM RATE**

WHEREAS, City Council Members are eligible to receive health insurance benefits; and

WHEREAS, currently, the City of Albany pays the full premium for the coverage selected by an individual Council Member who elects to receive coverage; and

WHEREAS, the City Council previously discussed this topic at meetings in 2010, December 2013 – February 2014, and May 2015; and

WHEREAS, State law provides that the health and welfare benefits provided to members of a city council cannot be more generous than the benefits received by any group of non-safety employees within that city. (Government Code Section 53200(b).) Although this code section states that it is applicable to charter cities, other legal authorities suggest that statutes enacted by the State Legislature cannot control the compensation of local officials and employees in a charter city. (California Constitution Article XI, Section 5(b); 57 Opinions California Attorney General 11 (1974).); and

WHEREAS, in other situations where there is legal uncertainty regarding which State laws apply to charter cities, the City of Albany has often chosen to follow State law; and

WHEREAS, the City's contributions to health insurance benefits for management and confidential employees are capped at the Kaiser premium. Employees within this

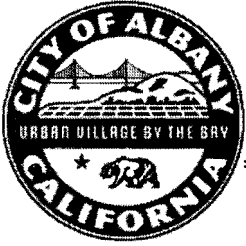
1 group who select a higher cost plan pay the difference through payroll deductions.
2 Employees within this group who opt not to receive health insurance through the City are
3 eligible to receive an in-lieu benefit consisting of a payment equal to the premium cost for
4 Kaiser Employee coverage. This amount is paid into an ICMA-RC 457 Deferred
5 Compensation account.

6
7 **NOW THEREFORE, BE IT RESOLVED**, that the Albany City Council hereby
8 amends the Elected Officials Benefit Booklet as it pertains to Health Insurance Benefits
9 to Cap the City's Contribution for City Council Members at the Kaiser Premium.

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11 **BE IT FURTHER RESOLVED**, that the change will be incorporated into the
12 Elected Officials Benefit Booklet, which is maintained administratively and posted on the
13 City's website.

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PETER MAASS, MAYOR

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City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2015-59

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

the 8th day of September, 2015, by the following votes:

AYES: Council Members Barnes, McQuaid, and Mayor Maass

NOES: Council Member Pilch

ABSENT: Council Member Nason

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 9th
day of September, 2015.

Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.