

(Published in the Topeka Metro News March 19, 2012)

ORDINANCE NO. 19710

AN ORDINANCE introduced by Councilmember Denise Everhart, creating new Article VI, in Chapter 2.140 of the Code of the City of Topeka, recognizing the Employee's Group Health Insurance Plan and Health Insurance Fund for payment of such healthcare benefits and providing for administration of the Plan and the Fund, including creating a Health Care Advisory Committee.

BE IT ORDAINED BY THE GOVERNING BODY THE CITY OF TOPEKA:

Section 1. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 2.140.340, which said section reads as follows:

Group health insurance plan and fund.

(a) The City hereby recognizes the Employee's Group Health Insurance Plan (the "Plan") to provide or otherwise make available certain healthcare benefits for its eligible employees and their respective dependent family members and the Health Insurance Fund (the "Fund") to provide for the payment of such healthcare benefits. The City hereby ratifies and confirms the validity of the City's Health Self-Insurance Plan (also known as the Employees Group Health Insurance Plan) and the Health Insurance Fund in existence immediately prior to the effective date of this Ordinance.

(b) The City Manager is hereby authorized and directed to administer the Plan and the Fund in accordance with the terms and conditions of this Ordinance and applicable provisions of the Personnel Code approved by the City Council.

Section 2. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 2.140.350, which said section reads as follows:

Eligibility.

30 Except as otherwise provided herein, all benefit-eligible employees (as defined in
31 Article I, Section 2.B of the City's Personnel Code), elected officials and retirees of the
32 City, including those employees who retire with KPERS' Disability, (collectively "eligible
33 employees"), and their respective dependent family members, shall be entitled to
34 participate in the Plan in accordance with the terms and conditions set forth in this
35 Ordinance and provisions of the Personnel Code approved by the City Council. No
36 person hired by the City to fill any job or position classified as seasonal or temporary
37 shall be entitled or otherwise eligible to participate in the Plan regardless of the number
38 of hours any such seasonal or temporary employee is permitted or required to work
39 during any pay period or combination of pay periods.

40 Section 3. That The Code of the City of Topeka, Kansas, is hereby amended
41 by adding a section, to be numbered 2.140.360, which said section reads as follows:

42 **Plan coverage.**

43 The Plan may offer and make available certain "basic healthcare coverage" and
44 one or more "extended healthcare coverage" options for medical, vision, dental,
45 prescription drug and other medical expenses to each eligible employee and his or her
46 dependent family members.

47 Section 4. That The Code of the City of Topeka, Kansas, is hereby amended
48 by adding a section, to be numbered 2.140.370, which said section reads as follows:

49 **Retirees.**

50 Each person vested under the Kansas Public Employees Retirement System
51 who is employed by the City and who retires or retired from active employment after
52 December 31, 1988, shall be eligible to receive healthcare benefits coverage under the

53 Plan upon written application filed with the Director of Human Resources within thirty
54 (30) days following retirement of the employee. Retirees and their dependent family
55 members who have coverage under the City's Employees Group Health Insurance or
56 Self-Insurance Plan immediately prior to the effective date of this Ordinance shall
57 remain covered and eligible to continue such coverage under the Plan without filing a
58 written application under this Section as a condition of retaining or continuing such
59 coverage.

60 (a) Each retiree who elects to obtain or continue healthcare benefits coverage
61 hereunder shall be required to contribute premium payments to the Plan for the basic or
62 extended coverage elected, including the administrative costs thereof, but such
63 contribution shall not exceed the percentage of the premium cost for other similarly
64 situated employees as specified by state law.

65 (b) Eligibility for coverage under the Plan may cease to be made available
66 upon (1) the retired employee reaching age 65 and/or becoming eligible for Medicare,
67 whichever is later, (2) the retired employee failing to make required premium payments
68 on a timely basis, or (3) the retired employee becoming covered under a healthcare
69 benefits plan of another employer.

70 Section 5. That The Code of the City of Topeka, Kansas, is hereby amended
71 by adding a section, to be numbered 2.140.380, which said section reads as follows:

72 **Contributions.**

73 Contributions by the City and eligible employees, including elected officials and
74 retirees under Section 4 hereof, for the premium cost of healthcare benefits coverage
75 under the Plan, including the administrative costs thereof, shall be deposited in or

credited to the Fund as of the date each contribution is made, such contributions to the fund will be made by the City no less frequently than on a monthly basis. Moneys may be paid into or credited to the fund from any source, including transfers from the General fund and/or the operating budget account of any department of the City, which may be lawfully utilized for the provision of group healthcare benefits, and contributions deposited in or credited to the Fund shall not be transferred or otherwise utilized for any other purpose. Interest earned on the investment of contributions or other money paid into or credited to the Fund shall be credited to the Fund. However, no interest, surplus and/or investment earning credited to the Fund shall be utilized to finance any portion of the City's contributions on behalf of eligible employees.

Section 6. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 2.140.390, which said section reads as follows:

Healthcare advisory committee.

The City hereby establishes a Healthcare Advisory Committee (the "Committee") to review the Employee's Group Health Insurance Plan and the Health Insurance Fund, including an assessment of operational performance and cost effectiveness, the extent to which the Plan and the Fund meet the needs of eligible employees, retirees and their dependent family members and any options that may be available to preserve or enhance existing levels of healthcare coverage while maintaining or reducing its cost to the City, eligible employees and dependent family members.

(a) The Committee shall be comprised of the Director of Human Resources or the Director's designee; the Deputy Mayor or the Deputy Mayor's designee of a current councilmember; three (3) members appointed by the City Manager to serve as

99 representatives of management; one (1) member appointed from each of the City's
100 recognized employee organizations to serve as representatives of employee bargaining
101 units; and one non-bargaining unit/non-supervisory employee and one retiree appointed
102 by the City Manager. The Committee shall meet on a schedule as determined by the
103 Committee but not less than quarterly and no more than once per month unless a
104 majority of the committee votes to call an additional meeting. The committee shall be
105 afforded access, upon request, to plan design options, to any and all documents and
106 information involving performance and/or administration of the Plan and the Fund,
107 including any contracts or agreements between the City and any person or entity
108 involving the operation and/or administration of the Plan and/or the Fund; and any
109 statistical data (historical, actual and projected) regarding benefit claims, and financial
110 data regarding payments and administrative costs or expenses. Individually identifiable
111 medical information and any records protected from disclosure by state or federal law
112 are specifically excluded from the provisions of this subparagraph.

113 (b) To the fullest extent practicable, Committee meetings shall be held during
114 normal business hours and each member shall be excused from the performance of
115 other duties, for a period of time not to exceed two hours per meeting, in order to attend
116 such meetings unless a longer meeting is scheduled in advance by the director of
117 Human Resources.

118 (c) The Director of Human Resources or the Director's designee shall serve
119 as the Chairperson of the Committee. The Chairperson shall schedule and preside at
120 Committee meetings and ensure that each member receives written notice of the date,
121 time and place of any Committee meeting at least five (5) calendar days prior to the

122 meeting. The Committee may appoint, by majority vote of the members, a Vice-
123 Chairperson and a Recording Secretary. The Vice-Chairperson shall preside at any
124 meeting or part of any meeting during the Chairperson's absence and the Recording
125 Secretary shall prepare minutes of each Committee meeting. The appointments
126 referenced herein shall be made so that the Director of Human Resources can schedule
127 the Committee's first meeting on or before April 6, 2012.

128 (d) A simple majority of the members appointed to serve on the Committee
129 shall constitute a quorum authorized to conduct scheduled Committee business,
130 including the approval of recommendations. Any requirement for action shall be based
131 upon a majority vote. In the event of a tie vote, the City Manager shall cast the tie-
132 breaking vote.

133 (e) Upon a majority vote of the members and whenever deemed necessary or
134 appropriate, the Committee shall be authorized to approve and transmit to the City
135 Manager any recommendation or proposal for change that the Committee believes will
136 materially improve the operation, performance and/or administration of the Plan and/or
137 the Fund on behalf of the City, eligible employees, retirees and dependent family
138 members. However, no later than the first meeting in June of each year, the Committee
139 may transmit its recommendations to the City Manager regarding the scope of
140 healthcare coverage, schedule of benefits and schedule of premiums and
141 recommendation on the RFP process for the selection of the Plan administrator(s).
142 Within twenty (20) days, the City Manager shall transmit any recommendations received
143 from the Healthcare Advisory Committee to the City Council.

Section 7. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 8. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 9. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council March 13, 2012.

CITY OF TOPEKA, KANSAS

William W. Buntin, Mayor

ATTEST:

Brenda Younger, City Clerk