

**BAY AREA WATER SUPPLY AND CONSERVATION AGENCY**

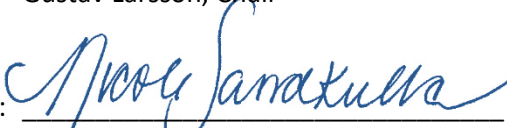
**RESOLUTION NO. 2021-04  
FIXING THE EMPLOYER CONTRIBUTION  
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT  
AT AN EQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS**

- WHEREAS, (1) Bay Area Water Supply and Conservation Agency is a contracting agency under Government Code Section 22920 and subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- WHEREAS, (2) Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and
- WHEREAS, (3) Government Code Section 22892(b) provides that the employer contribution shall be an equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; now, therefore be it
- RESOLVED, (a) That the employer contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of the PERS Platinum Region 1 Basic/Medicare/Supplemental or the highest cost HMO Region 1 Basic/Medicare/Supplemental, whichever is higher per month, plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (b) Bay Area Water Supply and Conservation Agency has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (c) That the participation of the employees and annuitants of Bay Area Water Supply and Conservation Agency shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that Bay Area Water Supply and Conservation Agency would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer; and be it further
- RESOLVED, (d) That the executive body appoint and direct, and it does hereby appoint and direct, the Chief Executive Officer and General Manager to file with the Board a verified copy of this resolution, and to perform on behalf of Bay Area Water Supply and Conservation Agency all functions required of it under the Act; and be it further

RESOLVED, (e) That coverage under the Act be effective on January 1, 2022.

Adopted at a regular meeting of the Board of Directors of the Bay Area Water Supply and Conservation Agency held via teleconference in accordance with California Government Code Section 54953(e) , this 18th day of November, 2021.

Signed:   
Gustav Larsson, Chair

Attest:   
Nicole Sandkulla, Secretary