

RESOLUTION NO. 19 - _____

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL
AMENDING THE HEALTH IN-LIEU CASH PAYMENT OPTION FOR THE
APPOINTED, CUPERTINO EMPLOYEES' ASSOCIATION (CEA),
UNREPRESENTED (MANAGEMENT AND CONFIDENTIAL) EMPLOYEES,
AND ELECTED OFFICIALS**

WHEREAS, On July 16, 2019, Council adopted terms and conditions of employment for the CEA Memorandum of Understanding (MOU), Unrepresented, Appointed, and Elected Officials' Compensation Programs, which included a Health In-Lieu cash benefit; and

WHEREAS, It was agreed that the City was to provide a payment of \$375 per month in lieu of health care premiums for employees who provide proof of alternate coverage and the payment was to be in the form of a contribution to the employee's deferred compensation plan; and

WHEREAS, In implementing the Health In-Lieu cash benefit, it was found that the option cannot be set up to go directly into a pre-tax deferred compensation account but instead must be paid in cash and be subject to payroll tax withholdings; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby amend the Health In-Lieu cash payment option for the Appointed, Cupertino Employees' Association (CEA), Unrepresented (Management and Confidential) employees, and Elected Officials.

BE IT FURTHER RESOLVED that this Resolution is not a project under the requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment. CEQA applies only to projects which have the potential of causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the amendments would have no or only a de minimis impact on the

Resolution No. _____

Page 2

environment. The foregoing determination is made by the City Council in its independent judgment.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 17th day of December 2019, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

<div>SIGNED:</div> <div>_____</div> <div>Steven Scharf, Mayor</div> <div>City of Cupertino</div>	<div>_____</div> <div>Date</div>
<div>ATTEST:</div> <div>_____</div> <div>Grace Schmidt, City Clerk</div>	<div>_____</div> <div>Date</div>