

**RESOLUTION NO. 17-08-769**  
**ELECTING TO BE SUBJECT TO SECTION 22893**  
**TO ESTABLISH HEALTH VESTING REQUIREMENTS FOR FUTURE ANNUITANTS**  
**UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**

- WHEREAS, (1) Government Code Section 22893 provides that a contracting agency subject to the Public Employees' Medical and Hospital Care Act (the "Act") may file a resolution with the Board of the California Public Employees' Retirement System to provide a postretirement health benefits vesting requirement to employees who retire for service in accordance with Government Code Section 22893; and
- WHEREAS, (2) Mojave Air and Space Port is a contracting agency under Government Code Section 22920 and subject to the Act; and
- WHEREAS, (3) Mojave Air and Space Port certifies, some or all employees are not represented by a bargaining unit and there is no applicable memorandum of understanding; and
- WHEREAS, (4) The credited service of an employee for purposes of determining the percentage of employer contribution applicable under Government Code Section 22893 shall mean service as defined in Government Code Section 20069, except that not less than five years of that service shall be performed entirely with the Mojave Air and Space Port; and
- WHEREAS, (5) The employer contribution for active employees cannot be less than what is defined in Government Code Section 22892(b); now, therefore be it
- RESOLVED, (a) That employees first hired on or after the effective date of this resolution shall be subject to the requirements defined in Government Section 22893, except that the employer may, once each year without discrimination, allow all employees who were first employed before Government Code Section 22893 became applicable to the employer to individually elect to be subject to the provisions of Government Code Section 22893, and the employer shall notify the Board which employees have made that election; and be it further
- RESOLVED, (b) That the employer contribution shall be 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 amounts prescribed by Government Code Section 22893(a)(1), plus Administrative fees and Contingency Reserve assessments; and be it further
- RESOLVED, (c) That the percentage of employer contribution payable for post-retirement health benefits for each annuitant shall be based on the employee's completed years of credited service based upon the table in Government Code Section 22893; and be it further
- RESOLVED, (d) Mojave Air and Space Port 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, (e) That the participation of the employees and annuitants of Mojave Air and Space Port 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 Mojave Air and Space Port would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, the California Public Employees’ Retirement System may be obligated, and reserves the right to terminate the health coverage of all participants of the employer; and be it further
- RESOLVED, (f) That the executive body appoint and direct, and it does hereby appoint and direct, Director of Administration to file with the Board a verified copy of this resolution, and to perform on behalf of Mojave Air and Space Port all functions required of it under the Act; and be it further.
- RESOLVED, (g) That coverage under the Act be effective on October 1, 2017.

Adopted at a Regular meeting of the Board of Directors at Mojave, this 15th day of August, 2017.

Signed:   
David Evans, President

Attest:   
Jimmy Balentine, Secretary