

Klickitat County Port District No. 1  
**RESOLUTION NO. 11-2009**

A Resolution of the Port of Klickitat Commission  
**Modifying Medical and Dental Insurance Benefits**

**WHEREAS**, RCW 53.08.170 declares that “the port commission shall have authority to...establish such benefits for employees [as] medical, surgical or hospital care, life, accident, or health disability insurance, and similar benefits”; and

**WHEREAS**, RCW 53.08.170 declares that “any district providing insurance benefits for its employees in any manner whatsoever may provide health and accident insurance, life insurance with coverage not to exceed that provided district employees, and business related travel, liability, and errors and omissions insurance, for its commissioners, which insurance shall not be considered to be compensation”; and

**WHEREAS**, RCW 53.08.170 declares that “Subject to chapter 48.62 RCW, the port commission shall have authority to provide or pay such benefits directly, or to provide for such benefits by the purchase of insurance policies or entering into contracts with and compensating any person, firm, agency or organization furnishing such benefits”; and

**WHEREAS**, RCW 41.04.190 declares that “the cost of a policy or plan to a public agency or body is not additional compensation to the employees or elected officials covered thereby”; and

**WHEREAS**, the Port Commission previously established medical, dental, and life (collectively “health”) insurance benefits for Port employees on December 6, 1994 by adopting a set of Personnel Policies dated December 1994 that included such insurance coverage benefits; and

**WHEREAS**, the Port Commission previously established health insurance benefits for Port commissioners on April 2, 2002 by adopting Port Resolution 4-2002; and

**WHEREAS**, the Port Commission desires to continue to provide health insurance benefits to commissioners and employees of the Port in such a way that costs to the Port are reasonably controlled; and

**WHEREAS**, the Port Commission desires to ensure that the manner in which health insurance benefits are provided meets current Internal Revenue Service guidelines and requirements; and

**WHEREAS**, the Port Commission recognizes that commissioners and employees may find it desirable to provide their own medical insurance coverage because of established relationships with healthcare providers, preexisting conditions, or other factors; and

**WHEREAS**, the Port's health insurance carrier permits commissioners and employees to decline medical insurance coverage (“opt-out”); and

**WHEREAS**, the Port's health insurance carrier provides continuing medical and dental coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA); and

**WHEREAS**, the Port Commission desires to enable commissioners and employees to provide their own medical insurance coverage when, in the opinion of the commissioner or employee, doing so would be in their best interests; and

**WHEREAS**, the Port Commission does not wish to provide medical insurance coverage to any commissioner who may obtain equal or greater coverage than that offered by the Port through his/her private employment or another private party;

**NOW, THEREFORE, BE IT RESOLVED** that the Port shall provide medical, dental, and life (collectively “health”) insurance benefits to its commissioners and employees subject to the Certificate of Coverage issued by the Port's chosen insurance carrier and the following:

- a) Port commissioners are eligible to participate in the Port's health insurance program. Coverage shall be for the commissioner, his/her spouse/partner, and/or dependent(s) and shall take effect immediately upon his/her taking office or on the earliest subsequent date permitted in the Certificate of Coverage.
- b) Full-time employees are eligible to participate in the Port's health insurance program. Coverage shall be for the employee, his/her spouse/partner, and/or dependent(s) and shall take effect immediate upon starting work or on the earliest subsequent date permitted in the Certificate of Coverage.
- c) Health insurance coverage for a commissioner or an employee shall end upon the conclusion of his/her term of office or employment or on the earliest subsequent date permitted in the Certificate of Coverage.
- d) Upon termination of coverage, a commissioner or an employee may elect to continue medical and dental insurance coverage to the extent provided under COBRA, unless the employee was terminated for “gross misconduct”.
- e) While an employee is receiving Workers' Compensation benefits, the Port may continue to pay the employee's medical and dental insurance premiums for one (1) month, after which the employee may elect to exercise his/her COBRA continuation rights.
- f) A commissioner or an employee who elects to exercise his/her COBRA continuation rights may be charged, in addition to the cost of the insurance premium, an administrative handling fee of up to two percent (2%) of the insurance premium, as permitted by law.
- g) A commissioner or an employee may decline the Port's medical insurance coverage (“opt-out”) only if he/she is covered under another plan. If declined, medical insurance coverage cannot be provided for a commissioner's or employee's spouse/partner and/or dependent(s).
- h) Once a commissioner or an employee declines the Port's medical insurance coverage, he/she may request payment, by the Port, of any insurance premium he/she is required to pay to establish and/or maintain coverage under another plan. The commissioner or employee must provide, to the Port, documentation containing the name, address, and phone number of the insurance carrier providing the coverage, the policy number, the premium amount due, and any other pertinent information. The Port shall directly pay to the insurance carrier the premium amount up to, but no more than, the regular cost of medical insurance coverage that would have otherwise been provided by the Port for the commissioner or employee had it not been declined.
- i) Once a commissioner or an employee declines the Port's medical insurance coverage, he/she may request, from the Port, reimbursement for any insurance premium he/she is required to pay to establish and/or maintain coverage under another plan. The commissioner or employee must provide, to the Port, documentation containing the name, address, and phone number of the insurance carrier providing the coverage, the policy number, the group number (if applicable) and the premium amount paid by the commissioner or employee. The Port shall directly reimburse to the employee the premium amount up to, but no more than, ninety percent (90%) of the regular cost of medical insurance coverage that would have otherwise been provided by the Port for the commissioner or employee had it not been declined.

- j) Once a commissioner or an employee declines the Port's medical insurance coverage, he/she may later enroll in the Port's medical insurance plan, subject to the eligibility and open enrollment period requirements defined in the Certificate of Coverage.
- k) In the event a commissioner shall lose medical insurance coverage provided under another plan, through no fault of his/her own, the Port shall pay the insurance premium to provide or continue such coverage until he/she may be added to the Port's policy during the next open enrollment period as described in the Certificate of Coverage, provided that the commissioner otherwise meets the eligibility requirements defined in the Certificate of Coverage.
- l) Where any conflict exists between the terms of this Resolution and those of the Certificate of Coverage issued by the Port's health insurance carrier, the terms contained in the Certificate of Coverage shall take precedence.

**ADOPTED IN OPEN SESSION** this 22nd day of December, 2009.

**PORT OF KLICKITAT COMMISSION**

/s/ NORMAN DEO  
Norman Deo, President

/s/ RODGER FORD  
Rodger Ford, Vice-President

ATTEST:

/s/ MARGIE ZIEGLER  
Margie Ziegler, Port Auditor

/s/ S. WAYNE VINYARD  
S. Wayne Vinyard, Secretary

PORT SEAL