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ORDINANCE NO. 017586

AN ORDINANCE AMENDING ORDINANCE NO. 017456, TO PROVIDE THAT CITY HEALTH BENEFITS SHALL BE AVAILABLE TO CITY EMPLOYEES AND THEIR LEGAL SPOUSE AND DEPENDENT CHILDREN AND ALL OTHER PERSONS WHO ARE WITHIN AN ELIGIBLE CLASS OR IN A CLASS THAT ACTUALLY RECEIVED BENEFITS UNDER A CITY HEALTH BENEFITS PLAN PRIOR TO NOVEMBER 10, 2010.

WHEREAS, State law in Section 172.002, Texas Local Government Code, allows cities to provide health benefits for the following reasons:

(1) provide uniformity in benefits including accident, health, dental, and long-term disability coverage to employees of political subdivisions;

(2) enable the political subdivisions to attract and retain competent and able employees by providing them with accident and health benefits coverages at least equal to those commonly provided in private industry;

(3) foster, promote, and encourage employment by and service to political subdivisions as a career profession for persons of high standards of competence and ability;

(4) recognize and protect the political subdivisions' investment in each permanent employee by promoting and preserving economic security and good health among those employees;

(5) foster and develop high standards of employer-employee relationships between each political subdivision and its employees;

(6) recognize the service to political subdivisions by elected officials and employees of affiliated service contractors by extending to them the same accident and health benefits coverages as are provided for political subdivision employees; and

(7) recognize the long and faithful service and dedication of employees of political subdivisions and to encourage them to remain in service of their respective political subdivisions until eligible for retirement by providing health benefits to those employees.; and

WHEREAS, on November 2, 2010, the qualified voters of the City of El Paso voted to approve an initiative ordinance, the language of which was: "That the City of El Paso endorses traditional family values by making health benefits available only to city employees and their legal spouse and dependent children"; and

WHEREAS, this ordinance, Ordinance No. 017456, became effective on November 10, 2010, the date upon which the Special Election was canvassed by the City Council; and

WHEREAS, on May 20, 2011, the United States District Court for the Western District of Texas, in Ronald G. Martin, et al. vs. The City of El Paso, Texas, Cause No. EP-10-CA-468-FM, entered an Order finding that Ordinance No. 017456 does not violate the Contract Clause or the Equal Protection Clause of the United States Constitution; and

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WHEREAS, the Court found that the Ordinance limits health benefits coverage to city employees and their legal spouse and dependent children and excludes coverage for all other classes of persons who had received health benefits coverage prior to the effective date of the ordinance; and

WHEREAS, the Court's ruling means that more than one hundred persons who had health benefit coverage prior to the adoption of Ordinance No. 017456 will lose their health benefit coverage on August 1, 2011, the date upon which the Court's preliminary injunction will cease.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Ordinance no. 017456, is amended in its entirety to read as follows:

That health benefits shall be available to city employees and their legal spouse and dependent children and all other persons who are within an eligible class under a City Health Benefits Plan to receive health benefits or who are in a class that actually received health benefits from the City prior to November 10, 2010, the effective date Ordinance No. 017456; provided however, that all persons who were previously approved for health benefits for the reason that they were in a "related agency" shall be reevaluated to determine their eligibility under the state law enumerated classification of an "affiliated service contractor" and shall be approved or re-approved for eligibility by the City Manager, as appropriate.

ADOPTED THIS 14th day of June 2011.

CITY OF EL PASO

John Cook

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Elaine S. Hengen

Elaine S. Hengen
Senior Assistant City Attorney

ORD. No. 017586

Date of Introduction _____

Date of ADOPTION _____

City Clerk RECORDING SECRETARY MOMSEN _____

#64417 v1 - Ord-11/amend 17456/establish health benefits
Document Author: EHEN

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