

SOUTHEAST METRO STORMWATER AUTHORITY
acting by and through
SEMSWA WATER ACTIVITY ENTERPRISE

RESOLUTION NO. 09-19

(Adoption of the Summary of Material Modifications for the Code Section 125 Plan and Authorization
of the Executive Director to Effectuate this Resolution)

WHEREAS, on January 24, 2007, Southeast Metro Stormwater Authority (“SEMSWA”) adopted an Employee Benefits Plan, Resolution No. 7, Series of 2007, which included a Code Section 125 plan (the “Plan”);

WHEREAS, Children’s Health Insurance Program Reauthorization Act of 2009 (the “Act”) amends the special enrollment provisions set forth in the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) to require group health plans subject to HIPAA’s special enrollment provisions to allow an employee to enroll himself and/or a dependent if (i) the employee or dependent loses coverage under Medicaid or a state Children’s Health Insurance Plan due to loss of eligibility or (ii) the employee or dependent becomes eligible for state funded group health plan premium assistance from a Medicaid or state Children’s Health Insurance Plan program to the extent that the employee requests enrollment within 60 days; and

WHEREAS, effective April ,1 2009 SEMSWA desires to amend the Plan as set forth in the attached Summary of Material of Modifications to allow Participants to change their Plan elections on account of and consistent with the Act’s new special enrollment provisions; and

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board of Directors has hereby reviewed the attached Summary of Material Modifications and does hereby approve the adoption of the Summary of Material Modifications attached hereto;
2. The Executive Director of SEMSWA is authorized and directed to take any and all action as may be necessary to effectuate this Resolution.

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Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:
Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor

**SUMMARY OF MATERIAL MODIFICATIONS TO THE CODE SECTION 125
CAFETERIA PLAN**

Effective April 1, 2009, Participants may change their previous Cafeteria Plan elections with respect to group health coverage offered under the Plan on account of and consistent with the following events otherwise required under HIPAA's special enrollment rules (as amended by the Children's Health Insurance Program Reauthorization Act of 2009):

- The Participant or an otherwise eligible Dependent loses coverage under a state Medicaid Plan or a state Children's Health Insurance Plan due to loss of eligibility or
- The Participant or an otherwise eligible Dependent becomes eligible for state funded group health plan premium assistance under a stated Medicaid or Children's Health Insurance program.

The Participant must request enrollment within 60 days of the date coverage is lost or the date the Participant or Dependent is determined to be eligible for premium assistance (whichever is applicable).