

RESOLUTION NO. 2026-03

A RESOLUTION OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING A NEW EMPLOYEE BENEFITS CAFETERIA PLAN; AMENDING § 3-08 OF THE VILLAGE'S PERSONNEL POLICY (REGARDING BENEFITS ACCESS) TO COINCIDE WITH THE NEW PLAN DOCUMENT; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, as an employer wishing to afford benefits to employees and allowing employees to pay for qualified expenses (such as insurance premiums, health FSAs, and dependent care) with pre-tax salary deductions, the Village of Estero is required by Internal Revenue Code § 125 to adopt a Cafeteria Plan providing for eligibility and covering how it will provide and administer benefits plans; and

WHEREAS, in Resolution 2018-05, the Village adopted its first Cafeteria Plan (the "Initial Plan"); and

WHEREAS, the Initial Plan provided that only employees who work 40 hours per week or more were eligible for benefits on their date of hire; and

WHEREAS, the Village has over time acquired employees who, while only working part time, have demonstrated their dedication to the Village but who, due to the Initial Plan, are unable to participate in the Village's health benefit options and so have had to acquire coverage in the general market at higher costs; and

WHEREAS, the Village Manager and Finance Director have worked with the Village's benefits provider to develop a tiered option which would allow the creation of a separate employee class covering employees regularly working between 25 and 29 hours to access Village health benefits at their own (but reduced) cost; and

WHEREAS, the Village Manager has recommended adopting this change so as to improve employee retention and satisfaction in their positions with the Village; and

WHEREAS, the § 3-08 of the Village's Personnel Policy currently restricts the ability to participate in the Village's employee benefits plan to only "full time employees" and this provision would now be in conflict with the new Plan Document; and

WHEREAS, the Village Council finds that adoption of this Resolution is in the best interests of the Village and its employees.

NOW, THEREFORE BE IT RESOLVED by the Village Council of the Village of Estero, Florida, that:

Section 1. Adoption of Cafeteria Plan

The Plan Document attached hereto and incorporated herein is hereby adopted.

Section 2. Manager to Administer

The Village Manager, assisted by the Village Attorney and any other necessary consulting resources, shall ensure the Plan Document is administered under its terms and that any necessary or advisable updates are proposed to the Village Council for consideration.

Section 3. Personnel Policy Revision

Section 3-08 is deleted in its entirety and replaced with the following:

3-08 Employee Benefits

The Village endeavors to create and maintain health, disability, life, and other benefits options for its employees which are desirable to employees to access, while balancing the Village's financial resources and overall compensation and benefits packages. The Village Manager or his/her designee shall separately maintain lists of authorized benefits for all classes of employees. All such benefits shall be consistent with the benefits authorized under the Village's § 125 Plan Document adopted by the Village Council.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, provision or word of this Resolution is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision, as the Village Council would have adopted the Resolution even absent the invalid part.

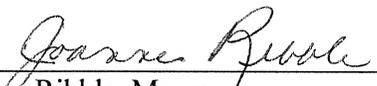
BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

DULY ADOPTED with a quorum present and voting this 4th day of February, 2026.

Attest:



Carol Sacco, Village Clerk



Joanne Ribble, Mayor