



Lou Ann Teixeira
Executive Officer

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City Member

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Special District Member

January 10, 2018 (Agenda)

January 10, 2018
Agenda Item 13

Contra Costa Local Agency Formation Commission
651 Pine Street, Sixth Floor
Martinez, CA 94553

**Special District Risk Management Authority (SDRMA)
Workers' Compensation Resolution**

Dear Commissioners:

Contra Costa LAFCO is a member of Special District Risk Management Authority (SDRMA) and purchases its workers' compensation and property/liability insurance through the Authority. In December, LAFCO received a letter from SDRMA requesting members to adopt a resolution in order to continue covering governing body members and/or volunteers (Attachment 1).

Pursuant to the California Labor Code, governing body members and volunteers are deemed to be employees for workers compensation purposes, as explained in the attached letter (Attachment 2).

Under LAFCO's current agreement with SDRMA, Commissioners are considered employees for workers compensation purposes, and are currently covered. Adoption of the resolution reflects current coverage and will not result in any increased costs.

Recommendation: It is recommended that the Commission approve the resolution confirming workers compensation coverage for Commissioners; or provide other direction as desired.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachments

- 1 Draft Resolution Declaring That Governing Body Members and Volunteers Shall be Deemed to be Employees of LAFCO for the Purpose of Providing Workers' Compensation Coverage for Said Certain Individuals While Providing Their Services
- 2 SDRMA Letter

RESOLUTION NO. 2018-01

**RESOLUTION OF THE GOVERNING BODY OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION,
DECLARING THAT GOVERNING BODY MEMBERS AND VOLUNTEERS SHALL BE DEEMED TO BE
EMPLOYEES OF THE DISTRICT FOR THE PURPOSE OF PROVIDING WORKERS' COMPENSATION
COVERAGE FOR SAID CERTAIN INDIVIDUALS WHILE PROVIDING THEIR SERVICES**

WHEREAS, the Contra Costa Local Agency Formation Commission (LAFCO) utilizes the services of Governing Body Members and Volunteers; and

WHEREAS, Section 3363.5 of the California Labor Code provides that a person who performs voluntary service for a public agency as designated and authorized by the Governing Body of the agency or its designee, shall, upon adoption of a resolution by the Governing Body of the agency so declaring, be deemed to be an employee of the agency for the purpose of Division 4 of said Labor Code while performing such services; and

WHEREAS, the Governing Body wishes to extend Workers' Compensation coverage as provided by State law to the following designated categories of persons as indicated by a checkmark in the box to the left of the descriptions:

- All Members of the Governing Body of the Contra Costa LAFCO as presently or hereafter constituted and/or
- All persons performing voluntary services without pay other than meals, transportation, lodging or reimbursement for incidental expenses
- Individuals on Work-study programs
- Interns
- Other Volunteers
- _____
[designate]

NOW, THEREFORE, BE IT RESOLVED, that such persons coming within the categories specified above, including the duly elected or appointed replacements of any Governing Body Member and other designated individuals be deemed to be employees of the Contra Costa LAFCO for the purpose of Workers' Compensation coverage as provided in Division 4 of the Labor Code while performing such service. However, said Governing Body Members and other designated individuals will not be considered an employee of the Contra Costa LAFCO for any purpose other than for such Workers' Compensation coverage, nor grant nor enlarge upon any other right, duty, or responsibility of such Governing Body Members or other designated individuals, nor allow such persons to claim any other benefits or rights given to paid employees of the Contra Costa LAFCO.

PASSED, APPROVED AND ADOPTED THIS 10TH day of January 2018, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

CHAIR, CONTRA COSTA LAFCO

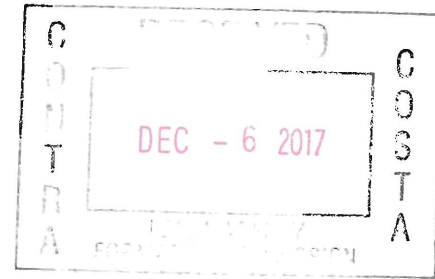
I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.

Dated: January 10, 2018

Lou Ann Teixeira, Executive Officer

November 30, 2017

Ms. Kathryn Sibley
Executive Assistant
Contra Costa Local Agency Formation Commission
651 Pine Street, 6th Floor
Martinez, California 94553-1229



Re: Workers' Compensation Resolution for Governing Body Member and/or Volunteer Coverage

Dear Ms. Sibley,

Recently our excess carrier has made us aware that SDRMA Workers' Compensation (WC) members need to pass a **new Resolution** if they would like to continue (or start) covering their Governing Body members and/or volunteers.

Section 3363.5 of the California Labor Code provides that a person who performs voluntary service for a public agency as designated and authorized by the Governing Body of the agency or its designee, shall, upon adoption of a Resolution by the Governing Body of the agency so declaring, be deemed to be an employee for workers' compensation purposes. Thus, if such a resolution is adopted, and the volunteer is injured while performing duties for the agency, the volunteer is entitled to receive workers' compensation benefits and their exclusive remedy for recovery against the agency is through the Workers' Compensation system.

Such Governing Body members and/or volunteers may be covered for workers' compensation benefits only if a Resolution to that effect is adopted by the Governing Body pursuant to Labor Code § 3363.5 and a copy of the Resolution is filed with SDRMA.

A new Resolution (see attached) has been created by our coverage counsel. The Resolution permits your Governing Body to designate the various categories of persons who the agency desires to "deem" to be employees for purposes of workers' compensation. It declares, on a blanket basis, that the designated categories of volunteers are deemed employees and those categories consist of Governing Body Members, persons performing voluntary service, persons on work study, interns, and other volunteers. In addition, those so designated persons also need to be listed under our Workers' Compensation Program (which includes paying an annual contribution amount) to enable coverage.

When using the sample Resolution provided, please do not make any changes other than the areas highlighted in yellow. **To ensure accurate and timely implementation of your Resolution, please return your Governing Body approved Workers' Compensation Resolution as soon as possible by fax or email.** A Microsoft Word version of the sample Resolution can be downloaded at <http://www.sdrma.org/program-coverages/workers-compensation-program>. If your agency has any questions please contact Ellen Doughty, Chief Member Services Officer, at 800.537.7790 or edoughty@sdrma.org.

Sincerely,
Special District Risk Management Authority


Gregory S. Hall, ARM
Chief Executive Officer

Enclosures: Sample Resolution for Covering Governing Body and/or Volunteers