

RESOLUTION R2024-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, DESIGNATING VOLUNTEERS SERVING THE CITY OF NAPA AS EMPLOYEES FOR PURPOSES OF WORKERS' COMPENSATION

WHEREAS, Labor Code Section 3363.5 authorizes public agencies to designate as employees for purposes of workers' compensation those persons who perform voluntary service without pay for the agency; and

WHEREAS, the City of Napa is a public agency for this purpose; and

WHEREAS, the City Council has previously authorized certain individuals performing volunteer services to be deemed "employees" for purpose of providing workers' compensations coverage for their services, and limiting the City's liability for injuries or illnesses arising out of the course of their volunteer service; and

WHEREAS, on March 15, 2011, the City Council adopted Resolution No. R2011-36 authorizing the City Manager or the City Manager's designee to designate certain volunteers as employees for purposes of workers' compensation in connection with their voluntary performance of duties ; and

WHEREAS, the City desires to designate all volunteers as employees for purposes of workers' compensation in connection with their voluntary performance of duties to the City of Napa in accordance with Labor Code Section 3363.5; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Napa, as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establishes the factual basis for the City Council's adoption of this Resolution.
2. The City Council hereby designates all persons that perform volunteer services for the City as employees of the City of Napa for the sole and limited purpose of coverage under workers' compensation laws, in accordance with Labor Code Section 3363. and the following requirements:
  - a. The volunteer must provide voluntary service without pay to the City, as defined by California Labor Code Section 3363.5.

# ATTACHMENT 1

- b. The volunteer shall not be an employee of the City of Napa for any purpose other than workers' compensation laws. The volunteer shall receive no other compensation, benefits, or rights of a City employee.
  - c. The volunteer shall receive no protection as a City employee under the City Charter, Civil Service Rules, any other City policy, the Firefighters Procedural Bill of Rights, or Public Safety Officers Procedural Bill of Rights.
  - d. The volunteer must acknowledge in writing that they comply with the requirements of this resolution.
3. This Resolution shall take effect immediately upon its adoption and shall supersede Resolution Nos. R2011-36 and R2010-82 in their entirety.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 18th day of June, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_

Tiffany Carranza  
City Clerk

Approved as to form:

\_\_\_\_\_  
Sabrina S. Wolfson  
Interim City Attorney