

RESOLUTION R2020-0

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, ADOPTING A RESOLUTION AUTHORIZING THE CITY TO ACCEPT LIABILITY FOR COMPENSATION, UNDER WORKERS' COMPENSATION AND INSURANCE LAWS, FOR AN INJURY SUSTAINED BY A CITY POLICE OFFICER ("PEACE OFFICER") WHILE OUTSIDE THE STATE OF CALIFORNIA, WHO WAS NOT AT THE TIME ACTING UNDER THE IMMEDIATE DIRECTION OF HIS OR HER EMPLOYER, SUBJECT TO THE LIMITS IDENTIFIED IN CALIFORNIA LABOR CODE SECTION 3600.2(B)(4)

WHEREAS, California Labor Code Section 3600.2(b)(4) acknowledges the discretion of the City Council to adopt a resolution to accept liability under workers' compensation laws for injuries sustained by "peace officers" (as defined in California Government Code Section 50920, which includes the police officers of the City of Napa) under specified conditions described in this resolution; and

WHEREAS, the City of Napa requires its police officers to follow "City Policies" (including Napa Police Department Policy 355 "Off-Duty Law Enforcement Actions"), which includes requirements to follow if confronted with the potential for off-duty law enforcement actions; and

WHEREAS, there may be circumstances where a police officer may sustain bodily injury while engaging in the conduct that is consistent with City Policies, and which is in apprehension or attempted apprehension of law violators or suspected law violators, or protection or preservation of life or property, or the preservation of the peace, while outside the State of California and not within the immediate direction of his or her employer; and

WHEREAS, the Police Chief, Human Resources Director and the City Manager recommend that City Council adopt this Resolution authorizing the City to accept liability for compensation under California Workers' Compensation laws, for injuries sustained by a City police officer ("peace officer") that occur outside the State of California by reason of engaging in the apprehension or attempted apprehension of law violators or suspected law violators, or protection or preservation of life or property, or the preservation of the peace, when the police officer was not at the time acting under the immediate direction of his or her employer.

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 establish the factual basis for the City Council's adoption of this Resolution.

ATTACHMENT 1

2. The City Council hereby authorizes the City, acting through the City Manager or designee, to accept liability for compensation under California Labor Code Division 4 ("Workers' Compensation and Insurance") for an injury sustained by a "peace officer" (as defined in California Government Code Section 50920, which includes a City of Napa police officer) which occurs outside the State of California while the peace officer was not at the time acting under the immediate direction of the peace officer's employer, if the City Manager determines that the peace officer was: (a) acting in compliance with "City Policies" (including Napa Police Department Policy 355 "Off-Duty Law Enforcement Actions"), and (b) engaging in the apprehension or attempted apprehension of law violators or suspected law violators, or the protection or preservation of life or property, or the preservation of the peace.

3. The City Council hereby determines that providing compensation for a peace officer that meets the criteria of Resolution Section 2, above, serves the public purpose of the City.

4. This Resolution shall take effect immediately upon its adoption.

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 ____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney