

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT  
MEMORANDUM  
02/05/2018

TO: FRAQMD BOARD OF DIRECTORS

FROM: Christopher D. Brown, AICP, APCO

SUBJECT: Approve the adoption of Resolution #2018-01 declaring that Governing Body Members 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 and authorize the Chairman to sign related documents.

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RECOMMENDATION:

Approve the adoption of Resolution #2018-01 declaring that Governing Body Members 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 and authorize the APCO to sign related documents.

BACKGROUND:

Through the California Special Districts Association, the District is a member of the Special District Risk Management Association (SDRMA) who provides the District's workers' compensation insurance.

DISCUSSION:

The District has been notified by SDRMA that the attached Resolution permits our Governing Body who performs service for the District as designated and authorized by the Governing Body shall be deemed to be an employee for workers' compensation purposes. With the adoption of Resolution #2018-01, if the Governing Body is injured while performing duties for the agency, they would be entitled to receive workers' compensation benefits in accordance with Section 3363.5 of the California Labor Code.

FISCAL IMPACT:

The District currently does budget and pay an annual renewal fee of \$190.71 (\$21.19 each) for the Governing Body Members. There is no increase to the fees.

RESOLUTION No. 2018-01

RESOLUTION OF THE GOVERNING BODY OF  
THE FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT,  
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

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**WHEREAS**, the Feather River Air Quality Management District 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 [Feather River Air Quality Management District] 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 Feather River Air Quality Management District 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 Feather River Air Quality Management District 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 Feather River Air Quality Management District.

**PASSED, APPROVED AND ADOPTED** this February 5, 2018 by the following vote:

AYES:  
NOES:  
ABSENT:

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Chairperson  
Feather River Air Quality Management District

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APPROVED AS TO FORM: