

RESOLUTION No. 2017-1464

RESOLUTION OF THE GOVERNING BODY OF THE NIPOMO COMMUNITY SERVICES 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

WHEREAS, the Nipomo Community Services District utilizes the services of Governing Body Members; 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:

- checkbox All Members of the Governing Body of the Nipomo Community Services District as presently or hereafter constituted and/or
checkbox All persons performing voluntary services without pay other than meals, transportation, lodging or reimbursement for incidental expenses
checkbox Individuals on Work-study programs
checkbox Interns
checkbox Other Volunteers
checkbox [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 Nipomo Community Services 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 Nipomo Community Services 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 Nipomo Community Services District.

PASSED, APPROVED AND ADOPTED this December 13, 2017 by the following vote:

AYES: Directors Eby, Blair, Woodson, Armstrong, and Gaddis
NOES: None
ABSENT: None

[Signature of Dan Allen Gaddis]
DAN ALLEN GADDIS
President, Board of Directors

ATTEST:
[Signature of Mario Iglesias]
MARIO IGLESIAS
General Manager and Secretary to the Board

APPROVED AS TO FORM AND LEGAL EFFECT:
[Signature of Whitney G. McDonald]
WHITNEY G. MCDONALD
District Legal Counsel