

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX  
DESIGNATING COMMISSIONERS AND OTHER PERSONS PERFORMING  
VOLUNTARY SERVICES WITHOUT PAY AS EMPLOYEES FOR  
THE LIMITED PURPOSE OF QUALIFYING FOR WORKERS'  
COMPENSATION INSURANCE COVERAGE UNDER CALIFORNIA LABOR  
CODE SECTION 3200, ET SEQ.**

WHEREAS, Commissioners and other persons who perform volunteer services for the Town of Fairfax are not currently covered by the Town of Fairfax's Workers' Compensation policy since they do not fall within the definition of "employee" as defined by California Labor Code sections 3351.5, which governs eligibility for Workers' Compensation Insurance coverage, and are in fact specifically excluded from such designation by Labor Code section 3352, subdivision (i); and

WHEREAS, the state legislature has seen fit, by passing Labor Code section 3363.5, to provide that, in certain circumstances, where persons perform voluntary services for a public agency, such persons may be deemed employees of the public agency while performing such service in order to qualify for Workers' Compensation Insurance coverage, provided the governing body of the public agency has adopted a resolution so declaring; and

WHEREAS, this Town of Fairfax, a public agency, desires to provide, as authorized by the Labor Code, Workers' Compensation Insurance coverage to its Commissioners and other persons who perform voluntary services;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Fairfax, under the authority of California Labor Code section 3363.5, subdivision (a), adopts and declares the following:

Members of the Boards, Commissions and Committees and all other persons who perform volunteer services for the Town of Fairfax without pay are, while performing such voluntary services, hereby designated "employees" of the Town of Fairfax for the limited purpose of qualifying for Workers' Compensation Insurance coverage under the provisions of California Labor Code sections 3200, et seq.

BE IT FURTHER RESOLVED that "voluntary service without pay" is defined for purposes of this resolution as services performed by any person who receives no remuneration other than remuneration for meals, transportation, lodging, or reimbursement of any other incidental expenses associated with such voluntary service.

The Foregoing Resolution was adopted at a regular meeting of the Fairfax Town Council held on April 7th, by the following vote:

AYES:  
NOES:  
ABSENT:

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LEW TREMAINE, MAYOR

Attest:

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Town Clerk