RESOLUTION - ACTION REQUESTED 2014-153

MEETING: April 15, 2014

TO: The Board of Supervisors

FROM: Tessa Pritchard, Human Resources Director/Risk Manager

RE: Resolution Rescinding Res. No. 73-54 Relative to Workers' Comp Coverage

RECOMMENDATION AND JUSTIFICATION:
Adopt a Resolution rescinding Resolution No. 73-54 which approved Workers' Compensation coverage for all volunteers who provide a service to a County department; confirm the application of certain Resolutions and Ordinance which provides Workers' Compensation for specific volunteers. It was discovered that a 1973 Resolution adopted by the Board of Supervisors provided Workers' Compensation coverage for anyone who performed a voluntary service for any County department. Through the years, various sitting Boards have adopted certain Resolutions and an Ordinance which covered specific volunteer groups. Those groups include individuals who are volunteers with the Sheriff's Office and the County Fire Department, including Mariposa Public Utility District fire volunteers. By rescinding Resolution No. 73-54 and confirming the application of certain Resolutions and Ordinance covering specific volunteer groups, the County's Workers' Compensation liability exposure will only apply to those approved groups and not to all volunteers. The Resolutions and Ordinance that will continue to be in full force and effect are: Resolution No. 80-179; Resolution No. 82-32; Resolution No. 83-137; Resolution No. 90-147; Resolution No. 05-439; and Ordinance No. 907.

If the Board approves this action and it is the desire of a County department to retain the services of a volunteer that is not covered by a Resolution or Ordinance providing for Workers' Compensation coverage subsequent to the adoption of this action, then the Department Head will be required to have the volunteer sign an acknowledgement statement. The statement will be an acknowledgement that the volunteer understands that they are not entitled to Workers’ Compensation benefits as a result of any injury the volunteer may suffer while performing services for the County department. A copy of the volunteer statement is included for the Board’s review.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On May 8, 1973, the Board of Supervisors adopted Resolution No. 73-54 which provided Workers’ Compensation coverage to any person who performed a voluntary service for a County department. Over several years various sitting Boards subsequently adopted the aforementioned listed Resolutions and Ordinance.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
A negative action will allow all volunteers to be covered under the County’s Workers’ Compensation Program which could create a potentially greater liability exposure for the County.

**FINANCIAL IMPACT:**
Workers’ Compensation and Liability insurance costs all already included in the current budget.

**ATTACHMENTS:**
Res No 73-54 (PDF)
Res No 80-179 (PDF)
Res No 82-32 (PDF)
Res No. 83-137 (PDF)
Res No 90-147 (PDF)
Res No 05-439 (PDF)
Ordinance No. 907(PDF)
Volunteer Statement (PDF)
Workers Comp Resolution for all volunteers (DOCX)

**CAO RECOMMENDATION**
Requested Action Recommended

[Signature]
Rick Benson, County Administrator

**RESULT:** ADOPTED BY CONSENT VOTE [UNANIMOUS]

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier
WHEREAS, on May 8, 1973, the Board of Supervisors adopted Resolution No. 73-54 which provided Workers' Compensation coverage for all volunteers who performed a voluntary service for a County department, and

WHEREAS, throughout the years, various sitting Boards adopted Resolution No. 80-179; Resolution No. 82-32; Resolution No. 83-137; Resolution No. 90-147; Resolution No. 05-439; and Ordinance 907 which targeted specific groups for which to provide Workers' Compensation coverage, and

WHEREAS, it is the desire of this Board to limit the County's liability exposure and to provide Workers' Compensation coverage for only those specific groups, and

WHEREAS, it is the desire of the Board to rescind the Resolution which provided Workers' Compensation coverage for all volunteers;

NOW, THEREFORE BE IT RESOLVED, that the Mariposa County Board of Supervisors, a political subdivision of the State of California, does hereby rescind Resolution No. 73-54, which was adopted by the Board of Supervisors on May 8, 1973.

PASSED AND ADOPTED this 15th day of April, 2014 by the following vote:

AYES: STETSON, JONES, BIBBY, CANN, CARRIER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

[Signature]
Kevin Cann, Chair
Board of Supervisors

ATTEST:

[Signature]
René LaRoche
Clerk of the Board

APPROVED AS TO FORM:

[Signature]
Steven W. Dahlem
County Counsel