

RESOLUTION NO. 2026-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS TO PROVIDE WORKERS' COMPENSATION COVERAGE FOR CERTAIN CITY VOLUNTEERS PURSUANT TO THE PROVISIONS OF SECTION 3363.5 OF THE LABOR CODE

WHEREAS, the City of San Marcos (City) utilizes the services of volunteers; and

WHEREAS, California Labor Code (Labor Code) section 3363.5 (a) provides that "a person who performs voluntary service without pay 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 this division while performing such service;" and

WHEREAS, Labor Code section 3363.5 (b) defines voluntary service without pay as "services performed by any persons who receive no remuneration other than meals, transportation, lodging, or reimbursement for incidental expenses;" and

WHEREAS, the City wishes to extend Workers' Compensation coverage to volunteers as provided by California law as provided in Labor Code section 3363.5, subsections (a) and (b).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MARCOS DOES HEREBY RESOLVE, ORDER, AND DETERMINE THE FOLLOWING:

SECTION 1. That those persons performing voluntary service for the City as defined by Labor Code section 3363.5 (a) and (b) shall be deemed to be employees of the City of San Marcos for the purpose of Workers' Compensation coverage as provided in Division 4 of the Labor Code while they are performing such services.

SECTION 2: That such individuals designated in Section 1, above, will not be considered employees of the City of San Marcos for any purpose other than such Workers' Compensation coverage and only while they are performing such services, nor will such persons be granted any other duty, right, or responsibility, nor will such persons be allowed to claim any other benefit(s) or right(s) earned by, or provided to, paid employees of the City.

SECTION 2. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos, California, this 26<sup>th</sup> day of May 2026, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

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Rebecca D. Jones, Mayor  
City of San Marcos

ATTEST:

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Phillip Scollick, City Clerk  
City of San Marcos