

**POOLED LIABILITY ASSURANCE NETWORK JOINT POWERS
AUTHORITY**

**MINUTES OF THE CLAIMS COMMITTEE
MEETING OF DECEMBER 28, 2017**

A regular meeting of the Claims Committee was held on December 28, 2017, via teleconference.

MEMBERS PRESENT: Kathleen Kane, Chair, Burlingame
Marc Zafferano, San Bruno
Robert Schultz, Los Gatos
Randolph Hom, Cupertino
Brenda Olwin, East Palo Alto

MEMBERS ABSENT: Heather McLaughlin, Benicia
Kathy Leroux, Hillsborough
Scott Corey, Suisun City

OTHERS PRESENT: Rob Kramer, General Manager
Yahaira Martinez, Assistant General Manager
Jon Paulsen, Senior Consultant
William Portello, Director of Litigation Management
Craig Wheaton, Litigation Manager
Katie Sullivan, Analyst
Jill Stallman, Metropolitan Transportation Commission (MTC)

1. CALL TO ORDER:

The December 28, 2017, Claims Committee meeting was called to order at 1:35 p.m. by Chair Kathleen Kane.

2. INTRODUCTIONS:

Those present introduced themselves.

3. PUBLIC COMMENTS:

None.

4. APPROVAL OF AGENDA AS POSTED (OR AMENDED):

Kathleen Kane moved to approve the agenda as posted. Motion passed unanimously by Kathleen Kane, Marc Zafferano, Robert Schultz, Randolph Hom, and Brenda Olwin.

5. CONSENT CALENDAR:

Robert Schultz moved to approve the following items: A) Minutes from the June 22, 2017, Claims Committee Meeting; and B) Minutes from the October 24, 2017, Claims Committee Meeting. Brenda Olwin seconded the motion. Motion passed unanimously by Kathleen Kane, Marc Zafferano, Robert Schultz, Randolph Hom, and Brenda Olwin.

6. DISCUSSION OF CALENDAR:

A. Review of Coverage Counsel Request for Qualifications (RFQs):

Mr. Rob Kramer, General Manager, reviewed the facts surrounding the retirement of ABAG/PLAN's Coverage Counsel, Mr. Ken Moy, effective January 5, 2018. In light of Mr. Moy's upcoming departure, staff reached out to the President and members of the Claims Committee to recommend a Request for Qualifications (RFQ) be developed and disseminated to four legal firms with extensive experience and success working with California Joint Powers Authorities in the past. The deadline to submit the RFQ was December 22, 2017, and a matrix outlining the qualifications of the proposers was created to present to Committee members. The four firms that submitted a proposal are as follows:

Johnson, Schachter & Lewis
Murphey, Campbell, Alliston & Quinn
Gibbons & Conley
Farmer Smith & Lane

Mr. Kramer reviewed the RFQs with the Committee, and a discussion ensued regarding each firm. Since Johnson, Schachter, & Lewis listed Mr. Craig Wheaton, Litigation Manager, as a reference on their RFQ, Committee members requested Mr. Wheaton's input as to the firm. Mr. Wheaton advised that Johnson, Schachter, and Lewis is a qualified firm with extensive experience. Upon further discussion and inquiry from the

Committee, Mr. Wheaton stated he has worked with Gibbons & Conley with other clients and has had a positive experience with the firm, noting their presentation of information is clear and concise.

The Committee requested a recommendation from staff to which staff and some Committee Members agreed that Gibbons & Conley would be an excellent fit for PLAN and SHARP based on prior experience and the information provided in the proposals.

The Committee raised a concern regarding each firm's capacity to take on another client and whether that was considered. Mr. Kramer and Mr. Wheaton responded that from their knowledge of the firms they did not believe that to be an issue and that some important considerations for the committee included each firm's experience with municipal joint powers authorities, pooling governing documents, pooling memoranda of coverage, as well as the ability to peacefully advocate for the JPA in a way that is still collaborative with the members. Mr. Kramer and Mr. Wheaton both commented that staff has had positive experience with all firms and were confident all options provided would have the pool's best interests at heart and perform well if selected.

Ms. Kane thanked everyone for their input and proposed she could conduct a phone interview with the Committee's first selection if the committee felt that was appropriate. It was the general consensus of the Committee that Gibbons & Conley was their first choice and pending the outcome of a telephonic interview, the recommended firm be engaged. It was further decided this matter should be considered by the Executive Committee with a recommendation from the Claims Committee that they ratify the selection.

Kathleen Kane moved to select Gibbons & Conley as coverage counsel, pending the positive outcome of a telephonic interview of the firm on January 2, 2018, after which the committee would recommend to the Executive Committee ratification of the selection. Marc Zafferano seconded the motion. Motion passed unanimously by Kathleen Kane, Marc Zafferano, Robert Schultz, Randolph Hom, and Brenda Olwin.

7. CLOSING COMMENTS:

A. Committee:

In response to an inquiry about another entity's coverage appeal, Mr. Kramer informed the Committee that Mr. Moy agreed to provide services through the next Executive

Committee meeting to advise new counsel on said appeal. Ms. Kane stated since Mr. Moy provided the original opinion on the issue, it would be beneficial to keep him engaged as long as possible.

B. Staff:

None.

8. ADJOURNMENT:

The December 28, 2017, Claims Committee meeting was adjourned at 2:08 p.m. by a general consensus of the Committee members.



Heather McLaughlin, Secretary