

**POOLED LIABILITY ASSURANCE NETWORK JOINT
POWERS AUTHORITY
(PLAN JPA)**

**MINUTES OF THE RISK MANAGEMENT COMMITTEE
MEETING OF MARCH 25, 2019**

A regular meeting of the Risk Management Committee was held on March 25, 2019, via teleconference.

MEMBERS PRESENT: George Rodericks, Chair, Atherton
Julie Carter, Dublin
David Benoun, Newark
Jeremy Dennis, Portola Valley

MEMBERS ABSENT: None

OTHERS PRESENT: Jon Paulsen, General Manager, York Pooling
Yahaira Martinez, Assistant General Manager, York Pooling
(Left after Agenda Item 7.A)
Katie Sullivan, Analyst, York Pooling
Joe Costamagna, Transfer of Risk Director, York Pooling
Terrie Norris, Risk Control Manager, York Pooling

1. CALL TO ORDER:

The Regular Meeting of the PLAN JPA Risk Management Committee meeting was called to order at 11:04 a.m.

2. INTRODUCTIONS:

A roll call was taken and it was determined there was a quorum present.

3. APPROVAL OF THE AGENDA AS POSTED (OR AMENDED):

Due to scheduling conflicts, it was requested that Agenda Item 7.A be moved up before Agenda Items 6.A-D.

The agenda was approved as amended.

4. PUBLIC COMMENTS:

None.

5. CONSENT CALENDAR:

David Benoun moved to approve the following items: A) Minutes from the October 10, 2018, Risk Management Committee Meeting. Jeremy Dennis seconded the motion. A roll call vote was taken and the motion passed unanimously by George Rodericks, David Benoun, Julie Carter, and Jeremy Dennis.

7. ADMINISTRATIVE MATTERS

A. Update on Risk Control Services Request for Proposal

At their June 6, 2018, meeting, the Executive Committee approved a one-year contract with Bickmore (now York Pooling) for Risk Control Services. To conduct its due diligence, the Executive Committee agreed they wished to issue a Request for Proposal (RFP) for risk control services for the upcoming 2019/20 program year. As such, the PLAN JPA Risk Management Committee (RMC) met and discussed the Risk Control Services RFP options.

The Risk Management Committee agreed that, with oversight from the RMC, York Pooling staff, consisting of Mr. Paulsen, Ms. Martinez, and Ms. Sullivan, conduct administration of the RFP process with an understanding that staff will issue the RFP to prospective firms, be available to answer any questions that may arise from prospective firms, receive and review responses to ensure minimum qualifications are being met, and compile responses for review. Should any interviews be deemed necessary, York Pooling staff would not be involved in any part of the interview processes and will recuse themselves from providing any evaluation or recommendation in regards to selection of a risk control firm.

Katie Sullivan, Analyst, provided a brief overview of the RFP process. On January 28, 2019, the RFP was made available on the PLAN JPA, California Association of Joint Powers Authorities (CAJPA), and the Public Agency Risk Management Association (PARMA) websites. Additionally, the RFP was provided to DKF Solutions and Du-All Safety directly. Questions were due on March 1st, answers provided on March 8th, and proposals were due on March 15th.

PLAN JPA received proposals from the following:

- York Pooling

In response to a question around the fees of the risk control contract, Jon Paulsen, General Manager, advised the Committee there were no changes around the fee structure, with the exception of the revised agreement for the Sewer Summit.

Jeremy Dennis moved to recommend approval of the York Pooling Proposal for Risk Control and Loss Prevention Services to the Executive Committee. Julie Carter seconded the motion. A roll call vote was taken and motion passed unanimously by George Rodericks, David Benoun, Julie Carter, and Jeremy Dennis.

6. **RISK CONTROL MATTERS:**

A. **Update on 2018/19 Risk Control Plan**

Terrie Norris, Risk Control Manager, was present to provide the Risk Management Committee with an update on their 2018/19 Risk Control Service Plan. Ms. Norris discussed the following highlights:

1. Overview of Services: Risk Control and Loss Prevention Services continue to be offered to PLAN JPA Members as part of the contracted Core Risk Services Program. Focused risk assessments on Special Events and Facility Rentals have begun and will continue throughout the program year.
2. Status of Grant Fund Program: The PLAN JPA Grant Fund Program is available to members to fund expenditures that support their safety and risk management programs. Member funds that are not used by the end of the program year will roll into the new program year and will no longer be reallocated amongst the pool membership/
3. Status of Sewer Summit: PLAN JPA hosts an annual Sewer Summit and contracts with DKF Solutions Group (DKF) for coordination of the event. The Summit takes place each October to provide education and training. Staff recommended several positive changes at the December 5, 2018, Board of Directors meeting which were approved by the Board at that meeting. Additionally, staff recommended to the Board at their February 28 – March 1, 2019, Strategic Planning Session that the Sewer Summit enhance the training and education offerings to include stormwater and wastewater risk control. The Board approved the recommended updates to the Sewer Summit program and staff has already begun amending the agreement.

Julie Carter moved to receive and file the PLAN JPA Risk Control Services Summary Report. David Benoun seconded the motion. A roll call vote was taken and the motion passed unanimously by George Rodericks, David Benoun, Julie Carter, and Jeremy Dennis.

B. Discussion Regarding 2019/20 Risk Control Plan

In looking forward to the risk control services for the 2019/20 program year, Ms. Norris highlighted successes for the Risk Management Committee's consideration, as follows:

1. Focused Risk Assessments that address Risk Management Goals and Action Plans. The Focused Assessments conducted in the past have provided members with direction and specific loss reduction action plans.
2. Defensive Driver Training to address the high frequency of the Auto claims. Defensive driving helps to heighten awareness of driving risk factors and reduce risky driving behaviors.
3. Regional Training Sessions, both formal and informal, that address a variety of topics including: Urban Forest Management, Emergency Management, Americans with Disabilities Act (ADA) Compliance, and Pesticide Application.
4. Member-Directed Services based on individual needs of members. This can include trainings, program development, hazard inspections, ergonomic assessments and risk assessments beyond the focused risk assessment.
5. Access to swift risk control and risk management consultation and resources available online, through email, or via telephone.
6. Provision of a flexible risk service plan to ensure all PLAN JPA members can address emergent risks and evolving risk trends.

In response to a question regarding design immunity, Ms. Norris noted the trainings that she and Craig Wheaton, Litigation Manager, are working on would be created for all agency employees to take advantage of, not just for those in leadership roles.

David Benoun moved to approve items 1-6 for the 2019/20 Risk Control Service Plan. Jeremy Dennis seconded the motion. A roll call vote was taken and the motion passed unanimously by George Rodericks, David Benoun, Julie Carter, and Jeremy Dennis.

C. Discussion Regarding Direct Reimbursement to Employees

The process for funds disbursement includes reimbursement for paid items and provision of funds for proposed items. It was discovered that reimbursements were being issued directly to the individual, not the member agency. Sound accounting practices dictate that

the reimbursements be made payable to the member as to avoid instances where the person authorized to make the request on behalf of the member agency is also designated as the payee. This raises red flags for auditors and opens the door for accusations ranging from abuse of funds to embezzlement. Ms. Norris provided a brief overview of the reimbursement process.

To protect PLAN JPA members, staff recommends the Grant Fund Program be amended to indicate that “Member” means “Member Agency” and all reimbursements or prepayments for proposed purchases be made payable to the “Member Agency” and delivered to the “Member Agency’s” address.

Julie Carter moved to the amendment to the Grant Fund Guidelines that specifies the payee is the “Member Agency.” David Benoun seconded the motion. A roll call vote was taken and the motion was approved unanimously by George Rodericks, David Benoun, Julie Carter, and Jeremy Dennis.

D. Consideration of Fixed Pricing for Americans with Disabilities Act (ADA) Services

One of the emerging risk management threats is Americans with Disabilities Act (ADA) non-compliance. Since PLAN JPA does not currently have a contract with a provider of ADA services, members are negotiating individual contracts when they need this highly specialized service.

PLAN JPA has set contracts for fixed service rates with other providers of specialized services, such as Total Aquatics Management, DKF Solutions Group, and Du-All Safety. These fixed fee contracts help save PLAN JPA money and staff asked the Committee for direction on if fixed pricing for ADA services would be desired.

The Committee requested a summary of services for all PLAN JPA service providers with fixed pricing be distributed to the members.

Julie Carter moved to approve of Ms. Norris obtaining an Americans with Disabilities Act contract for fixed pricing. Jeremy Dennis seconded the motion. A roll call vote was taken and the motion passed unanimously by George Rodericks, David Benoun, Julie Carter, and Jeremy Dennis.

8. CLOSING COMMENTS:

A. Risk Management Committee

None.

B. Staff

Mr. Paulsen advised the Committee their next meeting would not be until October 2019 and asked if the Committee approved of meeting twice a year. Each RMC member agreed the two meetings were appropriate.

9. ADJOURNMENT

The Regular Meeting of the PLAN JPA Risk Management Committee was adjourned at 11:42 a.m.



Katie Sullivan, Assistant Board Secretary