



1750 Creekside Oaks Drive, Suite 200, Sacramento, CA 95833
(800) 541-4591 Fax (916) 244-1199
<https://www.planjpa.org/>

**SPECIAL CLAIMS COMMITTEE MEETING
AGENDA**

**Tuesday, February 11, 2020
1:00 p.m.**

Teleconference

All or portions of this meeting will be conducted by teleconferencing in accordance with Government Code Section 54953(b). Teleconference locations are as follows: Sedgwick, 1750 Creekside Oaks Drive, Suite 200, Sacramento, CA 95833; City of Burlingame, 501 Primrose Road, Burlingame, CA 94010; City of East Palo Alto, 2415 University Avenue, East Palo Alto, CA 94303; City of Los Gatos, 110 East Main Street, Los Gatos, CA 95030; City of Morgan Hill, 17575 Peak Avenue, Morgan Hill, CA 95037; and City of San Carlos, 600 Elm Street, San Carlos, CA 94070.

Each location is accessible to the public, and members of the public may address the Claims Committee from any teleconference location.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation to participate in this meeting, please contact Katie Sullivan at (916) 244-1164 or (916) 244-1199 (fax). Requests must be made as early as possible and at least one full business day before the start of the meeting.

Documents and materials relating to an open session agenda item that are provided to the Pooled Liability Assurance Network Joint Powers Authority (PLAN JPA) Claims Committee less than 72 hours prior to a regular meeting will be available for public inspection at 1750 Creekside Oaks Dr., Suite 200, Sacramento, CA 95833.

- | | |
|--------------------|---|
| <u>Page</u> | 1. CALL TO ORDER |
| | 2. INTRODUCTIONS |
| | 3. APPROVAL OF AGENDA AS POSTED (OR AMENDED) |

* Reference materials enclosed with staff report.

- Page**
- 4. PUBLIC COMMENTS** - This time is reserved for members of the public to address the Committee relative to matters of the PLAN JPA not on the agenda. No action may be taken on non-agenda items unless authorized by law. Comments will be limited to five minutes per person and twenty minutes in total.
- 5. CONSENT CALENDAR**
If a Committee member would like to discuss any item listed, it may be pulled from the Consent Calendar.
- 4** *A. Minutes from the January 23, 2020, Claims Committee Meeting
Recommendation: Staff recommends the Committee approve the Consent Calendar.
- 6. CLAIMS MATTERS**
- 6** *A. Consideration of Addition to PLAN JPA Defense Panel
Recommendation: Staff recommends the Committee approve adding Greg Fox, of Bertrand, Fox, Elliot, Osman & Wenzel to PLAN JPA's Defense Panel.
- 7. CLOSING COMMENTS**
This time is reserved for comments by Claims Committee members and/or staff and to identify matters for future Claims Committee business.
- A. Claims Committee
B. Staff
- 8. ADJOURNMENT**

NOTICES:

- The next Claims Committee meeting will be held on February 27, 2020, at 1:30 p.m. via teleconference.

* Reference materials enclosed with staff report.

February 11, 2020

Agenda Items 5.A.

CONSENT CALENDAR

SUBJECT: Consent Calendar

BACKGROUND AND HISTORY:

The Consent Calendar consists of items that require approval or acceptance but are self-explanatory and require no discussion. If a Committee member would like to discuss any item listed, it may be pulled from the Consent Calendar.

STAFF RECOMMENDATION:

Staff recommends the Committee approve the Consent Calendar.

REFERENCE MATERIALS ATTACHED:

A. Minutes from the January 23, 2020, Claims Committee Meeting

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

**MINUTES OF THE CLAIMS COMMITTEE
MEETING OF JANUARY 23, 2020**

A regular meeting of the Claims Committee was held on January 23, 2020, via teleconference.

MEMBERS PRESENT: Kathleen Kane, Chair, Burlingame
Brenda Olwin, East Palo Alto
Donald Larkin, Morgan Hill
Marc Zafferano, San Bruno
Scott Corey, Suisun City

MEMBERS ABSENT: John Mullins, Hillsborough
Robert Schultz, Los Gatos
Rebecca Mendenhall, San Carlos

OTHERS PRESENT: Jon Paulsen, General Manager
Katie Sullivan, Assistant General Manager
Will Portello, Litigation Manager
Susan DeNardo, Litigation Manager
Greg Rubens, Board Counsel (*Arrived during Item 6.A*)

1. CALL TO ORDER

The January 23, 2020, Claims Committee meeting was called to order at 1:33 p.m. by Chairperson, Kathleen Kane.

2. INTRODUCTIONS

Introductions were made and it was determined there was a quorum present.

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

The agenda was approved as posted.

4. PUBLIC COMMENTS

None.

5. CONSENT CALENDAR

Brenda Olwin moved to approve the following items: A) Minutes from the September 26, 2019, Claims Committee Meeting. Scott Corey seconded the motion. A roll call vote was taken and the motion passed unanimously by Kathleen Kane, Brenda Olwin, Marc Zafferano, Donald Larkin, and Scott Corey.

It was clarified that Brenda Olwin, City of East Palo Alto, would be permitted to join the Committee in Closed Session.

6. CLOSED SESSION

A. The Committee convened to closed session, pursuant to Government Code section 54956.95(a) at 1:39 p.m. to discuss the following claims:

- Young v. City of East Palo Alto Police Officers, et al
- Nikam v. City of Milpitas

B. Pursuant to Government Code Section 54957.1, the Committee reconvened to open session at 1:59 p.m. The following actions were taken under closed session:

No reportable action was taken during closed session.

7. CLOSING COMMENTS

A. Claims Committee

None.

B. Staff

None.

8. ADJOURNMENT

The Regular Meeting of the PLAN JPA Claims Committee was adjourned at 1:59 p.m.



Katie Sullivan, Assistant General Manager

February 11, 2020

Agenda Items 6.A.

CLAIMS MATTERS

SUBJECT: Consideration of Addition to PLAN JPA Defense Panel

BACKGROUND AND HISTORY:

PLAN JPA maintains a comprehensive list of attorneys to represent the pool during litigation. If an attorney or law firm wishes to be added to the Defense Panel, they must be approved by the Claims Committee prior to beginning service on behalf of a member.

Greg Fox, from the firm Bertrand, Fox, Elliot, Osman & Wenzel, is requesting to be added to PLAN JPA's Defense Panel.

William Portello and Susan DeNardo, PLAN JPA's Litigation Managers, will be present to answer any questions of the Committee.

STAFF RECOMMENDATION:

Staff recommends the Committee approve adding Greg Fox, of Bertrand, Fox, Elliot, Osman & Wenzel to PLAN JPA's Defense Panel.

REFERENCE MATERIALS ATTACHED:

- A. Greg Fox Curriculum Vitae
- B. Bertrand, Fox, Elliot, Osman & Wenzel Proof of Insurance

Greg Fox

Gregory M. Fox is a founding senior partner of the firm. Mr. Fox has over forty years experience trying cases before juries in state and federal courts. His expertise includes constitutional and civil rights issues as well as public entity torts, contracts, business and environmental law. His appellate practice includes handling appeals in both the Ninth Circuit U.S. Court of Appeals and the California State Courts of Appeal. He has been lead trial attorney in more than fifty civil jury cases tried to verdict, and numerous federal and state civil trial judges have recognized his expertise and oral advocacy.

Mr. Fox also provides formal training to public and private clients about new developments in the law, risk management techniques and practical advice on conflict resolution before litigation. Recent training has included e-mail liability issues, police handling of the mentally ill, dangerous conditions of public property and crowd control and crowd management by law enforcement agencies.

Mr. Fox began his legal career in 1977 as Senior Energy Advisor in the California Governor's Office of Planning and Research coordinating California energy policy regarding offshore and onshore petroleum development. He was employed from 1980 to 1984 as an anti-trust attorney with the Federal Trade Commission in Washington D.C. where he served as a litigation team leader reviewing mergers and acquisitions in the petroleum industry. In 1984, he joined the San Francisco City Attorney's Office where he worked in a special trial team representing the City and County of San Francisco in both federal and state courts. He resigned his position as deputy city attorney in 1986 to form Bertrand & Fox, later changed to Bertrand, Fox & Elliot, now Bertrand, Fox, Elliot, Osman & Wenzel.

Mr. Fox graduated from Santa Clara University in 1973 with a degree in political science that included honors course work at U.C. San Diego and Dartmouth College. He received his Juris Doctor degree from the University of California Hastings College of Law in 1976. In 1977, he was the recipient of a grant from the American Bar Foundation resulting in a published study on density bonus zoning practices in the United States.

He has been an active member of the California State Bar since 1976, and is also a member of the San Francisco Bar Association. He is admitted to practice in all Superior and Appellate courts of the State of California as well as the Northern and Eastern federal District Courts. He is also admitted to practice in the California Supreme Court and Ninth Circuit U.S. Court of Appeals.

[Edit this page](#)



[CONTACT ME](#)

PARTNERS

- ▶ [Tom Bertrand](#)
- ▶ [Greg Fox](#)
- ▶ [Gene Elliot](#)
- ▶ [Richard Osman](#)
- ▶ [Michael Wenzel](#)
- ▶ [Sheila Crawford](#)
- ▶ [Ethan Lowry](#)

SENIOR ASSOCIATES

- ▶ [Amy Leifur Halby](#)
- ▶ [Joanne Tran](#)
- ▶ [Rockford Hearn](#)

ASSOCIATES

- ▶ [Samantha Wu](#)
- ▶ [Heather G. Hensley](#)
- ▶ [Henry B. Bernstein](#)
- ▶ [Marina I. Garcia](#)
- ▶ [Charles D. King](#)
- ▶ [Molly M. Cherala](#)
- ▶ [Kevin M. Carroll](#)
- ▶ [Benjamin I. Oreper](#)

SENIOR COUNSEL

- ▶ [Ilana Kohn](#)

OF COUNSEL

- ▶ [Arlene Helfrich](#)
- ▶ [Dana Soong](#)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/06/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certification does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Ahern Insurance Brokerage 9655 Granite Ridge Dr., #500 San Diego, CA 92123 Randy T. Gust		858-571-9030	CONTACT NAME: Randy T. Gust PHONE (A/C, No, Ext): 858-571-9030 FAX (A/C, No): 858-571-9010 E-MAIL ADDRESS:																					
INSURED Bertrand, Fox, Elliot Osman & Wenzel APC 2749 Hyde Street San Francisco, CA 94109		<table border="1"> <thead> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A:</td> <td>CNA/Continental Casualty Co.</td> <td>20443</td> </tr> <tr> <td>INSURER B:</td> <td>Hartford Accident & Indemnity</td> <td>22357</td> </tr> <tr> <td>INSURER C:</td> <td>QBE Insurance Corporation</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	CNA/Continental Casualty Co.	20443	INSURER B:	Hartford Accident & Indemnity	22357	INSURER C:	QBE Insurance Corporation		INSURER D:			INSURER E:			INSURER F:		
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COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			6074596062	07/02/2019	07/02/2020	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			6074596062	07/02/2019	07/02/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N / A	72WEGAD3R6G	06/08/2019	06/08/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Lawyer's Prof. Liability			LAW2023100	07/14/2019	07/14/2020	Per Claim 4,000,000 Aggregate 4,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

PROOF OF INSURANCE	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE