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CLAIMS COMMITTEE MEETING AGENDA

**Thursday, July 29, 2021
1:30 p.m.**

Zoom

Please Contact Katie Sullivan for Videoconference Information

All portions of this meeting will be conducted by teleconferencing in accordance with the State of California Executive Order N-29-20.

Members of the public may observe and listen to the meeting telephonically. No physical location will be available from which members of the public may observe the meeting and offer public comment. Public comments may be submitted in advance of the meeting by emailing Katie Sullivan at katie.sullivan@sedgwick.com no later than 5 p.m. on Wednesday, July 28, 2021. If a member of the public would like to address the Claims Committee during the meeting, the person may email Ms. Sullivan during the meeting and, if timely received, Ms. Sullivan will read or summarize the email to the Board members.

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 katie.sullivan@sedgwick.com (email). 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.

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

- Page**
- 4. PUBLIC COMMENTS** - The Public may submit any questions in advance of the meeting by contacting Katie Sullivan at: katie.sullivan@sedgwick.com. This time is reserved for members of the public to address the Committee relative to matters of the Claims Committee 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 May 27, 2021, Claims Committee Meeting
Recommendation: Staff recommends the Committee approve the Consent Calendar.
- 6. CLAIMS MATTERS**
- 7** A. Review of PRAXIS Audit Results
Recommendation: None
- 8** B. Sedgwick Claims Administration Staffing Change
Recommendation: None
- 7. CLOSED SESSION**
- A. Pursuant to Government Code Section 54956.95(a), the Committee will hold a closed session to discuss the following claims:
- Ng/Wu v. City of Burlingame
 - Jain v. City of Milpitas
 - Robbins v. City of San Bruno
 - Awash/Khalif v. Town of Tiburon
- B. Pursuant to Government Code Section 54957.1, the Committee will report in open session any reportable action taken in closed session.
- 8. 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
- 9. ADJOURNMENT**

NOTICES:

- The next Claims Committee meeting will be held on August 26, 2021, at 1:30 p.m. via videoconference.

July 29, 2021

Agenda Item 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 May 27, 2021, Claims Committee Meeting

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

**MINUTES OF THE CLAIMS COMMITTEE
MEETING OF MAY 27, 2021**

A regular meeting of the Claims Committee was held on May 27, 2021, via videoconference.

MEMBERS PRESENT: Donald Larkin, Chair, Morgan Hill
Robert Schultz, Los Gatos
Marc Zafferano, San Bruno
Rebecca Mendenhall, San Carlos

MEMBERS ABSENT: Brenda Olwin, East Palo Alto
Ann Ritzma, Hillsborough

OTHERS PRESENT: Jon Paulsen, General Manager
Katie Sullivan, Assistant General Manager
Susan DeNardo, Litigation Manager
Greg Rubens, Board Counsel
Shawn Ridley, Counsel

1. CALL TO ORDER:

The Regular Meeting of the PLAN JPA Claims Committee meeting was called to order at 1:33 p.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):

Marc Zafferano moved to approve the agenda as posted. Donald Larkin seconded the motion. A roll call vote was taken and the motion passed unanimously by Donald Larkin, Robert Schultz, Marc Zafferano, and Rebecca Mendenhall.

4. PUBLIC COMMENTS:

None.

5. CONSENT CALENDAR:

Rebecca Mendenhall moved to approve the following items: A) Minutes from the April 22, 2021, Claims Committee Meeting. Marc Zafferano seconded the motion. A roll call vote was taken, and the motion passed by majority vote by Donald Larkin, Robert Schultz, Marc Zafferano, and Rebecca Mendenhall.

6. CLAIMS MATTERS

A. Consideration of Additions to Defense Counsel

After PLAN JPA membership completed a satisfaction survey with the PLAN JPA Defense Counsel Panel in 2020, the Claims Committee appointed an Ad Hoc Committee, consisting of Kathleen Kane, Robert Schultz, and Donald Larkin, to review the results of the survey and discuss attorneys be added to the panel. The Claims Committee approved attorneys Suzanne Nicholson and Ray Bangle.

Susan DeNardo informed the Committee the PLAN JPA Litigation Management team had been informed of the future retirement of two members on the Defense Counsel Panel List. The Litigation Management team reviewed the 2020 Panel and determined there is a need for additional qualified attorneys with expertise in defending public entities in civil rights cases.

Discussion ensued around the fact that attorneys are hard to come by due to the max rate PLAN JPA has in place for their attorney panel. It was suggested to implement a bifurcated rate for attorneys, to which the Committee was receptive. Additionally, it was recommended to do a Request for Proposal (RFP) to obtain information from various firms, particularly in regard to specialist attorneys. The Committee agreed for Ms. DeNardo to do some more research, do an RFP, and bring forward a bifurcated rate for future consideration.

7. CLOSED SESSION:

A. The Committee convened to closed session, pursuant to Government Code section 54956.95(a) at 1:53 p.m. to discuss the following claims:

- Margaret Robbins v. City of San Bruno
- Chiaho Wu v. City of San Bruno
- Sheks Construction Company, et al v. City of South San Francisco

B. Pursuant to Government Code Section 54957.1, the Committee reconvened to open session at 2:41 p.m. The following actions were taken under closed session:

No reportable action was taken during closed session.

8. CLOSING COMMENTS:

A. Claims Committee

None.

B. Staff

None.

9. ADJOURNMENT

The Regular Meeting of the PLAN JPA Claims Committee was adjourned at 3:02 p.m.

A handwritten signature in black ink, reading "Katie Sullivan", written over a horizontal line.

Katie Sullivan, Assistant General Manager

July 29, 2021

Agenda Item 6.A

CLAIMS MATTERS

SUBJECT: Review of PRAXIS Audit Results

BACKGROUND AND HISTORY:

PLAN JPA sought out coverage from Public Risk Innovation, Solution, and Management (PRISM) to replace the potentially eroded \$5 million excess of \$25 million Arch Insurance layer for liability claims retroactively from July 1, 2020 to June 30, 2021. PRISM agreed to cover PLAN JPA members with the inception date of July 1, 2020.

To obtain coverage and as part of the agreement with PRISM, PLAN JPA agreed to an audit of its open liability claims by PRISM. Tim Vincent of PRAXIS conducted the audit reviewing 51 files this month. While PRISM found PLAN JPA claims were being handled appropriately, there were eight claims with noted areas needing improvement. The areas noted included timely and consistent reporting per Plan guidelines, proper documentation of file activity in file notes, proactive handling of claims to move claims to resolution, and timely response to management questions/direction.

Jill Petrarca, Sedgwick Third Party Administrator (TPA) Lead, has reviewed the audit results along with PLAN JPA's Litigation Management team. Ms. Petrarca is meeting with examiners on a weekly basis to assist them in bringing their claim files current and within PLAN JPA standards. Staff is confident the deficiencies noted will be corrected and maintained.

STAFF RECOMMENDATION:

None

REFERENCE MATERIALS ATTACHED:

None

July 29, 2021

Agenda Item 6.B

THIRD PARTY ADMINISTRATION

SUBJECT: Sedgwick Claims Administration Staffing Change

BACKGROUND AND HISTORY:

Cynthia Gordon served as the Team Lead for Sedgwick's Third Party Administrator for seven years. Ms. Gordon has accepted another job opportunity and is no longer managing Sedgwick's examiners.

Jill Petrarca is now serving as the interim Team Lead. Ms. Petrarca has almost 30 years in claims and management including 26 years with State Farm. She is a Team Lead on other California joint powers authority self-insurance pools including California Transit Indemnity Pool (CalTIP).

STAFF RECOMMENDATION:

None

REFERENCE MATERIALS ATTACHED:

None