

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

**MINUTES OF THE CLAIMS COMMITTEE  
MEETING OF JANUARY 28, 2021**

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A regular meeting of the Claims Committee was held on January 28, 2021, via videoconference.

**MEMBERS PRESENT:** Donald Larkin, Chair, Morgan Hill  
Brenda Olwin, East Palo Alto  
Ann Ritzma, Hillsborough  
Robert Schultz, Los Gatos (*Left during Agenda Item 7.A*)  
Marc Zafferano, San Bruno  
Rebecca Mendenhall, San Carlos

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Jon Paulsen, General Manager  
Katie Sullivan, Assistant General Manager  
Will Portello, Litigation Manager  
Susan DeNardo, Litigation Manager  
Terrie Norris, Risk Control Manager  
Greg Rubens, Board Counsel

**1. CALL TO ORDER:**

The Regular Meeting of the PLAN JPA Claims Committee meeting was called to order at 1:31 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):**

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

**4. PUBLIC COMMENTS:**

None.

**5. CONSENT CALENDAR:**

*Marc Zafferano moved to approve the following items: A) Minutes from the October 20, 2020, Claims Committee Meeting. Brenda Olwin seconded the motion. A roll call vote was taken, and the motion passed by majority vote by Donald Larkin, Brenda Olwin, Robert Schultz, Marc Zafferano, and Rebecca Mendenhall. Ann Ritzma abstained from voting.*

**6. ADMINISTRATIVE MATTERS:**

**A. Discussion Regarding SD 1473 Requirement**

California's Government Torts Claim Act establishes the procedures for filing a claim against a public agency. Prior law required a government claim to be served in person or by mail to the public agency. Senate Bill (SB) 1473, effective January 1, 2020, amended California's Government Code to allow public agencies to accept electronic service of government claims and to send notices in response of to those claims to the claimant if the public agency adopts procedures to do so.

After a brief review by Susan DeNardo, Litigation Manager, it was requested the Litigation Team send an example resolution allowing agencies to adopt these procedures to all of PLAN JPA membership.

**B. Consideration of Claims Review by Coverage Counsel**

PLAN JPA often requests internal coverage review from PLAN's Coverage Counsel. In those instances of urgent need, the Litigation Manager would like to engage Coverage Counsel at PLAN's pre-negotiated rates. Jon Paulsen, General Manager, advised the cost for Coverage Counsel to review would be minimal so the need for special Claims Committee meetings to approve usage of funds would not be necessary.

After a brief discussion, the Committee requested staff update the Master Program Document to reflect these changes and bring to the Board of Directors for formal approval.

*Robert Schultz moved to grant the Litigation Manager temporary authorization to engage Coverage Counsel, as needed, pending formal approval by the PLAN JPA Board of Directors. Ann Ritzma seconded this motion. A roll call vote was taken and the motion passed unanimously by Donald Larkin, Brenda Olwin, Ann Ritzma, Robert Schultz, Marc Zafferano, and Rebecca Mendenhall.*

**7. CLOSED SESSION:**

A. The Committee convened to closed session, pursuant to Government Code section 54956.95(a) at 1:47 p.m. to discuss the following claims:

- Crestmoor Canyon Landslide (City of San Bruno): Request for Property Claims Coverage Review by Coverage Counsel
- Chai Saephan v. City of Burlingame
- Raymond Wu v. City of Burlingame
- Spouse of Bena Chiwa Ng, Raymond Wu as Surviving Spouse v. City of Burlingame
- Margaret Robbins v. City of San Bruno
- Y.B., by and through her Guardian Ad Litem, Nataliia Bykon v. State of California, et al (City of Pacifica)

The following claims were not discussed during Closed Session and will be presented at the next Claims Committee Meeting.

- Asif Haji v. City of Dublin
- Brandon Scott Merkel v. City of Suisun City

B. Pursuant to Government Code Section 54957.1, the Committee reconvened to open session at 2:30 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 2:31 p.m.



Katie Sullivan, Assistant General Manager