

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

**MINUTES OF THE CLAIMS COMMITTEE  
MEETING OF FEBRUARY 25, 2021**

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A regular meeting of the Claims Committee was held on February 25, 2021, via videoconference.

**MEMBERS PRESENT:** Donald Larkin, Chair, Morgan Hill  
Brenda Olwin, East Palo Alto  
Ann Ritzma, Hillsborough  
Marc Zafferano, San Bruno  
Rebecca Mendenhall, San Carlos

**MEMBERS ABSENT:** Robert Schultz, Los Gatos

**OTHERS PRESENT:** Jon Paulsen, General Manager  
Katie Sullivan, Assistant General Manager  
Will Portello, Litigation Manager (*recused himself during the Anti-Police Terror Project, et al v. City of Benicia, City of Newark, et al discussion*)  
Susan DeNardo, Litigation Manager  
Greg Rubens, Board Counsel

**1. CALL TO ORDER:**

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

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

**4. PUBLIC COMMENTS:**

None.

**5. CONSENT CALENDAR:**

*Ann Ritzma moved to approve the following items: A) Minutes from the January 28, 2021, Claims Committee Meeting. Donald Larkin seconded the motion. A roll call vote was taken and the motion passed unanimously by Donald Larkin, Brenda Olwin, Ann Ritzma, Marc Zafferano, and Rebecca Mendenhall.*

**6. ADMINISTRATIVE MATTERS:**

**A. Consideration of Attorney Representation**

The Town of Tiburon requested Attorney Gregory Thomas, of the Burke, Williams, & Sorenson Law Firm, to represent them in the matter of Awash/Khalf v. Town of Tiburon.

Susan DeNardo, Litigation Manager, informed the Committee Mr. Thomas is currently not on PLAN JPA's approved panel list; however, he is from the same firm at the Town's City Attorney, Ben Stock. It was noted the hourly rate for Mr. Thomas was higher than the maximum rate allowed by PLAN JPA. Mr. Thomas was provided PLAN JPA's Litigation Management Guidelines; however, at the time of the meeting, Ms. DeNardo had not heard back from him.

Discussion ensued around if the Town was requesting Mr. Thomas be added to the panel list or just for this one case and if PLAN JPA would reimburse the Town for the approved max rate and the Town could potentially pay the difference. It was agreed that more information was need and the Committee directed staff to contact the Town and Mr. Thomas for such information and bring this item back for discussion at the next Claims Committee meeting.

**B. California Association of Joint Powers Authorities (CAJPA) Tort Reform Initiative**

The California Association of Joint Powers Authorities (CAJPA) is currently in year two of a Tort Reform Initiative where they are attempting to inform California JPAs of current claims activity affected by social inflation and obtain traction with legislature on tort reform. This includes gathering anonymized claim data from California JPAs over the last ten years that settled for over \$1 million.

Jon Paulsen, General Manager, informed the Committee most JPAs are participating and staff had reached out to PLAN JPA's Officers to gauge interest in participation. Mr. Paulsen reported the Officers agreed it was a worth-while effort and staff sent PLAN JPA information to CAJPA.

Will Portello, Litigation Manager, stated the primary goal was to see how municipalities are affected by Prop 51 and how much they are responsible for simply for the risk exposure.

**7. CLOSED SESSION:**

A. The Committee convened to closed session, pursuant to Government Code section 54956.95(a) at 2:04 p.m. to discuss the following claims:

- Anti-Police Terror Project, et al v. City of Benicia, City of Newark, et al
- Alaya Marinero, et al v. City of Burlingame
- Asif, Haji v. City of Dublin, Alex Klinov
- June and Neil Chichizola v. City of San Carlos
- Brandon Scott Merkel v. City of Suisun City
- Awash/Khalif v. Town of Tiburon

B. Pursuant to Government Code Section 54957.1, the Committee reconvened to open session at 2:43 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 2:44 p.m.



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Katie Sullivan, Assistant General Manager