

October 7, 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.

RECOMMENDATION:

Staff recommends the Risk Management Committee approve the Consent Calendar.

REFERENCE MATERIALS ATTACHED:

A. Minutes from the February 10, 2021, Risk Management Committee Meeting

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

**MINUTES OF THE RISK MANAGEMENT COMMITTEE
MEETING OF FEBRUARY 10, 2021**

A regular meeting of the Risk Management Committee was held on February 10, 2021, via videoconference.

MEMBERS PRESENT: George Rodericks, Chair, Atherton
Julie Carter, Dublin
Lisa Lopez, Half Moon Bay
Suzanne Creekmore, Tiburon

MEMBERS ABSENT: David Benoun, Newark
Jeremy Dennis, Portola Valley

OTHERS PRESENT: Jon Paulsen, General Manager
Katie Sullivan, Assistant General Manager *[left during agenda item 6.F.]*
Terrie Norris, Risk Control Manager
Joe Costamagna, Transfer of Risk Manager
Ritesh Sharma, Finance Manager
Daria Hoffmann, Analyst

1. CALL TO ORDER:

The Regular Meeting of the PLAN JPA Risk Management Committee meeting was called to order at 11:08 a.m.

2. INTRODUCTIONS:

Roll call was taken, and it was determined there was a quorum present.

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

Julie Carter moved to approve the agenda as posted. Suzanne Creekmore seconded the motion. A roll call vote was taken and the motion passed unanimously by George Rodericks, Julie Carter, Lisa Lopez, and Suzanne Creekmore.

4. PUBLIC COMMENTS:

None.

5. CONSENT CALENDAR:

Julie Carter moved to approve the following item: A) Minutes from the October 8, 2020, Risk Management Committee Meeting. Lisa Lopez seconded the motion. A roll call vote was taken and the motion passed unanimously by George Rodericks, Julie Carter, Lisa Lopez, and Suzanne Creekmore.

6. RISK CONTROL MATTERS:

A. Law Enforcement Liability Risk Management

Terrie Norris, Risk Control Manager, reminded the Committee of the session on Law Enforcement Liability at the December 9, 2020, Strategic Planning Session. Attendees of the session provided several recommendations for additional support and resources including:

- Dedicated police department grant funding;
- Officer and supervisor level training support;
- Assistance in managing and implementing department policy updates;
- Provision of a resource to audit current department policies and procedures; and
- Formation of a Law Enforcement Risk Management Networking Group.

Staff also recommended developing risk management information and/or training regarding Police Explorer/Cadet/Youth program risk exposure management in response to feedback from the PLAN Executive Committee and the exposure results revealed by the 2020 Law Enforcement Liability member survey results. Staff is working towards finding the tools to provide the support for the program risks.

Jon Paulsen, General Manager, briefly reviewed staff's concern regarding Law Enforcement Liability claims.

Discussion ensued regarding 21st century policing and community expectations. The committee supports the recommendations for additional support and resources with an idea to include police chiefs and police staff in the Risk Management Committee.

Mr. Paulsen informed the Committee of different options for additional support:

- Increased Law Enforcement Liability training within the current risk control program
- Quarterly sessions with expert speakers and target assessments; and/or
- Utilizing a consultant for developments and updates to policies

The committee discussed the options presented and the costs associated with each.

Staff was directed to research what is required of members and the funding needed to provide the additional support in the 2021/22 program year.

B. Urban Forest Risk Management

Ms. Norris reminded the Committee of the open discussion during the December 9, 2020, Strategic Planning Session which focused on tree exposures. Items discussed included:

- Inventorying trees;
- Pruning schedules;
- Risk assessments to identify at-risk and high-risk trees in high risk exposure areas;
- Notification of tree-owners regarding non-public trees that boarder public areas;
- Tree removal policies/procedures;
- Tree ordinances;
- Types of high-risk trees commonly found in the Bay Area; and
- Formalize Urban Forest Risk Management Program.

Staff turned to the Committee for insight on the most important items. Discussion ensued regarding formalizing a Urban Forest Risk Management Program. Staff was directed to survey members on existing Urban Forest procedures.

The Committee provided a recommendation to staff regarding all future surveys which directed them to include suggestions on by whom surveys should be completed by in future correspondences.

C. Cyber Risk Management

Mr. Paulsen reminded the Committee of the positive feedback to beta tests of cyber risk assessments at the December 10, 2020, Board of Directors meeting. Seven members were selected to participate in the beta testing. Each member will receive \$1,400 to move forward with the process.

The seven agencies participating are City of Campbell, City of East Palo Alto, City of Los Altos Hills, City of Milpitas, City of Newark, City of Saratoga, and Town of Tiburon.

Julie Carter moved to recommend the Risk Management Committee recommend to the Executive Committee i) approval of subsidizing the cost of the first seven cyber risk assessments at a rate of \$1,400 each; and ii) amend the current Sedgwick Risk Control contract to allow for the provision of these additional services at member negotiated scope and expense (unsubsidized) going forward. Lisa Lopez seconded the motion. A roll call vote was taken and the motion passed unanimously by George Rodericks, Julie Carter, Lisa Lopez, and Suzanne Creekmore.

D. Update on the 2020/21 Risk Control Plan

Ms. Norris provided the Committee on an update on the 2020/21 Risk Control Plan.

COVID-19 Prevention Plan Emergency Temporary Standard

On November 20, 2020, the Cal/OSHA Standards Board passed the COVID-19 Prevention Plan (CPP) Emergency Temporary Standard which went into effect on November 30, 2020. On February 1, 2021, staff distributed a customized COVID-19 Prevention Plan with a recommendation for conditions on Consideration 1, a minor outbreak, and Consideration 2, a major outbreak, in the workplace.

AB685

In November 2020, staff provided templates for AB685 which authorized Cal/OSHA to shut down workplaces and cite workplaces for failure to protect employees against COVID-19.

On February 1, 2021 Risk Control staff distributed:

- a Semi-Customized CPP template;
- a Flowchart to share with employees to help them know what to do if experiencing COVID-19 symptoms, test positive for COVID-19, or come in contact with someone who has tested positive for COVID-19;
- An Employer's FAQ to guide employers regarding what to do when employees report symptoms and/or positive tests;
- Information on the location of webinars for:
 - COVID-19 Prevention Plan Development, How-To
 - COVID-19 – What Every Employee Needs to Know (updated to include the training specified in the CPP).

Ms. Norris noted staff is continuing to monitor the COVID-19 restrictions and assess which trainings and evaluations can happen virtually. Risk Control Services will continue in a safe manner while still providing members with assistance.

Discussion ensued regarding tracking employee completion of the webinars. Risk Control staff will develop a quiz for members to send to employees to determine completion of the webinar course.

E. Review of 2020 Sewer and Stormwater Summit

Ms. Norris reminded the Committee of the Sewer and Stormwater Summit which occurred virtually on October 15, 2020. 54% of PLAN JPA members attended, a 29% increase from 2019.

Because the Summit was moved online, PLAN JPA received a refund of \$3,007 from the initial \$12,000 deposit for the event. Staff looks forward to the possibility of holding the event virtually in the future.

F. Contractual Risk Transfer Update

Joe Costamagna, Transfer of Risk Manager, was present and provided an update regarding the following:

Timely Topic

California Civil Code 2782 places clear restrictions on the extent of indemnity that can be required of a design professional and a construction contractor. Overreaching indemnity

requirements can result in the nullification of the entire indemnity agreement, leaving the member with no indemnity protection from its consultant/contractor.

Design Professionals

Included in Civil Code 2782.8's definition of "Design Professional" are architects, engineers, land surveyors, and landscape designers – all common contractual parties for cities in the PLAN JPA. The code requires that the city's indemnity obligation be restricted to the design professional's "negligence, recklessness or willful misconduct."

Staff developed a split indemnity clause for use by the members.

Construction Contracts

Civil Code 2782(b) restricts the level of indemnity a public agency can require of a construction company. It is important to clearly state in contracts that the contractor is not required to indemnify the member for the member's active negligence: in the exceptions portion of the indemnity clause, use "except when caused by the active negligence or sole negligence of the City". This will clarify the member's intent to not violate 2782(b).

The Committee requested staff distribute the language to the members for utilization.

G. Consideration of the 2021/22 Risk Control Plan

Ms. Norris reviewed the proposed 2021/22 risk control service plan with the committee. The plan includes:

Focused Member Services

This program would provide special one-to-one risk control services initiated by risk control staff to members with an Experience Modifier (Ex-Mod) greater than 120% (based on the Approved 2020/21 Operating Budget). The purpose of the services would be a "getting to know you" meeting with each member to explore what risk control issues most important to address. Through doing so, the goal would be to reduce loss experience and Ex-Mod.

Development of Focused Self-Assessments Materials

Risk Control staff continues to build materials related to risk management self-assessments. The documents will include focused self-assessment forms for each of the risk management topics; risk management best practices related to each topic; and a selection of documents associated with the risk management assessment topics. The library

of materials will be posted on the Sedgwick Risk Control Resources webpage as each is development.

Risk Control Service Days on Request

Members may request risk control services to assist with liability and employee safety risk management programs.

Driver Training

Defensive driver trainings are continuing virtually upon request.

Driver Ride-a-long Evaluations

Driver ride-a-longs will resume upon request after COVID-19.

Resource Development

The focus for the 2021/22 resource development services would be: Urban Forest Risk Management; Law Enforcement Risk Management; and Wildfire Loss Prevention. To reduce exposures, staff will develop tools and resources to members on these topics.

Regional Training

At least four regional trainings will occur including the Sewer and Stormwater Summit. Seven trainings have already occurred for 2020/21, with another scheduled for March.

Oversight of the Risk Management Fund Reimbursements

Staff provides a review of the submissions for Risk Management Fund Reimbursements to ensure submissions are within the program guidelines and submitted by authorized personnel, and provide guidance as needed regarding proposed expenditures. Provide routine reports regarding how members are using the Risk Management Reimbursement Grant funds.

Unlimited Phone and Email Consultation

Members can reach Risk Control staff via phone and email with questions and for guidance.

Sedgwick Risk Control Website Resources

Members have access to the Sedgwick Risk Control website which houses numerous resources related to risk control.

Discussion ensued on staff hosting a Town Hall for members to attend and ask questions on varying topics. The Committee expressed interest and directed staff to prepare a town hall on vaccinations and risk management issues, specifically in relation to COVID-19.

Julie Carter moved to recommend approval of the proposed 2021/22 Risk Control Service Plan to the Board of Directors. Lisa Lopez seconded the motion. A roll call vote was taken and the motion passed unanimously by George Rodericks, Julie Carter, Lisa Lopez, and Suzanne Creekmore.

7. **CLOSING COMMENTS:**

A. **Risk Management Committee**

None.

B. **Staff**

None.

8. **ADJOURNMENT**

The Regular Meeting of the PLAN JPA Risk Management Committee was adjourned at 12:41 p.m.

Katie Sullivan, Assistant Board Secretary

RISK CONTROL MATTERS

SUBJECT: 2021/22 Risk Control Plan and Grant Fund Program Update

BACKGROUND AND HISTORY:

The Board of Directors reviewed and approved the proposed 2021/2022 Risk Control Service Plan on June 18, 2021. Staff reported that the PLAN JPA Strategic Planning Session and staff interactions with PLAN JPA members influenced the proposed risk control service plan for 2021/2022.

Staff has moved forward with the risk control service plan with some modifications to ensure compliance with evolving COVID-19 conditions to ensure the safety and health of PLAN JPA member organizations and the Sedgwick risk control staff. This report contains some of the highlights of the risk control services provided.

Risk Control Services on Request

Risk Control staff continues to provide training, ergonomic evaluations, and program development using WebEx, Zoom and Teams virtual platforms. On-site services have and can be provided when COVID-19 protection requirements can be maintained. A list of the services that have been provided and scheduled for the 2021/2022 program year is included in the Reference section of this report. Additionally, a full re-cap of the services provided in the 2020/2021 was submitted to the Risk Management Committee the last report in the 2020/2021 only reported services through May 27, 2021 is also available in the Reference Section. Two members have consulted with Terrie Norris to develop annual training schedules. Four members are now including risk control staff in their regularly scheduled safety/risk management committee meetings. Customized training can be developed such as the hazard recognition training developed for a member using the member's own loss incidents. Not using a limiting list of services, staff has been able to come up with creative services to meet member needs.

Ergonomic evaluations are the second highest requested service from members. Members can initiate an ergonomic service request using an online request form, accessible within the Members Only section of the PLAN JPA website (<https://www.planjpa.org/member-forms/> in the Resources section). Once the member submits the form it is sent to the Risk Control personnel who specialize in ergonomic evaluations. A member of the ergo team contacts the member to schedule the service. The system has been very successful resulting in requests for 36 ergonomic evaluations during 2020/2021, and 49 ergonomic evaluations so far in the 2021/2022 program year. The most frequent users of the ergonomic evaluation request system have been American Canyon, Benicia, Dublin, San Carlos, and South San Francisco.

Focused Member Services

Six members have been identified as having a 2021/22 ex-mod greater than 120% (based on the *Proposed 2021/22 Operating Budget*). Staff will provide one-to-one risk control services initiated by risk control staff to the identified members. The services will be kicked off with a "getting to know you" meeting with each member to explore what risk control issues they are most interested in addressing and/or what is keeping them up at night regarding risk

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management. The goal will be to help them reduce their loss experience and therefore their ExMod. During the initial meeting and subsequent meetings, a risk control service plan will be developed to support that member's risk control goals and will include follow-up meetings to monitor progress and/or course correction. Staff is in the process of scheduling meetings with those members to identify their greatest safety concerns and develop a customized 2021/22 risk control service plan to address their concerns and capabilities.

Development of Focused Self-Assessments Materials

Risk Control staff continues to build and refine documents for focused self-assessment and companion best practice documents. The documents developed will include focused self-assessment forms for each of the risk management topics previous identified by the Risk Management Committee for inclusion in previous focused risk assessment services and the risk management best practices related to those topics. Staff is also designing webpage that will provide members with access to these materials. Staff anticipates the documents will be ready for member beta testing in December and request guidance as to how the beta testers can be selected.

Defensive Driving

Defensive driving is available regionally and to individual members utilizing virtual platforms. Unfortunately, until social distance requirements have been removed ride-a-long defensive training is not available. Staff encourages all members to schedule defensive driving at least annually.

Regional Training

The risk control service plan calls for the provision of four regional training sessions, which includes the 2021 Sewer and Stormwater Summit. The PLAN JPA members continue to respond very favorability to the provision of regional training in an online format as it eliminates travel time. Starting in August, staff arranged to provide in partnership with ACI Benefits 6 monthly webinars. These webinars are recorded and posted on the Sedgewick Risk Control Resources website to provide greater flexibility and access to our members and refresher training. Provided and currently identified webinar include:

- Managing Change – August 2021 – designed to help employees for the change from remote to on-site employment
- Best Moves for Injury Prevention – September 2021 – designed to help employees learn simple pre-work and interim work stretches to reduce the risk of musculoskeletal injuries.
- Responding to Aggressive Behavior in the Workplace – October 2021 – designed to help employees recognize and defuse potentially violence situations
- Sewer and Stormwater Summit – October 2021
- Supporting the Troubled Employee – November 2021 – designed to help supervisors identify and appropriately intervene with employees who have become violent
- December – topic to be determined
- January – topic to be determined

When members request training services that permit regional training invitations, additional regional training opportunities will be organized.

Oversight of the Risk Management Grant Fund Reimbursements

The Risk Control Manager continues to review the submissions for Risk Management Grant Fund Reimbursements to ensure submissions are within the program guidelines and submitted by authorized personnel and will provide guidance as needed regarding proposed expenditures. Requests are generally low at the beginning of the year but appear to be increasing. There is still a misconception on the part of a few members that they must use the funds by the end of the physical year or lose them; however, those instances are lower than in prior years. A summary spreadsheet of the Risk Management Grant Fund by members is in the reference section of this report.

Sedgwick Risk Control Website Resources

The risk control staff continues to add resources the Sedgwick Risk Control Resources website.

RECOMMENDATION:

None.

REFERENCE MATERIALS ATTACHED:

- 2020-2021 Risk Control Service Summary
- 2021-2022 Risk Control Service Summary
- 2021-2022 PLAN JPA Risk Management Grant Fund Summary



Risk Control Services Summary
July 1, 2020, to June 30, 2021

Member	Activity	Project Status
American Canyon, City of	2 - Ergonomic Evaluations	Completed
	3 - Ergonomic Evaluations	Completed
	3 - Ergonomic Evaluations	Completed
	2 - Ergonomic Evaluations	Completed
	9 - Ergonomic Evaluations	Completed
	Archery Range Consolation	Completed
	Fourth of July Parade Consultation	Completed
	AARP Tax Service COVID Exposure Consultation	Completed
	Safety Committee Consultation	Completed
Atherton, Town of	CPP Development & Training	Completed
	Urban Forest Management Consultation	Completed
Benicia, City of	2 - Ergonomic Evaluations	Completed
	3 - Ergonomic Evaluations	Completed
	8 - Ergonomic Evaluations	Completed
Burlington, City of	Swimming Pool Supervision Consultation	Completed
Cupertino, City of	Anti-Theft SOP Development Consultation	Completed
	CPP Consultation	Completed
	Risk Management Committee Consultation	Completed
	Risk Management Committee Consultation	Completed
	Risk Management Committee Consultation	Completed
	IIPP COVID-19 Supplement Program Consultation	Completed
	IDOR Program Review and Feedback	Completed
	Accident Investigation Training	Completed
Dublin, City of	2 - Ergonomic Evaluations	Completed
	5-Year Loss Trend Analysis	Completed
	IIPP and COVID-19 Training	Completed



Risk Control Services Summary
July 1, 2020, to June 30, 2021

Member	Activity	Project Status
Foster City, City of	Alcohol and Controlled Substance Policy	Completed
Half Moon Bay, City of	1 - Ergonomic Evaluations	Completed
	5-Yr Liability Loss Analysis	Completed
	Special Events & use of Facilities Assessment	Completed
	Safety Committee Consultation	Completed
Los Altos Hills, Town of	Bloodborne Pathogens Prevention Program Development	Completed
	Revise/Update IIPP Policy	Completed
	Confined Space Training	Completed
	Industrial and Office Ergonomics Training	Completed
	IIPP Refresher Training	Completed
	Confined Space Awareness, Fall Protection and Ladder Safety Training	Completed
	Defensive Driving & IIPP Refresher Training	Completed
	ER Equip and PPE Refresher Training	Completed
	Excavation & Trenching, and Heavy Equipment Training	Completed
	Hazard Communication and LOTO Training	Completed
	Hearing Conservation and Bloodborne Pathogens Prevention Training	Completed
	Heat Illness, IIPP Refresher and Slip/Fall Prevention Training	Completed
	Respiratory Protection and Hand & Power Tool Safety Training	Completed
	Welding & Cutting Safety, Compressed Gases, Hot Work & Equip Safety Training	Completed
Los Gatos, Town of	Special Events & Use of Facilities Assessment	Completed
	Health & Safety Committee Consultation	Completed
	Health & Safety Committee Consultation	Completed
	Health & Safety Committee Consultation	Completed
	Health & Safety Committee Consultation	Completed
	Heat Illness Training	Completed



Risk Control Services Summary
July 1, 2020, to June 30, 2021

Member	Activity	Project Status
Milpitas, City of	Tree-related loss analysis	Completed
	Lead Exposure Consultation	Completed
	PLAN JPA RC Orientation Consultation	Completed
Morgan Hill, City of	COVID Prevention Program Development	Completed
	COVID Prevention Program Revision Review	Completed
	Defensive Driving Training	Completed
	Confined Space Entry Training	Completed
	Industrial and Office Ergonomics Training	Completed
	Hearing Conservation Training	Completed
	Fall Protection Training	Completed
	Hand and Power Tool Safety Training	Completed
	Haz Com and LOTO Training	Completed
	Heat Illness & BBPP – Refresher Training	Completed
	PPE Training	Completed
	Respiratory Protection Program Training	Completed
	Workplace Violence Training	Completed
Newark, City of	Workstation Exercise Bikes and Treadmills and Road Bike Program Consultation	Completed
Pacifica, City of	1 - Ergonomic Evaluations	Completed
	Driver Safety & Vehicle Use Program Development	Completed
PLAN JPA	Aquatic Liability Self-Assessment Draft	Completed
	Aquatic Liability Best Practices - Draft	Completed
	Urban Forest Management Self-Assessment - Draft	Completed
	Urban Forest Management Best Practices - Draft	Completed
	Sidewalk Inspection & Maintenance Self-Assessment - Draft	Completed
	Risk Management Goals & Action Plans – Self-Assessment - Draft	Completed



Risk Control Services Summary
July 1, 2020, to June 30, 2021

Member	Activity	Project Status
PLAN JPA	Employment Practices Self-Assessment - Draft	Completed
	Law Enforcement Liability Self-Assessment - Draft	Completed
	Playground Liability Self-Assessment - Draft	Completed
	Defensive Driving Regional Training – 3 sessions	Completed
	Heat Illness Regional Training - 4 sessions	Completed
	Summer Hazards Regional Training – 3 sessions	Completed
Ross, Town of	Special Events & Use of Facilities Assessment	Completed
	Risk Management Planning Consultation	Completed
	COVID Prevention Plan Development	Completed
	COVID Prevention Plan Customized Training Handout	Completed
San Carlos, City of	5-Year Trend Analysis	Completed
	Hazard Communication Program Consultation	Completed
	Risk Management Committee Consultation	Completed
	LOTO and Hearing Conservation Training	Completed
Saratoga, City of	Special Events - Alcohol use – Consultation	Completed
	Safety Committee Consultation	Completed
	Safety Committee Consultation	Completed
Suisun City, City of	CPSI Inspection for Park Opening	Completed
Woodside, Town of	COVID Prfeventoin Plan and Defensive Driving Training	Completed



Risk Control Services Summary July 1, 2021, to September 17, 2021

Member	Activity	Project Status
American Canyon, City of	1 - Ergonomic Evaluation	Completed
	1 – Ergonomic Evaluation	In Progress
Benicia, City of	5 - Ergonomic Evaluations	In Progress
	11 - Ergonomic Evaluations	Completed
	2 – Ergonomic Evaluations	Completed
Campbell, City of	Playground Consultation and Inspection	In progress
Cupertino, City of	Risk Management Committee Consultation	Completed
	Risk Management Committee Consultation	Completed
	Softball Field Fencing Consultation	Completed
	Hazard Recognition and Corrective Action Training	Completed
Dublin, City of	12 - Ergonomic Evaluations	Completed
	7 - Ergonomic Evaluations	Completed
	2 – Ergonomic Evaluations	In Progress
	IIPP and COVID Prevention Plan Training	Scheduled
	Safety Committee Consultation	Completed
	Safety Committee Consultation	Completed
	Safety Committee Consultation	Scheduled
Los Altos Hills, Town of	Aerial Lift and Forklift Training	In Progress
	Confined Space Entry & Fall Protection w/Ladder Safety Training	In Progress
	Equip Ops & Welding, Cutting, Hot Work & Compressed Gas Safety Training	In Progress
	Ergonomics - Industrial & Office Training	Completed
	Excavation & Trenching and Heavy Equipment Training	In Progress
	Haz Com & LOTO Training	In Progress
	Hearing Conservation and BBPP Training	In Progress
	Heat Illness Prevention & Traffic Control/Flagger Training	In Progress



Risk Control Services Summary July 1, 2021, to September 17, 2021

Member	Activity	Project Status
Los Altos Hills, Town of	Respiratory & Tool Safety Training	In Progress
	Workplace Violence Training	In Progress
Los Gatos, Town of	Safety Committee Consultation	Completed
	Safety Committee Consultation	In Progress
	Forklift Training	In Progress
Milpitas, City of	5-year Loss Analysis	Completed
Morgan Hill, City of	LOTO Program Development	In Progress
	Fall Protection Program Development	In Progress
	Forklift Training	In Progress
	Emergency Action Preparedness Refresher Training	Completed
	Industrial Ergo Training for Public Works	Completed
	Hearing Conservation Training	In Progress
	IIPP Training	In Progress
	Fall Protection Training	Completed
	Tool Safety Training	In Progress
	Respiratory Protection Training	In Progress
	Traffic Control & Flagging Training	Completed
	Trenching and Excavation Training	In Progress
	PLAN JPA	Liability RM Goals and Action Plans Self-Assessment
Aquatics Liability Self-Assessment		In Progress
Aquatics Liability Best Practices		In Progress
Contractual Risk Transfer Self-Assessment		In Progress
Contractual Risk Transfer Best Practices		In Progress
Employment Practices Liability Self-Assessment		In Progress
Employment Practices Liability Best Practices		In Progress



Risk Control Services Summary July 1, 2021, to September 17, 2021

Member	Activity	Project Status
PLAN JPA	Law Enforcement Liability Self-Assessment	In Progress
	Law Enforcement Liability Best Practices	In Progress
	Playground Liability Self-Assessment	In Progress
	Playground Liability Best Practices	In Progress
	Auto, Fleet and Driver Risk Vehicle Use & Operations Self-Assessment	Completed
	Auto, Fleet and Driver Risk Vehicle Use & Operations Best Practices	Completed
	Urban Forest Management Self-Assessment	In Progress
	Urban Forest Management Best Practices	In Progress
	Sidewalks Liability Self-Assessment	In Progress
	Sidewalks Liability Best Practices	In Progress
	Set up ACI Webinar Package and Protocols	Completed
	Managing Change Webinar	Completed
	Best Moves for Injury Prevention Webinar	Completed
	Responding to Aggressive Behavior in the Workplace Webinar	Scheduled for Oct 12, 2021
	Sewer & Stormwater Virtual Summit	Scheduled for Oct 20, 2021
	Supporting the Troubled Employee Webinar	Scheduled in November
	December Webinar	In Progress
	January Webinar	In Progress
San Bruno, City of	WC and Liability Loss Analyses	Awaiting Member Availability
	Safety Committee Consultation	Completed
	Safety Committee Consultation	Completed
	Safety Committee Consultation	In Progress
	Safety Committee Consultation	In Progress
San Carlos, City of	Ergonomics Phone & E-mail Consultation	Completed
	Ergonomics Training	In Progress



Risk Control Services Summary July 1, 2021, to September 17, 2021

Member	Activity	Project Status
San Carlos, City of	Hearing Conservation Training	In Progress
Saratoga, City of	Safety Committee Consultation	Completed
	Safety Committee Consultation	Scheduled
South San Francisco, City of	1 - Ergonomic Evaluations	In Progress
	6 - Ergonomic Evaluations	Completed
	1 - Ergonomic Evaluation	Completed

PLAN JPA RISK MANAGEMENT GRANT FUND ALLOCATION

For FISCAL YEAR 2021-2022

Member	2021/22 Liability Program Funding	Allocation Percentage	2021/22 GRANT FUND	Carry-Over From 20/21	Total Available	July 2021	Aug 2021	Sept 2021	Total Grants Expensed in 21/22	Risk Mgmt. Grant Available for Use
AMERICAN CANYON	\$366,250.00	2.19%	\$10,949.00	\$3,763.62	\$14,712.62				\$0.00	\$14,712.62
ATHERTON	\$241,418.00	1.44%	\$7,217.00	\$22,536.86	\$29,753.86				\$0.00	\$29,753.86
BENICIA	\$764,947.00	4.57%	\$22,868.00	\$53,835.57	\$76,703.57				\$0.00	\$76,703.57
BURLINGAME	\$677,137.00	4.05%	\$20,243.00	\$38,181.71	\$58,424.71				\$0.00	\$58,424.71
CAMPBELL	\$814,430.00	4.87%	\$24,347.00	\$0.00	\$24,347.00				\$0.00	\$24,347.00
COLMA	\$106,989.00	0.64%	\$3,198.00	\$4,304.41	\$7,502.41				\$0.00	\$7,502.41
CUPERTINO	\$708,593.00	4.24%	\$21,183.00	\$19,809.55	\$40,992.55				\$0.00	\$40,992.55
DUBLIN	\$708,417.00	4.24%	\$21,178.00	\$25,061.20	\$46,239.20				\$0.00	\$46,239.20
EAST PALO ALTO	\$497,809.00	2.98%	\$14,882.00	\$35,155.17	\$50,037.17				\$0.00	\$50,037.17
FOSTER CITY	\$462,332.00	2.76%	\$13,821.00	\$30,809.95	\$44,630.95				\$0.00	\$44,630.95
HALF MOON BAY	\$237,854.00	1.42%	\$7,111.00	\$20,997.71	\$28,108.71				\$0.00	\$28,108.71
HILLSBOROUGH	\$362,411.00	2.17%	\$10,834.00	\$10,497.53	\$21,331.53				\$0.00	\$21,331.53
LOS ALTOS HILLS	\$232,845.00	1.39%	\$6,961.00	\$6,776.86	\$13,737.86				\$0.00	\$13,737.86
LOS GATOS	\$587,027.00	3.51%	\$17,549.00	\$51,880.08	\$69,429.08				\$0.00	\$69,429.08
MILLBRAE	\$490,017.00	2.93%	\$14,649.00	\$40,290.60	\$54,939.60				\$0.00	\$54,939.60
MILPITAS	\$1,283,278.00	7.67%	\$38,364.00	\$105,794.15	\$144,158.15			\$134,158.00	\$134,158.00	\$10,000.15
MORGAN HILL	\$1,148,573.00	6.87%	\$34,337.00	\$83,007.69	\$117,344.69				\$0.00	\$117,344.69
NEWARK	\$963,154.00	5.76%	\$28,794.00	\$71,565.00	\$100,359.00			\$3,649.19	\$3,649.19	\$96,709.81
PACIFICA	\$1,029,311.00	6.15%	\$30,771.00	\$76,090.89	\$106,861.89				\$0.00	\$106,861.89
PORTOLA VALLEY	\$107,940.00	0.65%	\$3,227.00	\$10,177.12	\$13,404.12				\$0.00	\$13,404.12
ROSS	\$88,562.00	0.53%	\$2,648.00	\$3,268.12	\$5,916.12				\$0.00	\$5,916.12
SAN BRUNO	\$1,255,750.00	7.51%	\$37,541.00	\$36,155.65	\$73,696.65				\$0.00	\$73,696.65
SAN CARLOS	\$963,496.00	5.76%	\$28,804.00	\$40,742.99	\$69,546.99			\$21,454.85	\$21,454.85	\$48,092.14
SARATOGA	\$430,308.00	2.57%	\$12,864.00	\$33,271.69	\$46,135.69				\$0.00	\$46,135.69
SOUTH SAN FRANCISCO	\$1,476,306.00	8.83%	\$44,134.00	\$116,016.29	\$160,150.29				\$0.00	\$160,150.29

PLAN JPA RISK MANAGEMENT GRANT FUND ALLOCATION

For FISCAL YEAR 2021-2022

Member	2021/22 Liability Program Funding	Allocation Percentage	2021/22 GRANT FUND	Carry-Over From 20/21	Total Available	July 2021	Aug 2021	Sept 2021	Total Grants Expensed in 21/22	Risk Mgmt. Grant Available for Use
SUISUN CITY	\$389,892.00	2.33%	\$11,656.00	\$33,175.41	\$44,831.41				\$0.00	\$44,831.41
TIBURON	\$188,307.00	1.13%	\$5,629.00	\$20,314.06	\$25,943.06				\$0.00	\$25,943.06
WOODSIDE	\$141,801.00	0.85%	\$4,241.00	\$13,427.08	\$17,668.08				\$0.00	\$17,668.08
GRAND TOTAL	\$16,725,154.00	100%	\$500,000.00	\$1,006,906.99	\$1,506,906.99	\$0.00	\$0.00	\$159,262.04	\$159,262.04	\$1,347,644.95

RISK CONTROL MATTERS

SUBJECT: Update on 2021 Sewer and Stormwater Summit

BACKGROUND AND HISTORY:

PLAN JPA co-sponsors an annual Sewer & Stormwater Summit with other risk sharing pools and contracts with DKF Solutions Group (DKF) for coordination of the event. The Summit takes place in October to provide education and training that will help prevent sewer and stormwater loss incidents. This year's co-sponsor is the California Sanitation Risk Management Authority (CSRMA).

At the June 18, 2021, Board of Directors meeting, The Board approved PLAN JPA's continued participation in the Summit and approved the sponsorship fee which may range from \$12,250 to \$15,250. The Board's goal is to reduce PLAN JPA losses through continuous education of those employees involved in sewer and stormwater system maintenance and operation.

Staff reported that the 2021 Sewer and Stormwater Summit would be presented on a virtual platform.

The 2021 Virtual Summit will:

1. Be provided in a virtual environment available via computer, smart phone, tablet, and iPad.
2. Record the Summit sessions for future use by attendees.
3. Be free of charge to the employees of PLAN JPA and CSRMA members.
4. Offer a special Agency registration package for non-sponsoring agencies who have multiple employees who need to maintain education credits.
5. Offer a reduced registration cost for non-sponsoring individuals as the costs of hosting the Summit are reduced due to the elimination of food and hotel accommodations.
6. Have links to sponsor organizations posted on the virtual conference website.
7. Have networking opportunities for attendees via chat rooms.
8. Offer attendees the opportunity to interact with vendors through chat rooms.
9. Provide vendors an opportunity to post videos depicting their services.
10. Require vendors to pay a fee to participate to cover the added cost that result from hosting their access points.

PLAN JPA members have been sent the registration announcement in increasing frequency since August. Currently there are 84 PLAN JPA member employees that have registered.

Registrants were sent instructional emails at the end of September regarding how they can build their agenda on the conference platform. As registration continues, new registrants will receive the same information. In the days immediately prior to the board cast registrants will receive detailed instructions regarding what to do/expect on October 20th when they login. The emails will also include information on how to access the speaker and vendor chat rooms that will be available during the Summit broadcast.

**PLAN JPA
RISK MANAGEMENT COMMITTEE MEETING**

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The summit has four tracks with five sessions in each track providing 20 education opportunities:

- Track 1 – Safety & Leadership
- Track 2 – Management / Regulatory Compliance
- Track 3 – Operations
- Track 4 – Stormwater

As of September 24, 2021, 258 people had registered for the Summit. Sixteen PLAN JPA members have registered 84 employees, and 4 risk control managers who participate in servicing PLAN JPA are registered to attend. We anticipate the number of participants will increase as the Summit date gets closer. The final count for the 2020 Summit was only 61 PLAN JPA registrants, so we are well ahead of last year's count.

PLAN JPA Member	Number of Employees Registered for the Summit
American Canyon, City of	3
Atherton, Town of	1
Burlingame, City of	3
Colma, Town of	1
Cupertino, City of	1
Foster City, City of	20
Hillsborough, Town of	11
Los Altos Hills, Town of	3
Millbrae, City of	2
Morgan Hill, City of	1
Pacifica, City of	8
PLAN JPA	4
Portola Valley, Town of	1
Ross, Town of	2
San Bruno, City of	15
San Carlos, City of	5
Suisun City, City of	3
Grand Total	84

RECOMMENDATION:

None.

REFERNCE MATERIALS ATTACHED:

- 2021 Sewer and Stormwater Summit Announcement

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RISK CONTROL MATTERS

SUBJECT: Law Enforcement Liability Risk Management Update

BACKGROUND AND HISTORY:

The PLAN JPA Board of Directors held a special Law Enforcement Liability breakout session at their December 9, 2020, meeting. During this meeting the results of a member survey regarding law enforcement exposures was discussed and a presentation by Nathan Oyster, Burke, Williams, & Sorensen, LLP, who share his experience in civil rights and officer involved shooting cases providing unique insight for litigation trends. Members were invited to include their representatives from their law enforcement departments in the breakout session.

At the February 10, 2021, Risk Management Committee meeting, staff reported that the attendees of the December 9, 2020 Law Enforcement session provided several recommendations for additional law enforcement support and resources including:

- Dedicated police department grant funding.
- Officer and supervisor level training support.
- Assistance in managing and implementing department policy updates.
- Provision of a resource to audit current department policies and procedures; and
- Formation of a Law Enforcement Risk Management Networking Group.

At the February RMC meeting, staff also recommended developing risk management information and/or training regarding Police Explorer/Cadet/Youth program risk exposure management in response to feedback from the PLAN Executive Committee and the exposure results revealed by the 2020 Law Enforcement Liability member survey results. Jon Paulsen, General Manager, briefly reviewed staff's concern regarding Law Enforcement Liability claims. Discussion ensued regarding 21st century policing and community expectations. The committee supports the recommendations for additional support and resources with an idea to include police chiefs and police staff in the Risk Management Committee.

Mr. Paulsen informed the Committee of different options for additional support:

- Increased Law Enforcement Liability training within the current risk control program
- Quarterly sessions with expert speakers and target assessments; and/or
- Utilizing a consultant for developments and updates to policies

The committee discussed the options presented and the costs associated with each, and direct staff to continue looking for resources and identifying the costs of those resources found.

At the June 18, 2021, Board meeting PLAN JPA voted to become member of California Affiliated Risk Management Authorities (CARMA) an excess coverage risk sharing pool. In addition to the excess coverage, PLAN JPA would have a new partner in reducing law enforcement liability exposures and losses. At their September 24, 2021, meeting CARMA discussed that it may be time to invest in CARMA's future by implementing some sort of high

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exposure liability training program to assist the underlying CARMA members, ensure a consistent message across JPAs, and provide economies of scale in the procurement of training and other resources.

The Police Liability Continuum Training Outline, as well as the Police Intervention Training – ABLE program is attached as references to this report were discussed at the September 24, 2021, CARMA Board Meeting. The outcomes of those discussions were not known at the time of this report. However, staff will be meeting with Mr. Rob Kramer, CARMA Executive Director, and report on the outcomes of the CARMA discussions during the RMC meeting.

RECOMMENDATION:

Staff recommends the Committee provide direction.

REFERENCE MATERIALS ATTACHED:

- CARMA Police Liability Continuum Training Outline
- Police Intervention Training – ABLE Program

DRAFT
CARMA Police Liability Continuum Training Outline

1. Training on how to hire and retain the right officers
 - a. Some focus on the importance of high levels of Emotional Intelligence
2. Lexipol (Policies and training to Policies for Departments)
3. CORDICO (EAP),
4. DART (Firearms don't shoot/shoot scenarios) <https://dartrange.com/>
5. Active Bystandership for Law Enforcement (ABLE) Project – Intervention Training Program
6. Interactive De-Escalation Training <https://www.marinij.com/2021/03/22/marin-sheriffs-office-expands-virtual-reality-training/>
7. Review and potential support related to Body Worn Cameras
8. Review and support in the process of hiring Police Chiefs
9. Exposure Audits (Specialized Staff required?)
10. Greater Coordination between Police and Mental Health Professionals as part of the response process
11. Crisis Intervention Training
12. Media and Attorney support for Critical Incidents
13. Public Relations training to the departments and the public on the concept of a JPA and public entity risk-sharing pools, etc.

What is ABLE (Active Bystandership for Law Enforcement)?

Through ABLE, instructors can use science-backed strategies to deliver practical, scenario-based training for peer intervention and to further guide development of concrete measures that create and sustain a culture of peer intervention among officers.

ABLE is based on three pillars:



ABLE prepares officers to:

- Strategically intervene to prevent actions that:
- Cause harm to community members
- Cause harm to law enforcement officers
- Would damage public trust
- Might damage the profession of policing
- Receive intervention.
- Protect their own and their colleagues' mental and physical wellbeing.

It is not about Internal Affairs, discipline, mediation or reporting as these topics are already established in law enforcement agencies. Bystandership is already being used in other industries that have similar rank and structure to law enforcement.

- Airline Pilots: PACT (Probe-Alert-Challenge-Take Action) are steps where anyone involved in flying a plane can question or bring attention to potential errors or dangers and act if necessary, no matter the rank of those involved.
- Medical: Graded assertiveness training emphasizes that everyone in the room has a role to play in protecting the patient – everyone is responsible for the outcome.

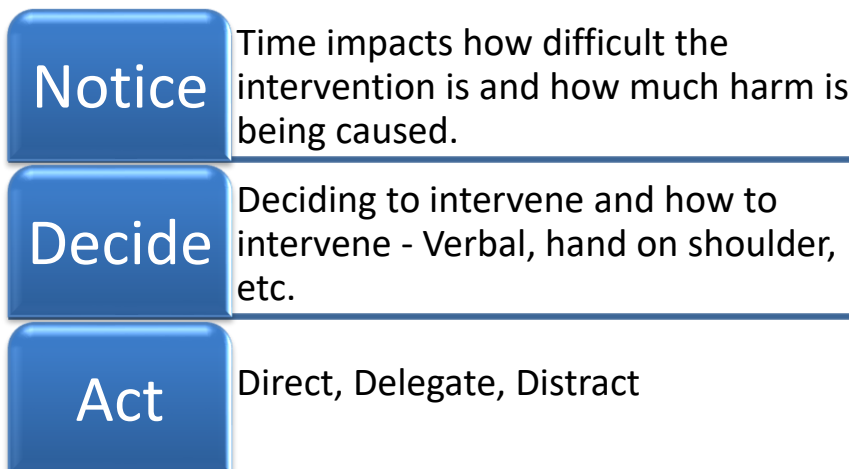
- College Universities – Green Dot training is used to teach people to step in when they recognize dating violence situations on campus.

ABLE addresses the mental and emotional stresses of the job and the ethical dilemmas officers may face. ABLE makes sure officers are prepared to deal with all risks. The course discusses one of the most powerful stressors affecting law enforcement officers, trauma. Whether the trauma has been experienced directly (primary trauma) or indirectly (secondary trauma), whether the trauma was preexisting or encountered during the officer’s career, the accumulation of traumatic experiences can affect an officer’s health and wellness. Healthier people are less likely to cause unnecessary harm. ABLE can help train for the emotional, mental, and ethical risks. ABLE gives permission to intervene in something that might previously have been considered a “private matter.” If it affects a colleague’s health and well-being, it is our business to step in and help.

In the course, three different case studies are used as foundational examples of why, how, and when ABLE should be used. The first case study involves an officer being continually verbally berated and threatened by an arrested subject while other officers and supervisors are in the other room unwilling to step in and assist their partner. The second study is an experienced, seasoned officer who works an extraordinary amount of overtime responds to a homicide. The detective kneels by the body and starts to make jokes out loud about the victim in proximity to other officers. These comments were captured by the media. The final study is a Sergeant placing a suspect in custody for domestic violence and improperly handcuffing and searching the suspect while officers watched. Suspect was escorted to transport vehicle by the sergeant and placed in the vehicles without being searched again per policy. None of the officers said anything to the sergeant. While being transported, the suspect removed a concealed firearm shot the officer.

The ABLE course presents four different “social experiments” that discusses human nature and why people do not intervene in a situation. The first is a person yelling for help in another room (pluralistic ignorance/diffusion of responsibility), the second is a person in a hurry is less likely to help someone in need (sensory exclusion), the third is an experiment demonstrates (obedience to authority), and the fourth demonstrates social pressure how the actions of others can dictate a response (rules of the group). Inhibitors to intervention are presented.

The Three Steps of ABLE:



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RISK CONTROL MATTERS

SUBJECT: Cyber Risk Assessment Update

BACKGROUND AND HISTORY:

As an initiative from PLAN's December 2019 strategic planning meetings, PLAN staff developed a four-part series of cyber risk webinars which were presented to members from August 19, 2020 to September 23, 2020. Attendance and feedback were positive. As a next step, many members explored pursue cyber risk assessment services. Unfortunately, the market for such services is both limited in terms of California municipal entity experience and prohibitively expensive for small and mid-size entities. In response, Sedgwick pooling added a California IT Risk Control Manager, Colette Klier, to our team. Beginning after the December 10, 2020, strategic planning meetings, approximately 6 PLAN members have engaged the Sedgwick team for a cyber risk assessment.

Initial feedback on the service has been positive. There are however limited follow up services at this time and staff has been presented with a third-party cyber solutions provider specializing in work with public agencies as an alternative.

Jon Paulsen, General Manager, will be in attendance to provide an overview of ResoluteGuard.

RECOMMENDATION:

Staff recommends the Committee schedule a presentation by ResoluteGuard to the PLAN Board of Directors at the December 8, 2021, Strategic Planning Session.

REFERENCE MATERIALS ATTACHED:

- Summary of ResoluteGuard

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RISK CONTROL MATTERS

SUBJECT: Contractual Risk Transfer Update

BACKGROUND AND HISTORY:

Joe Costamagna, staff's contractual risk transfer manager, left Sedgwick to join a school district JPA in June of 2021. Staff has replaced him with Kathleen Creedon and Ric Burwell to support this member service need. Kathi and Ric continue to provide onsite risk transfer trainings and remote contracts and insurance consulting for PLAN members.

Contracts and Insurance Consulting

Staff service in this area primarily consists of reviewing contracts on request for appropriate indemnity language and insurance coverages and certificates and endorsements for adherence with contract requirements. We also respond to general insurance, indemnity and contractual risk transfer inquiries. Consulting hours with PLAN members continue to range from 50 to 75 hours per month. Most recently, in the last 3 months, our team has seen an increase in the complexity of requests as members return to operations put on hold due to COVID.

Onsite Trainings

Due to COVID restrictions, no onsite trainings have been conducted since March 2020. Those presentations will pick up again when safe and appropriate. Members have received several virtual trainings during this however including both individual training and group training sessions. In the past month, we have also received requests for 3 additional training sessions and are scheduling them for Q4 2021.

The training content is flexible with subject matter based on member preferences, but generally addresses the following topics:

- Key Elements of Risk Transfer
- Why Use Indemnity Clauses?
- Why Use Insurance Clauses?
- Certificates & Endorsements
- Waivers of Subrogation
- When Insurance Goes Wrong
- Contract Review Fundamentals
- Determining Limits

RECOMMENDATION:

None.

REFERENCE MATERIALS ATTACHED:

None

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RISK CONTROL MATTERS

SUBJECT: Discussion Regarding Contract for Risk Control Services

BACKGROUND AND HISTORY:

PLAN JPA (formerly ABAG PLAN) contracted with Sedgwick (formerly Bickmore/York Risk Services) for risk control services beginning July 1, 2018. The initial term of the contract was through June 30, 2019, and was then extended to June 30, 2022 via amendment.

At the December 2021 Board of Directors meeting, the Board will need to decide on one of three options for risk control services in 2022:

- Negotiate another extension to the existing Sedgwick contract for risk control services;
- Negotiate a new contract with Sedgwick for risk control services; or
- Issue a Request for Proposal (RFP) for risk control services.

Jon Paulsen, General Manager, will be present to answer any questions of the Committee. If desired, staff may recuse themselves and allow the Committee to discuss freely.

RECOMMENDATION:

Staff makes no recommendation regarding the Sedgwick contract as there is a financial interest in the outcome.

REFERENCE MATERIALS ATTACHED:

None