

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

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

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

MEMBERS PRESENT: Donald Larkin, Chair, Morgan Hill
Ann Ritzma, Hillsborough
Michael Guina, Burlingame
Marc Zafferano, San Bruno

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

OTHERS PRESENT: Katie Sullivan, PLAN JPA Assistant General Manager
Susan DeNardo, PLAN JPA 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 1:32 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):

Michael Guina 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, Ann Ritzma, Michael Guina, and Marc Zafferano.

4. PUBLIC COMMENTS:

None.

5. CONSENT CALENDAR:

Michael Guina moved to approve the following items: A) Minutes from the September 30, 2021, Claims Committee Meeting. Ann Ritzma seconded the motion. A roll call vote was taken and the motion passed unanimously by Donald Larkin, Ann Ritzma, Michael Guina, and Marc Zafferano.

6. AB361 UPDATE

A. Update on AB361 and Virtual Committee Meetings

PLAN JPA staff consulted with Board Counsel regarding recently passed legislation, AB361, pertaining to teleconference and virtual meetings. Under AB361, local agency boards may conduct meetings by teleconference subject to modified rules during a State-proclaimed state of emergency when either 1) social distancing measures are required or recommended by state or local officials, or 2) the governing board determines meeting in person would present imminent risks to the health or safety of attendees.

Since the Board of Directors does not meet until December 2021, staff recommended PLAN JPA's Executive Committee, Claims Committee, and Board of Directors adopt a resolution to continue remote meetings based on the findings made in the resolution. Reauthorization of the AB361 resolution must occur at each meeting or at least once a month.

Ann Ritzma moved to approve Resolution No. 2021-03: AB361. Michael Guina seconded the motion. A roll call vote was taken and the motion passed unanimously by Donald Larkin, Ann Ritzma, Michael Guina, and Marc Zafferano.

7. CLAIMS MATTERS:

A. Consideration of Defense Counsel Panel

Susan DeNardo, Litigation Manager, reminded the Committee PLAN JPA added attorneys to its panel generally with respect to the practice area of dangerous conditions and appellate cases in October 2020. She noted litigation management had found an increase in police liability claims being filed and the need for additional counsel with similar expertise in that area given the retirement of panel counsel. As such, the Litigation Management team requested applications from law firms with lawyers knows to have expertise in defending police cases.

Ms. DeNardo review the applications for Aimee Hamoy, Partner with KDV Law, and various attorneys from the Rivera, Hewitt, Paul LLP firm.

Ann Ritzma moved to approve the attorney applications presented and the attorneys to PLAN JPA's Defense Counsel Panel. Donald Larking seconded the motion. A roll call vote was taken and the motion passed unanimously by Donald Larkin, Ann Ritzma, Michael Guina, and Marc Zafferano.

B. Consideration of Increase to Panel Rate

Ms. DeNardo reminded the Committee PLAN JPA has not increased its max defense panel rate in several years and currently sits on the lower end of attorney hourly rates paid by similar pools and public agencies. The Litigation Management team found a need to increase PLAN JPA's panel rate to compete for talented attorneys, as well as retain attorneys who continue to resolve claims in an effective and efficient manner.

Donald Larkin moved to approve the proposed max rate for general liability and police cases. Marc Zafferano seconded the motion. A roll call vote was taken and the motion passed unanimously by Donald Larkin, Ann Ritzma, Michael Guina, and Marc Zafferano.

8. CLOSED SESSION:

A. The Committee convened to closed session, pursuant to Government Code section 54956.95(a) at 1:46 p.m. to discuss the following claims:

- Anza Pump Station
- San Pedro Outfall
- Rodoni v. Town of Atherton
- Awash & Khalif v. Town of Tiburon
- Beam, Nathan v. Town of Los Gatos

B. Pursuant to Government Code Section 54957.1, the Committee reconvened to open session at 2:21 p.m. The following actions were taken under closed session:

No reportable action was taken during closed session.

9. CLOSING COMMENTS:

A. Claims Committee

None

B. Staff

Katie Sullivan, Assistant General Manager, reminded the Committee the next scheduled Claims Committee meeting fell on Thanksgiving Day. The Committee agreed to hold the November meeting on November 18th instead. Additionally, the Committee agreed to cancel the December Claims Committee meeting due to the holidays.

10. ADJOURNMENT

The Regular Meeting of the PLAN JPA Claims Committee was adjourned at 2:24 p.m.

A handwritten signature in cursive script that reads "Katie Sullivan". The signature is written in black ink and is positioned above a horizontal line.

Katie Sullivan, Assistant General Manager