



1750 Creekside Oaks Drive, Suite 200, Sacramento, CA 95833
(800) 541-4591 Fax (916) 244-1199
<https://www.planjpa.org/>

**CLAIMS COMMITTEE MEETING
AGENDA**

**Thursday, October 27, 2022
1:30 p.m.**

Zoom

Please Contact Katie Sullivan for Videoconference Information

All or portions of this meeting will be conducted by teleconferencing in accordance with Government Code Section 54953(b). Teleconference locations are as follows: Sedgwick, 1750 Creekside Oak Drive, Suite 200, Sacramento, CA 95833; City of Burlingame, 501 Primrose Rd, Burlingame, CA 94010; Town of Hillsborough, 1600 Floribunda Ave, CA 94010; Town of Los Gatos, 110 East Main St., Los Gatos, CA 95030; City of Morgan Hill, 17575 Peak Ave, Morgan Hill, CA 95037; and City of San Carlos, 600 Elm St, San Carlos, CA 94070.

Each location is accessible to the public, and members of the public may address the Claims Committee from any teleconference location.

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 katie.sullivan@sedgwick.com (916) 244-1164 or (916) 244-1199 (fax). 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.

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

* Reference materials enclosed with staff report.

- 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 August 25, 2022, Claims Committee Meeting
 Recommendation: Staff recommends the Claims Committee approve the Consent Calendar.
- 6. CLOSED SESSION**
A. Pursuant to Government Code Section 54956.95(a), the Committee will hold a closed session to discuss the following claims:
- Dolores Chong v. City of Benicia
 - Scott Theodore Hamers v. City of Benicia
 - Patricia Balinski v. City of Campbell
 - Eric and Maya Noeth v. Town of Hillsborough
 - George Ford v. Morgan Hill
 - John Henneberry v. City of Newark
 - Lilia San Juan v. South San Francisco Adult Day Care Program/Magnolia Center
- B. Pursuant to Government Code Section 54957.1, the Committee will report in open session any reportable action taken in closed session.
- 7. 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
- 8. ADJOURNMENT**

NOTICES:

- The next Claims Committee meeting will occur on Thursday, November 17, 2022, at 1:30pm via videoconference.

* Reference materials enclosed with staff report.

October 27, 2022

Agenda Items 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 Claims Committee approve the Consent Calendar.

REFERENCE MATERIALS ATTACHED:

A. Minutes from the August 25, 2022, Claims Committee Meeting

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

**MINUTES OF THE CLAIMS COMMITTEE
MEETING OF AUGUST 25, 2022**

A regular meeting of the Claims Committee was held on August 25, 2022, via videoconference.

MEMBERS PRESENT: Donald Larkin, Chair, Morgan Hill
Michael Guina, Burlingame
Gabrielle Whelan, Los Gatos
Rebecca Mendenhall, San Carlos

MEMBERS ABSENT: Ann Ritzma, Hillsborough

OTHERS PRESENT: Katie Sullivan, PLAN JPA Assistant General Manager
Susan DeNardo, PLAN JPA Litigation Manager
Eric Dahlen, PLAN JPA Sr. Consultant
Derek Steege, Sedgwick
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. Katie Sullivan, PLAN JPA Assistant General Manager, introduced Derek Steege.

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

Susan DeNardo, PLAN JPA Litigation Manager, informed the Committee there would be no discussion regarding Sandra Slosberg v. City of San Carlos during Closed Session.

Michael Guina moved to approve the agenda, as revised. Rebecca Mendenhall seconded the motion. A roll call vote was taken and the motion passed unanimously by Donald Larkin, Michael Guina, Gabrielle Whelan, and Rebecca Mendenhall.

4. **PUBLIC COMMENTS:**

None.

5. **CONSENT CALENDAR:**

Rebecca Mendenhall moved to approve the following items: A) Minutes from the April 28, 2022, Claims Committee Meeting. Michael Guina seconded the motion. A roll call vote was taken and the motion passed unanimously by Donald Larkin, Michael Guina, Gabrielle Whelan, and Rebecca Mendenhall.

6. **CLAIMS MATTERS:**

A. **Consideration of Addition to Defense Counsel Panel**

PLAN JPA's Litigation Department periodically reviews its list of panel counsel to confirm appropriate coverage for different types of claims. Ms. DeNardo informed the Committee jury awards have been sharply increasing in recent years for all types of claims, specifically civil rights cases with attorney fee exposure.

Ms. DeNardo recommended adding Attorney Kevin Gilbert and his team to the PLAN JPA Panel as he has depth and valuable experience defending civil rights claims. She noted Mr. Gilbert and his team are willing to agree to the Litigation Management Guidelines for PLAN JPA.

Rebecca Mendenhall moved to add Kevin Gilbert to the PLAN JPA Defense Counsel Panel. Michael Guina seconded the motion. A roll call vote was taken and the motion passed unanimously by Donald Larkin, Michael Guina, Gabrielle Whelan, and Rebecca Mendenhall.

B. **Consideration of Updates to Governing Documents for Litigation Manager Authority Regarding Property Claims**

Authority for staff to conduct business on behalf of PLAN JPA and its members is a crucial element to effectively managing claims made against a member entity that surpasses their respective self-insured retention. It also allows staff the flexibility to settle claims in an efficient and quick manner to lower the total cost of the claim.

Eric Dahlen, PLAN JPA Senior Consultant, reminded the Committee they accepted an updated Claims Policy at their June 27, 2019, meeting, which delineated settlement authority related to the Litigation Manager within the Liability Program and is also

memorialized in the Liability Master Program Document. He noted the Committee was informed during the August 26, 2021, meeting, the Property Master Program Document did not identify settlement authority for the Litigation Manager or the third-party administrator (TPA). Subsequently, the Committee approved and extended the authority to the Litigation Manager and the TPA for \$200,000 and \$50,000 above the member's retained limit, respectively.

Mr. Dahlen informed the Committee staff has updated the Property Master Program Document to reflect this authority and requested the Committee confirm their decision and updates to the document. He advised the Property Master Program Document will be present to the Board of Directors in December for final approval.

Rebecca Mendenhall moved to re-affirm the authority for PLAN's Litigation Manager and Sedgwick Third-Party Administrator to settle claims \$200,000 and \$50,000 above the member's retained limit, respectively; as well as approve the proposed updates to the Property Master Program Document. Gabrielle Whelan seconded the motion. A roll call vote was taken and the motion passed unanimously by Donald Larkin, Michael Guina, Gabrielle Whelan, and Rebecca Mendenhall.

7. CLOSED SESSION:

A. The Committee convened to closed session, pursuant to Government Code section 54956.95(a) at 1:39 p.m. to discuss the following claims:

- Tony Chan, D.T. McKee Petroleum Group v. Town of Atherton
- Patricia Balinski v. City of Campbell
- Patricia Lee v. City of Pacifica
- Ronald Peterson v. City of San Bruno

B. Pursuant to Government Code Section 54957.1, the Committee reconvened to open session at 2:07 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 2:09 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