



President
Mr. Dave Warren
City of Placerville

Vice President
Ms. Liz Ehrenstrom
City of Oroville

Treasurer
Mr. Tim Sailsbery
City of Willows

Secretary
Ms. Corey Shaver
City of Nevada City

**NCCSIF
CLAIMS COMMITTEE MEETING
AGENDA**

Date: Thursday, September 29, 2016
Time: 10:00 a.m.

Location: Rocklin Event Center - Garden Room
2650 Sunset Blvd.
Rocklin, CA 95677
(916) 625-5200

- A – Action
- I – Information
- 1 – Attached
- 2 – Hand Out
- 3 – Separate Cover
- 4 – Verbal
- 5 – Previously Mailed

MISSION STATEMENT

The Northern California Cities Self Insurance Fund, or NCCSIF, is an association of municipalities joined to protect member resources by stabilizing risk costs in a reliable, economical and beneficial manner while providing members with broad coverage and quality services in risk management and claims management.

A. CALL TO ORDER

B. APPROVAL OF AGENDA AS POSTED

A 1

C. PUBLIC COMMENTS

This time is reserved for members of the public to address the Committee on matters pertaining to NCCSIF that are of interest to them.

pg. 3 **D. CLOSED SESSION TO DISCUSS PENDING CLAIMS**
(Per Governmental Code Section 54956.95)
*REQUESTING AUTHORITY

A 2

Liability: Atkinson vs City of Lincoln*

Workers' Compensation: NCWA-556048 vs City of Yuba City*

E. REPORT FROM CLOSED SESSION

I 4

The Committee will announce any reportable action taken in closed session

pg. 4 **F. CONSENT CALENDAR**

A 1

All matters listed under the consent calendar are considered routine with no separate discussion necessary. Any member of the public or the Committee may request any item to be considered separately.

- pg. 5 1. Claims Committee Meeting Minutes - May 19, 2016 (Draft)
- pg. 7 2. Claims Committee Special Meeting Minutes - July 20, 2016 (Draft)
- pg. 9 3. Claims Committee Special Meeting Minutes - August 11, 2016 (Draft)



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pg. 11 **G. APPROVAL OF NCCSIF DEFENSE ATTORNEY LIST FOR WORKERS' COMPENSATION** **A 1**

The Committee will be asked to approve revising the NCCSIF WC Defense Attorney List to include Isaac Escobedo and removal of Kurt Peterson as recommended by the City of Folsom.

pg. 15 **H. DEFENSE EVALUATION SURVEYS** **A 1**

The Committee will review and provide feedback regarding surveys of members, defense counsel and claims examiners after resolution of litigated claims.

pg. 22 **I. ROUND TABLE DISCUSSION** **I 4**

The floor will be open to Committee members for any topics or ideas that members would like to address.

J. ADJOURNMENT

UPCOMING MEETINGS

Risk Management Committee Meeting - October 27, 2016

Board of Directors Meeting - October 27, 2016

Police Risk Management Committee Meeting - November 3, 2016

Per Government Code 54954.2, persons requesting disability related modifications or accommodations, including auxiliary aids or services in order to participate in the meeting, are requested to contact Raychelle Maranan at Alliant Insurance Services at (916) 643-2712.

The Agenda packet will be posted on the NCCSIF website at www.nccsif.org. Documents and material relating to an open session agenda item that are provided to the NCCSIF Claims Committee less than 72 hours prior to a regular meeting will be available for public inspection and copying at 2180 Harvard Street, Suite 460, Sacramento, CA 95815.

Access to some buildings and offices may require routine provisions of identification to building security. However, NCCSIF does not require any member of the public to register his or her name or to provide other information, as a condition to attendance at any public meeting and will not inquire of building security concerning information so provided. See Government Code section 54953.3.



Agenda Item D.

CLOSED SESSION TO DISCUSS PENDING CLAIMS

(Per Governmental Code Section 54956.95)

ACTION ITEM

ISSUE: Pursuant to Government Code Section 54956.95, the Committee will hold a Closed Session to discuss the following claims:

Liability

Atkinson vs City of Lincoln*

Workers' Compensation

NCWA-556048 vs City of Yuba City*

*REQUESTING AUTHORITY

FISCAL IMPACT: Unknown.

RECOMMENDATION: The Program Administrator cannot make a recommendation at this time, as the subject matter is confidential.

BACKGROUND: Confidential.

ATTACHMENT(S): None.



Agenda Item F.

CONSENT CALENDAR

ACTION ITEM

ISSUE: The Claims Committee reviews items on the Consent Calendar, and if any item requires clarification or discussion a Member should ask that it be removed for separate action. The Committee should then consider action to approve the Consent Calendar excluding those items removed. Any items removed from the Consent Calendar will be placed later on the agenda in an order determined by the Chair.

RECOMMENDATION: Adoption of the Consent Calendar after review by the Committee.

FISCAL IMPACT: None.

BACKGROUND: Routine items that generally do not require discussion are regularly placed on the Consent Calendar for approval.

ATTACHMENT(S):

1. Claims Committee Meeting Minutes - May 19, 2016 (Draft)
2. Claims Committee Special Meeting Minutes - July 20, 2016 (Draft)
3. Claims Committee Special Meeting Minutes - August 11, 2016 (Draft)



**MINUTES OF THE
NCCSIF CLAIMS COMMITTEE TELECONFERENCE MEETING
MAY 19, 2016**

MEMBERS PRESENT

Jon Hanken, City of Ione
Michael Daly, City of Jackson
Liz Ehrenstrom, City of Oroville
Dave Warren, City of Placerville
Tim Sailsbery, City of Willows
Natalie Springer, City of Yuba City

CONSULTANTS & GUESTS

Marcus Beverly, Alliant Insurance Services
Raychelle Maranan, Alliant Insurance Services
Dori Zumwalt, York Risk Services
Ben Burg, York Risk Services
Lela Casey, York Risk Services

A. CALL TO ORDER

Ms. Liz Ehrenstrom called the meeting to order at 10:33 a.m.

B. ROLL CALL

Roll call was made and the above mentioned members were present constituting a quorum.

C. APPROVAL OF AGENDA AS POSTED

A motion was made to approve the Agenda as posted.

Motion: Michael Daly **Second:** Dave Warren **Motion Carried**
Ayes: Hanken, Ehrenstrom, Sailsbery, Springer

D. PUBLIC COMMENTS

No public comments were made.

E. CONSENT CALENDAR

1. Claims Committee Meeting Minutes - September 24, 2015
2. Claims Committee Special Meeting Minutes - December 10, 2015
3. Claims Committee Special Meeting Minutes - February 9, 2016
4. Claims Committee Special Meeting Minutes - March 3, 2016
5. Claims Committee Meeting Minutes - March 31, 2016



Mr. Dave Warren abstained on items 1 and 2 as he was not present at those meetings.

A motion was made to approve the Consent Calendar with noted abstention.

Motion: Tim Sailsbery **Second:** Michael Daly **Motion Carried**
Ayes: Hanken, Ehrenstrom, Warren, Springer
Abstained: Warren on items 1 and 2

F. CLOSED SESSION

Pursuant to Government Code Section 54956.95, the Committee recessed to closed session at 10:38 a.m. to discuss the following claims:

Workers' Compensation

1. NCWA-556141 v. Folsom
2. NCWA-551649 v. Folsom
3. NCWA-555951 v. Lincoln
4. NCWA-556295 v. Oroville

G. REPORT FROM CLOSED SESSION

The Committee reconvened to open session at 10:48 a.m.

Roll call was made and all committee members were present.

Ms. Liz Ehrenstrom indicated no formal announcement is necessary as direction was given to the Program and Claims Administrators for the claims reference above

H. Round Table Discussion

None.

I. ADJOURNMENT

This meeting was adjourned at 10:49 a.m.

Respectfully Submitted,

Corey Shaver, Secretary

Date



**MINUTES OF THE
NCCSIF CLAIMS COMMITTEE SPECIAL TELECONFERENCE MEETING
JULY 20, 2016**

MEMBERS PRESENT

Michael Daly, City of Jackson
Liz Ehrenstrom, City of Oroville
Tim Sailsbery, City Willows
Natalie Springer, City of Yuba City

MEMBERS ABSENT

Jon Hanken, City of Ione
Dave Warren, City of Placerville

CONSULTANTS & GUESTS

Marcus Beverly, Alliant Insurance Services
Raychelle Maranan, Alliant Insurance Services
Cameron Dewey, York Risk Services
DeeAnne Gillick, City of Rocklin

A. CALL TO ORDER

Ms. Liz Ehrenstrom called the meeting to order at 2:10 p.m.

B. ROLL CALL

Roll call was made and the above mentioned members were present constituting a quorum.

C. APPROVAL OF AGENDA AS POSTED

D. PUBLIC COMMENTS

No public comments were made.

E. CLOSED SESSION

Mr. Marcus Beverly noted that since there were no members of the public on the line, there is no need for the Committee to call in to the closed session line provided.

Pursuant to Government Code Section 54956.95, the Committee recessed to closed session at 2:12 p.m. to discuss *Contos v. City of Rocklin* Liability claim.

Ms. DeeAnne Gillick, City of Rocklin Interim City Attorney, joined the meeting at 2:25 p.m. Ms. Gillick provided additional background information on the case as requested by the Committee.



Mr. Cameron Dewey, York Risk Services, joined the meeting at 2:37 p.m.

Ms. Gillick left the meeting at 2:47 p.m.

F. REPORT FROM CLOSED SESSION

None.

G. CLOSING COMMENTS

None.

H. ADJOURNMENT

This meeting was adjourned at 2:50 p.m.

Respectfully Submitted,

Corey Shaver, Secretary

Date

DRAFT



**MINUTES OF THE
NCCSIF CLAIMS COMMITTEE SPECIAL TELECONFERENCE MEETING
AUGUST 11, 2016**

MEMBERS PRESENT

Michael Daly, City of Jackson
Liz Ehrenstrom, City of Oroville
Dave Warren, City of Placerville
Tim Sailsbery, City Willows
Natalie Springer, City of Yuba City

MEMBERS ABSENT

Jon Hanken, City of Ione

CONSULTANTS & GUESTS

Marcus Beverly, Alliant Insurance Services

Cameron Dewey, York Risk Services
Ben Burg, York Risk Services

A. CALL TO ORDER

Ms. Liz Ehrenstrom called the meeting to order at 10:32 a.m.

B. ROLL CALL

Roll call was made and the above mentioned members were present constituting a quorum.

C. APPROVAL OF AGENDA AS POSTED

A motion was made to approve the Agenda as posted.

Motion: Dave Warren

Second: Tim Sailsbery

Motion Carried

Ayes: Daly, Ehrenstrom, Springer

D. PUBLIC COMMENTS

No public comments were made.

E. CLOSED SESSION

Pursuant to Government Code Section 54956.95, the Committee recessed to closed session at 10:34 a.m. to discuss the following claims:



Workers' Compensation

1. NCWA-481067 vs. City of Marysville
2. NCWA-540201 vs. City of Colusa
3. NCWA-556215 vs. City of Dixon

Liability

1. MacMillan vs. City of Oroville

F. REPORT FROM CLOSED SESSION

None.

G. CLOSING COMMENTS

None.

H. ADJOURNMENT

This meeting was adjourned at 10:54 a.m.

Respectfully Submitted,

Corey Shaver, Secretary

Date

DRAFT



Agenda Item G.

**APPROVAL OF NCCSIF DEFENSE ATTORNEY LIST
FOR WORKERS' COMPENSATION**

ACTION ITEM

ISSUE: York Risk Services and City of Folsom is recommending the addition of Isaac Escobedo from Mullen & Filippi, LLP to the NCCSIF Defense Attorney Approved List for Workers' Compensation; and removal of Kurt Petersen from D'Andre, Peterson Bobus & Rosenberg from the NCCSIF Defense Attorney Approved List.

RECOMMENDATION: Approve as requested and recommend to the Executive Committee.

FISCAL IMPACT: None.

BACKGROUND: The Claims Committee regularly reviews and recommends changes to the Approved List of attorneys based on feedback from members and the claims administrator.

Hourly rates for the firm are: Partners, \$175; Associates, \$165; Paralegals, \$95.

ATTACHMENT(S):

1. Resume of Isaac Escobedo from Mullen & Filippi, LLP
2. Policy and Procedure A-9: Attachment B Defense Attorney List for Workers' Compensation

LEGAL EXPERIENCE

MULLEN & FILIPPI, LLP, Sacramento, California (June 2009 to Present)
Associate Partner

- Appear before Administrative Judges at the Workers Compensation Appeals Board in defense of Workers Compensation claims, Petitions for Serious & Willful Misconduct, and Petitions for Discrimination under Labor Code Sec 132a.
- Prepare Pleadings including Petitions, Motions, Stipulations, Orders, and settlement documents.
- Provide legal counsel to adjusters and employers regarding defense of claims and settlement strategies.
- Provide training and legal updates to insurance companies, brokers, and employers in the litigation and defense of Workers Compensation claims.
- Prepare Petitions for Reconsideration and/or Removal at the Workers Compensation Appeals Board, and prepare Writs of Review at the State Appellate Court.

CITY ATTORNEY'S OFFICE, Merced, California (Feb. 2007 to May 2009)
Deputy City Attorney/City Prosecutor

- Prosecuted all municipal code violations from inception to completion.
- Provided legal counsel to City departments and commissions, including the City Clerk's Office and Code Enforcement, Housing, and Parks Departments.
- Conducted research and drafted legal opinions for City Council, City Attorney, and other Department Heads.
- Advised and trained personnel on Substantive and Procedural Due Process, Fourth Amendment Search and Seizure, and First Amendment issues.
- Drafted and reviewed contracts, agreements, ordinances, and resolutions.

DISTRICT ATTORNEY'S OFFICE, County of Merced, California (Dec. 2003 to Feb. 2007)
Deputy District Attorney

- Reviewed police reports and filed charges.
- Interviewed witnesses and victims and provided direction to law enforcement in preparation for hearings and trial.
- Conducted preliminary examinations and other evidentiary hearings.
- Prepared People's motions and responded to defense motions and appeals.
- Felony jury trials include attempted murder, sales of narcotics with gang enhancement, elder abuse, evading arrest and driving while under the influence.

EDUCATION

SANTA CLARA SCHOOL OF LAW, Santa Clara, California
Juris Doctor (2003)

- Honor Scholarship
- Summer fellowship, East San Jose Community Law Center

UNIVERSITY OF CALIFORNIA, Davis, California
Bachelor of Arts, Economics, Minor in Religious Studies (2000)

BAR ADMISSION & ACTIVITIES

- Member, California State Bar (2003 to Present)
- Merced County Food Bank, Board of Director (2008 to 2009)

LANGUAGE SKILLS

- Fluent in Spanish.

ADMINISTRATIVE POLICY & PROCEDURE #A-9

ATTACHMENT B

**WORKERS' COMPENSATION
Approved Law Firms**

Name of Law Firm	Attorneys
Law Offices of Tim Huber 935 University Ave. Sacramento, CA 95825 (916) 929-6400	Tim Huber
Hanna, Brophy, et al P.O. Box 255267 Sacramento, CA 95825 (916) 929-9411	Laurie Dunlap Russell O. Youmans (530) 224-5003 Redding
Laughlin, Falbo, Levy & Moresi LLP 250 Hemsted Drive, Suite 300 Redding, CA 96002 (530) 222-0268	Hank Slowik David V. Huscher
Hanna, Brophy, et al P.O. Box 491720 Redding, CA 96049	Russ Youmans Mike White Leslie Tuxhorn
Lenahan, Lee, Slater, & Pearse, LLP 1030 15 th Street Sacramento, CA 95814 (916) 443-1030	Gerald Lenahan Yolanda S.G. Tuckerman Christine M. Green Colin S. Connor Charleton S. Pearse Ira Clary Charles S. Templeton
Mullen & Filippi 1335 Buenaventura Blvd #106 Redding, CA 96001 (530) 243-1133	Lawrence P. Johnson
Matthew Brueckner Law Firm 608 29 th Street Sacramento, CA 95816 (916) 448-8816	Matthew Brueckner

ADMINISTRATIVE POLICY & PROCEDURE #A-9

~~D'Andre, Peterson Bobus & Rosenberg
Sacramento Office
10995 Gold Center Drive, Suite 115
Rancho Cordova, CA 95670
(916) 364-9390~~

~~Kurt Petersen~~

Mullen & Filippi
1435 River Park Drive, Suite 300
Sacramento, CA 95815
(916) 442-4503 ext. 1001
Email: iescobedo@mulfil.com

S. Isaac Escobedo, Esq. Associate Partner

~~Revised September 24, 2015~~
Revised September 29, 2016



Agenda Item H.

DEFENSE EVALUATION SURVEYS

ACTION ITEM

ISSUE: The Program Administrators would like to gather feedback from members, claims examiners, and defense counsel regarding the management of litigated liability claims. The attached draft survey forms are presented for review and feedback from the Committee.

RECOMMENDATION: Review and provide direction regarding survey use.

FISCAL IMPACT: None.

BACKGROUND: The attorney self-evaluation survey is used by another pool with success. The Program Administrators have modified it and added surveys for the member and claims examiner to gather information about the effectiveness of NCCSIF's litigation management and solicit ideas for improvement.

ATTACHMENT(S): Draft Surveys for:

1. Attorney
2. Claims Examiner
3. Member

Northern California Cities Self Insurance Fund (NCCSIF)

Attorney Self-Performance Evaluation

(To be completed by counsel and returned
within 90 days of the date file is closed)

Covered Party _____ Date Prepared _____
Plaintiff(s) _____

1. Were you ___ pleased ___ satisfied ___ dissatisfied with the initial assessment of additional investigation needed to preserve/establish the entity's defenses during the course of litigation? Please elaborate. _____

2. Were you ___ pleased ___ satisfied ___ dissatisfied with the initial analysis as to cross actions and dispositive motions to efficiently reach a successful conclusion of the case? Please elaborate. _____

3. Were you ___ pleased ___ satisfied ___ dissatisfied with the initial evaluation of liability exposure and potential damages, including future loss of earnings and attorneys' fees? Please elaborate. _____

4. Were you ___ pleased ___ satisfied ___ dissatisfied with settlement discussions and considerations from any source, including choice of mediator? Please elaborate. _____

5. Were you ___ pleased ___ satisfied ___ dissatisfied with the outcome of this matter? If satisfied or dissatisfied, please elaborate as to how the outcome could have been improved, and what could have been done to improve the outcome. _____

6. Were you ___ pleased ___ satisfied ___ dissatisfied with the collaboration between defense counsel, the claims examiner, and the city? Please elaborate. _____

7. Do you have any suggestions which would improve the future professional, ethical, orderly, competent and cost-effective handling of defense litigation? Please elaborate. _____

8. Was the litigation budget accurate or were significant revisions necessary? If significant revisions were made, please elaborate and provide any suggestions for more accurate budgeting in the future. _____

9. Were you ___ pleased ___ satisfied ___ dissatisfied with one or more of the experts utilized? If so, please elaborate. _____

10. How would you assess plaintiff(s) counsel's performance during the course of the proceedings? ___ superior ___ average ___ below average Please elaborate. _____

11. Any other comments, suggestions, or concerns?

Defense Firm _____

Prepared By _____ Date: _____

Northern California Cities Self Insurance Fund (NCCSIF)

CLAIMS PROFESSIONAL DEFENSE EVALUATION

(To be completed by claims examiner and returned within 90 days of the date file is closed)

1. Were you ___ pleased ___ satisfied ___ dissatisfied with the initial assessment of the case? Please elaborate. _____

2. Were you ___ pleased ___ satisfied ___ dissatisfied with the initial budget and Action Plan? Please elaborate. _____

3. Were you ___ pleased ___ satisfied ___ dissatisfied with the collaboration between defense counsel and the city? Please elaborate. _____

4. Were you ___ pleased ___ satisfied ___ dissatisfied with attempts to resolve the case as early as possible? Please elaborate. _____

5. Were you ___ pleased ___ satisfied ___ dissatisfied with the timing and amount of the legal fees and costs? Please elaborate. _____

6. Were you ___ pleased ___ satisfied ___ dissatisfied with the timing and quality of updates from legal counsel? Please elaborate. _____

7. Were you ___ pleased ___ satisfied ___ dissatisfied with the resolution of the case? Please elaborate. _____

8. Were you ___ pleased ___ satisfied ___ dissatisfied with settlement discussions and considerations from any source, including choice of mediator? Please elaborate. _____

9. Were you ___ pleased ___ satisfied ___ dissatisfied with the outcome of this matter? If satisfied or dissatisfied, please elaborate as to how the outcome could have been improved, and what could have been done to improve the outcome. _____

10. Do you have any suggestions which would improve the future professional, ethical, orderly, competent and cost-effective handling of defense litigation? Please elaborate. _____

11. Was the litigation budget accurate or were significant revisions necessary? If significant revisions were made, please elaborate and provide any suggestions for more accurate budgeting in the future. _____

12. Were you ___ pleased ___ satisfied ___ dissatisfied with one or more of the experts utilized? If so, please elaborate. _____

13. How would you assess plaintiff(s) counsel's performance during the course of the proceedings? ___ superior ___ average ___ below average Please elaborate. _____

14. Any other comments, suggestions, or concerns?

Defense Firm _____

Prepared By _____ Date: _____

Northern California Cities Self Insurance Fund (NCCSIF)

MEMBER DEFENSE EVALUATION

(To be completed by member contact and returned within 90 days of the date file is closed)

1. Were you ___ pleased ___ satisfied ___ dissatisfied with the initial assessment of the case? Please elaborate. _____

2. Were you ___ pleased ___ satisfied ___ dissatisfied with the initial budget and Action Plan? Please elaborate. _____

3. Were you ___ pleased ___ satisfied ___ dissatisfied with the collaboration between defense counsel, the claims examiner, and the city? Please elaborate. _____

4. Were you ___ pleased ___ satisfied ___ dissatisfied with attempts to resolve the case as early as possible? Please elaborate. _____

5. Were you ___ pleased ___ satisfied ___ dissatisfied with the timing and amount of the legal fees and costs? Please elaborate. _____

6. Were you ___ pleased ___ satisfied ___ dissatisfied with the timing and quality of updates from legal counsel? Please elaborate. _____

7. Were you ___ pleased ___ satisfied ___ dissatisfied with the resolution of the case? Please elaborate. _____

8. Were you ___ pleased ___ satisfied ___ dissatisfied with settlement discussions and considerations from any source, including choice of mediator? Please elaborate. _____

9. Were you ___ pleased ___ satisfied ___ dissatisfied with the outcome of this matter? If satisfied or dissatisfied, please elaborate as to how the outcome could have been improved, and what could have been done to improve the outcome. _____

10. Do you have any suggestions which would improve the future professional, ethical, orderly, competent and cost-effective handling of defense litigation? Please elaborate. _____

11. Was the litigation budget accurate or were significant revisions necessary? If significant revisions were made, please elaborate and provide any suggestions for more accurate budgeting in the future. _____

12. Were you ___ pleased ___ satisfied ___ dissatisfied with one or more of the experts utilized? If so, please elaborate. _____

13. How would you assess plaintiff(s) counsel's performance during the course of the proceedings? ___ superior ___ average ___ below average Please elaborate. _____

14. Any other comments, suggestions, or concerns?

Defense Firm _____

Prepared By _____ Date: _____



BACK TO AGENDA

Northern California Cities Self Insurance Fund
Claims Committee Meeting
September 29, 2016

Agenda Item I.

ROUND TABLE DISCUSSION

INFORMATION ITEM

ISSUE: The floor will be open to the Committee for discussion.

RECOMMENDATION: None.

FISCAL IMPACT: None.

BACKGROUND: The item is to the Claims Committee members for any topics or ideas that members would like to address.

ATTACHMENT(S): None.