



**MINUTES OF THE
NCCSIF CLAIMS COMMITTEE MEETING
ROCKLIN EVENT CENTER, ROCKLIN, CA
SEPTEMBER 24, 2015**

MEMBERS PRESENT

Bruce Cline, City of Folsom
Michael Daly, City of Jackson
Russell Hildebrand, City of Rocklin

MEMBERS ABSENT

Michelle Pellegrino, City of Dixon
Paula Islas, City of Galt

GUESTS & CONSULTANTS

Marcus Beverly, Alliant Insurance Services
Michael Simmons, Alliant Insurance Services
Raychelle Maranan, Alliant Insurance Services

Dori Zumwalt, York Risk Services
Ben Burg, York Risk Services
Cameron Dewey, York Risk Services
Mike Berndt, York Risk Services

A. CALL TO ORDER

Mr. Bruce Cline called the meeting to order at 10:35 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: Russell Hildebrand

Motion Carried

Ayes: Cline

Nays: None.

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 10:36 a.m. to discuss the following claims:

Liability

1. Hammond v. City of Red Bluff
2. Haught v. City of Anderson

Workers' Compensation

1. Cummings v. City of Marysville
2. Jellsey v. City of Yuba City
3. Ellefson v. City of Dixon
4. Wood v. City of Elk Grove

F. REPORT FROM CLOSED SESSION

The Committee reconvened to open session at 11:14 a.m.

Mr. Cline announced that the Committee provided direction to the Program and Claims Administrators for the claims referenced above.

G. CONSENT CALENDAR

1. Claims Committee Meeting Minutes - May 21, 2015
2. Claims Committee Special Meeting Minutes - June 18, 2015
3. Claims Committee Special Meeting Minutes - August 19, 2015

A motion was made to approve the Consent Calendar as presented.

Motion: Russell Hildebrand

Second: Michael Daly

Motion Carried

AYES: Cline

NAYS: None.

H. REVISIONS TO POLICY AND PROCEDURE A-9: DEFENSE COUNSEL SELECTION

Mr. Marcus Beverly reported that NCCSIF's Policy and Procedure (P&P) A-9 - Defense Counsel Selection was extensively reviewed by him and Mr. Bruce Cline, Chair of the Claims Committee. Mr. Cline made the most of the recommended changes. The proposed revisions were subsequently reviewed by NCCSIF Legal Counsel, Byrne Conley.



The key components of the proposed changes are as follows:

- Members to use only attorneys and investigators on the Approved List. Attorney and investigator selection should be recommended by the Claims Committee and approved by the Executive Committee, rather than the full Board.
- A new section was added that addresses partners, associates and paralegals working with an attorney on the Approved List. This section provides more clarity to question and practice that often arises.
- It identifies the Claims Administrator's role and the role of the Member City. The client is the City and should control the key decisions and settlement authority.
- Adds that a City Attorney or Contract City attorney or members of his/her office may not defend claims against the City for whom they are City Attorney but could defend another City.
- A new section was added for use of attorney prior to litigation and during the pendency of a disputed coverage issue. This section provides as an explanation and not an expansion of rights under the Memorandum of Coverage (MOC).

Mr. Cline handed out an outline that summarizes the proposed layers for adding attorneys and the decision level with comparison to the current policy and procedure. Mr. Cline indicated member city involvement early on is important and the new policy and procedure provides some accountability measure from the city level. Any coverage matter dispute still lies at the Board level.

Mr. Beverly requested three changes to the document presented and noted the amended recommendation as follows:

- Under Defense Counsel Selection, Number 3, last sentence of last paragraph to read: "If time does not permit approval by the Executive Committee, the Administrator may authorize assignment of a case(s) and shall report the assignment to the Claims Committee **and Executive Committee** at their next committee meetings."
- Under Payment for Attorneys Pre-Litigation and Pending a Coverage Decision, Number 2, second paragraph, to strike out "*See the Underlying Memorandum of Coverage at Section 11(b).*" and the second sentence to read: "(2) the Member City has incurred legal expenses with counsel qualifying, to strike out "*under sections 1-3 above*" and replaced it with "**under this policy**", then NCCSIF will reimburse the Member City for its actual expenditures for counsel, up to the approved rates.

The Committee discussed the proposed revisions.



A motion was made to approve the revisions to P&P A-9: Defense Counsel Selection as presented with three minor typos as noted, and recommended for Executive Committee approval.

Motion: Russell Hildebrand
Ayes: Cline
Nays: None.

Second: Michael Daly

Motion Carried

I. REVISIONS TO POLICY AND PROCEDURE L-5: LIABILITY LITIGATION MANAGEMENT PLAN

Mr. Marcus Beverly indicated as with the recommended changes to P&P A-9, similar changes to P&P L-5 must be made to keep the policy consistent in specifying who approves changes to the Approved List of counsel and investigators. The Liability Litigation Management Plan is meant to provide assigned counsel guidelines for managing NCCSIF claims and for use of partners, associates, and paralegals in P&P L-5.

A correction was noted under Section A, last paragraph to delete the reference to the “The JPA Legal Counsel” and to read: “Adding or deleting an attorney to or from the defense panel will require recommendation by a Member City. The Claims Administrator will review the recommended firm and/or individual per P&P A-9 and submit a written recommendation to the Claims Committee and subsequently the Executive Committee for approval.”

A motion was made to approve the revisions to P&P L-5: Liability Litigation Management Plan as presented with minor change as noted, and recommended for Executive Committee approval.

Motion: Michael Daly
Ayes: Cline
Nays: None.

Second: Russell Hildebrand

Motion Carried

J. APPROVAL OF NCCSIF DEFENSE ATTORNEY LIST FOR LIABILITY

Mr. Marcus Beverly indicated the City of Folsom recommended the addition of the following partners in the law firm of Kronick, Moskovitz, Tiedemann and Girard to the NCCSIF Liability Counsel Approved List:

1. Jonathan P. Hobbs - recommended for more specialized cases involving potential coverage issues such as inverse or other land use disputes.
2. Christopher Onstott - recommended for more specialized cases involving potential coverage issues such as inverse or other land use disputes.
3. David W. Tyra - recommended for employment practices litigation
4. Kristianne T. Seargeant - recommended for employment practices litigation



A motion was made to approve addition of Jonathan P. Hobbs, Christopher Onstott, David W. Tyra, and Kristianne T. Seargeant from Kronick, Moskovitz, Tiedemann and Girard law firm to the Liability Counsel Approved List, and recommended for Executive Committee approval.

Motion: Michael Daly **Second:** Russell Hildebrand **Motion Carried**
Ayes: Cline
Nays: None.

K. APPROVAL OF NCCSIF DEFENSE ATTORNEY LIST FOR WORKERS' COMPENSATION

Mr. Marcus Beverly indicated York Risk Services recommended the addition of Kurt M. Petersen from D'Andre, Peterson Bobus & Rosenberg to the NCCSIF Defense Attorney Approved List for Workers' Compensation.

Mr. Ben Burg from York Risk Services provided more background information about Kurt Petersen and indicated that this law firm is the largest defense attorney in the Sacramento County.

A motion was made to approve addition of Kurt M. Petersen from D'Andre, Peterson Bobus & Rosenberg to the NCCSIF Defense Attorney Approved List, and recommended for Executive Committee approval.

Motion: Michael Daly **Second:** Russell Hildebrand **Motion Carried**
Ayes: Cline
Nays: None.

L. REVIEW OF WORKERS' COMPENSATION (WC) CLAIMS AUDIT AS OF MAY 2015

L.a. Presentation of WC Claims Audit

Due to time constraint, the Committee requested to table this item as it will be covered during the Executive Committee Meeting which will immediately follow this meeting.

L.b. York Risk Services Response to WC Claims Audit

Due to time constraint, the Committee requested to table this item as it will be covered during the Executive Committee Meeting which will immediately follow this meeting.

M. 2015 Liability Claims Audit

Due to time constraint, the Committee requested to table this item as it will be covered during the Executive Committee Meeting which will immediately follow this meeting.



N. Round Table Discussion

Mr. Mike Berndt from York Risk Services introduced Mr. Cameron Dewey as the successor for Jennifer Nogosek as Unit Manager for the Liability Claims Department.

Discussion was made regarding staffing issue with York Risk Services that directly impacts the claims handling and management. The dissatisfaction was geared towards the Liability Claims staff. For the record, the Workers' Compensation Claims team was commended for their impeccable claims management specifically naming Ben Burg for providing an outstanding service.

O. ADJOURNMENT

This meeting was adjourned at 11:40 a.m.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Corey Shaver".

Corey Shaver, Secretary

5/23/16

Date