



President
Ms. Elizabeth Ehrenstrom
City of Oroville

Vice President
Ms. Kristine Haile
City of Folsom

Treasurer
Mr. Tim Sailsbery
City of Willows

Secretary
Ms. Gina Will
Town of Paradise

NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND CLAIMS COMMITTEE MEETING AGENDA - *Revised*

DATE / TIME: Thursday, April 16, 2020 at 2:00 p.m.

LOCATION: Zoom Teleconference
Call-in Number: (669) 900-6833
Meeting ID: 167 132 608

A - Action
I - Information

1 - Attached
2 - Hand Out
3 - Separate Cover
4 - Verbal

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. ROLL CALL

C. APPROVAL OF AGENDA AS POSTED

A 1

D. 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. 4 **E. 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 - September 26, 2019
- pg. 8 2. Claims Committee Special Meeting Minutes - November 14, 2019
- pg. 10 3. Claims Committee Special Meeting Minutes - December 12, 2019
- pg. 12 4. Claims Committee Special Meeting Minutes - January 15, 2020
- pg. 14 5. Claims Committee Special Meeting Minutes - March 2, 2020



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pg. 40 **3. Firm Change - Ruben Escobedo**
The Committee will be asked to approve revising the NCCSIF Liability Defense Attorney List to include Ruben Escobedo's own firm.

pg. 43 **4. Review of Legal Panel for Liability**
Review the list and provide direction regarding the current panel based on utilization and/or preferences.

pg. 49 **J. ROUND TABLE DISCUSSION** **I 4**
This is an opportunity for Committee members to ask questions or raise issue on risk exposures common to the members.

K. ADJOURNMENT

UPCOMING MEETINGS

- Risk Management Committee Meeting - April 23, 2020
- Board of Directors Meeting - April 23, 2020
- Police Risk Management Committee Meeting - May 7, 2020
- Claims Committee Meeting - May 28, 2020
- Executive Committee Meeting - May 28, 2020

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.



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Claims Committee Meeting
April 16, 2020**

Agenda Item E.

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 - September 26, 2019
2. Claims Committee Special Meeting Minutes - November 14, 2019
3. Claims Committee Special Meeting Minutes - December 12, 2019
4. Claims Committee Special Meeting Minutes - January 15, 2020
5. Claims Committee Special Meeting Minutes - March 2, 2020



**MINUTES OF THE
NCCSIF CLAIMS COMMITTEE MEETING
ROCKLIN EVENT CENTER, ROCKLIN, CA
SEPTEMBER 26, 2019**

COMMITTEE MEMBERS PRESENT

Kristine Haile, City of Folsom (**Chair**)
Liz Ehrenstrom, City of Oroville (**Vice-Chair**)
Gina Will, Town of Paradise
Tim Sailsbery, City of Willows

CONSULTANTS & GUESTS

Marcus Beverly, Alliant Insurance Services
Raychelle Maranan, Alliant Insurance Services
Dori Zumwalt, York Risk Services
Steven Scott, York Risk Services
Jill Petrarca, York Risk Services

A. CALL TO ORDER

Vice Chair Liz Ehrenstrom called the meeting to order at 10:07 a.m.

B. APPROVAL OF AGENDA AS POSTED

A motion was made to approve the Agenda as posted.

Motion: Tim Sailsbery **Second:** Gina Will **Motion Carried**
Ayes: Ehrenstrom, Will, Sailsbery

C. PUBLIC COMMENTS

There were no public comments.

D. CONSENT CALENDAR

1. Claims Committee Meeting Minutes - May 30, 2019 (Draft)
2. Claims Committee Special Meeting Minutes - July 11, 2019 (Draft)

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

Motion: Gina Will **Second:** Tim Sailsbery **Motion Carried**
Ayes: Ehrenstrom, Will, Sailsbery



E. CLOSED SESSION

Pursuant to Government Code Section 54956.95, the Committee recessed to closed session at 10:08 a.m. to discuss the following claims:

Workers Compensation:

1. NCWA-557025 v. City of Colusa
2. NCWA-557572 v. City of Elk Grove
3. NCWA-557276 and NCWA-532804 v. City of Marysville
4. NCWA-556837 v. City of Yuba City
5. NCWA-557495 v. City of Rocklin

Kristine Haile arrived at 10:12 a.m.

F. REPORT FROM CLOSED SESSION

The Committee reconvened to open session at 10:37 a.m.

Chair Haile indicated no formal announcement is necessary as direction was given to the Program and Claims Administrators for the claims referenced above.

G. APPROVAL OF NCCSIF DEFENSE ATTORNEY LIST FOR LIABILITY

Mr. Marcus Beverly indicated that the City of Lincoln City Attorney recommended the addition of Melissa D. Culp, Ruben Escobedo, Courtney L. Hylton, and Norman J. Watkins from Lynberg & Watkins to the Liability Counsel Approved List. The hourly rates for the firm: \$205 for Partners, \$185 for Associates and \$105 for Paralegals.

A motion was made to approve the addition of Melissa D. Culp, Ruben Escobedo, Courtney L. Hylton, and Norman J. Watkins from Lynberg & Watkins to the Liability Counsel Approved List.

Motion: Tim Sailsbery **Second:** Gina Will **Motion Carried**
Ayes: Haile, Ehrenstrom, Will, Sailsbery

The Committee noted the extensive list of attorneys on the legal panel, and directed the Program and Claims Administrators to provide a utilization report for review at the next meeting as a basis for consideration to condense the list.

H. SEDGWICK ACQUISITION OF YORK RISK SERVICES GROUP, INC.

Ms. Dori Zumwalt discussed the recent acquisition of York Risk Services Group, Inc. by Sedgwick. Sedgwick is one of the main leaders in the TPA industry. Sedgwick does not foresee any significant changes to services for NCCSIF and the existing claims team will remain intact.



Ms. Jill Petrarca indicated the addition of Brian Davis, he adds litigation experience to the liability adjuster team. Mr. Beverly indicated that he does quarterly claims review with Sedgwick claims team.

I. ROUND TABLE DISCUSSION

The Committee discussed current administrative issues with a particular member police agency. Mr. Beverly noted that he will send the Litigation Guidelines to the legal panel at the beginning of the year to ensure proper protocols are being followed.

Ms. Gina Will indicated that the Town of Paradise is in discussion about building a Wastewater Treatment Plant and the State provided a grant to conduct a Sewer Feasibility Study.

J. ADJOURNMENT

The meeting was adjourned at 11:03 a.m.

Respectfully Submitted,

Gina Will, Secretary

Date



**NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND
CLAIMS COMMITTEE SPECIAL MEETING MINUTES
VIA TELECONFERENCE
NOVEMBER 14, 2019**

COMMITTEE MEMBERS PRESENT

Kristine Haile, City of Folsom (**Chair**)
Liz Ehrenstrom, City of Oroville
Gina Will, Town of Paradise

COMMITTEE MEMBERS ABSENT

Tim Sailsbery, City of Willows

CONSULTANTS & GUESTS

Marcus Beverly, Alliant Insurance Services Steven Scott, Sedgwick
Michelle Minnick, Alliant Insurance Services

A. CALL TO ORDER

Chair Kristine Haile called the meeting to order at 2:33 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

A motion was made to approve the Agenda as posted.

MOTION: Liz Ehrenstrom **SECOND:** Gina Will **MOTION CARRIED**
Ayes: Haile, Ehrenstrom, Will

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 2:35 p.m. to discuss the following claim:

Workers' Compensation:

1. NCWA-558085 v. City of Elk Grove

A Public Entity Joint Powers Authority



**NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND
CLAIMS COMMITTEE SPECIAL MEETING MINUTES
VIA TELECONFERENCE
NOVEMBER 14, 2019**

2. NCWA-557727 and NCWA-556716 v. City of Yuba City

F. REPORT FROM CLOSED SESSION

The meeting resumed to open session at 2:52 p.m.

Chair Haile indicated no formal announcement is necessary as direction was given to the Program and Claims Administrators for the claims referenced above.

G. ADJOURNMENT

This meeting was adjourned at 2:52 p.m.

Respectfully Submitted,

Gina Will, Secretary

Date



**NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND
CLAIMS COMMITTEE SPECIAL MEETING MINUTES
VIA TELECONFERENCE
DECEMBER 12, 2019**

COMMITTEE MEMBERS PRESENT

Kristine Haile, City of Folsom (**Chair**)
Gina Will, Town of Paradise
Tim Sailsbery, City of Willows

COMMITTEE MEMBERS ABSENT

Liz Ehrenstrom, City of Oroville

CONSULTANTS & GUESTS

Marcus Beverly, Alliant Insurance Services Steven Scott, Sedgwick
Raychelle Maranan, Alliant Insurance Services

A. CALL TO ORDER

Chair Kristine Haile called the meeting to order at 2:01 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

A motion was made to approve the Agenda as posted.

MOTION: Tim Sailsbery **SECOND:** Gina Will **MOTION CARRIED**
Ayes: Haile, Will, Sailsbery

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 2:02 p.m. to discuss the following claim:

Workers' Compensation:

1. NCWA-558126 v. City of Galt

A Public Entity Joint Powers Authority



**NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND
CLAIMS COMMITTEE SPECIAL MEETING MINUTES
VIA TELECONFERENCE
DECEMBER 12, 2019**

2. NCWA-557533 v. City of Auburn

F. REPORT FROM CLOSED SESSION

The meeting resumed to open session at 2:13 p.m.

Chair Haile indicated no formal announcement is necessary as direction was given to the Program and Claims Administrators for the claims referenced above.

G. ADJOURNMENT

This meeting was adjourned at 2:13 p.m.

Respectfully Submitted,

Gina Will, Secretary

Date



**NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND
CLAIMS COMMITTEE SPECIAL MEETING MINUTES
VIA TELECONFERENCE
JANUARY 15, 2020**

COMMITTEE MEMBERS PRESENT

Kristine Haile, City of Folsom (**Chair**)
Liz Ehrenstrom, City of Oroville
Tim Sailsbery, City of Willows

COMMITTEE MEMBERS ABSENT

Gina Will, Town of Paradise

CONSULTANTS & GUESTS

Marcus Beverly, Alliant Insurance Services Dori Zumwalt, Sedgwick
Raychelle Maranan, Alliant Insurance Services

A. CALL TO ORDER

Chair Kristine Haile called the meeting to order at 1:03 p.m.

B. ROLL CALL

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

Ms. Dori Zumwalt stated that Steven Scott was called in for jury duty and therefore, she will present the three claims in his stead.

C. APPROVAL OF AGENDA AS POSTED

A motion was made to approve the Agenda as posted.

MOTION: Tim Sailsbery **SECOND:** Liz Ehrenstrom **MOTION CARRIED**
Ayes: Haile, Ehrenstrom, Sailsbery

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 1:05 p.m. to discuss the following claim:

A Public Entity Joint Powers Authority



**NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND
CLAIMS COMMITTEE SPECIAL MEETING MINUTES
VIA TELECONFERENCE
JANUARY 15, 2020**

Workers' Compensation:

1. NCWA-271822 v. City of Folsom
2. NCWA-556491 v. City of Folsom
3. NCWA-557668 v. City of Auburn

F. REPORT FROM CLOSED SESSION

The meeting resumed to open session at 1:24 p.m.

Chair Haile indicated no formal announcement is necessary as direction was given to the Program and Claims Administrators for the claims referenced above.

G. ADJOURNMENT

This meeting was adjourned at 1:25 p.m.

Respectfully Submitted,

Gina Will, Secretary

Date



**NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND
CLAIMS COMMITTEE SPECIAL MEETING MINUTES
VIA TELECONFERENCE
MARCH 2, 2020**

COMMITTEE MEMBERS PRESENT

Kristine Haile, City of Folsom (**Chair**)
Liz Ehrenstrom, City of Oroville
Gina Will, Town of Paradise

COMMITTEE MEMBERS ABSENT

Tim Sailsbery, City of Willows

CONSULTANTS & GUESTS

Marcus Beverly, Alliant Insurance Services
Raychelle Maranan, Alliant Insurance Services
Jill Petrarca, Sedgwick
Steven Scott, Sedgwick

A. CALL TO ORDER

Chair Kristine Haile called the meeting to order at 2:09 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

A motion was made to approve the Agenda as posted.

MOTION: Liz Ehrenstrom **SECOND:** Gina Will **MOTION CARRIED**
Ayes: Haile, Ehrenstrom, Will

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 2:10 p.m. to discuss the following claim:

Liability:

1. Butcher et al v. City of Marysville



**NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND
CLAIMS COMMITTEE SPECIAL MEETING MINUTES
VIA TELECONFERENCE
MARCH 2, 2020**

Workers' Compensation:

1. NCWA-556443 v. City of Elk Grove
2. NCWA-558028 v. City of Rocklin

F. REPORT FROM CLOSED SESSION

The meeting resumed to open session at 2:38 p.m.

Chair Haile indicated no formal announcement is necessary as direction was given to the Program and Claims Administrators for the claims referenced above.

G. ADJOURNMENT

This meeting was adjourned at 2:38 p.m.

Respectfully Submitted,

Gina Will, Secretary

Date



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Claims Committee Meeting
April 16, 2020**

Agenda Item F.

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:

1. Melesio-Molina v. City of Colusa*
2. Martinez v. City of Yuba City*
3. Konrad v. City of Auburn*
4. Corbett v. City of Galt*

Workers Compensation:

1. NCWA-556569 and NCWA-555940 v. City of Rocklin*
2. NCWA- 556600 v. City of Elk Grove*
3. NCWA- 558202 v. 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.



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Claims Committee Meeting
April 16, 2020**

Agenda Item H.1.

**FY 19/20 LIABILITY PROGRAM CLAIMS AUDIT
NORCAL CITIES - RISK MANAGEMENT SERVICES**

ACTION ITEM

ISSUE: Ken Maiolini of Risk Management Services completed a liability claims audit in January 2020. The Executive Summary and recommendations are provided for review and discussion. Sedgwick's response to the audit and recommendations is also attached.

One area addressed in the audit and in Sedgwick's response is reserving philosophy, specifically whether or not to set expense reserves on a litigated case for fees and costs through trial. As usual, the answer is "it depends" on the nature of the case. Given that most cases do not go to trial, and we attempt to mediate or otherwise resolve most cases before trial, the Program Managers agree for those cases the reserve should reflect that. If we know we are willing to take a case all the way to trial and efforts to resolve it before that have or will likely fail, the reserve should reflect that.

Look at it this way - the group fought one case all the way to the CA Supreme Court and ultimately won, but we would never have reserved legal expenses for that at the onset of the litigation. Adjustments were made along the way and in some cases that's what you have to do.

RECOMMENDATION: Review, accept and file audit and response.

FISCAL IMPACT: None, already budgeted.

BACKGROUND: Every odd year NCCSIF conducts an audit of member Liability claims to ensure it is being managed according to NCCSIF standards and best practices.

ATTACHMENT(S):

1. NorCal Cities FY 19/20 Liability Claims Audit by Risk Management Services January 2020 (without Audit Detail)
2. Sedgwick's Response to audit findings and recommendations dated February 25, 2020

**NORTHERN CALIFORNIA CITIES
SELF INSURANCE FUND
(NCCSIF) – 2020**

GENERAL LIABILITY AND PROPERTY CLAIMS AUDIT

An audit of the NCCSIF claims was conducted from January 18th to 21st, 2020, by RMS. The Lead Auditor was Kenneth R. Maiolini, ARM-P.

The audit consisted of a review of the NCCSIF open and closed loss runs provided by York. A total of 60 open and 20 closed claims were selected.

The open claims reviewed are documented on an RMS Audit Review form (these forms are included in the report as a confidential document). A Closed Claim Review is attached. The files were reviewed electronically, utilizing the York Claims Management System. York serves as the NCCSIF TPA and there are 2 main Adjustors as well as additional staff that are involved in handling the claims. The claim loads appear appropriate for staffing by York.

The following observations were made in the course of the audit:

INVESTIGATION: The files indicate proactive investigation practices. The Adjustor effectively utilizes Member resources (especially on police and roadway/sidewalk related claims), conducts independent investigation, prudently use outside investigation and damage appraisal resources and Defense Counsel investigation on matters that require a high level of confidentiality. The investigation conducted by the Adjustors is well documented in the claims system and provides a solid base for future handling.

RESERVES: For the most part the reserves are set at a realistic ultimate value for both loss and expense. There is documented rationale both in the claims system and the Case Management Review document (CMR). Additionally, it appears regular Supervisor review of reserves is done, providing input and approach.

(NOTE: There were a few issues related to reserving that deserve review:

- NCGA08592A1 – loss reserve needs review and adjustment if early mediation is the plan of action.
- NCGA08709A1 – review loss reserve for planned settlement purposes.
- NCGA08751A1 – need to evaluate loss reserves.

Another issue relates to litigation budget and setting expense reserves. It was noted that in some cases, a full litigation budget (through trial) was set as the loss reserve. The Adjustors and

Supervisor should evaluate the Plan of Action for the claim and set expense reserves up to the appropriate stage of litigation that anticipates the true expense exposure. Setting full litigation budgets on a case that will never go to trial, inflates the total incurred.

- Claim example: NCGA08592A1 – an expense reserve was set at \$275,000 on a claim that has a Plan of Action for early mediation. This expense reserve is overstated and should be adjusted to a realistic number in line with the Plan of Action.

We did note that several claims were reserved for expense only up through mediation, which is an appropriate practice.

It would be suggested that the Adjustors be more aware of this practice and Supervisors reviewing reserves focus on this issue.)

LITIGATION MANAGEMENT: The Adjustors create a collaborative approach to litigation. They are fully involved, work with the Member and make sure Defense Counsel advises all parties of status and strategy. The Adjustors are active in suggesting and directing litigation strategy. Again, Supervisor review is evident in the file notes and provides good input and direction.

Some older litigated cases had high litigation costs, but in reviewing the more recent matters, litigation costs are well inline for the exposure and managed well.

The files indicated that Defense Counsel provides timely budgets, initial evaluation, ongoing status reports, expert vetting, good use of dispositive motions and recognizes opportunities for reasonable resolution.

Overall, litigation management is well done and provides the Pool and Member excellent results.

LIABILITY/DAMAGE EVALUATION: The Adjustors use a byproduct of the solid investigation, evaluate liability in an effective and timely manner. There are good notes documenting liability issues, and regular completion of the CMR provides an up-to-date snapshot of the claim and exposure.

The Adjustors are aggressive and highly successful on risk transfer opportunities. This is a result of good liability evaluation, along with early investigation.

The damages are well documented for both liability and property claims.

The Adjustor obtains, reviews and documents all damage reports, medical records, wage information and other issues related to damages. They take into consideration MediCare issues, Howell reduction on medical costs, depreciation and any opportunity to reduce damages using statutes and immunities.

FILE MANAGEMENT: The electronic files are managed well and were found to be timely and complete. They indicate:

- All appropriate statutory notices are sent in a timely manner.
- Reporting to excess is done timely and documented in the Claims Management System and CMR.
- The CMR is regularly updated and a good tool for Supervisor and excess.
- Risk transfer is proactively recognized and handled aggressively.
- File notes are consistent and timely.
- The Claims Management System is well documented in Adjustor notes, Supervisor reviews, scanned documents and CMR.
- Diary is well maintained.
- All financials are well documented and reconciled appropriately.
- Coverage issues are appropriately addressed.
- Files are closed timely, good results and financial documents.

(NOTE: Several housekeeping issues are noted. These are minor issues and don't present any serious impact to the Pool or Member.

- NCGA08401A1 – Need an updated CMR. Trial scheduled for February 2020.
- NCGA08575A1 – Need update to file notes and/or CMR.
- NCGA08592A1 – Need an updated CMR.
- NCGA08912A2 – Need an updated CMR.)

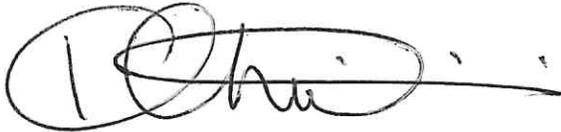
NEGOTIATION PRACTICES: The audit would indicate that the Adjustors are keenly aware of files that would indicate resolution is an appropriate avenue to explore. The Adjustors work with the Members to develop a Plan of Action to resolve matters, either through informal negotiation, mediations or judicial settlement conferences.

The Adjustors and Defense Counsel are aware of the cost of litigation v. economical resolution and pursue resolution when appropriate.

Overall, the claims handling is done in a professional and competent manner. The issues noted were housekeeping in nature and when addressed will only serve to tighten up an already quality claims handling process.

The claims handling for NCCSIF meets or exceeds industry standards and CAJPA claims handling criteria.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Maiolini', with a long horizontal flourish extending to the right.

Kenneth R. Maiolini, ARM-P

Attachment: RMS Audit Review Forms (Confidential Document)
Closed Claim Review

NCCSIF Closed Claim List – 2019

CLAIM #	TYPE	TOTAL INCURRED
NCGA08205A2	Property	\$51,503.80
NCGA07475A1	GL – slip-and-fall	\$102,180.75
NCGA08508A1	GL – bodily injury	\$44,728.75
NCGA08079A1	Civil Rights – police	\$496,083.97
NCGA07836A1	GL – false imprisonment	\$21,325.86
NCGA06372A1	EPL – discrimination	\$188,926.06
NCGA08660A2	Property	\$39,851.84
NCGA07900A1	GL – police	\$124,226.26
NCGA08384A1	Civil Rights – police	\$56,901.82
NCGA08205B2	Property	\$74,719.74
NCGA08197A1	GL – slip-and-fall	\$55,413.72
NCGA07724A1	Civil Rights	\$322,364.00
NCGA08288A1	Civil Rights	\$54,669.68
NCGA08193A1	GL – road design	\$212,648.31
NCGA07943A2	Civil Rights	\$79,814.69
NCGA07492A	Civil Rights	\$119,450.62
NCGA07510A	Civil Rights	\$108,077.84
NCGA08359B1	Civil Rights	\$131,735.69
NCGA08677A1	GL – slip-and-fall	\$22,302.25
NCGA08633A1	GL – slip-and-fall	\$25,580.50



February 25, 2020

To: Mr. Marcus Beverly, Alliant Insurance (via email)

Re: Response to Audit Results for NCCSIF

Dear Mr. Beverly,

This letter is in response to the Northern California Cities Self Insurance Fund audit report for the NCCSIF General Liability Claims and Property Claims. We were very pleased with the findings that our claims handling is done in a professional and competent manner and our claims handling for NCCSIF meets or exceeds the industry standard and CAJPA claims handling criteria.

We were also pleased with the results reflecting proactive investigative practices, successful risk transfer opportunities, highly involved litigation management, proper and timely statutory notices, timely excess reporting, and well documented files.

We would like to acknowledge the auditor's comments regarding expense reserving and that expense reserves should be up to the appropriate state of litigation that anticipates the true expense exposure. We understand the importance of reserving timely and accurately. Our practice is to reserve the claim at the probable case value through the life of the claim. Although we are hopeful a claim may resolve at mediation, it may not and, therefore, it has been our practice to maintain the expense reserve through trial. We would be happy to address your philosophy and best practices in this area.

We appreciate our partnership with NCCSIF very much and are dedicated in our commitment to provide excellent claims handling to all NCCSIF members. Please let us know if you have any questions or need additional information.

Sincerely,

Jill Petrarca, Senior Manager Claims Property & Casualty

cc: Harold Godfrey, Director Claims Property & Casualty
Dori Zumwalt, Account Executive



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Claims Committee Meeting
April 16, 2020**

Agenda Item H.2.

**FY 19/20 LIABILITY PROGRAM CLAIMS AUDIT
CJPRMA - RISKY BUSINESS PROS**

ACTION ITEM

ISSUE: NorCal Cities Liability claims were audited by its excess coverage provider in March 2020. The Summary and recommendations are provided for review and discussion. Sedgwick's response to the audit and recommendations is also attached.

The audit overall was positive, with notes on a number of best practices being implemented and use of litigation budgets where appropriate. The audit also notes overall lower exposure than recent years, despite a current trend of rising exposures. Areas for improvement on two or three files have been reviewed and addressed and will be discussed at the meeting.

RECOMMENDATION: Review, accept and file audit and response.

FISCAL IMPACT: None.

BACKGROUND: NCCSIF's Excess Liability provider, CJPRMA, conducts a claims audit every other year, focused primarily on current or potential excess claims. The most recent audit was conducted by Rick Buys.

ATTACHMENT(S):

1. CJPRMA Claims Audit by Risky Business Pros March 2020 (without Audit Detail)
2. Sedgwick's Response to audit findings and recommendations dated April 10, 2020

Northern California Cities Self Insurance Fund (NCCSIF) 2020 Audit Summary

Audit Date: March 2, 2020

SIR: \$ 500,000 through 6/30/2008

\$1,000,000 after 7/1/2008

\$ 500,000 after 7/1/2013

NCCSIF has 19 small to mid-sized cities located principally in the Sierra foothills, in the CJPRMA excess liability program. Claims administration and litigation management are largely delegated to Sedgwick. Alex Davis is the adjuster on seven of the files, Shawn Millar on two and Summer Simpson on one. I am familiar with Mr. Davis and Ms. Millar as experienced and professional. Sedgwick staff has reserving authority, but no settlement authority.

Ten files were reviewed this year: five police, four public works, and one park and recreation. Of the ten files audited, none are on the Watch List and eight are Critical Incident claims (five are EPL claims, which are always considered Critical Incidents).

I found good use of Best Practices on the following claims:

- Early defense assignment on Fishbaugh, McDowell, Jenks, Lane and Corbett.
- Early reporting to CJPRMA on Googooian and McDowell.
- Early attempted settlement on Jenks and Hill.
- Early traffic expert and video experts hired in Googooian.
- Meetings with City Council on sensitivity of the Corbett case.

Overall, files are well investigated and documented. Litigation budgets are found on all files where appropriate. I did find areas for improvements in the following instances:

- Timely status reports from defense counsel appear missing on Jenks, and Hills.
- Missing notices on Jenks (late claim), Van Pelt (insufficiency) and Googooian (tender of defense).
- Missing diary on Hills.
- Inadequate investigation on Hills.
- Low indemnity reserves on Collondrez.

The number of EPL claims had dropped to two open claims in 2019, but are back up to five in 2020.

Overall exposure is lower than some recent years, despite a current trend of rising exposures. However, there are two open cases that still present a substantial exposure (Hills and Googooian) with a potential for much higher than current reserves, even though current reserves are appropriate at this time.

Number of files audited in 2020 - 10:

Watch List files - 0 Critical Incident files - 8 Litigated files - 8 EPL files - 5

Open files - 10 Closed files - 0 Closing files - 0

Year	2013	2014	2015	2016	2017	2019	2020
Files Audited	22	21	24	8	9	9	10
Primary Incurred Value	\$7,531,121	\$6,569,525	\$6,035,689	\$4,294,698	\$2,394,579	\$4,781,300	\$3,461,002
Overall Incurred Value	\$11,186,495	\$10,203,134	\$8,582,916	\$8,231,879	\$3,809,444	\$7,586,300	\$7,222,002
Average Overall Value	\$508,474	\$485,864	\$357,621	\$1,028,985	\$423,272	\$842,922	\$722,200



April 10, 2020

To: Mr. Marcus Beverly, Alliant Insurance (via email)

Re: Response to Audit Results for NCCSIF

Dear Mr. Beverly,

This letter is in response to the Northern California Cities Self Insurance Fund audit report for the NCCSIF General Liability Claims and Property Claims. We were pleased with the findings that our claims were well investigated and documented.

We were also pleased with the results reflecting best practices in the early defense assignment on 5 files, early reporting to CJPRMA on 2 high exposure files, and early attempted settlement on 2 files.

The auditor also recognized retaining a traffic expert early on in a vehicle accident involving a fatality, meetings with City Council on a sensitive employee case, and good use of social media checks to assist in evaluating a claim by decedent's daughters.

We would like to acknowledge the auditor's comments regarding areas for improvement. Regarding comments that timely status reports were missing or late on Hills, status reports are in the file. The last comprehensive status from defense counsel was received on February 28, 2020. The additional areas noted have been addressed in the claim files.

We appreciate our partnership with NCCSIF very much and are dedicated in our commitment to provide excellent claims handling to all NCCSIF members. Please let us know if you have any questions or need additional information.

Sincerely,

Jill Petrarca, Senior Manager Claims Property & Casualty

cc: Harold Godfrey, Director Claims Property & Casualty
Dori Zumwalt, Account Executive



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Claims Committee Meeting
April 16, 2020**

Agenda Item I.1.

**REVISION TO A-9 ATTACHMENT A: LIABILITY COUNSEL LIST
NEW ADDITION - KRONICK MOSKOVITZ TIEDEMANN & GIRARD**

ACTION ITEM

ISSUE: The City of Rio Vista is recommending the addition of Mona G. Ebrahimi, Kevin A. Flautt and Olivia R. Clark from Kronick Moskovitz Tiedemann & Girard to the Liability Counsel Approved List. The request is based on an immediate need for defense of several claims that initially were most efficiently managed by Mona Ebrahimi. The Kronick firm itself is on the list already.

Approval of this or any other firm that also serves as city attorney is based on separation of counsel serving as city attorney and counsel defending claims covered by NorCal Cities.

Hourly rates for the firm: Shareholders \$250, Associate \$220. These are in line with the top rates at other firms on the approved list.

RECOMMENDATION: Approve as requested.

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.

ATTACHMENT(S):

1. Mona G. Ebrahimi Bio
2. Kevin A. Flautt Bio
3. Olivia R. Clark Bio



MONA G. EBRAHIMI, SHAREHOLDER

(916) 321-4597 | mebrahimi@kmtg.com

Mona is an AV rated attorney who enjoys practicing municipal law and the opportunity to see her work come to fruition in the communities she represents. As City Attorney to the City of Rio Vista and the Town of Atherton, as well as General Counsel to the Fulton-El Camino Recreation and Park District and Suisun/Solano Water Authority, she provides general counsel services in a broad range of municipal and public law matters. She also serves as the Assistant City Attorney for the City of West Sacramento and the Town of Loomis.

LEGAL EXPERIENCE

Mona is skilled in addressing the variety of legal issues that challenge public agencies, for example she may be navigating California Environmental Quality Act (CEQA) for a land use project one day, and representing a police officer in court the next day. She has successfully opposed dozens of *Pitchess* motions in court, and helped her clients achieve victories in cases brought pursuant to the CEQA. Outside the courtroom setting, Mona advocates for her city clients in administrative hearings. She regularly attends City Council and Planning Commission meetings, and advises those bodies to ensure compliance with the Brown Act and Conflicts of Interest Laws. She also is a certified mediator experienced in alternative dispute resolution, offering clients a cost-effective, non-litigation option for resolving conflicts. Her areas of practice include:

- Public contracts review, drafting and competitive bidding
- Advising and responding to requests pertaining to local governance, such as open meeting laws, the Brown Act, Public records laws, including the Public Records Act and Pitchess laws, Election law, and Conflicts of Interest
- California Environmental Quality Act (CEQA) and CEQA litigation
- Development agreements review, drafting and negotiation
- Joint Power Authorities (JPAs)
- Local Agency Formation Commission (LAFCO)
- Land use
- Prevailing wage issues
- Property development (for commercial projects, residential, subdivisions and master planned communities)
- Subdivision Map Act

While in law school, she clerked for the United States Attorney's Office, San Diego County, where she interviewed witnesses and drafted interrogatories, composed legal memorandums, drafted motions, conducted research, and drafted responses to torts claims. She also served as a judicial extern for the Superior Court of San Diego where she conducted criminal legal research and drafted legal memorandums for judges. During this time, she also served as a pro bono intern with the Legal Aid Society of San Diego, assisting indigent clients with unlawful detainer complaints.

PRACTICE EXAMPLES

- Mona has reviewed and provided legal advice on dozens of environmental documents. She has also defended cities in CEQA litigation.
- Mona is experienced in the negotiation and drafting of development agreements for municipalities, having handled numerous agreements between private entities and cities for new and infill development.
- As a certified mediator, Mona has mediated cases in small claims court and in juvenile hall, handling conflicts

between individuals, families, privately owned companies and juvenile hall minors. While in undergraduate school, she also mediated conflicts between student groups, faculty, and administration.

PROFESSIONAL ACTIVITIES & ACCOMPLISHMENTS

Mona believes strongly in serving the community. She currently fulfills that goal by volunteering at local non-profit organizations. Her professional activities and affiliations include:

- Martindale-Hubbell AV Rated Attorney
- *Northern California Rising Star* (2012-2018)
- Top Lawyers, *Sacramento Magazine* (2016-2019)
- Best of the Bar, *Sacramento Business Journal* (2018)
- *Top 100 Professionals Under 40* (2013)
- Adjunct Professor, University of the Pacific, McGeorge School of Law
- Member, Sacramento County Bar Association
- Member, Metro Chamber's Leadership Sacramento Class of 2011

PUBLICATIONS AND SPEAKING ENGAGEMENTS

- Author, "Discharge of Public Employee Who Sent Scathing Email Criticizing His Superiors Did Not Violate Employees Free Speech Rights," *California Special District Magazine*, Vol. 4, Issue 6, Nov-Dec 2010
- Author, "Legal Uncertainty: Local Regulation of Medical Marijuana Collectives," *California Land Use Law & Policy Reporter*, April 2010
- Contributing Author, CEB's *California Land Use Practice*, section on vested rights
- Contributing Author, LOCC's *Municipal Law Handbook*, section on Government Claims Act
- Provides several AB 1234, Conflicts of Interest, Public Records Act and Brown Act presentations annually to special districts, cities, and to members of CSDA and SACRS

ACADEMIC BACKGROUND

J.D. California Western School of Law, San Diego, 2004

- Cum Laude
- American Jurisprudence Award recipient in Property Law, Advanced Mediation, Advanced Legal Research and Writing, Negotiation, and Child Advocacy
- Academic Achievement Scholarship
- Dean's Honor List, 2003 and 2004
- Commencement Speaker, 2004
- Honors Instructor, Legal Research and Writing, 2004

B.A. University of California, Davis, 2002



KEVIN A. FLAUTT, SENIOR COUNSEL

(916) 321- 4301 | kflautt@kmtg.com

Kevin advises and litigates on behalf of public agency clients in all matters, including wage and hour issues, labor and collective bargaining issues, due process and discipline for public sector employees, discrimination, harassment, disability accommodation, 42 U.S.C. § 1983 litigation, public employee privacy rights, leaves of absences, writ of mandate proceedings, and other public employment based actions. Kevin also advises his clients in the areas of commercial bankruptcy, creditor's rights and construction litigation.

LEGAL EXPERIENCE

Kevin's legal background includes more than a decade of substantive experience litigating in State, Federal and Appellate Courts in the areas of public agency law, labor law, employment actions, business and securities litigation, real estate & lending law, commercial bankruptcy & creditor's rights, equine law, consumer fraud, attorney professional responsibility and construction defect for both Plaintiff and Defense. Kevin possesses substantive experience litigating the numerous procedural requirements of the Public Safety Officers Procedural Bill of Rights Act and the Firefighters Procedural Bill of Rights Act. Kevin also has experience prosecuting labor law actions before the Public Employment Relations Board and the Los Angeles Employment Relations Board, as well as in the negotiation of collective bargaining agreements and policies.

Kevin began his career clerking with the Civil Litigation Division of the United States Attorney's Office here in Sacramento.

PROFESSIONAL ACTIVITIES & AFFILIATIONS

- Member, Hispanic National Bar Association
- Member, Sacramento County Bar Association

ADMITTED TO PRACTICE

- All California United States District Courts
- Ninth Circuit Court of Appeal
- California State Courts

ACADEMIC BACKGROUND

J.D., University of the Pacific, McGeorge School of Law, 2008

- Dean's List 2007 and 2008 (Roger J. Traynor Honor Society)
- Honors at Entrance

B.A., University of California, San Diego, 2005

- Double Major in Political Science and Psychology



OLIVIA R. CLARK, ASSOCIATE

916-321-4290 | oclark@kmtg.com

As an associate attorney, Olivia advises public agency clients in all matters, especially those related to municipal administration and governance, environmental law, water rights, and land use issues. She blends sharp advocacy and creative thinking to assist municipalities and special districts in negotiating, drafting, and reviewing agreements and developing various ordinances and regulations.

Olivia is especially experienced in advising both public and private entities in matters related to land use and planning. Prior to joining the firm, she worked for a boutique law firm in Sacramento that specialized in land use permitting and environmental law litigation all over the State of California. Specifically, she has worked on issues related to the California Environmental Quality Act, the National Environmental Policy Act, the Endangered Species Act, the Brown Act, and public agency law, including that related to the Public Records Act and special districts.

Blending her comfort in navigating the veritable minefield of regulations with her passion for building the community she is proud to call home, Olivia works to help her clients feel informed and, when necessary, advocate their interests in various venues.

LEGAL EXPERIENCE

Following the fulfillment of her law degree, Olivia completed a research fellowship with the California Environmental Law and Policy Center at the University of California Davis School of Law, where she published papers on administrative procedures of the State Water Resources Control Board amidst drought exacerbated by climate change. Her other research focused on reformation of the Colorado River Compact. She aided instruction in Climate Change Law and Policy and Water Law courses. Before that, she was a law clerk at the California Governor's Office of Research and Planning where she executed in-depth research to aid drafting of technical revisions to the CEQA guidelines pertaining to Tribal Cultural Resources and State Wildfire Areas.

PROFESSIONAL ACTIVITIES & AFFILIATIONS

- Member, Association of Women in Water, Energy and Environment
- Member, California Lawyers Association, Environmental Law Section
- Member, Sacramento County Bar Association
- Member, Schwartz-Levi Inn of Court, Secretary

ADMITTED TO PRACTICE

- California State Courts

ACADEMIC BACKGROUND

J.D., University of California, Davis School of Law, 2017

- Environmental Law Certificate, 2017
- Public Interest & Pro Bono Law Certificates, 2017
- Negotiations Team, President
- Emerging Leaders in Policy and Public Service Fellow

- Environmental Law Conference at Yosemite Scholarship
- ACWA Steve Hall Water Law and Policy Scholarship
- Rocky Mountain Mineral Law Foundation Scholarship
- Women Lawyers of Sacramento Scholarship

B.A., University of California, Berkeley, 2014

- Cultural Anthropology
- Spanish Literatures Minor



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Claims Committee Meeting
April 16, 2020**

Agenda Item I.2.

**REVISION TO A-9 ATTACHMENT A: LIABILITY COUNSEL LIST
NEW ADDITION - LIEBERT CASSIDY WHITMORE**

ACTION ITEM

ISSUE: The City of Oroville is recommending the addition of Richard Bolanos from Liebert Cassidy Whitmore (LCW) to the Liability Counsel Approved List. The request is based on need for defense of an employment practices claim, and Oroville uses the firm for employment issues.

Hourly rates for partners at the firm are higher than others on the approved list, at \$380 per hour. This can be managed through use of associates at lower rates and/or negotiated fee but will need to be managed within a litigation budget.

RECOMMENDATION: Approve as requested.

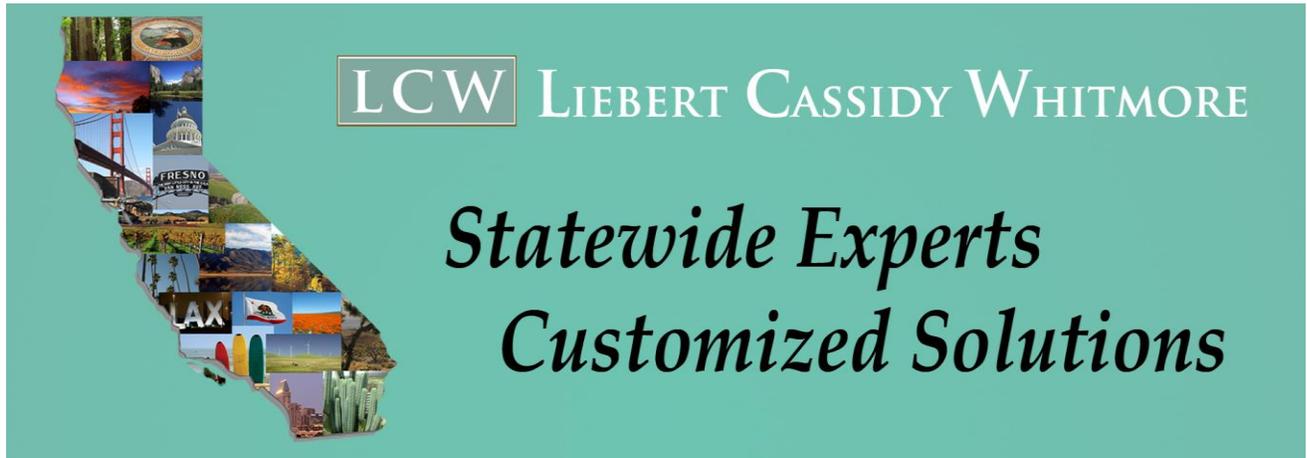
FISCAL IMPACT: None.

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

ATTACHMENT(S):

1. Liebert Cassidy Whitmore Company Bio
2. Richard Bolanos Bio
3. 2019-2020 LCW Fee Schedule

About Us



Our Firm

Six attorneys, who had extensive experience in, and a passion for, representing public sector management in the areas of employment law and labor relations, got together and started our firm in 1980. Over the years, we grew that practice to become California's preeminent public management employment law firm with over 80 attorneys in five offices. Some years ago, we added an education law specialty to our practice to meet the needs of our school and college clients. We consider ourselves fortunate indeed to have our interest matched by having built our practice in one of the most dynamically evolving areas of the law; one that challenges our attorneys to constantly stay on top of the ever-expanding legislative, administrative and court decisional law. Our passion for servicing the needs of our clients in our specialized area of practice remains as true today as it did in 1980.

Trusted Advisors

Liebert Cassidy Whitmore's attorneys do not see their role solely as lawyers. Rather they work with clients to avoid their having to face legal problems in the first instance. When legal issues do arise, the attorneys explore practical alternatives to best serve the client's goals. Their special expertise in the aspect of law involved provides the client with the broadest choice of alternatives available within the dictates of law. Because of their expert knowledge of the law in our field of specialty, they will normally provide the client with effective answers quickly. The success of this approach to counseling is reflected by the fact that 74% of California's cities, 90% of California counties, 90% of California's community college districts as well as numerous special districts, schools and private companies turn to LCW for advice and counsel.

Creative and Aggressive Advocates

We are proud of our record of success as a litigation firm. Liebert Cassidy Whitmore attorneys have a breadth of experience defending clients in court and jury trials and mandate proceedings touching on every aspect of employment, labor and education law. In addition to pre-trial, trial and appellate practice, the firms' attorneys have a record of having advantageously represented clients in many alternative dispute resolution and settlement proceedings. We have also had a long record of success winning cases at initial pleading stages and through summary judgments. The nature of our practice requires us to litigate before a wide variety of administrative boards and commissions on a continuing basis.

Finally, we have an extensive background in representing public sector management in labor relations with every kind of bargaining unit – safety, professional, blue collar and white collar. We are experts in both traditional and collaborative bargaining, and in representing management in mediations, arbitrations, and proceedings before the Public Employment Relations Board.

Dedicated Professionals

While we pride ourselves on our success as effective and aggressive advocates on behalf of our clients, our approach to the practice is to seek to maintain professional relationships with labor organizations as well as opposing counsel wherever possible. We believe that this facilitates a problem-solving orientation, enhances labor-management relationships, and thereby becomes more cost-effective for our agency clients.

Leaders in Preventive Education

One of the firm's greatest sources of accomplishment comes from its record of success in counseling and advising its clients on the best ways to avoid becoming a party to adversary proceedings. We accomplish this through our training workshops, monthly newsletters, audits and legal advice as matters arise. We were "pioneers" in the training field by creating "consortiums" of agencies. Our Employment Relations Consortiums (ERCs) are comprised of nearly 800 cities, counties, special districts, schools, community college districts, and state universities as well as other public sector agencies in all parts of the state. Annually we provide training to **thousands** from line employees and first line supervisors to City Managers, County Executives, General Managers, City Attorneys, County Counsels, Presidents, and Heads of School.

We invite you to explore our website, where you will learn more about who we are, what we do and how we do it. We welcome your comments and suggestions and thank you for taking the time to get to know us a little better.



Richard Bolanos

Partner | San Francisco

rbolanos@lcwlegal.com

Tel: 415.512.3020

EXPERIENCE

Richard (Rick) Bolanos has an exclusive practice representing California cities, counties, community college districts and special districts in labor relations services, representation in disciplinary proceedings, arbitration, mediation, fact-finding hearings, and administrative law proceedings. Rick provides oversight of complex personnel investigations and specialized advice and counsel concerning workplace harassment, discrimination and retaliation matters. In addition, Rick is one of the firm's specialists in Fair Labor Standards Act (FLSA) consultation and litigation.

Rick has conducted training programs and seminars on employer-employee relations before the California Public Employer Labor Relations Association (CalPELRA), the National Employment Law Institute (NELI), the Fire Districts Association of California (FDAC), the Napa-Solano Chapter and Mother Lode Chapter of the International Public Management Association for Human Resources (IPMA-HR), the Solano County Police Chiefs' Association, California Public Employee Relations (CPER), the California Sanitation Risk Management Authority and the California State Association of Counties Institute for Local Government. In addition, Rick has also provided intensive training sessions to individual clients regarding such current issues as Sexual Harassment, Compliance with the Americans Disabilities Act (ADA), the Fair Labor Standards Act (FLSA) and Public Employee Discipline.

Rick's published opinions include *Barner v. City of Novato* (9th Cir. 1994) 17 F.3d 1256; *Zazueta v. County of San Benito* (1995) 38 Cal.App.4th 106; *Stanley v. City of Tracy* (9th Cir. 1997) 120 F.3d 179; *Imada v. City of Hercules* (9th Cir. 1998) 138 F.3d 1294; *Papadopoulos v. Modesto Police Department* (E.E. CA. 1998) 31 F.Supp.2d 1209; and *Robinson v. Manteca*, 78 Cal.App.4th 472, 92 Cal.Rptr.2d 748 (3rd Dist.).

Rick was the San Francisco Office's Managing Partner for 15 years until 2016 when he transitioned back to full-time law practice.

EDUCATION

JD, Santa Clara University School of Law
BA, San Francisco State University
MA, San Jose State University

LEGAL EXPERTISE

Employment Law
Labor Relations & Collective Bargaining
Public Safety
Wage & Hour
Retirement, Health & Disability

REPRESENTATIVE MATTERS

APPELLATE

Balestrieri et al v. Menlo Park Fire Protection District (2015) - Successfully defended the District against firefighters' claims, alleging that the District was obligated to pay for time spent traveling between fire station to pick up or drop off "turnout gear," before or after voluntary overtime shifts. The firefighters also claimed that the District should have included, in the regular rate calculation for overtime, the amount of money the District cashed out to employees for unused time in their "Annual Leave" bank. The firefighters claimed that the unused Annual Leave was akin to unused sick leave, which must be included in the regular rate. After the District successfully moved for summary judgment on both claims, the firefighters appealed. The Ninth Circuit affirmed the District Court's decision and held that under the Fair Labor Standards Act, the travel time was not compensable. The Ninth Circuit also agreed that because the cashouts of annual leave were made in order to reduce the District's liability for banked leave hours, the unused leave was not akin to sick leave and therefore did not have to be included in the regular rate used to calculate overtime.

NEGOTIATIONS

City of Los Altos - Safety and Non-Safety Units.

County of Sonoma - Safety and Non-Safety Units.

County of Contra Costa - Non-Safety Units.

West Valley Mission CCD - Safety and Faculty Units.

County of Mariposa - Safety and Non-Safety Units.

City of San Luis Obispo - Safety and Non-Safety Units.

City of Martinez - Safety and Non-Safety Units.

AWARDS

Selected for inclusion in Northern California *Super Lawyers* (2008-2009, 2012-2019)

PUBLICATIONS

California Supreme Court Adopts New "ABC Test" for Classification of Independent Contractors: Potential Risk and Impact on Public Agencies, May 9, 2018

Nine LCW Attorneys Selected to the List of 2017 Northern California Super Lawyers and Rising Stars, *Press Release* Jul 10, 2017

FLSA and Contract Overtime, Oct 5, 2016

Responding to Requests for Information, Sep 2, 2015

Using Conceptual Agreements to Avoid Impasse, Sep 3, 2014

PRESENTATIONS

The Rules of Engagement: Issues, Impacts & Impasse (Citrus Heights), Citrus Heights Community Center, Citrus Heights, Jun 18, 2020

Fire Management Academy, City of Redwood City, Redwood City, Feb 28, 2020

Fire Management Academy, City of Redwood City, Redwood City, Feb 27, 2020

Fire Management Academy, City of Redwood City, Redwood City, Feb 26, 2020

Fire Management Academy, City of Redwood City, Redwood City, Feb 25, 2020

Navigating the Crossroads of Discipline and Disability Accommodation, San Mateo County ERC, Menlo Park, Dec 5, 2019

FLSA for Labor Negotiators, California Public Employers Labor Relations Association (CALPELRA) 2019 Annual Training Conference, Monterey, Nov 20, 2019

LIEBERT CASSIDY WHITMORE

FEE SCHEDULE

Partners	\$380.00
Senior Counsel	\$325.00
Associates	\$210.00 - \$305.00
Labor Relations/Human Resources Consultant	\$240.00
Paralegals	\$135.00
E-Discovery Specialists	\$135.00
Law Clerks	\$135.00 - \$175.00



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Claims Committee Meeting
April 16, 2020**

Agenda Item I.3.

**REVISION TO A-9 ATTACHMENT A: LIABILITY COUNSEL LIST
NEW ADDITION - RUBEN ESCOBEDO**

ACTION ITEM

ISSUE: The City of Lincoln is recommending the addition of Ruben Escobedo to the Liability Counsel Approved List. Ruben was on the approved panel list with Lynberg & Watkins law firm. He has since departed from Lynberg & Watkins and started his own practice. Ruben has a current case that he is handling for the City of Lincoln. To avoid interrupting the momentum and quality of service on that case, the City of Lincoln City Attorney and Lynberg & Watkins firm have agreed for Ruben to continue serving as co-counsel on the case, but as separate outside counsel and solo practitioner.

This change will not cost the City any additional money, and Ruben offered a further discounted rate of \$150 an hour on that particular case for his services on a going-forward basis. The only change would otherwise be that, instead of receiving one monthly bill, there will now be two.

RECOMMENDATION: Approve as requested.

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.

ATTACHMENT(S): Ruben Escobedo Bio



RUBEN ESCOBEDO

RU.ESCOBEDO@GMAIL.COM

(805) 835-9502

Ruben Escobedo
Attorney at Law

731 S. Lincoln St.

Santa Maria, CA 93458

BIOGRAPHY

Mr. Ruben Escobedo is a California native representing individuals, private entities, and public entities in employment matters, ranging from pre-litigation issues to complex class actions throughout California.

He started his legal career at the Los Angeles City Attorney's Office, where he gained early trial experience as a law student and an interest in representing municipalities and the public servants that drive them. Mr. Escobedo was a partner at the law firm of Lynberg & Watkins, where he primarily defended cities, counties, schools, universities, and various private businesses from 2013 to 2020.

In 2020, Mr. Escobedo transitioned to a solo practice where he continues his work primarily in private sector employment litigation. He has developed a wide variety of experience in the private sector. His law school training included time at Raytheon Space and Airborne Systems' legal department, where Mr. Escobedo assisted with unique transactional matters alongside former JAG attorneys. Over the years, he has successfully litigated employment cases in many industries, including Agriculture, Construction & Maintenance, Food Service, Education, Healthcare, Hotel & Hospitality, Janitorial, Manufacturing, Public Safety, Professional Occupations, Retail, Technology / IT, and Transportation & Distribution.

Mr. Escobedo lives in Paso Robles, CA, with his wife and their two children. When he is not litigating, Mr. Escobedo enjoys golf and karaoke.

EDUCATION

- Chapman University School of Law (Fowler), JD
 - 2011, *Cum Laude*
- California State University, Long Beach, BA
 - 2008

PRACTICE AREAS

- Labor & Employment

ADMISSIONS

- State Bar of California
- Supreme Court of the State of California
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Northern District of California

PROFESSIONAL AFFILIATIONS

- American Society of Legal Writers
- National Order of Scribes
- Northern Santa Barbara County Bar Association
- San Luis Obispo County Bar Association

RECOGNITION

- Rutan & Tucker, LLP Golden Quill Legal Writing Award
- Santa Maria Valley Chamber of Commerce Young Professional of the Year

PUBLICATIONS

- Employment Law Updates (2017-2020): Post-Shift Searches; Requiring Permission to Leave Work Places Employees On Duty; Cal. Supreme Court Grants Review re: Payment of Meal-and-Rest Premium Wages; Claims for 59 Seconds of Work Approved, Autopayment of Meal Premiums, Calculation of Time "Off the Clock," Payment of Meal Period Premiums, Individual Liability for Wage and Hour Violations, "Regarded As" Disabled Discrimination, On-Site Meal Periods, Abusive Clients and Customers, Disability Accommodations, Independent Contractors, Overtime and Shift Differentials, Workplace Dating, Criminal Background Checks, Wage Statement Compliance, Harassment Investigations, Employee Dress Policies and Practices, and more
- Premises Liability Updates (2017-2018)
- Achieving the Goals of Sentencing Tax Evaders After United States v. Booker, Vol. 2 Chapman Journal of Criminal Justice 275 (2011)

PRESENTATIONS/SEMINARS

- Labor Law Update, Pan American Insurance Seminar (2019)
- Mindfulness and Identifying Impairments to Attorney Competence (2018)
- Law and Motion: Dos and Don'ts for Paralegals (2018)
- California Payroll Best Practices (2017)
- Anti-SLAPP Motions for Government Lawyers CLE Seminar (2016)

REPRESENTATIVE CASES

- Ali v FusionStorm, Inc., 2019 WL 495823
- Butts v. Cal. State University, Daily Journal (Mar. 24, 2017), aff'd 2019 WL 1147611
- Lane v. Cal. State University, 2017 WL 5623520



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Claims Committee Meeting
April 16, 2020**

Agenda Item I.4.

**REVISION TO A-9 ATTACHMENT A: LIABILITY COUNSEL LIST
REVIEW OF LEGAL PANEL**

ACTION ITEM

ISSUE: The Committee reviews the list of approved liability counsel as needed to keep the panel accurate and up to date. Firms that are not being used regularly are reviewed to determine if there is still a need, and those that are being used are reviewed for feedback as well.

Attached is the most recent list, a summary of payments made for defense counsel and legal fees from 2014 to 2019, and feedback from Sedgwick regarding member usage.

RECOMMENDATION: Review, discuss and provide direction as needed.

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.

ATTACHMENT(S):

1. Policy and Procedure A-9: Attachment A Defense Attorney List for Liability
2. Summary of defense counsel and legal fee payments, 2014-2019
3. Panel Counsel Usage Feedback from Sedgwick

NCCSIF ADMINISTRATIVE POLICY & PROCEDURE #A-9

**ATTACHMENT A - LIABILITY
Approved List of Counsel**

Name of Law Firm	Attorneys	Areas of Expertise
Angelo, Kilday & Kilduff 601 University Avenue, Suite 150 Sacramento, CA 95825 (916) 564-6100	Bruce A. Kilday Carolee Kilduff Serena Sanders Carrie McFadden Kevin Dehoff Amie McTavish	Police Liability, General Liability, Auto, Personnel, Heavy Trial Experience
Ayres & Associates 930 Executive Way, Suite 200 Redding, CA 96002 (530) 229-1340	William Ayres	Dangerous Condition, Auto, General Liability, Environmental Liability
Bertrand, Fox, Elliott et al 2749 Hyde Street San Francisco, CA 94109 (415) 353-0999	Eugene Elliott	
Caulfield Law Firm 1101 Investment Blvd., Suite 120 El Dorado Hills, CA 95762 (916) 933-3200	Rich Caulfield Andrew Caulfield	Same as above, with Construction Defect, Heavy to Medium Trial Experience
Donahue Davies LLP 1 Natoma Street Folsom, CA 95630 (916) 817-2900	Robert E Davies Brian Haydon	
Gregory P. Einhorn 48 Hanover Lane, Suite 2 Chico, CA 95973 (530) 898-0228	Gregory P. Einhorn <i>Use for Willows as needed</i>	Employment Law, General Liability, Municipal
Kronick, Moskovitz Tiedemann & Girard 400 Capitol Mall, 27 th Floor Sacramento, CA 95814	Christopher Onstott Bruce A. Scheidt * Maggie Stern David W. Tyra	Civil Rights, California Fair Employment and Housing, Tort Claims, California Public Records Employment Practices

NCCSIF ADMINISTRATIVE POLICY & PROCEDURE #A-9

**ATTACHMENT A - LIABILITY
Approved List of Counsel**

Name of Law Firm	Attorneys	Areas of Expertise
Peters, Habib, McKenna Juhl-Rhodes & Cardoza, LLP P.O. Box 3509 Chico, CA 95927 (530) 342-3593	Dave Rush Mark Habib Jim McKenna Lia Juhl	Dangerous Condition, Police Liability, General Liability, Auto, Good Trial Experience
Porter Scott P.O. Box 255428 Sacramento, CA 95865 (916) 929-1481 Fax: (916) 927-3706	Nancy Sheehan John Whitefleet Kevin Kreutz Terry Cassidy Carl L. Fessenden Steve Horan Russell Porter	Police, Civil Rights, Dangerous Condition, Inverse Condemnation, Auto, General Liability, Heavy to Light Trial Experience
Matheny Sears Linkert & Jaime, LLP 3638 American River Drive Sacramento, CA 95864 (916) 978-3434 Fax: (916) 978-3430	Matthew Jaime Douglas Sears Richard Linkert Michael Bishop	
The Law Office of Justin N. Tierney 2000 U Street Sacramento, CA 95814 (916) 451-3426	Justin N. Tierney	Dangerous Condition, Auto, Medium Trial Experience
The Law Office of James A. Wyatt 2130 Eureka Way Redding, CA 96001 (530) 244-6060 P.O. Box 992338 Redding, CA 96099-2338	James A. Wyatt	Dangerous Condition, Civil Rights, Police, Wrongful Termination, Auto Liability, Labor Law, Heavy Trial Experience
Murphy, Campbell, Alliston & Quinn, PLC. 8801 Folsom Boulevard, Suite 230 Sacramento, CA 95826 (916) 400-2300	Stephanie L. Quinn	Auto, Wrongful Deaths, Slip and falls, Fire and Trespassing Experience

NCCSIF ADMINISTRATIVE POLICY & PROCEDURE #A-9

**ATTACHMENT A - LIABILITY
Approved List of Counsel**

Name of Law Firm	Attorneys	Areas of Expertise
Cota Cole LLP 2261 Lava Ridge Court Roseville, CA 95661 (916) 780-9009	Dennis Cota Derek Cole Daniel King	Land Use, civil rights, environmental issues.
Allen, Glaessner, Hazelwood, Werth 180 Montgomery Street, Ste. 1200 San Francisco, CA 94104 (415) 697-2000	Dale Allen Mark Hazelwood Steve Werth	Police liability, ADA, sidewalk, employment practices, general municipal liability
Arthofer and Tonkin, Attorneys At Law 1267 Willis Street Redding, CA 96001 (530) 722-9002	Kenneth Arthofer Griffith Tonkin	Public entity, injury, real estate
Randall Harr 44282 Highway 299 East McArthur, CA 96056 (530) 336-5656 rlh@randallharrlaw.com	Randall Harr	
Lenahan, Lee, Slater, Pearse & Majernik LLP 2542 River Plaza Drive Sacramento, CA 95833 (916) 443-1030	Charleton S. Pearse Benjamin D. Oram, Esq. Adam Ambrozy	Dangerous Condition and Vicarious Liability cases
Lynberg & Watkins 1100 Town & Country Rd., Ste. 1450 Orange, CA 92868 (714) 937-1010	Melissa D. Culp Ruben Escobedo Courtney L. Hylton Norman J. Watkins	

* *Bruce A. Scheidt will be used only as respects the Eaton vs. Rocklin litigation.*

Revision Date: September 26, 2019

NCCSIF Defense Counsel and Legal Fee Payments 2014-2019

Payee	# Checks	Sum
ANGELO, KILDAY & KILDUFF	784	\$ 2,878,947
ARTHOFFER & TONKIN	15	\$ 31,130
ARTHOFFER & TONKIN LAW OFFICES PC	9	\$ 30,682
BEST, BEST & KRIEGER	3	\$ 3,480
CAULFIELD LAW FIRM	227	\$ 321,682
CAULFIELD, DAVIES & DONAHUE, LLP	1	\$ 34,764
DALEY & HEFT LLP	13	\$ 17,653
DONAHUE DAVIES LLP	50	\$ 403,940
DOUGLAS R. THORN	15	\$ 152,480
FERGUSON, PRAET & SHERMAN	44	\$ 30,258
GIBBONS & CONLEY	18	\$ 26,074
GIBBONS & CONLEY, ATTORNEYS AT LAW	11	\$ 21,561
GIBBONS AND CONLEY	17	\$ 35,970
HAYES H. GABLE III	2	\$ 8,515
KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD	20	\$ 124,448
LAW OFFICE OF J SCOTT SMITH	3	\$ 49,218
LAW OFFICE OF JUSTIN N. TIERNEY	49	\$ 76,789
LAW OFFICES OF JAMES A. WYATT	23	\$ 71,423
LAW OFFICES OF RANDALL HARR	41	\$ 24,994
LENAHAN, LEE, SLATER & PEARSE, LLP	1	\$ 31
LEONARD GARY KRUP, ATTORNEY AT LAW	3	\$ 5,226
MATHENY SEARS LINKERT & JAIME LLP	30	\$ 301,008
MATHENY SEARS LINKERT & LONG LLP	2	\$ 13,846
MEYERS NAVE RIBACK SILVER & WILSON	4	\$ 22,555
MURPHY, CAMPBELL, GUTHRIE & ALLISTON	73	\$ 118,743
PETERS HABIB MCKENNA & JUHL-RHODES	184	\$ 386,400
PETERS, RUSH, HABIB & MCKENNA	13	\$ 12,307
PORTER SCOTT A PROFESSIONAL CORPORATION	425	\$ 1,052,638
PRENTICE LONG & EPPERSON	9	\$ 22,389
WYATT, JAMES A., LAW OFFICES OF	14	\$ 16,915
Grand Total	2103	\$ 6,296,066

NCCSIF GL Panel Counsel Feedback re Member Usage from Sedgwick

Firm	Attorney	City	Area of Expertise
Allen, Glaessner, Hazelwood, Werth	Dale Allen	Rio Vista	Police
Angelo, Kilday & Kilduff	Bruce Kilday, Carolee Kilduff, Serena Sanders, Carrie McFadden, Kevin Dehoff, Amie McTavish, Derek Konz	most	Police liability, general liability, auto, personnel, heavy trial experience
Caulfield Law Firm	Rick Caulfield, Andrew Caulfield	most	Police liability, general liability, construction defect, auto, personnel, heavy to medium trial experience
Cole, Huber	Derek Cole, Sean DeBurgh	Who?	Police liability, general liability, personnel, auto, medium to heavy trial experience
Daley & Heft	Rick Schneider	Folsom and Rio Vista	
Donahue Davies	Robert Davies, Brian Haydon	Folsom	
Gregory Einhorn	Gregory Einhorn	Use for Willows as needed	Employment, general, municipal
Fergus, Praet, & Sherman	Bruce Praet	Folsom	Police
Randall Harr	Randall Harr	Red Bluff and Anderson	
Lenahan, Lee, Slater, Pearse & Majernik	Benjamin Oram, Charleton Pearse, Adam Ambrozy	Who?	Dangerous condition and vicarious liability
Lynberg & Watkins	Melissa Culp, Ruben Escobedo, Courtney Hylton, Norman Watkins	Lincoln	Employment, general, municipal
Meyers, Nave, Riback, Silver & Wilson		Lincoln	Employment, general, municipal
Murphy, Campbell, Alliston & Quinn	Stephanie Quinn	Rocklin, Colusa, Ione (but none in 2019)	Auto, wrongful death, slip/falls, fire, and trespassing
Peters, Habib, McKenna, Juhl-Rhodes & Cardoza	Dave Rush, Mark Habib, Jim McKenna, Lia Juhl	Paradise, Oroville, Willows	Dangerous condition, police, general, auto, good trial experience
Porter Scott	Nancy Sheehan, John Whitefleet, Keven Kreutz, Terry Cassidy, Carl Fessenden, Steve Horan, Russell Porter, Derek Haynes	most	Police, civil rights, dangerous condition, inverse condemnation, auto, general
Justin Tierney	Justin Tierney	Ione and Jackson	Dangerous condition, auto, medium trial experience
James Wyatt	James Wyatt	Red Bluff but none used in 2019	Dangerous condition, civil rights, police, employment, auto, heavy trial experience



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Claims Committee Meeting
April 16, 2020**

Agenda Item J.

ROUND TABLE DISCUSSION

ACTION ITEM

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

RECOMMENDATION: None.

FISCAL IMPACT: None.

BACKGROUND: This is an opportunity for Committee members to ask questions or raise issue on risk exposures common to the members.

ATTACHMENT(S): None.