



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 28, 2017
Time: 1:30 p.m.

A – Action
I – Information

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

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. 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. 4 1. Claims Committee Meeting Minutes - May 18, 2017 (Draft)
 - pg. 7 2. Claims Committee Special Meeting Minutes - July 13, 2017 (Draft)
- pg. 9 **E. CLOSED SESSION TO DISCUSS PENDING CLAIMS** **A 2**
(Per Governmental Code Section 54956.95)
*REQUESTING AUTHORITY

Liability:

- 1. High Sierra Divers vs. City of Auburn*
- 2. Benitez-Padilla vs. City of Yuba City*
- 3. McCoshum, Rogers and Elder vs. City of Yuba City



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- F. REPORT FROM CLOSED SESSION** **I 4**
The Committee will announce any reportable action taken in closed session.
- pg. 10 **G. DEFENSE COUNSEL RATE INCREASE** **A 1**
Approve Angelo Kilday & Kilduff Law Firm 2017 fee schedule.
- pg. 13 **H. APPROVAL OF NCCSIF DEFENSE ATTORNEY LIST FOR LIABILITY** **A 1**
The Committee will be asked to approve revising the NCCSIF Liaibility Defense Attorney List to include Maggie Stern from Kronick Mozkovitz Tiedemann & Girard.
- pg. 19 **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 19, 2017
- Board of Directors Meeting - October 19, 2017
- Police Risk Management Committee Meeting - November 2, 2017

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.

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 18, 2017 (Draft)
2. Claims Committee Special Meeting Minutes - July 13, 2017 (Draft)



**MINUTES OF THE
NCCSIF CLAIMS COMMITTEE MEETING
ROCKLIN EVENT CENTER, ROCKLIN, CA
MAY 18, 2017**

COMMITTEE MEMBERS PRESENT

Liz Cottrell, City of Anderson
Liz Ehrenstrom, City of Oroville (**Chair**)
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
Cameron Dewey, York Risk Services
Steven Scott, York Risk Services

A. CALL TO ORDER

Chair Liz Ehrenstrom called the meeting to order at 10:09 a.m.

B. APPROVAL OF AGENDA AS POSTED

A motion was made to approve the Agenda as posted.

Motion: Dave Warren **Second:** Tm Sailsbery
Ayes: Cottrell, Ehrenstrom, Warren, Sailsbery, Springer

Motion Carried

C. PUBLIC COMMENTS

No public comments were made.

D. CONSENT CALENDAR

1. Claims Committee Meeting Minutes - March 23, 2017
2. Claims Committee Special Meeting Minutes - April 4, 2017
3. Claims Committee Special Meeting Minutes - April 25, 2017

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

Motion: Tim Sailsbery **Second:** Dave Warren
Ayes: Cottrell, Ehrenstrom, Warren, Sailsbery, Springer

Motion Carried



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

Mr. Marcus Beverly indicated York Risk Services recommended the addition of the following attorneys to the NCCSIF Workers' Compensation Defense Counsel approved list:

1. Ohnmar M. Shin, Senior Partner with Mullen & Filippi, LLP - Sacramento office
2. Serineh Karapetian, Associate Partner with Mullen & Filippi, LLP - Sacramento office
3. Medy F. Beauchane, Managing Partner with Mullen & Filippi, LLP - Chico office
4. Oscar L. Haro, Associate with Mullen & Filippi, LLP - Chico office
5. Joel E. Kautz with Lenahan, Lee, Slater, & Pearse, LLP

Ms. Dori Zumwalt provided a brief background of the attorneys. Ms. Zumwalt indicated York recommended removal of Isaac Escobedo from Mullen & Filippi from the defense attorney list. It was noted that the two current files of Mr. Escobedo will be transferred to Ohnmar Shin.

Ms. Natalie Springer requested the addition of Joel Kautz with Lenahan, Lee, Slater, & Pearse, LLP. It was noted that Lenahan law firm moved office and the new address is 2452 River Plaza Drive, Sacramento, 95833.

A motion was made to approve the addition of attorneys listed above to the NCCSIF Workers' Compensation Counsel Approved List as amended with the addition of Joel Kautz from Lenahan, Lee, Slater, & Pearse, LLP and updated address for the Lenahan law firm; and the removal of Isaac Escobedo from the defense attorney list.

Motion: Natalie Springer **Second:** Liz Cottrell
Ayes: Cottrell, Ehrenstrom, Warren, Sailsbery, Springer

Motion Carried

F. CLOSED SESSION

Pursuant to Government Code Section 54956.95, the Committee recessed to closed session at 10:18 a.m. to discuss the following claims:

Workers' Compensation

1. NCWA-555513 vs. City of Folsom
2. NCWA-527637 vs. City of Rocklin

Liability

1. Hicks vs. City of Auburn (claim update)
2. Coryell vs. City of Oroville

G. REPORT FROM CLOSED SESSION

The Committee reconvened to open session at 11:05 a.m.



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

H. ROUND TABLE DISCUSSION

I. ADJOURNMENT

This meeting was adjourned at 11:05 a.m.

Respectfully Submitted,

Corey Shaver, Secretary

Date

DRAFT



**MINUTES OF THE
NCCSIF CLAIMS COMMITTEE SPECIAL TELECONFERENCE MEETING
JULY 13, 2017**

MEMBERS PRESENT

Liz Cottrell, City of Anderson
Liz Ehrenstrom, City of Oroville (**Chair**)
Dave Warren, City of Placerville
Tim Sailsbery, City Willows

MEMBERS ABSENT

Natalie Springer, City of Yuba City

CONSULTANTS & GUESTS

Marcus Beverly, Alliant Insurance Services
Raychelle Maranan, Alliant Insurance Services
Steven Scott, York Risk Services
Cameron Dewey, York Risk Services
Kara Kennedy, York Risk Services

A. CALL TO ORDER

Chair Liz Ehrenstrom called the meeting to order at 3:01 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: Dave Warren **Second:** Tim Sailsbery **Motion Carried**
Ayes: Cottrell, Ehrenstrom, Warren, 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 3:02 p.m. to discuss the following claims:



Workers' Compensation

1. NCWA-555762 vs. City of Auburn
2. NCWA-555840 vs. City of Yuba City

Liability

1. Knighten vs. City of Anderson
2. Fuller vs. City of Auburn
3. Yao vs. City of Folsom

F. REPORT FROM CLOSED SESSION

The Committee reconvened to open session at 3:51 p.m. Chair Ehrenstrom indicated that no formal announcement is necessary as direction was given to the Program and Claims Administrators for the claim referenced above.

G. ADJOURNMENT

This meeting was adjourned at 3:51 p.m.

Respectfully Submitted,

Corey Shaver, Secretary

Date



Agenda Item E.

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. High Sierra Divers vs. City of Auburn*
2. Benitez-Padilla vs. City of Yuba City*
3. McCoshum, Rogers and Elder 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 G.

DEFENSE COUNSEL RATE INCREASE

ACTION ITEM

ISSUE: The attached letter dated August 29, 2017 from Angelo Kilday & Kilduff list their 2017 fee schedule.

RECOMMENDATION: Approve the rate increase.

FISCAL IMPACT: None.

BACKGROUND: Angelo Kilday & Kilduff have successfully handled a lot of cases for the pool and there has not been any rate increase since 2015. Hourly rates for the firm in 2015 are: Partners \$195, and Associates \$175.

ATTACHMENT(S): Angelo Kilday & Kilduff 2017 Fee Schedule



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E-Mail: bkilday@akk-law.com
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Bruce A. Kilday*
Carolee G. Kilduff*

John A. Whitesides
Amie McTavish
Serena M. Warner
Kevin J. Dehoff
Sean D. O'Dowd
Derick E. Konz

Kristin A. Blocher, Of Counsel

*Member of American Board
of Trial Advocates (ABOTA)

August 29, 2017

Via Electronic Mail Only

Cameron L. Dewey, AIC
Unit Manager
York Risk Services Group, Inc.
P.O. Box 619079
Roseville, CA 95661

Re: Fee Adjustment (SCORE and NCCSIF)

Dear Mr. Dewey:

As I mentioned in our telephone conversation, we wish to increase our rates. The new rate structure will apply to all of our attorneys and to our paralegals. We have had the same rates for partners and senior associates and associates and paralegals for almost four years. We have charged a separate rate for Senior Partners (Ms. Kilduff and Mr. Kilday) for the last two years.

Effective September 1, 2017, our new fees will be

\$225 for Senior Partners
\$210 for Partners
\$195 for Senior Associates (8 or more years' experience)
\$185 for Associates
\$110 for Paralegals/Law Clerks

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Cameron Dewey
Re: Fee Adjustment (SCORE and NCCSIF)
Page 2
August 29, 2017

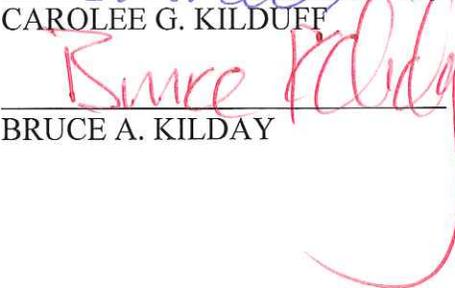
All of the attorneys at Angelo, Kilday & Kilduff appreciate the opportunities you have given us over the years to represent your public entity clients, and look forward to continuing to serve you in the future.

Very truly yours,

ANGELO, KILDAY & KILDUFF, LLP



CAROLEE G. KILDUFF



BRUCE A. KILDAY

BAK:mbf



Agenda Item H.

**APPROVAL OF NCCSIF DEFENSE ATTORNEY LIST
FOR LIABILITY**

ACTION ITEM

ISSUE: The City of Rocklin is recommending the addition of Maggie Stern from the law firm of Kronick Moskowitz Tiedemann & Girard to the Liability Counsel Approved List.

Hourly rates for the firm: Shareholders \$250 and Associates \$220.

Additionally, an updated list of attorney for Kronick Moskowitz Tiedemann & Girard is reflected in the red-line version of the Policy and Procedure #A-9: Attachment A Defense Attorney List as Ronald Scholar, Jonathan Hobbs and Kristianne Seargeant are no longer with this firm.

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.

The law firm of Kronick Moskowitz Tiedemann & Girard are recommended for more specialized cases and there rates are higher than those offered by other firms that handle more routine claims.

Based on the rate list in March 2015, the rates ranges from \$160 to \$245 per hour, which the latter rate was for an attorney at Kronick Moskowitz Tiedemann & Girard that handled a complex case for the City of Rocklin.

ATTACHMENT(S):

1. Maggie Stern Bio
2. Policy and Procedure A-9: Attachment A Defense Attorney List for Liability (red-line version)



Maggie W. Stern
Associate

400 Capitol Mall, 27th Floor
Sacramento, CA 95814

T | 916.321.4541
F | 916.321.4555

mstern@kmtg.com
www.kmtg.com

Maggie W. Stern

Ms. Stern helps cities, counties, and special districts navigate the complex, and also sometimes the mundane, legal issues facing California municipal agencies. She streamlines routine legal matters and demystifies regulatory compliance issues, so her clients can spend less time on legal issues and more time on service delivery. Municipal agencies rely on Ms. Stern for advice on general governance matters, including Brown Act and Public Records Act compliance, conflicts-of-interest evaluation and guidance, constitutional law, procurement and public safety issues. She also represents and defends municipal agencies in civil actions involving contract disputes, public agency cost recovery, tort defense, tax allocation disputes, construction, land use, public works, and code enforcement.

Legal Experience

Ms. Stern provides representation and advice on general municipal governance matters. Examples of her specific experience and areas of practice include:

- Open meeting laws, including the Brown Act
- Public records laws, including the Public Records Act and local Sunshine laws
- Compliance with the Fair Political Practices Act
- Conflicts of Interest, including Government Code section 1090 and the Political Reform Act
- Code enforcement, including abatement warrants and receiverships
- Pitchess Motions and weapons petitions
- Construction, public projects and public works, including prevailing wages, competitive bidding, and bid protests

Ms. Stern also has experience in all phases of litigation, from pre-litigation strategic advising, through trial and recovery of judgments, and has experience representing cities in nuisance abatement, construction, tax, civil rights, dangerous condition of public property, and contract litigation.

Before joining Kronick, Ms. Stern worked in the City Attorney's Office for the City of Oakland as a Neighborhood Law Corps attorney, where she managed cases involving public nuisance.

While attending law school, Ms. Stern was a Judicial Extern to the Honorable Russel D. Pulver of the United States Department of Labor, Office of Administrative Law Judges, where she worked on cases involving the Longshore and Harbor Workers' Act and the Defense Base Act.

Practice Examples

- Ms. Stern successfully resolved four bid protests on a \$50 million dollar public works project, avoiding project-killing delays.
- Ms. Stern successfully prosecuted two Oakland motel owners for violations of the California Red Light Abatement Act. Following trial, the Judge ordered both motels to close for one year. Ms. Stern also obtained a permanent injunction against a third Oakland motel owner by stipulation.
- She prevailed in a lawsuit against a property owner for breach of contract for failing to adhere to a settlement agreement designed to abate drug nuisance activities.

Maggie W. Stern
400 Capitol Mall, 27th Floor
Sacramento, CA 95814
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mstern@kmtg.com

- She has prepared Reasonable Accommodation Ordinances for a number of cities in the Sacramento region.
- She obtained a workplace violence restraining order for a special district.
- She has prepared transactional documents for public works design-bid-build, lease-leaseback, and design-build projects, and has helped clients navigate hundreds of projects from issuing the notice inviting bids, through filing of the notice of completion.

Professional Activities & Affiliations

Ms. Stern provides trainings for public agencies, including Brown Act, Public Records Act, Form 700 and AB 1234 training for boards and commissions, and inspection warrant and right-of-entry training for code enforcement officers.

Her professional activities and affiliations include:

- Member, Public Safety Policy Committee, League of California Cities (2017)
- Top Lawyers, *Sacramento Magazine*, 2016, 2017
- Reviewer, League of California Cities, Municipal Law Handbook, Public Contracting Chapter (2014, 2015, 2016)
- Board member, Sacramento County Bar Association, Public Law Section (2016-present)
- Chairperson, Sacramento County Bar Association, Public Law Section (2013-2015)
- Member, California State Bar Association
- Reviewer, League of California Cities, 20131 Municipal Law Handbook, Code Enforcement Chapter (2012)
- Presenter, "Civil Remedies to Address Human Trafficking and the Commercial Sexual Exploitation of Children," National District Attorney's H.E.A.T. Conference (2012)
- Presenter, "Eliminating Blight in Your Community," Mayor's Crime Prevention Summit for the City of Oakland (2011)

Admitted to Practice

- All California State Courts
- United States District Court, Eastern and Northern Districts of California

Academic Background

J.D. Golden Gate University, 2009

- Member, Environmental Law Journal
- Law and Leadership Fellow

M.P.A. Middlebury (formerly Monterey) Institute of International Studies, 2001

B.A. Middlebury (formerly Monterey) Institute of International Studies, 2000

- Graduated magna cum laude

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 Corri Sarno 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
Dennis Halsey, Esq. Attorney at Law 9 Highland Circle Chico, CA 95926 (530) 345-1976	Dennis Halsey	Dangerous Condition, Police Liability, Auto, General Liability, Medium Train Experience

NCCSIF ADMINISTRATIVE POLICY & PROCEDURE #A-9

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

Name of Law Firm	Attorneys	Areas of Expertise
Kronick, Moskovitz Tiedemann & Girard 400 Capitol Mall, 27 th Floor Sacramento, CA 95814	Ronald Scholar Jonathan Hobbs Christopher Onstott Bruce A. Scheidt * Maggie Stern David W. Tyra Kristianne T. Seargeant	Civil Rights, California Fair Employment and Housing, Tort Claims, California Public Records Employment Practices
Peters, Habib, McKenna & Juhl-Rhodes, LLP P.O. Box 3509 Chico, CA 95927 (530) 342-3593	Dave Rush Mark Habib Jim McKenna	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

NCCSIF ADMINISTRATIVE POLICY & PROCEDURE #A-9

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

Name of Law Firm	Attorneys	Areas of Expertise
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
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	
Law Office of Douglas Thorn 7601 Watson Way Citrus Heights, CA 95610 (916) 735-9910 drthorn@surewest.net	Douglas Thorn	EPL - Paradise Only

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

Revised ~~March 31, 2016~~ September 28, 2017



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Claims Committee Meeting
September 28, 2017**

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.