



President
Russell Hildebrand
City of Rocklin

Treasurer
Tim Sailsbery
City of Willows

NCCSIF
CLAIMS COMMITTEE TELECONFERENCE MEETING
AGENDA

Vice President
Bruce Cline
City of Folsom

Secretary
Michelle Pellegrino
City of Dixon

Date/Time: Thursday, May 21, 2015
10:45 a.m.

Location: Teleconference – Multiple Locations

This Meeting Agenda shall be posted at the address of the teleconference locations shown below with access for the public via phone/speaker phone.

1. City of Dixon, 600 East A Street, Dixon, CA 95620
2. City of Folsom, 50 Natoma Street, Folsom, CA 95630
3. City of Jackson, 33 Broadway, Jackson, CA 95642
4. City of Rocklin, 3970 Rocklin Road, Rocklin, CA 95677
5. Alliant Insurance Services, 1792 Tribute Road Ste. 450, Sacramento, CA 95815
6. York Risk Services, 1101 Creekside Ridge Drive, Roseville, CA 95678

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

In accordance with the requirements of the Brown Act, notice of this meeting must be posted in publically accessible places, 24 hours in advance of the meeting, in each of the member agencies involved. Documents and material relating to an open session agenda item that are provided to the NCCSIF Board Members less than 72 hours prior to a regular meeting, will be available for public inspection and copying at 1792 Tribute Road, Suite 450, Sacramento, CA 95815.

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.

AGENDA

- | | | |
|-----------|---|------------|
| A. | Call to Order | |
| B. | Public Comments | |
| C. | Approval of Agenda as Posted | A |
| D. | NCCSIF Claims Committee Minutes for Approval | A 1 |
| pg. 4 | 1. Claims Committee Meeting Minutes – March 19, 2015 (Draft) | |
| pg. 8 | 2. Claims Committee Special Meeting Minutes – March 19, 2015 (Draft) | |
| pg. 9 | E. Updated List of Approved Liability Counsel | I 1 |
| | <i>The committee is provided the updated list of approved liability defense counsel as approved by the Board.</i> | |



Pg. 15 **F. CLOSED SESSION TO DISCUSS PENDING CLAIMS**

A 2

(Per Governmental Code Section 54956.95)

****REQUESTING AUTHORITY**

Workers' Compensation

1. William Spears v. City of Willows*
2. Michael Rose v. Yuba City*

Liability

1. Walters/Young v. City of Jackson

G. Report From Closed Session

The Committee will announce any reportable action taken in closed session.

H. Round Table Discussion

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

I. ADJOURNMENT

UPCOMING MEETINGS

Risk Management Committee Meeting – June 18, 2015

Board of Directors Meeting – June 18, 2015

Executive Committee Meeting – September 24, 2015

Claims Committee Meeting – September 24, 2015

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 Michelle Minnick at Alliant Insurance at (916) 643-2715.

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 1792 Tribute Road, Suite 450, Sacramento, CA 94111.

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.



**Northern California Cities Self Insurance Fund
Claims Committee Meeting
May 21, 2015**

Agenda Item D.

NCCSIF CLAIMS COMMITTEE MINUTES FOR APPROVAL

ACTION ITEM

ISSUE: The Draft NCCSIF Claims Committee Meeting Minutes for the regular and special meetings of March 19, 2015 are attached for review and approval.

RECOMMENDATION: Approve the draft minutes as presented or amended during the meeting.

FISCAL IMPACT: None.

BACKGROUND: The Claims Committee held two meetings on March 19, 2015.

ATTACHMENT(S):

1. Claims Committee Meeting Minutes – March 19, 2015 (Draft)
2. Claims Committee Special Meeting Minutes – March 19, 2015 (Draft)

NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND
MINUTES OF NCCSIF CLAIMS COMMITTEE MEETING
THURSDAY, MARCH 19, 2015

MEMBERS PRESENT: Russell Hildebrand, City of Rocklin
Bruce Cline, City of Folsom
Michelle Pellegrino, City of Dixon
Dave Andres, City of Ione
David Warren, City of Placerville

MEMBERS ABSENT: Paula Islas, City of Galt
Brad Koehn, City of Elk Grove
Michael Daly, City of Jackson
Tim Chapa, City of Rio Vista

CONSULTANTS: Marcus Beverly, Alliant Insurance Services
Michelle Minnick, Alliant Insurance Services
Ben Burg, York Risk Services
Jennifer Nogosek, York Risk Services
Dorienne Zumwalt, York Risk Services

A. Call to Order

The Claims Committee was called to order at 1:45 p.m.

B. Public Comments

No public comments were made.

C. Approval of Agenda as Posted

A motion was made to approve the agenda as posted.

**MOTION: Dave Warren SECOND: Russell Hildebrand MOTION CARRIED
UNANIMOUSLY**

D. NCCSIF Claims Committee Minutes for Approval

A motion was made to approve the minutes as presented.

**MOTION: Dave Warren SECOND: Russell Hildebrand MOTION CARRIED
UNANIMOUSLY**

E. CSAC-EIA Workers' Compensation Claims Audit & Response

Marcus Beverly presented the claims audit that is conducted every other year by NCCSIF's Excess Workers' Compensation Coverage provider, CSAC-EIA, focused primarily on current or potential excess claims. The most recent audit was conducted in October 2014, by Robert Hoyle of North Bay Associates. The audit report combines results from both NCCSIF and Napa County, a practice CSAC-EIA employs to save time and expense. NCCSIF commissions its own audit every other year that encompasses primary and excess claims. The Executive Summary and recommendations were provided to the Claims Committee for review and discussion as well as York's response to the audit.

Marcus Beverly noted that in most categories York met or exceeded expectations, but several categories, including prompt contact with employee, file balancing, and excess reporting, were not up to standards and drag the overall rating to 87%. The recommendations for improvement by the auditor were: maintain ongoing contact with the employee, regular balancing of file payments, timely issuing benefit notices, timely excess reporting, and also the timely completion of diaries on the file.

York has addressed the recommendations in their response letter and Dori Zumwalt and Ben Burg attended the meeting to answer any member questions. Ben Burg from York noted that there are some great things in this report but unfortunately the diary score is what brought the total score down on the audit. Ben Burg noted that claims handling has changed since we have gone paperless and that the low score on diaries did not affect the outcome of the file's overall health.

A motion was made to accept and file the audit and audit response.

MOTION: Russell Hildebrand

SECOND: Dave Warren

**MOTION CARRIED
UNANIMOUSLY**

F. Defense Council Selection & Fees – City of Folsom – Bluffs Litigation

The City of Folsom tendered a lawsuit filed by the Folsom Bluff Owners Association to NCCSIF that is being defended under a reservation of rights. Due to the land use issues involved the City of Folsom has requested approval of an attorney not on the approved list, Glen Hansen of Abbot and Kindermann. Mr. Hansen's expertise in land use issues enables him to charge more than the rate generally paid for defense of NCCSIF claims (under \$200 per hour), and it's the land use coverage issues that triggered the reservation of rights. The Committee was asked to provide direction regarding whether or not to apply the full amount of the legal fees to Folsom's Banking Layer or the Shared Layer should the claim reach that level.

A motion was made to approve the rate of \$275/hour for Glen Hansen of Abbot and Kindermann.

MOTION: Russell Hildebrand

SECOND: Dave Warren

**MOTION CARRIED
UNANIMOUSLY**

G. Updates to List of Approved Counsel

The list of approved counsel is reviewed periodically and amended as needed based on requests and feedback from members, claims administrator, and program administrator. Revisions to the Liability defense counsel list have been made and were presented to the Committee for review.

The Claims Committee noted that clarification is needed from the policy and procedures regarding approved defense counsel to determine who is allowed to work on a file- is it just the lawyer named or is the entire firm on the list. It was noted that Cameron Dewey has been doing research and has made some recommendations for the approved defense counsel list. It was noted by several members that NCCSIF hires the individual attorney on the approved defense counsel list- not the firm.

A motion was made to approve the addition of Dennis Coda and Derek Cole to the approved defense counsel list.

MOTION: Russell Hildebrand

SECOND: Dave Warren

**MOTION CARRIED
UNANIMOUSLY**

Marcus Beverly also recommended three attorney's from the Allen, Glaessner, Hazelwood & Werth, LLP be added to the approved defense counsel list: Dale Allen (who is a former Police officer), Mark Hazelwood for ADA (trial expert) and also Steve Worth who specializes in Employment and Sexual Abuse cases.

A motion was made to approve the addition of Dale Allen, Mark Hazelwood and Steve Worth to the approved defense counsel list.

MOTION: Russell Hildebrand

SECOND: Dave Warren

**MOTION CARRIED
UNANIMOUSLY**

Doug Thorne was not listed and Marcus Beverly noted that this was a mistake as he is to remain on the list as an approved defense counsel. It was also noted that Red Bluff no longer wants to use James Wyatt. Alliant was requested to present the updated list with correct names and addresses as well as a review of the policy regarding assignment of the individual attorney or the firm at the next Claims Committee meeting.

A motion was made to approve the NCCSIF Defense Attorney List with the additions of Dennis Coda, Derek Cole, Dale Allen, Mark Hazelwood and Steve Worth and the removal of Frank Gumpert and Gary Brickwood.

MOTION: Dave Warren

SECOND: Dave Andres

**MOTION CARRIED
UNANIMOUSLY**

H. Reimbursement of Defense Fees Paid for Denied Claim

A recent claim regarding a Public Safety person who is disputing their re-assignment to a different position has brought up the need for discussion about whether or not NCCSIF would seek reimbursement for the fees paid prior to the denial of a claim. The opinion of coverage counsel was not to seek reimbursement since the funds would be charged back to the member in the banking layer, but deferred to the Program Administrator for a decision. It should be noted that the money has already been paid out of the banking layer. The Committee was presented with the request and was asked to review and make a recommendation regarding reimbursement of the fees.

Mike Simmons indicated that NCCSIF has a policy that allows people to use their banking layer money for certain non-covered claims but we also have a policy that says you can't use your own city attorney for defense of a covered claim. In the current case there are no damages being alleged as the employee simply wanted their prior position back. Bruce Cline indicated that we should send a letter to the City indicating that we are not seeking reimbursement for the money but mentioned that Alliant should review the Policy and Procedure (A9) and come back to the Claims Committee with a recommendation.

The committee was also asked to provide direction regarding the more general issue of using the Banking Layer for payment of uncovered claims. Bruce Kline noted that after reviewing the Policy and Procedure Alliant should bring this issue back to the Claims Committee with a recommendation.

A motion was made to not seek reimbursement of defense on the subject claim.

MOTION: Russell Hildebrand

SECOND: Dave Warren

**MOTION CARRIED
UNANIMOUSLY**

I. Closed Session – The Claims Committee went into closed session in accordance with Government Code Section 54956.95 at 2:33 p.m. and discussed the following claims:

Workers' Compensation

1. Johnson v. Red Bluff

Liability

1. Walters & Young v. City of Jackson
2. 11 Property Owners b. City of Folsom

J. Report from Closed Session

At 2:45 p.m. the Committee came out of Closed Session and announcement made that direction was provided to staff for the three claims referenced above.

K. Round Table Discussion – no further discussion

L. Adjournment – The meeting was adjourned at 2:45 p.m.

NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND
MINUTES OF NCCSIF CLAIMS COMMITTEE SPECIAL MEETING
THURSDAY, MARCH 19, 2015

MEMBERS PRESENT: Russell Hildebrand, City of Rocklin
Bruce Cline, City of Folsom
Michelle Pellegrino, City of Dixon
Dave Andres, City of Ione
David Warren, City of Placerville

MEMBERS ABSENT: Paula Islas, City of Galt
Brad Koehn, City of Elk Grove
Michael Daly, City of Jackson
Tim Chapa, City of Rio Vista

CONSULTANTS: Marcus Beverly, Alliant Insurance Services
Michelle Minnick, Alliant Insurance Services
Ben Burg, York Risk Services
Jennifer Nogosek, York Risk Services
Dorienne Zumwalt, York Risk Services

A. Call to Order

The Claims Committee was called to order at 2:45 p.m.

B. Public Comments

No public comments were made.

C. Closed Session – The Claims Committee went into closed session in accordance with Government Code Section 54956.95 and discussed the following claim:

1. Mince vs. City of Dixon*

D. Report from Closed Session

At 2:48 p.m. the Committee came out of Closed Session and announcement made that direction was provided to staff for the claim referenced above.

E. Adjournment – The meeting was adjourned at 2:49 p.m.



UPDATED LIST OF APPROVED LIABILITY COUNSEL

INFORMATION ITEM

ISSUE: The Claims Committee recommended updates to the list of approved liability claims legal counsel that were approved by the Board of Directors at their meeting on April 16, 2015.

RECOMMENDATION: None – for information only

FISCAL IMPACT: N.A.

BACKGROUND: The list of approved counsel is reviewed on a regular basis and amended as needed.

ATTACHMENT(S): List of approved counsel as of April 16, 2015.

ADMINISTRATIVE POLICY & PROCEDURE #A-9

ATTACHMENT A

**LIABILITY
Approved Law Firms**

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 Larry Angelo Serena Sanders Carrie Frederickson Corri Sarno Alex Hughes	Police Liability, General Liability, Auto, Personnel, Heavy Trial Experience
Ayers & Associates 930 Executive Way Suite 200 Redding, CA 96002 (530) 229-1340	William Ayers	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 Ste 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 Hayden	
Gregory P. Einhorn 48 Hanover Lane, Suite 2 Chico, CA 95973 (530) 898-0228	Gregory P. Einhorn Use for Willows as needed	Employment Law, General Liability, Municipal
Dennis Halsey, Esq. Attorney at Law 9 Highland Circle Chico, CA 95926 (530) 345-1976 Fax: (530) 894-7783	Dennis Halsey	Dangerous Condition, Police Liability, Auto, General Liability, Medium Train Experience

ADMINISTRATIVE POLICY & PROCEDURE #A-9

Name of Law Firm	Attorneys	Areas of Expertise
Kronick, Moskovitz Tiedemann & Girard 400 Capitol Mall, 27 th Floor Sacramento, CA 95814	Ronald Scholar Bruce A. Scheidt *	Civil Rights, California Fair Employment and Housing, Tort Claims, California Public Records
Peters, Rush, Habib & McKenna 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	
Justin N. Tierney 1006 Fourth Street, Suite 212 Sacramento, CA 95814	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
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

ADMINISTRATIVE POLICY & PROCEDURE #A-9

Name of Law Firm	Attorneys	Areas of Expertise
Arthofer & Tonkin Law Offices 1314 Oregon 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.*

*** Do not use for Red Bluff or CJPRMA cases*

Revised April 16, 2015

ADMINISTRATIVE POLICY & PROCEDURE #A-9

ATTACHMENT B

**WORKERS' COMPENSATION
Approved Law Firms**

Name of Law Firm	Attorneys
Law Offices of Tim Huber 935 University Ave. Sacramento, Ca. 95825	Tim Huber
Hanna, Brophy, et al P.O. Box 255267 Sacramento, CA 95825	Laurie Dunlap Russell O. Youmans
Laughlin, Falbo, Levy and Moresi 930 Executive Way, 2nd Floor Redding, CA 96049	Hank Slowik David V. Huscher
Hanna, Brophy, et al P.O. Box 491720 Redding, CA 96049	Russ Youmans Mike White Leslie Tuxhorn
Lehanan, Lee, Slater & Pearse, LLP 1030 15 th Street Sacramento, CA CA 95814 (916) 443-1030	Gerald Lenahan Yolanda S.G. Tuckerman Christine M. Green Colin S. Connor Charleton S. Pearse Ira Cleary
Mullin and Filippi 1335 Buenaventura Blvd #106 Redding, CA 96001	Lawrence P. Johnson
Matthew Brueckner Law Firm 1007 7 th Street, Mezzanine 107 Sacramento, CA 95814 (916) 448-8816	Matthew Brueckner

ADMINISTRATIVE POLICY & PROCEDURE #A-9

ATTACHMENT C

**EMPLOYMENT PRACTICES
RECOMMENDED INVESTIGATORS**

Valentina Reiner
Law Office of Valentina Reiner
2377 Gold Meadow Way, Suite 100
Gold River, CA 95670
916.526.2748

Dona Bertain
Bertain Consulting
2485 Marsh Court
Durham, CA 95938
530.898.1199

Donna S. Selnick, J.D.
2154 University Park Dr.
Sacramento, CA 95825
916.764.2883

Paul E. Lacy, Esq.
University of the Pacific, McGeorge School of Law
Institute for Administrative Justice
3200 5th Avenue
Sacramento, CA 95817
916.739.7049

Vincent Pastorino
University of the Pacific, McGeorge School of Law
Institute for Administrative Justice
3200 5th Avenue
Sacramento, CA 95817
916.739.7049



**Northern California Cities Self Insurance Fund
Claims Committee Meeting
May 21, 2015**

Agenda Item F.

CLOSED SESSION TO DISCUSS PENDING CLAIMS
(Per Governmental Code Section 54956.95)

ACTION ITEM

Workers' Compensation

1. William Spears v. City of Willows*
2. Michael Rose v. Yuba City*

Liability

1. Walters & Young v. City of Jackson