



**CALIFORNIA JOINT POWERS RISK MANAGEMENT AUTHORITY**

**BOARD OF DIRECTORS MEETING**

**June 17, 2004 – 9:35 A.M.**

**Hiddenbrooke Golf Club  
1095 Hiddenbrooke Parkway  
Vallejo, CA 94591**

**(707) 558-0330**

**Minutes**

**I. CALL TO ORDER:**

President Henderson called the meeting to order at 9:32 a.m.

**II. ROLL CALL**

***PRESENT***

- |                                     |   |
|-------------------------------------|---|
| 1) Darrell Handy, <i>Alameda</i>    | 10) Carolyn Lyons, <i>Roseville</i>     |
| 2) Bob Koch, <i>Chico</i>           | 11) Mary Richardson, <i>San Leandro</i> |
| 3) Patricia Born, <i>Fremont</i>    | 12) Sharon Andrus, <i>San Rafael</i>    |
| 4) Bill Henderson, <i>Livermore</i> | 13) Lynne Margolies, <i>Santa Rosa</i>  |
| 5) Kirk Evans, <i>Lodi</i>          | 14) Mark Moses, <i>Stockton</i>         |
| 6) Scott Ellerbrock, <i>PERMA</i>   | 15) Barbara Coats, <i>Sunnyvale</i>     |
| 7) Ron Blanquie, <i>Petaluma</i>    | 16) Paul Wildermuth, <i>Vacaville</i>   |
| 8) Jeff Davis, <i>REMIF</i>         | 17) Will Venski, <i>Vallejo</i>         |
| 9) Linda Johnson, <i>Redding</i>    | 18) Jeff Tonks, <i>YCPARMIA</i>         |

***ABSENT***

*Fairfield, NCCSIF, Pomona, SCORE*

***OTHERS PRESENT***

- |                                 |  |
|---------------------------------|--|
| 1) David Clovis, <i>CJPRMA</i>  | 5) Mark McGonigle, <i>Driver-Alliant</i>     |
| 2) Lola Deem, <i>CJPRMA</i>     | 6) Doug Thompson, <i>EVLINK</i>              |
| 3) Robert German, <i>CJPRMA</i> | 7) Byrne Conley, <i>Gibbons &amp; Conley</i> |
| 4) Caren White, <i>CJPRMA</i>   | 8) Jim Pinckney, <i>Marsh</i>                |

### **III. APPROVAL OF MINUTES**

A motion by Director Handy, seconded by Director Born, to approve the minutes of the Board of Director's meeting held on April 13, 2004, passed unanimously.

### **IV. PRESENTATIONS**

None

### **V. CONSENT CALENDAR**

- 1. Financial Reports of CJPRMA for the periods ending March 31 and April 30, 2004**
- 2. Additional Covered Party Certificates Approved by the General Manager**
- 3. Notification of New Claims Received**
- 4. Notification of Claims Closed**
- 5. Appointment of New Board Members/Alternates**

A motion by Director Koch, seconded by Director Born, to approve the consent calendar, passed unanimously.

### **VI. THIS TIME IS RESERVED FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD OF DIRECTORS ON MATTERS OF BOARD BUSINESS**

### **VII. ACTION CALENDAR**

#### **6. Status Update on Risk Management Program**

The Risk Manager was present to give a status update on the Risk Management Program.

The first item was information on the DMV Pull Program. He said that, as public agencies, they may still do pulls out of the program at no charge. He said that there were some changes, in that if the employee is not a Class A or Class B mandated driver, and the employee does not drive a large percentage of the time, then the DMV had asked that they not be included in the program. He said that if the employee were to be included in the program, then the employee must complete the waiver that allows the agency to include the driver in the program. He said that the "Authorization for Release of Driver Record Information" form was available at the DMV website. He said that the definition of "frequent"

was not clarified by the DMV.

The second item was the activity schedule for the coming few months. He said that there would be training, starting in the fall, including sessions on sewer overflow responses and park and recreation risk management. He said that there would be member audits, beginning with the City of Stockton. He said that they would also be doing police liability training and creating a police chiefs' steering committee. He said that, in the future, they would cover contract management, and that he was looking for other potential speakers.

The third item was a review of the procedures for issuing Certificates of Coverage. He reviewed the different forms and procedures, and said that all forms were available in both the Administrative Manual and on the CJPRMA web site. He said that a "Request for Certificate of Coverage" form must be completed and accompanied by the entire signed and dated agreement, as well as any appendices or exhibits. The General Manager said that training sessions for member employees that dealt with certs would be provided in the future.

## **7. Election of Officers and Executive Committee Members**

The General Manager said that there was only one nominee for president.

A motion by Director Koch, seconded by Vice President Wildermuth, to reelect President Henderson, by acclamation, passed unanimously.

The General Manager said that there were four nominees for the position of Vice President: Jeff Davis (REMIF), Scott Ellerbrock (PERMA), Darrell Handy (Alameda) and Bob Koch (Chico). Director Ellerbrock was elected to the position of Vice President.

The General Manager said that, because Director Ellerbrock was elected to position of Vice President, there were only two nominees remaining for the three open positions on the Executive Committee.

A motion by Director Koch, seconded by Director Venski, to elect Director Davis and Director Handy to the Executive Committee, by acclamation, passed unanimously.

The General Manager said that they would take nominations from the floor for both a 2-year position on the Executive Committee and a 1-year position on the Executive Committee to fill the remaining term of Director Born, who was leaving office in July.

President Henderson nominated Director Wildermuth. Director Johnson nominated Director Koch. Director Koch said that he would take the one-year term due to his coming retirement.

A motion by Director Ellerbrock, seconded by Director Born, to elect Director Wildermuth and Director Koch to the Executive Committee, by acclamation, passed unanimously.

## **8. Committee Appointments**

President Henderson made the following committee appointments for the 2004-2005 Program Year.

### Personnel Committee

Scott Ellerbrock – Chair  
Kirk Evans  
Randy Graham  
Julie Theirl

### Communications Committee

Carolyn Lyons – Chair  
Bob Koch  
Barbara Coats  
Jeff Tonks

### ad hoc Transit Committee

Paul Wildermuth – Chair  
Jeff Tonks  
Scott Ellerbrock  
Robyn Kain

### Coverage Committee

Darrell Handy – Chair  
Jeff Tonks  
Jeff Davis  
Carolyn Lyons

### Claims Committee

Darrell Handy – Chair  
Mary Richardson  
Will Venski

Membership Standards Committee

Jeff Davis – Chair

Julie Theirl

Barbara Coats

Will Venski

He said that he would like each committee to create a mission statement.

**9. Proposed Change to Memorandum of Coverage**

Board Counsel said that there had been a claim with NCCSIF that related to the Public Records Act. He said that the city had asked for coverage and that initially there had been a denial of coverage because it was a claim for injunctive relief only. He said that the city attorney pointed out a weakness in the Memorandum of Coverage that needed to be addressed. He said that the definition of “ultimate net loss” said “means the total of all *defense costs* incurred by the *covered parties* and all *damages* for which the *covered parties* are liable either by adjudication or by compromise with the written consent of the *Authority*, arising from an *occurrence* to which this coverage applies...*Ultimate net loss* does not include attorneys fees or costs awarded to the prevailing party in a suit except where such attorney’s fees or costs are attributable to a claim for *damages* covered by this Memorandum.” He said that when that was originally written, it meant damages as generic compensatory damages. He said that the definition of damages was later amended to comply with ISO and that the Memorandum of Coverage now stated that “**Damages** means compensation in money recovered by a party for loss or detriment it has suffered through the acts of a *covered party*. *Damages* include (1) attorney’s fees not based on contract awarded against the *covered party*, (2) interest on judgments, or (3) costs, for which the *covered party* is liable.” He said that “ultimate net loss” did not include attorney fees except in a suit for damages but that the definition of “damages” included attorney’s fees awarded to a prevailing plaintiff, and that those were covered.

He said that they should change the language in the definition for “ultimate net loss” to read “ultimate net loss does not include attorney fees or costs award to the prevailing party in a suit except where such attorney’s fees or costs are attributable to a claim for compensatory damages covered by this Memorandum.” He said that that made the language in the Memorandum of Coverage match what they meant it to say. He also said that they should send it to the Coverage Committee for further review.

A motion by Director Davis, seconded by Director Lyons, to amend the Memorandum of Coverage pursuant to Board Counsel’s recommendation, effective July 1, 2004, passed unanimously.

## **VIII. COMMITTEE REPORTS**

### **A) Claims: Patricia Born, Chair**

The Claims Committee had nothing to report.

### **B) Coverage: Jeff Tonks, Chair**

The Coverage Committee had nothing to report.

### **C) Personnel: Carolyn Lyons, Chair**

The Personnel Committee had nothing to report.

### **D) Communications: Bob Koch, Chair**

The Communications Committee had nothing to report.

### **E) Membership Standards: Patricia Born, Chair**

The Membership Standards Committee had nothing to report.

## **IX. CLOSED SESSION**

- None

## **X. ACTION ON CLOSED SESSION ITEMS**

- None

## **XI. BOARD MEMBER TRAINING**

- Managing Water/Sewer Overflows – *Doug Thompson, EVLink*

## **XII. ADJOURNMENT**

A motion by Director Richardson, seconded by Director Andrus, to adjourn the meeting, passed unanimously.