

BAY CITIES JOINT POWERS INSURANCE AUTHORITY

BOARD OF DIRECTORS MEETING

AGENDA

Thursday, June 1, 2023

10:00 a.m.

Sonesta Emeryville – San Francisco Bay Bridge

5555 Shellmound Street

Emeryville, CA 94608

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation to participate in this meeting, please contact Yahaira Velasquez at (916) 244-1158 or (916) 244-1199 (fax). Requests must be made as early as possible, and at least one full business day before the start of the meeting.

Documents and materials relating to an open session agenda item provided to the Bay Cities Joint Powers Insurance Authority (BCJPIA) less than 72 hours prior to a regular meeting will be available for public inspection at 1750 Creekside Oaks Drive, Suite 200, Sacramento, California 95833.

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	1. CALL TO ORDER
	2. INTRODUCTIONS
	3. APPROVAL OF AGENDA AS POSTED (OR AMENDED)
	4. PUBLIC COMMENTS - The public may submit any questions in advance of the meeting by contacting Yahaira Velasquez at yahaira.velasquez@sedgwick.com. This time is reserved for members of the public to address the Board relative to matters of the BCJPIA not on the agenda. No action may be taken on non-agenda items unless authorized by law. Comments will be limited to five minutes per person and twenty minutes in total.
	5. CONSENT CALENDAR – If a Board member would like to discuss any item listed, it may be pulled from the Consent Calendar.
6	*A. Minutes from the February 16, 2023, Board of Directors Meeting
14	*B. Warrant Listings for the Period of April 1, 2023 - May 31, 2023
15	*C. Cash & Investment Report as of March 31, 2023
41	*D. Internal Financial Statements as of March 31, 2023
49	*E. Member Contingency Fund Balance as of March 31, 2023
50	*F. Resolution No. 04–2022/23 Establishing 2023/24 Calendar of Meetings
52	*G. 2021/22 Budget True Up Report
57	*H. Pooled Property Program Master Program Document
70	*I. Pooled Property Program Memorandum of Coverage for the 2023/24 Program Year
78	*J. Pooled Auto Physical Damage Program Memorandum of Coverage for the 2023/24 Program Year
87	*K. Resolution 05-2022-2023 Regarding Revising Handling of Coverage Appeals
89	*L. ICS Mid-Year Report

* Reference materials attached with staff report.

- 102 *M. BCJPIA 2023 Liability Claims Audit Report
Recommendation: Staff recommends the Board formally consider approval of the Consent Calendar as presented.

6. CONTRACT MATTERS

- 115 *A. Review of Proposed Renewal Contract between Sedgwick and BCJPIA
Recommendation: The Executive Committee recommends the Board approve the Agreement for Pool Administration Services between BCJPIA and Sedgwick, as presented. Staff is not making a recommendation on this item.

7. **CLOSED SESSION** - Pursuant to Government Code Section 54956.95(a), and 54956.95, The Board will hold a closed session to discuss the following matters:

Romero vs. City of Berkeley
Shaeeda vs. City of Berkeley
Hurford vs. City of Emeryville
Rose vs. City of Larkspur
Richards vs. City of Menlo Park
GregCoh Inc. vs. City of Mill Valley
Locke vs. City of Novato
Gilliland vs. City of Pleasanton
Reigel vs. City of Pleasanton
Claim of Pradet vs. City of Sausalito
Whiskey Springs Villas HOA vs. City of Sausalito
Sausalito Yacht Harbor vs. City of Sausalito
Dinihanian vs. City of Sausalito

Pursuant to Government Code Section 54956.95(a), The Board will hold a closed session to discuss the claims for the payment of tort liability losses, workers' compensation losses, or public liability losses incurred by the Joint Powers Authority.

Sausalito Homeless Union vs. City of Sausalito
Deschamps vs. City of Sausalito

REPORT FROM CLOSED SESSION - Pursuant to Government Code Section 54957.1, the Board must report in open session any action taken, or lack thereof, in closed session.

8. COMMITTEE ELECTIONS AND APPOINTMENTS

- 133 *A. Slate of Nominees for Executive Committee Members
Recommendation: The Nominating Committee recommends the Board approve the slate of nominees for the expiring Executive Committee positions.

* Reference materials attached with staff report.

- 144 B. BCJPIA Staffing Update – Appointment of Josie Stijepovic, Risk Control Manager
Recommendation: Staff recommends the Board appoint Josie Stijepovic as BCJPIA Risk Control Manager.
- 9. RISK CONTROL MATTERS**
- 145 *A. Update on 2023/24 Risk Control Service Delivery and Approval of 2023/2024 Risk Control Service Plan
Recommendation: The Executive Committee recommends the Board approve the BCJPIA Risk Control Plan for 2023/24.
- 10. ADMINISTRATIVE MATTERS**
- 162 *A. Proposed Update to BCJPIA Cyber Liability Program
Recommendation: The Executive Committee recommends approval of the Cyber Liability Master Program Document and Resolution 03-2022/23, as presented.
- 11. FINANCIAL MATTERS**
- 175 *A. Presentation from Alliant Insurance Services – Program Renewals
Recommendation: Provide direction, as needed.
- 180 *B. Proposed Operating Budget for the 2023/24 Program Year
Recommendation: Staff and the Executive Committee recommend the Board approve the 2023/24 Proposed Budget pending final amounts for excess and purchased coverages.
- 196 *C. Discussion Regarding Property Program Dividends
Recommendation: Discuss and provide feedback to staff.
- 12. POOLED WORKERS’ COMPENSATION PROGRAM**
- 198 *A. Legislative and Industry Update
Recommendation: None.
- 199 *B. Pooled Workers’ Compensation Program Memorandum of Coverage for the 2023/24 Program Year
Recommendation: Staff recommends the Board approve the Pooled Workers’ Compensation Memorandum of Coverage for 2023/24, as presented, pending no additional changes are made to the LAWCX/PRISM MOCs, in which case the Board should hold a special meeting to review this document again.
- 13. POOLED GENERAL LIABILITY PROGRAM**
- 214 *A. Review of BCJPIA Defense Panel
Recommendation: None.

* Reference materials attached with staff report.

- 215 *B. Approval of 2023-2024 Approved Panel of Defense Counsel and Defense Counsel Rates

Recommendation: Staff recommends that 1. The Board Approve the 2023-2024 BCJPIA Approved Panel of Defense Counsel, and 2. Adopt Attachment E to the Litigation Management Guidelines setting for a “do not exceed” rate for general liability matters from \$245 per hour to \$255 per hour for Partners/Shareholders, and setting “do not exceed” rates for Associate Attorneys at \$235 per hour, and Paralegal/Law Clerks at \$140 per hour.

For Police and Civil Rights matters, the “do not exceed” rate shall be \$285 per hour for partners and shareholders, \$250 per hour for associates, and \$185 per hour for paralegals and law clerks.

- 249 *C. Pooled Liability Program Memorandum of Coverage for the 2023/24 Program Year

Recommendation: Staff recommends approval of the 2023-2024 Pooled Liability Memorandum of Coverage as presented with the identified revisions to both inverse condemnation and the sedimentation exclusion.

314 14. EXECUTIVE DIRECTOR’S REPORT

- Mid-Layer Property Pool
- Tentative Special Board of Directors Meeting in June

15. CLOSING COMMENTS - This time is reserved for comments by Board members and/or staff and to identify matters for future BCJPIA business.

- A. Board of Directors
- B. Staff

16. ADJOURNMENT

NOTICES:

- The next BCJPIA Executive Committee meeting will be held on Thursday, August 17, 2023, via Zoom Teleconference.
- The BCJPIA Strategic Planning Session and Board of Directors meeting will be held on Thursday through Friday, October 26-27, 2023, in Napa, CA.
- The next Employment Risk Management Authority (ERMA) meeting will be held on June 5, 2023, in Sacramento, CA. The BCJPIA representative to the ERMA Board is Heather Rowden, City of Albany, and the Alternate is Jon Maginot, City of Los Altos.
- The next Local Agency Workers’ Compensation Excess Joint Powers Authority (LAWCX JPA) meeting will be held on June 6, 2023, in Sacramento, CA. The BCJPIA representative to the LAWCX Board is Ruben Martin, CMFA, and the Alternate is Adam Wolff, Town of Corte Madera.
- The next California Affiliated Risk Management Authorities (CARMA) meeting will be held on June 7, 2023, in Walnut Creek, CA. The BCJPIA representative to the CARMA Board is Dan Schwarz, City of Larkspur, and the Alternate is Daria Carrillo, Town of Corte Madera.

* Reference materials attached with staff report.