



1750 Creekside Oaks Drive, Suite 200, Sacramento, CA 95833
(800) 541-4591 Fax (916) 244-1199
<https://www.planjpa.org/>

**CLAIMS COMMITTEE MEETING
AGENDA**

**Tuesday, October 20, 2020
3:00 p.m.**

Zoom

Please Contact Katie Sullivan for Videoconference Information

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation to participate in this meeting, please contact Katie Sullivan at (916) 244-1164 or katie.sullivan@sedgwick.com. 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 that are provided to the Pooled Liability Assurance Network (PLAN) JPA Board of Directors less than 72 hours prior to a regular meeting will be available for public inspection online at www.planjpa.org.

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|--------------------|---|
| <u>Page</u> | 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 Katie Sullivan at: katie.sullivan@sedgwick.com . This time is reserved for members of the public to address the Committee relative to matters of the Claims Committee 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 Committee member would like to discuss any item listed, it may be pulled from the Consent Calendar. |
| 4 | *A. Minutes from the July 23, 2020, Claims Committee Meeting
<i>Recommendation: Staff recommends the Committee approve the Consent Calendar.</i> |

* Reference materials enclosed with staff report.

- Page** **6. PROGRAM ADMINISTRATION**
- 7 *A. Consideration of Appointment to the PLAN JPA Claims Committee
Recommendation: Staff recommends the Committee appoint Ann Ritzma, Hillsborough, to the Claims Committee, pending ratification by Board of Directors.
- 11 B. Consideration of Committee Chair Appointment
Recommendation: Staff recommends the appointment of a Committee member to serve as Claims Committee Chair, effective November 1, 2020.
- 12 *C. Consideration of Defense Counsel Panel
Recommendation: Staff recommends the Committee approve the proposed 2020 PLAN JPA Defense Counsel Panel List.
- 7. CLOSED SESSION**
- A. Pursuant to Government Code Section 54956.95(a), the Committee will hold a closed session to discuss the following claims:
- Unknown Claims v. City of Burlingame
 - Yasmin Jenkins v. City of East Palo Alto
 - Vibha Shah v. City of Milpitas
 - John Henneberry v. City of Newark
 - Jane R.L. Doe v. City of Pacifica
 - Margaret Robbins v. City of San Bruno
- B. Pursuant to Government Code Section 54957.1, the Committee will report in open session any reportable action taken in closed session.
- 8. CLOSING COMMENTS**
- This time is reserved for comments by Claims Committee members and/or staff and to identify matters for future Claims Committee business.
- A. Claims Committee
- B. Staff
- 9. ADJOURNMENT**

NOTICES:

- The next Claims Committee meeting will be held on November 26, 2020, at 1:30 p.m. via videoconference.

October 20, 2020

Agenda Items 5.A.

CONSENT CALENDAR

SUBJECT: Consent Calendar

BACKGROUND AND HISTORY:

The Consent Calendar consists of items that require approval or acceptance but are self-explanatory and require no discussion. If a Committee member would like to discuss any item listed, it may be pulled from the Consent Calendar.

STAFF RECOMMENDATION:

Staff recommends the Committee approve the Consent Calendar.

REFERENCE MATERIALS ATTACHED:

A. Minutes from the July 23, 2020, Claims Committee Meeting

**POOLED LIABILITY ASSURANCE NETWORK JOINT
POWERS AUTHORITY
(PLAN JPA)**

**MINUTES OF THE CLAIMS COMMITTEE
MEETING OF JULY 23, 2020**

A regular meeting of the Claims Committee was held on July 23, 2020, via videoconference.

MEMBERS PRESENT: Kathleen Kane, Chair, Burlingame
Brenda Olwin, East Palo Alto
Robert Schultz, Los Gatos
Donald Larkin, Morgan Hill
Marc Zafferano, San Bruno
Rebecca Mendenhall, San Carlos (*Left during 7.A*)

MEMBERS ABSENT: Scott Corey, Suisun City

OTHERS PRESENT: Jon Paulsen, General Manager
Katie Sullivan, Assistant General Manager
Will Portello, Litigation Manager
Susan DeNardo, Litigation Manager
Greg Rubens, Board Counsel
Greg Fox, Bertrand, Fox, Eliot, Osman, & Wenzel (*Left during 7.A.*)

1. CALL TO ORDER:

The Regular Meeting of the PLAN JPA Claims Committee meeting was called to order at 1:33 p.m.

2. INTRODUCTIONS:

A roll call was taken, and it was determined there was a quorum present.

3. APPROVAL OF THE AGENDA AS POSTED (OR AMENDED):

A request was made to move the discussion of Jane R.L. Doe c/o Evers Law Group, APC v. City of Pacifica to the beginning of Agenda Item 7.A: Closed Session.

Donald Larkin moved to approve the agenda as amended. Rebecca Mendenhall seconded the motion. A roll call vote was taken, and the motion passed unanimously by Kathleen Kane, Brenda Olwin, Marc Zafferano, Robert Schultz, Donald Larkin, and Rebecca Mendenhall.

4. PUBLIC COMMENTS:

None.

5. CONSENT CALENDAR:

Donald Larkin moved to approve the following items: A) Minutes from the May 28, 2020, Claims Committee Meeting. Rebecca Mendenhall seconded the motion. A roll call vote was taken, and the motion passed unanimously by Kathleen Kane, Brenda Olwin, Marc Zafferano, Robert Schultz, Donald Larkin, and Rebecca Mendenhall.

6. CLAIMS MATTERS:

Will Portello, PLAN JPA Litigation Manager, presented draft updates to the PLAN Litigation Management guidelines. Staff was previously directed to obtain feedback from panel counsel members which was positive.

The Claims Committee briefly discussed the potential need to increase the maximum hourly rate in cases requiring specialty representation.

Donald Larkin moved to approve the Litigation Management Guidelines as presented and the maximum hourly rate for PLAN JPA Panel Counsel of \$230.00 per hour, with the additional option for the Claims Committee to approve a higher maximum hourly rate as needed for special cases. Robert Schultz seconded the motion. A roll call vote was taken, and the motion passed unanimously by Kathleen Kane, Brenda Olwin, Marc Zafferano, Robert Schultz, Donald Larkin, and Rebecca Mendenhall.

7. CLOSED SESSION:

A. The Committee convened to closed session, pursuant to Government Code section 54956.95(a) at 1:44 p.m. to discuss the following claims:

- Jane R.L. Doe c/o Evers Law Group, APC v. City of Pacifica
- City of Pacifica Mold Claim ABGV26707A9
- Tony Chan v. Town of Atherton
- Yasmin Jenkins v. City of East Palo Alto Police Officers

B. Pursuant to Government Code Section 54957.1, the Committee reconvened to open session at 2:51 p.m. The following actions were taken under closed session:

No reportable action was taken during closed session.

8. CLOSING COMMENTS:

A. Claims Committee


None.

B. Staff

Jon Paulsen, General Manager, advised that staff will present information on law enforcement outreach programs as well as updates on recent covered property claims at the next Claims Committee meeting in August.

9. ADJOURNMENT

The Regular Meeting of the PLAN JPA Claims Committee was adjourned at 3:02 p.m.



Jon Paulsen, General Manager

October 20, 2020

Agenda Items 6.A.

PROGRAM ADMINISTRATION

SUBJECT: Consideration of Appointment to PLAN JPA Claims Committee

BACKGROUND AND HISTORY:

On September 11, 2020, John Mullins, Town of Hillsborough, retired from his position with his agency leaving a vacancy on the Claims Committee. Ann Ritzma, City Manager for the Town of Hillsborough, was appointed to PLAN JPA and has expressed interest in filling the vacancy on the Claims Committee left by Mr. Mullins.

Ms. Ritzma has experience with ABAG PLAN (now PLAN JPA) matters as she has served as the representative from the City of Foster City on the Board of Directors, on the Finance Committee as Chair, and on the Executive Committee.

Staff recommends the Claims Committee appoint Ms. Ritzma to the Claims Committee pending Board ratification at the Board of Directors' meeting in December.

STAFF RECOMMENDATION:

Staff recommends the Committee appoint Ann Ritzma, Hillsborough, to the Claims Committee, pending ratification by Board of Directors.

REFERENCE MATERIALS ATTACHED:

- Ann Ritzma Letter of Interest

Sullivan, Katie

From: Ann Ritzma <aritzma@HILLSBOROUGH.NET>
Sent: Monday, October 5, 2020 2:35 PM
To: Sullivan, Katie
Cc: Paulsen, Jon; Hoffmann, Daria
Subject: RE: PLAN JPA Claims Committee Meeting - Availability Poll

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Katie –
Please add my name for consideration at the December board meeting.
Thank you –
Ann

Ann E. Ritzma
City Manager
Credentialed Manager, ICMA
Town of Hillsborough
(650) 375-7400 main
(650) 375-7407 direct
(415) 244-2782 cell

www.hillsborough.net

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From: Sullivan, Katie <Katie.Sullivan@Sedgwick.com>
Sent: Monday, October 5, 2020 10:13 AM
To: Ann Ritzma <aritzma@HILLSBOROUGH.NET>
Cc: Paulsen, Jon <Jon.Paulsen@Sedgwick.com>; Hoffmann, Daria <Daria.Hoffmann@sedgwick.com>
Subject: RE: PLAN JPA Claims Committee Meeting - Availability Poll

Good morning, Ann

You are more than welcome to attend the Claims Committee meeting; however, you will be attending as a member of the public as PLAN JPA appoints individuals, not agencies, to serve.

If you plan on filling the vacancy left by John, we will be more than happy to add you to the slate of appointments for the Board to ratify at the December meeting. Once the Board of Directors approves your participation on the Committee, you will then hold a vote and be listed as a Committee member.

Please let me know if you have any questions.

Thank you,

Katie Sullivan | Analyst, Program Administration
Sedgwick
Sacramento, CA

DIRECT 916.244.1164
EMAIL katie.sullivan@sedgwick.com
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From: Ann Ritzma <aritzma@HILLSBOROUGH.NET>
Sent: Monday, October 5, 2020 8:49 AM
To: Sullivan, Katie <Katie.Sullivan@Sedgwick.com>
Subject: RE: PLAN JPA Claims Committee Meeting - Availability Poll

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Katie –

I am happy to join the claims committee in lieu of John Mullins (he retired on Sept 11).

Ann

Ann E. Ritzma
City Manager
Credentialed Manager, ICMA
Town of Hillsborough
(650) 375-7400 main
(650) 375-7407 direct
(415) 244-2782 cell

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From: Sullivan, Katie <Katie.Sullivan@Sedgwick.com>
Sent: Thursday, October 1, 2020 9:03 AM
To: Brenda Olwin - East Palo Alto, City of (bolwin@cityofepa.org) <bolwin@cityofepa.org>; Donald Larkin - Morgan Hill, City of (donald.larkin@morganhill.ca.gov) <donald.larkin@morganhill.ca.gov>; Greg Rubens (grubens@adcl.com) <grubens@adcl.com>; John Mullins <JMullins@HILLSBOROUGH.NET>; Kathleen Kane - Burlingame, City of (kkane@burlingame.org) <kkane@burlingame.org>; Lupita Huerta (luhuerta@sanbruno.ca.gov) <luhuerta@sanbruno.ca.gov>; Marc Zafferano - San Bruno, City of (mzafferano@sanbruno.ca.gov) <mzafferano@sanbruno.ca.gov>; Rebecca Mendenhall - San Carlos, City of (rmendenhall@cityofsancarlos.org) <rmendenhall@cityofsancarlos.org>; Robert Schultz - Los Gatos, Town of (rschultz@losgatosca.gov) <rschultz@losgatosca.gov>
Cc: Paulsen, Jon <Jon.Paulsen@Sedgwick.com>; Portello, William <William.Portello@Sedgwick.com>; DeNardo, Susan <Susan.DeNardo@Sedgwick.com>; Hoffmann, Daria <Daria.Hoffmann@sedgwick.com>
Subject: PLAN JPA Claims Committee Meeting - Availability Poll
Importance: High

Dear PLAN JPA Claims Committee,

Due to pressing matters and some scheduling conflicts, we are looking to move this month's Claims Committee meeting forward in the month of October. Please click the link below to provide your availability in a quick Doodle poll. Please select all dates/times you are available so we can ensure we will have a quorum present.

<https://doodle.com/poll/acngh6bm58ed2tik>

Please respond **no later than Friday, October 9, 2020.** Your attention to this is most appreciated.

Thank you,

Katie Sullivan | Analyst, Program Administration

Sedgwick

Sacramento, CA

DIRECT 916.244.1164

EMAIL katie.sullivan@sedgwick.com

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October 20, 2020

Agenda Items 6.B.

PROGRAM ADMINISTRATION

SUBJECT: Consideration of Committee Chair Appointment

BACKGROUND AND HISTORY:

Kathleen Kane, City of Burlingame, notified staff she will be accepting a new position with the Metropolitan Transportation Commission (MTC). Her last day with her agency will be November 6, 2020.

Ms. Kane has served as the Claims Committee Chair since the 2018/19 Program Year. At the beginning of the 2019/20 Program Year, she was elected to serve as Vice-President for PLAN JPA. She has been a valued member to the pool and will be greatly missed.

The Claims Committee has the authority to elect their own Chairperson. Nominations will be accepted during this agenda item.

STAFF RECOMMENDATION:

Staff recommends the appointment of a Committee member to serve as Claims Committee Chair, effective November 1, 2020.

REFERENCE MATERIALS ATTACHED:

None

October 20, 2020

Agenda Items 6.C.

PROGRAM ADMINISTRATION

SUBJECT: Consideration of Defense Counsel Panel

BACKGROUND AND HISTORY:

Over the past year, a survey of the PLAN JPA membership was completed regarding satisfaction with the PLAN JPA Defense Counsel Panel. The Claims Committee appointed an Ad Hoc Committee, consisting of Kathleen Kane, Robert Schultz, and Donald Larkin, to review the results of the survey and discuss attorneys to be added to the panel. PLAN JPA has not added attorneys to its panel, other than under special circumstances, since 2014.

Additionally, the Ad Hoc Committee requested the Litigation Management Department contact existing panel counsel regarding membership feedback from the survey. The Litigation Management Department recently completed these discussions.

Susan DeNardo, Litigation Manager, will be present to discuss findings and answer any questions of the Committee.

STAFF RECOMMENDATION:

Staff recommends the Committee approve the proposed 2020 PLAN JPA Defense Counsel Panel List.

REFERENCE MATERIALS ATTACHED:

- Proposed 2020 PLAN JPA Defense Counsel Panel List

PLAN LIST OF APPROVED DEFENSE PANEL (PROPOSED) 2020

Firm	Address	Phone	Email	Attorneys	Rates	Rates Police Federal ADA
Allen, Glaessner, Hazelwood & Werth	180 Montgomery St. 12 th Floor, San Francisco CA 94104	(415) 697-2000	MHazelwood@aghwlaw.com DAllen@aghwlaw.com PGlaessner@aghwlaw.com	Mark Hazelwood Dale Allen Peter Glaessner	210-P 190-A 90-PL	225-P 195-A 95-PL
<i>Practice Areas: Police. Dangerous Condition/Premises Liability, Direct Negligence</i>						
Bertrand, Fox, Elliot Osman & Wentzel	2749 Hyde Street San Francisco, CA 94109 1300 Clay Street Suite 58 Oakland, CA 9461	(415) 353-0999 (510) 466-6380	GFox@BFESF.com ROsman@BFESF.com EElliot@bfesf.com MWenzel@bfesf.com	Greg Fox Richard Osman Gene Elliott - ADA Michael Wenzel	215-P 190-A 110-PL	
<i>Practice Areas: Police. Dangerous Condition/Premises Liability, Direct Negligence, Sexual Abuse and Molestation</i>						
Clapp Moroney Vucinich Beeman & Scheley	1111 Bayhill Dr. San Bruno, CA 94066	(650) 989-5400	JVucinich@ClappMoroney.com	Jeffrey Vucinich	190-P 180-A 95-PL	
<i>Practice Areas: Police. Dangerous Condition/Premises Liability, Direct Negligence</i>						
Law Offices of Dawn Ceizler	165 Lennon Lane, Suite 101, Walnut Creek, CA 94598	925)932-8225	dc@ceizler.com	Dawn Ceizler	\$215-P	
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence, Civil Rights</i>						

PLAN LIST OF APPROVED DEFENSE PANEL (PROPOSED) 2020

Hayes, Scott, Bonino, Ellingson, McKay LLC	203 Redwood Shores Pkwy 4 th Floor, Suite 480 Redwood City 94065	(650) 486-2869	mbonino@hayesscott.com	Mark Bonino	195-P 175-A 100-PL	
<i>Practice Areas: Appellate</i>						
Howard, Rome, Martin, Ridley	1900 O'Farrell Street, San Mateo, CA 94403, Ste 280	(650) 365-7715	tmaster@hrmlaw.com sridley@hrmlaw.com lrauch@hrmlaw.com bgundert@hrmlaw.com	Todd Master Shawn Ridley Lisa Rauch Bob Gundert	220 – P 200-A 120-PL	
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence, Inverse Condemnation, Civil Rights, Police</i>						
Leone and Alberts	2175 N. California Street Boulevard Walnut Creek CA 94596 Suite 900	(925) 974-8600	bduus@leonealberts.com	Brian Duus	175 – P 160 – A 90 - PL	
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence</i>						
McDowell - Cotter	2070 Pioneer Court San Mateo CA 94403	(650) 324-9300	drosenbaum@mcdlawyers.net jemmaneel@mcdlawyers.net	David Rosenbaum Jennifer Emmaneel	210 – P 200 – A 120 - PL	
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence</i>						
Matheny, Sears, Linkert and Jaime	3638 American River Drive, Sacramento, CA 95864-5901	(916)978-3434	RBangle@mathenysears.com	Ray Bangle	\$185-P \$165-A \$80-PL	

PLAN LIST OF APPROVED DEFENSE PANEL (PROPOSED) 2020

<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence, Civil Rights</i>						
McNamara, Ney, Beatty, Slattery, Borges & Ambacher	3480 Buskirk Ave Suite 250 Pleasant Hill, CA 94523	(925) 939-5330	James.Fitzgerald@Mcnamaralaw.com Noah.Blechman@Mcnamaralaw.com	James Fitzgerald Noah Blechman	180-P 175-A 90-PL	
<i>Practice Areas: Police</i>						
Suzanne M Nicholson, Attorney at Law	770 L St Ste 950, Sacramento, CA 95814-3361	(916) 361-6551	suzanne@smnlegal.com	Suzanne Nicholson	\$225 - P	
<i>Practice Areas: Appellate</i>						
Law Office of Matthew Orebic	1870 San Antonio Ave. Berkeley, CA 94707	(510) 808-2000	Matthew@OrebicLaw.com	Matthew Orebic	220-P	
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence, Inverse Condemnation, Civil Rights, Police</i>						
Rankin, Stock & Heaberlin	96 N. 3 rd Street, Suite 500 San Jose, CA 95112	(408) 293-0463	Jon@RankinStock.com David@RankinStock.com	Jon Heaberlin David Stock	190-P 175-A 90-PL	
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence, Civil Rights</i>						
Selman-Breitman	33 New Montgomery 6 th Floor San Francisco, CA 94105	(415) 979-2027	DLewis@SelmanBreitman.com	Danielle Lewis	215-P 200-A 150-PL	