



## MINTUES OF THE CLAIMS COMMITTEE MARCH 20, 2024

A meeting of the Claims Committee was held via teleconference.

### Members Present

Adelanto	Jessie Flores
El Monte	Rigoberto Gutierrez
Fullerton	Pamela Mackie, Chair
Huntington Park	Eduardo Sarmiento ( <i>arrived at 10:23 a.m.</i> )
San Fernando	Erica Melton

### Members Absent

### Others Attendees

Adelanto	Brenda Lopez, City Clerk
AdminSure	Kristen Vanscourt ( <i>left at 11:18 a.m.</i> )
Frost Brown Todd	Raymond Sakai ( <i>joined at 11:47 a.m., left at 12:05 p.m.</i> )
Frost Brown Todd	Ricardo Navarrette ( <i>joined at 12:23 p.m., left at 12:30 p.m.</i> )
Huntington Park	Ricardo Reyes, City Manager ( <i>left at 11:45 a.m.</i> )
Johnson Schachter & Lewis	Kellie Murphy
Kutak Rock, LLP	Edwin Richards ( <i>joined at 12:08 p.m., left at 12:23 p.m.</i> )
Mainstream Unlimited	Bob May
One Source	Louise Edler
RPA	Danielle Rogacki
	Amber Anderson
	Nilsa Quandt ( <i>left at 11:18 a.m.</i> )

#### 1. CALL TO ORDER

Committee Chair Pamela Mackie called the meeting to order at 10:03 a.m.

#### 2. ESTABLISHMENT OF QUORUM/INTRODUCTIONS

A roll call determined a quorum was present.

#### 3. PUBLIC COMMENTS

None.

#### 4. APPROVAL OF AGENDA AS POSTED

*Motion by Jessie Flores (Adelanto), seconded by Rigoberto Gutierrez (El Monte) to approve the agenda as posted. Motion passed unanimously via roll call vote, with representatives from Adelanto, El Monte, Fullerton, and San Fernando voting "aye". Huntington Park was not present.*

**5. CONSENT CALENDAR**

*Motion by Rigoberto Gutierrez (El Monte), seconded by Jessie Flores (Adelanto), to approve Consent item A) Minutes of the January 24, 2024 Claims Committee Meeting. Motion passed unanimously via roll call vote, with representatives from Adelanto, El Monte, Fullerton, and San Fernando voting "aye". Huntington Park was not present.*

**6. OPEN SESSION****A. Liability Claims Audit Follow-up**

Dani Rogacki, Interim Executive Director, reminded the Committee that Ken Maiolini of Risk Management Services (RMS) presented the claims audit of the Liability Program to the Board of Directors on February 8, 2024. This audit included a review of the members' primary third party claims administrators (TPAs), Carl Warren and AdminSure, as well as OneSource, ICRMA's Liability Program Manager.

Following the report, wherein Mr. Maiolini reviewed 223 claim files and surveyed all ICRMA members to gauge member satisfaction, the Board requested that the Claims Committee monitor progress in regards to the recommendations made for OneSource. Ms. Rogacki presented a status on all recommendations and advised that a follow-up audit was scheduled by Old Republic, ICRMA reinsurer. Once completed, she noted, the Administration Team will review and share pertinent results with the Committee.

*Information only.*

**B. Benchmark Analytics: Discussion of Next Steps**

Amber Anderson, Assistant Executive Director, recapped discussions from the Board meeting held on February 8, 2024 in regards to Benchmark Analytics (Benchmark) online law enforcement management system. A demo was provided of their platform at the Board meeting, and in coordination with the Administration Team and Loss Control Director, Benchmark analyzed ICRMA loss data and opined that over 33% of ICRMA's incurred liability claims are law enforcement related and stem from the same adverse events that their platform can predict.

Ms. Anderson advised that the Administration Team met with Benchmark to review contract options available to ICRMA members, and discussed identifying which member cities would benefit from participating in a pilot program. Erica Melton (San Fernando) and Eduardo Sarmiento (Huntington Park) volunteered to speak with their respective police departments to gauge interested in participating in a pilot of the program.

*Information only.*

**C. Request to Add Attorneys to the Liability Defense Panel**

Louise Edler, Liability Program Manager, presented a request to add two attorneys to the approved Liability Defense Panel (Panel) in conjunction with Bruce A. Lindsay of Jones & Mayer (a current member of the Panel engaged as counsel for an ICRMA case involving the City of Whittier, a former Member). Ms. Edler advised that she reviewed the credentials provided, and recommended their addition to the Panel.

*Motion by Rigoberto Gutierrez (El Monte), seconded by Erica Melton (San Fernando) to recommend Board approval of the addition of Nicole Castronovo and Janet Keuper to the Liability Defense Panel.*

*Motion passed unanimously via roll call vote, with representatives from Adelanto, El Monte, Fullerton, Huntington Park and San Fernando voting “aye”.*

**D. Property Memorandum of Coverage for 2024-25**

Ms. Rogacki presented the following suggested revisions to the Property Memorandum of Coverage (MOC) to the Board:

- Policy dates and references to the Allianz policy will be updated.
- Updated the section on Inspections, Audits and Appraisals: the appraisal process should be part of the Underwriting and Administration policy as it applies to all members of the pool and not just those participating in the Property program.
- Language was added to clarify that that members agree to allow ICRMA to conduct appraisals.
- For newly acquired property, language was added to state it needs to be added to the Statement of Values within four (4) months of acquisition.
- Cancellation and Termination: removed the last sentence as it was redundant and could not point to a specific provision in the Bylaws.
- Other Governing Documents: as a member of ICRMA the Governing documents apply to all members. This does not need to be restated in the MOC.
- Reporting Claims and Member Cooperation: did not reference Section 4, which applies to loss reporting notice – added this and the stipulation that members should cooperate with appraisals and scheduling of newly acquired property.
- Added language that the TPA Adjuster could appeal a decision by the Claims Committee.

*Motion by Pamela Mackie (Fullerton), seconded by Jessie Flores (Adelanto), to recommend approval to the Board for adoption of the revised Property MOC. Motion passed unanimously via roll call vote, with representatives from Adelanto, El Monte, Fullerton, Huntington Park and San Fernando voting “aye”.*

**E. Auto Physical Damage Memorandum of Coverage for 2024-25**

Ms. Rogacki presented the following suggested revisions to the Auto Physical Damage MOC:

- Policy dates and references to the Hanover policy will be updated.
- For newly acquired/leased vehicles clarified the language that they need to be added to the Statement of Values within 4 months of acquisition.
- Cancellation and Termination: removed the last sentence as it was redundant and could not point to a specific provision in the Bylaws.
- Other Governing Documents: as a member of ICRMA the Governing documents apply to all members. This does not need to be restated in the MOC.
- Reporting Claims and Member Cooperation: did not reference Section 4, which applies to loss reporting notice – added this and the stipulation that members should cooperate with scheduling of newly acquired vehicles.
- Added language that the TPA Adjuster could appeal a decision by the Claims Committee.

*Motion by Eduardo Sarmiento (Huntington Park), seconded by Pamela Mackie (Fullerton), to recommend approval to the Board for adoption of the revised Auto Physical Damage MOC. Motion*

*passed unanimously via roll call vote, with representatives from Adelanto, El Monte, Fullerton, Huntington Park and San Fernando voting “aye”.*

**F. Workers’ Compensation Memorandum of Coverage for 2024-25**

Ms. Rogacki presented the following suggested revisions to the Workers’ Compensation MOC:

- Updated date references to reflect new coverage period
- Updated the language in the Settlement section to be consistent with the bylaws and practices.

*Motion by Rigoberto Gutierrez (El Monte) seconded by Eduardo Sarmiento (Huntington Park), to recommend approval to the Board for adoption of the revised Auto Physical Damage MOC. Motion passed unanimously via roll call vote, with representatives from Adelanto, El Monte, Fullerton, Huntington Park and San Fernando voting “aye”.*

**G. Liability Memorandum of Coverage for 2024-25**

Ms. Rogacki presented the following suggested revisions to the Liability MOC:

- Updated date references to reflect new coverage period
- Updated the name of the Department of Fair Employment and Housing to Civil Rights Department (Section VI- Conditions, 3. Duties in the Event of an Occurrence or Claim, o. WRONGUL EMPLOYMENT PRACTICES) to reflect name change of administrative agency

*Motion by Eduardo Sarmiento (Huntington Park) seconded by Jessie Flores (Adelanto), to recommend approval to the Board for adoption of the revised Liability MOC. Motion passed unanimously via roll call vote, with representatives from Adelanto, El Monte, Fullerton, Huntington Park and San Fernando voting “aye”.*

**H. Consideration of Appeal to Coverage Denial: Regla v. Huntington Park**

Kelly Murphy, Coverage Counsel, provided a brief review of the Regla v. Huntington Park claim.

*The Committee took a break from 11:05 a.m. to 11:22 a.m.*

**7. CLOSED SESSION**

*The Committee entered into closed session at 11:24 a.m. to discuss the following items:*

- A. Discussion of Open Claims and Conference with Legal Counsel pursuant to Government Code Sections 54956.95(a) and 54956.9(d)(2):
- Regla v. Huntington Park – Coverage Appeal (GL)

**8. REPORT FROM CLOSED SESSION**

*The Committee reconvened to Open Session at 11:43 a.m. and Legal Counsel advised that no reportable action was taken.*

**H. Consideration of Appeal to Coverage Denial: Regla v. Huntington Park**

The Committee resumed discussion of the Regla v. Huntington Park claim in Open Session.

*Motion by Jessie Flores (Adelanto) seconded by Pamela Mackie (Fullerton), to impose a one percent (1%) increase in Huntington Park's MRL as a late reporting penalty in the matter of Regla v. Huntington Park. Motion passed unanimously via roll call vote, with representatives from Adelanto, El Monte, Fullerton, Huntington Park and San Fernando voting "aye".*

## **9. CLOSED SESSION**

*The Committee entered into closed session at 11:46 a.m. to discuss the following items:*

### **B. Discussion of Open Claims and Conference with Legal Counsel pursuant to Government Code Section 54956.95(a):**

- Coulter v. Azusa (GL)
- Bonfield v. El Segundo (GL)
- Roberson v. Hawthorne (GL)
- Faris v. Hermosa Beach (GL)
- Enache v. South Gate (GL)
- Lopez v. South Gate (GL)
- Brady v. Whittier (GL)

## **10. REPORT FROM CLOSED SESSION**

*The Committee reconvened to Open Session at 12:37 p.m. and Legal Counsel advised that no reportable action was taken in any matter listed.*

## **11. CLOSING COMMENTS**

None.

## **12. ADJOURNMENT**

The Chair adjourned the meeting at 12:39 p.m.