



## AGENDA

**LEGEND:** A - Action may be taken  
I - Information  
1 - Included  
2 - Handout  
3 - Separate  
4 - Verbal

**JPA:** ACCEL CLAIMS COMMITTEE MEETING

**DATE/TIME:** Monday, January 8, 2024 at 11 AM

**LOCATION:** Teleconference

Link: <https://alliantinsurance.zoom.us/j/92199587298?pwd=RmhDaEZlSn11bURqOEJEUzJOWWc2UT09>

Meeting ID: 921 9958 7298

Passcode: 891085

Dial: (669) 900-6833

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***In accordance with the requirements of the Brown Act, notice of this meeting must be posted in publicly accessible places, 72 hours in advance of the meeting, at the office of ACCEL's Secretary.***

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*Per Government Code section 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 Alliant Insurance Services at (415) 403-1400, 24 hours in advance of the meeting. Access to some buildings may require routine provision of identification to building security. However, ACCEL 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.*

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- MEMBER** • City of Anaheim, 201 South Anaheim Blvd., Suite 503, Anaheim, CA 92805  
**LOCATIONS** • City of Bakersfield, 1600 Truxtun Ave., 4<sup>th</sup> Floor, Bakersfield, CA 93301  
**VIA TELE -** • City of Ontario, 200 North Cherry Ave., Ontario, CA 91764  
**CONFERENCE** • City of Santa Cruz, 1200 Pacific Ave., Suite 290, Santa Cruz, CA 95060  
• City of Santa Monica, 1685 Main Street, Room 131, Santa Monica, CA 90401

### PAGE

#### **A. CALL TO ORDER**

#### **B. CONSENT CALENDAR**

(A)

2-4

- 1 1. Approval of Minutes for the December 12, 2023, Claims Committee Meeting  
*The Committee will review these minutes and will take action to approve or give direction.*

#### **C. REPORTS**

##### **1. CLAIMS COMMITTEE'S REPORT**

5-7

- 1 a) Closed Session Confidentiality Policy and Procedure Review (A)  
*The Committee will conduct a biennial review of the Policy and Procedure. If the Committee proposes any changes, action will be taken to provide a recommend to the Board to adopt or direction given.*

3 b) **CLOSED SESSION – Pursuant to Gov't Code 54956.95** (A)

*Members will review the following Closed Session items and may take action or give direction.*

- i. Committee Review – ACCEL Open Loss Run
- ii. George Hills Estimated Loss Payments

##### **RECONVENE - DISPOSITION OF CLOSED SESSION ITEMS**

#### **D. PUBLIC COMMENTS**

(I)

- 4 *The public is invited at this point to address the Committee on issues of interest to them.*

#### **ADJOURNMENT**



**MINUTES OF THE  
ACCEL CLAIMS COMMITTEE MEETING**

**Item No. B.1  
Claims Committee  
January 8, 2024**

**Tuesday, December 12, 2023 at 9:30 AM**

**LOCATION:  
Teleconference**

Link: <https://alliantinsurance.zoom.us/j/91524356182?pwd=R0N0c1J4a2k3cjRZVXpxUUQ0MjR3dz09>

Meeting ID: 915 2435 6182

Passcode: 187712

Dial: (669) 900-6833

**MEMBERS PRESENT:**

Jena Covey, City of Bakersfield  
Numeya Williams, City of Ontario  
Ross Brandon, City of Santa Cruz

**MEMBERS ABSENT:**

Tracey Matthews, City of Anaheim  
Oles Gordeev, City of Santa Monica

**GUESTS AND CONSULTANTS:**

Ben Oram, George Hills Company  
David Trautz, George Hills Company  
Rich Santana, George Hills Company  
Robert Powers, R. E. Powers & Company, LLC (*left the teleconference at 9:50 AM*)  
Conor Boughey, Alliant Insurance Services  
Lorissa Huey, Alliant Insurance Services

**A. CALL TO ORDER**

Jena Covey called the meeting to order at 9:31 AM.

**B. CONSENT CALENDAR**

**B1. Approval of Minutes for the October 5, 2023 Claims Committee Meeting**

A motion was made to approve the consent calendar.

**MOTION:** Ross Brandon    **SECOND:** Numeya Williams    **MOTION CARRIED**



	Tracey Matthews	Jena Covey	Numeya Williams	Ross Brandon	Oles Gordeev
Aye		X	X	X	
Nay					
Abstain					

**C. REPORTS**

**C1. CLAIMS COMMITTEE’S REPORT**

**C1a. 2023 ACCEL Claims Audit Draft**

Robert Powers, ACCEL’s Claims Auditor presented the 2023 ACCEL Claims Audit Draft that includes the executive summary, narratives for each Member, except for the City of Anaheim, and ACCEL’s Claims Administrator, George Hills Company. The City of Anaheim’s audit was delayed to December 18, 2023, which is after the Claims Committee Meeting, and will be ready in time for the ACCEL January 18 and 19, 2024 Board Meeting.

The Committee did not make a recommendation and wants the Board to make a decision whether to receive and file the final Claims Audit.

**C1b. Closed Session Confidentiality Policy and Procedure Review**

This item was deferred to the next meeting.

**C1c. Litigation Update**

This item was deferred to the next meeting.

**C1d. CLOSED SESSION – Pursuant to Gov’t Code 54956.95**

A motion was made to enter into Closed Session at 9:51 AM.

**MOTION:** Ross Brandon    **SECOND:** Numeya Williams    **MOTION CARRIED**



	Tracey Matthews	Jena Covey	Numeya Williams	Ross Brandon	Oles Gordeev
Aye		X	X	X	
Nay					
Abstain					

A motion was made to come out of Closed Session at 10:19 AM.

**MOTION:** Ross Brandon    **SECOND:** Numeya Williams    **MOTION CARRIED**

	Tracey Matthews	Jena Covey	Numeya Williams	Ross Brandon	Oles Gordeev
Aye		X	X	X	
Nay					
Abstain					

**D. PUBLIC COMMENTS** – There were no public comments.

**ADJOURNMENT**

Jena Covey adjourned the meeting at 10:20 AM.



**Item No. C.1.a**  
**Claims Committee**  
**January 8, 2024**

### **CLOSED SESSION CONFIDENTIALITY POLICY AND PROCEDURE REVIEW**

**ISSUE:** In 2018, the Claims Committee agreed that the Closed Session Confidentiality Policy and Procedure (P&P) should be reviewed every even numbered year by the January Board Meeting. It is now time to review.

The last time the P&P was reviewed was at the January 11, 2022 Committee Meeting and there were no changes.

The purpose of today's review is to be sure all Committee members are aware of this policy, provide feedback and apply this policy to the following agenda items.

**RECOMMENDATION:** It is recommended that the Committee review and propose changes, if any, and take action to make a recommend to the Board or provide direction.

#### **Additional Consideration**

**In favor:** If the Committee is recommending proposed changes, the Program Administrators will provide a redlined version of the P&P for the Board's consideration at the upcoming Board Meeting.

**Against:** If the Committee is not recommending any proposed changes, the reviewed date will be marked as today's meeting date. The biennial review will be complete.

**FISCAL IMPACT:** No financial impact is expected from the recommended action.

**BACKGROUND:** In 2015, the Claims Committee make a recommendation to the Board to amend the Closed Session Confidentiality P&P. The recommendation was to add Step 2; that required the Claims Committee Chair to consult with the Program Administrators and Board President prior to engaging an attorney for coverage analysis services. The rest of the changes represent simple edits to make the document easier to read. The Board approved the changes at the April 2015 Board Meeting.

In 2022, the Executive Committee requested the Program Administrators to check all of ACCEL's P&Ps and other documents if it states "himself/herself" and "he/she" and to make an administrate changes for diversity inclusion. The Closed Session Confidentiality P&P was updated.

**ATTACHMENT:** Closed Session Confidentiality Policy and Procedure.

## **ADMINISTRATIVE POLICY AND PROCEDURE**

### **SUBJECT: CLOSED SESSION CONFIDENTIALITY**

**DATE: June 23, 1994**

**AMENDED DATE: April 17, 2015**

**REVIEWED DATE: ~~January 11, 2022~~ [January 8, 2024](#)**

#### **POLICY:**

The Authority for California Cities Excess Liability (hereinafter referred to as “Authority”) must have the ability to excuse any Member Agencies from confidential discussions when a conflict of interest exists. Therefore, whenever the Authority is called upon to consider protected confidential information in connection with a Member Agency’s claim in which the interests of the Member Agency and Authority are potentially in conflict, the Authority shall preserve its right to confidentiality by excluding the Member Agency from all closed session discussions of the matter.

#### **PROCEDURES:**

1. Upon receipt of a claim wherein the Authority’s Claims Administrator determines a possible conflict of interest exists between any Member Agencies and the Authority, the Claims Administrator shall notify the Chair of the Claims Committee and the Board President about the potential conflict. If the conflict involves either the Claims Committee Chair or the Board President, the Program Administrator shall be notified. The report from the Claims Administrator shall summarize the investigation findings, and request the claim be referred to outside Legal Counsel for a coverage opinion, pending the approval of two notified parties. If one of the notified Parties has a conflict, they are not able to give approval.
2. The Claims Committee Chair, or the Board President, who receives the report about the potential conflict shall consult with the highest ranking Board Officer and Program Administrators about the request to determine if the facts support the need to forward the claim to the Authority’s Legal Counsel. Additionally, the Claims Committee Chair or the Board President shall schedule a Claims Committee meeting to discuss the matter.
3. The Claims Committee Chair or the Board President shall subsequently review the claim with Legal Counsel and assist them with preparing a report and recommendation for consideration by the Claims Committee. The report will outline the legal basis for asserting a conflict of interest exists, how the conflict could compromise the Authority’s legal position, and recommend a course of action to minimize the exposure to the Authority.
4. The Claims Committee shall review the information presented by the Claims Administrator and the Authority’s Legal Counsel to determine if a conflict does or does not exist. The Claims Committee shall report to the affected Member Agency and the Board of Directors its decision about the existence of a conflict. If the Claims Committee concludes that a conflict

of interest does exist, then the affected Member Agency shall be excluded from all closed session discussions (i.e., all Committee meetings and Board of Director meetings) of the matter until it is resolved.

5. The Chair of the Claims Committee will report to the Board of Directors the outcome of the Claims Committee's action on the matter as soon as possible.
6. The Member Agency affected by the action of the Claims Committee may appeal the findings of the Claims Committee to the Board of Directors. The determination of the Board of Directors shall be final.