

VIDEO-CONFERENCING MEETING:

PURSUANT TO: EXECUTIVE ORDER: N-35-20 (appended) and EXECUTIVE ORDER N-29-30

LOG-IN INFORMATION:

Copy and Paste onto your browser:

<https://csjpa.org/CSRM-EC-121620>

Public Record Inspection

Location

1950 S. Sunwest Lane,
Suite 100
San Bernardino, CA 92408

EXECUTIVE COMMITTEE MINUTES **Wednesday, December 16, 2020 - 9:00 a.m.**

COMMITTEE MEMBERS PRESENT:

Deanna Dibble, President
Sharon Flores, Vice President
Lisa Bailey, Secretary
Lori Isom, Member
Larry Wilkie, Member
Shauna Warnock, Member
Kathleen Hardy, Member
Debbie Betts, Alternate

Barstow Unified School District
Morongo Unified School District
Chaffey Community College District
Central School District
Fontana Unified School District
Hesperia Unified School District
Victor Union High School District
Victor Elementary School District

COMMITTEE MEMBERS ABSENT:

Joseph Sanchez, Treasurer
Robert Chacon, Member
Jeff Haynes, Alternate

San Bernardino County Superintendent of Schools
Snowline Joint Unified School District
San Bernardino City Unified School District

OTHERS PRESENT:

Javier Gonzales	California Schools JPA
Teresa Saenz	California Schools JPA
Melissa Hernandez	California Schools JPA
Leana Hardgrave	California Schools JPA
Cesar Contreras	California Schools JPA
Jazmine Martinez	California Schools JPA
Daniel Rodriguez	California Schools JPA
Ed Lee	California Schools JPA
Terri Douglas	California Schools JPA
Sandy Avina	California Schools JPA
Lucia Garcia	California Schools JPA
Valeria Dixon	California Schools JPA
Alexandria Barr	California Schools JPA
Maria Gates	California Schools JPA
Julie Leggins	California Schools JPA
Jose Munoz	California Schools JPA
Yolanda Comer	California Schools JPA
Kandy Delgado	California Schools JPA

Robert Feldhake	JPA Counsel
Christopher James	Baker Unified School District
Doug Claflin	Etiwanda School District
Jim Rolls	Needles Unified School District
Monica Esqueda	Riverside Community College District
Justin Gatewood	San Bernardino County Superintendent of Schools
James Fields	Snowline Joint Unified School District
Angela Hatley	Alliant Risk Services
David Mudgway	Alliant Risk Services
Pam Dominguez	Alliant Risk Services
Diane Allen	Carl Warren & Company
John Chino	Gallagher Consulting Services
Nasreen Kopecky	Gallagher Consulting Services
Arlene Hazelrigg	HCMS
Amanda Garcia	Sedgwick
Stephanie Millhollon	Sedgwick
Tom Veale	TRISTAR
Dennis Walsh	
Jeff Peters	
Matthew Soleimanpour	
S. Edwards	

1.0 CALL TO ORDER

President Dibble called the meeting to order at 9:09 a.m. after verifying a quorum was present.

- 1.1 APPROVE AGENDA FOR THE EXECUTIVE COMMITTEE MEETING OF DECEMBER 16, 2020
 President Dibble called for a motion to approve the agenda for December 16, 2020; approved by a unanimous vote of the CSRM Executive Committee.
 Motion: Debbie Betts - Second: Kathleen Hardy
 Ayes: Deanna Dibble, Lisa Bailey, Lori Isom, Larry Wilkie, Shauna Warnock, Kathleen Hardy, Debbie Betts
 Nays: None – Abstentions: None
 Motion carried.

2.0 PUBLIC COMMENTS

President Dibble asked if there were any Public Comments, there were none.

3.0. ADJOURNMENT TO CLOSED SESSION

President Dibble called for a motion to move the CSRM Executive Committee meeting into closed session at 9:10 a.m.; approved by a unanimous vote of the CSRM Executive Committee.
 Motion: Lori Isom - Second: Debbie Betts
 Ayes: Deanna Dibble, Lisa Bailey, Lori Isom, Larry Wilkie, Shauna Warnock, Kathleen Hardy, Debbie Betts
 Nays: None – Abstentions: None
 Motion carried.

- 3.1 FILE NUMBER 1987904, TAYLOR VS SAN BERNARDINO COUNTY SUPERINTENDENT OF SCHOOLS
 3.2 FILE NUMBER 2008920, SEPULVEDA VS YUCAIPA-CALIMESA JOINT USD
 3.3 FILE NUMBER 2003398, DeBOSE VS ETIWANDA SCHOOL DISTRICT

The CSRM Executive Committee meeting moved out of closed session at 9:46 a.m.; approved by a unanimous vote of the CSRM Executive Committee.

Motion: Shauna Warnock - Second: Lisa Bailey
Ayes: Deanna Dibble, Lisa Bailey, Lori Isom, Larry Wilkie, Shauna Warnock, Kathleen Hardy, Debbie Betts
Nays: None – Abstentions: None
Motion carried.

President Dibble reported out on Closed Session Items 3.1, 3.2, 3.3 that no action was taken, all the items were presented as information only.

4.0 CONSENT CALENDAR

4.1 APPROVAL OF SEPTEMBER 30, 2020 EXECUTIVE COMMITTEE MEETING MINUTES

President Dibble requested a motion to approve Consent Calendar Item 4.1 as presented; approved by a unanimous vote of the CSRM Executive Committee.

Motion: Debbie Betts - Second: Shauna Warnock

Ayes: Deanna Dibble, Lisa Bailey, Lori Isom, Larry Wilkie, Shauna Warnock, Kathleen Hardy, Debbie Betts

Nays: None – Abstentions: None

Motion carried.

5.0 CHIEF EXECUTIVE OFFICER AND COMMITTEE REPORTS

5.1 CHIEF EXECUTIVE OFFICER'S REPORT

CEO Gonzales opened his report by congratulating Deanna Dibble, Larry Wilkie and Kathleen Hardy for winning their seats during the recent CSRM election that took place at the Board meeting in October 2020. He also shared that the Executive Committee members elect their own officers based on eligible members who've sat on the Executive Committee for a full year. The election for the President's seat will take place during today's meeting.

CEO Gonzales gave a status update on the two vacant JPA positions, the Financial Officer and Risk Manager I. The JPA is working with the Administrative Agent's human resource staff to update the job descriptions and expect to have the positions flown soon. He concluded his report by announcing that John Chino, from Gallagher, will be presenting today on the topic of Claims Made vs. Occurrence and the financial impact to educational institutions.

5.2 COMMITTEE UPDATES

5.2.1 GOVERNANCE & OPERATIONS COMMITTEE

Alexandria Barr, JPA Risk Manager II reported out on the current activities of the committee. The Governance and Operations Committee last met on December 3, 2020, to discuss and review the JPA's Student Supplemental Medical Pay Program. The program has been used sparingly in the past two policy years and there is no urgency from members to make an immediate change. Staff recommended a name change and/or acronym that will help define the intent of the program. The Governance and Operations Committee reviewed and discussed information from staff and voted to revisit this agenda item at an upcoming 2021 meeting.

The Governance and Operations Committee watched a demo presentation put on by WeTip & Catapult EMS who have recently merged to expand their services on emergency management and anonymous reporting. JPA staff will work with WeTip & Catapult to bring an additional demonstration to the Executive Committee in 2021.

The Governance and Operations Committee will continue to work on reviewing and updating the MOC, Bylaws, Auto/Physical Damage MOC by providing drafts and recommendations to the Executive Committee for review and comment.

While awaiting John Chino to join the meeting and present Item 6.1 Claims Made vs. Occurrence, the Executive Committee asked to move forward with Item 7.1 Nomination and Election of Executive Committee Officer.

7.1 NOMINATION AND ELECTION OF EXECUTIVE COMMITTEE OFFICER

Teresa Saenz, JPA Board Secretary, reported out on the nomination and election of the CSRM Executive Committee officers. The Executive Committee elects Officers (President, Vice-President, Treasurer and Secretary) from the eligible members currently serving on the committee. The Executive Committee members who have served one full year and are full voting members (alternates are ineligible) are eligible to run for an officer seat due to expiring seat terms. Officer seat terms are concurrent with the terms of the Executive Committee members.

Ms. Saenz called for a candidate nomination for the Executive Committee President seat. Deanna Dibble nominated herself for re-election as the CSRM President. No other nominations were submitted after the second and final call for candidates. With no other interest from eligible Executive Committee members, the approval of Deanna Dibble as CSRM President was held by an acclamation vote of the Executive Committee members present.

Ayes: Deanna Dibble, Lisa Bailey, Lori Isom, Larry Wilkie, Shauna Warnock, Kathleen Hardy, Debbie Betts

Nays: None – Abstentions: None

Motion carried.

President Deanna Dibble's Presidency will fall concurrent with her new term; January 1, 2021 through December 31, 2023.

6.0 **PRESENTATIONS/EDUCATION**

6.1 CLAIMS MADE VERSUS OCCURANCE

John Chino with AJ Gallagher Consulting presented on the explosion of litigation surrounding sexual abuse in schools, social organizations, universities etc., the insurance industry is moving to claims-made for SAM liability. In 2020, the situation was further exacerbated by the passage into law of AB 218. AB 218 extended the period to report a childhood sexual abuse claim to the age of 40 for the victim. This means that a policy period is "open" for approximately 36 years or more. Such a long period is unsustainable for the financial reporting of insurance companies and self-insured pools. By moving the coverage to claims-made, they are able to substantially shorten the reporting period and close their books in a reasonable time. Moreover, this allows for better, more accurate pricing and the ability to provide sustainable rates on a long-term basis.

Sharon Flores joined the meeting at 10:45 a.m.

The main issue that reinsurance companies and the excess "Insurance" provider, SELF JPA, may only provide coverage on SAM "claims-made" as soon as July 1, 2021. It is challenging for CSRM to provide an occurrence coverage if the reinsurance and excess coverage is not concurrent. In addition, it is inefficient and perhaps even illusory to offer occurrence coverage in an environment where claims cannot be closed for 36 years or more. How can any member be sure the pool will be solvent in 2058? Or that the premiums collected today will still be available in 2058? The JPA must consider the option of claims-made coverage for SAM (only) as an accommodation to reinsurance pressure, concurrency with SELF and the ability to continue to exist and even flourish financially.

7.0 **DISCUSSION/ACTION**

7.1 NOMINATION AND ELECTION OF EXECUTIVE COMMITTEE OFFICER

Per the members of the Executive Committee, this item was moved up and took place before Item 6.1 was presented.

7.2 APPROVAL OF PROPOSED AB218 FUNDING

CEO Javier Gonzales presented that in previous CSRM meetings, scholastic pools in the State of California are being forced to reopen old policy years that were once considered closed. The same scholastic pools are re-evaluating the financial underwriting of the closed policy years and are requesting additional funding from members to pay for the AB218 claim cost.

CEO Gonzales shared a PowerPoint presentation that included the JPA Liability position and the district participation per fiscal year beginning 1985-1986 through 2020-2021. The information for each policy year also included the Self-Insured Retention (SIR), Reinsurance and SELF JPA coverage amounts. Each Executive Committee member had their districts policy participation year information emailed to them just prior to the Executive Committee meeting. The JPA recommendation is seeking approval to assess participating districts of a given policy year (date of loss of a claim) to pay for the cost of the claim.

There were questions on how the JPA would collect funds from districts no longer with the CSRM JPA for past liability claims. CEO Gonzales shared that Dave George, CEO with the SELF JPA has been reporting on this matter for several months to districts throughout the state. In addition, when a district enters into service agreement with the JPA, they also agree to pay for any past liability claims that took place during their participation claim years.

There was extensive conversation by members of the Executive Committee and looking to get their financial staff members (CBO or CFO's) involved before voting due to the possible and unknown future financial impact to current member districts. There was a request to establish a committee or ad hoc group that would include district CBO's or CFO's to look into the fiscal options for the entire CSRM pool. CEO Gonzales stated that the JPA will immediately look into organizing a group and start the conversation at the beginning of the upcoming calendar year. The issue of AB 218 will be continuously reviewed by the Executive Committee.

8.0 **INFORMATION/DISCUSSION**

8.1 UPDATE ON THE CLASS ACTION LAWSUIT

Robert Feldhake, JPA Counsel reported out on the two class action lawsuits were filed with one lawsuit naming all School Districts and all Department of Educations throughout the United States.

The first lawsuit was filed in New York over challenges to educational programs and efforts for special needs children during the COVID-19 pandemic. The lawsuit brings claims against not only New York-related educational agencies and the Mayor, but to all School Districts & Department of Educations in the United States.

The second lawsuit was filed in the state of California naming a proposed class of 800,000 special needs students for not providing appropriate educational accommodations and claims that remote learning plans violate provisions of the Individuals with Disability Education Act. According to the lawsuit, special needs students can no longer receive services they are entitled to under the individual programs, which require in-person instruction.

JPA Counsel, Robert Feldhake, will continue to provide updates on the status of the lawsuits at future Executive Committee meetings.

8.2 INFORMATION ON EVERFI CONTRACT RENEWAL

Jazmine Martinez, JPA Training Manager, provided information on the agreement between Everfi and CSRM that's set to expire March 2021. The agreement included access to their extensive training catalog, implementation support, and an online training program for all students and employees. The JPA is currently paying \$70,000 per year for 3 community colleges to use the Everfi program, (Barstow CCD, Riverside CCD, and Chaffey CCD).

In April 2020, the Executive Board approved to amend the Everfi agreement to include a Single Sign-On feature that would make the online training program easier to implement. Renewal discussions are set to take place in the new calendar year and the Executive Committee will be updated at the next meeting.

8.3 RECAP OF THE 2020 LEGISLATIVE SESSION

Alexandria Barr, JPA Risk Manager II, provided a snapshot of the 2-year California Legislative Session. September 30, 2020 marked the end of the second year of the 2019-2020 Legislative Session, with Governor Newsom taking final actions on bills approved by the Legislature in 2020. Due to health and safety concerns arising from the COVID-19 crisis, the Assembly and Senate significantly reduced the number of bills typically considered, and instead only adopted legislation necessary to directly respond to the public health emergency and economic recession.

Ms. Barr also pointed out that included with the agenda packet is a full copy of the 2021 Legislative Report published by CSBA (California School Boards Association). The report provides a comprehensive list of new legislation signed into law in 2020 that impacts K-12 education in California.

8.4 UPDATE ON THE CAPTIVE

CEO Javier Gonzales shared that JPA Staff is working with Robert Feldhake (JPA Counsel), John Chino (AJ Gallagher) and the Captive Administrator (Artex Risk Solutions) to resume the administration process of reviewing the agreements necessary to formalize the incorporation of the CSRM captive.

8.5 SURVEY RESULTS FROM THE CSRM ANNUAL EVENT

Melissa Hernandez shared the survey responses from the 2020 CSRM Annual event. Attendees thanking the JPA for hosting the event virtually, for the content that was provided, and the on-demand availability of the sessions after the live event. The survey itself shows an average 4.22 of 5 Star Rating, with 100% of the respondents stating they would attend again next year.

In general, survey respondents would like to see Pat Hamblin and Rachel Shaw back next year and having them conduct trainings during the upcoming year. 22.2% of respondents would also like to have training on the topics of: Intentional Leadership; Employment Practice; and SAM & AB218. A suggestion for next year's event is to host it in person if possible.

8.6 CAL/OSHA COVID-19 EMERGENCY TEMPORARY STANDARDS

Julie Leggin, JPA Risk Manager II, reported out on the California approved emergency temporary Cal/OSHA standards on COVID-19 infection prevention. These new temporary standards apply to most workers (K-12 and Community Colleges) in California not covered by Cal/OSHA's Aerosol Transmissible Diseases standards.

Ms. Leggin provided an overview of the requirements for employers covered by the COVID-19 Prevention Standard that include:

- Identifying and evaluating employee exposures to COVID-19 health hazards.

- Implementing effective policies and procedures to correct unsafe and unhealthy conditions (such as safe physical distancing, modifying the workplace and staggering work schedules), including documented written risk assessments.
- Providing and ensuring workers wear face coverings to prevent exposure in the workplace.
- Provide effective training and instruction to employees on how COVID-19 is spread, infection prevention techniques, and information regarding COVID-19-related benefits that affected employees may be entitled to under applicable federal, state, or local laws.

In addition to the requirements for employers when there are multiple COVID-19 infections, outbreaks (three or more cases in a workplace in a 14-day period) or major outbreaks (20 or more cases within a 30-day period).

- COVID-19 testing for employees who might have been exposed requires employers to offer testing at no cost to their employees during their working hours who had potential COVID-19 exposure in the workplace and provide them with the information on benefits.
- Notification requirements that obligate employers to contact the local health department immediately but no longer than 48 hours after learning of three or more COVID-19 cases to obtain guidance on preventing the further spread of COVID-19 within their workplace.

8.7 HAZELRIGG CLAIMS MANAGEMENT SERVICES MERGER WITH TRISTAR RISK

Tom Veale, TRISTAR President presented on the upcoming merger between Tristar Risk and Hazelrigg Claims Management Services (HCMS) that will become effective on January 1, 2021.

Both HCMS CEO Arlene Hazelrigg and Tristar President Tom Veale have indicated there will be no change to the service our members receive and the claims adjusters currently on the account will remain, with one possible promotion, in which case another adjuster would be added.

8.8 STAFF REPORTS

8.8.1 SAFETY AND LOSS CONTROL REPORT

8.8.2 CLAIMS REPORT

8.8.3 FINANCIAL OFFICER'S REPORT

8.8.4 TRAINING REPORT

President Dibble shared that the staff reports are in the agenda packet and if there were any questions by the Executive Committee or any of the JPA staff members.

Valeria Dixon shared information on an upcoming OSHA Standards workshop taking place via the ZOOM platform on Thursday, December 17, 2020.

Daniel Rodriguez addressed the upcoming RFP process in addition to making changes. An RFP will be sent out for a Third-Party Administrator with a deadline for responses by March 2021 in addition to putting together a Claims Committee to evaluate the respondents to the RFP and will share the results of the RFP at a future Executive Committee meeting.

9.0 **EXECUTIVE COMMITTEE COMMUNICATIONS**

9.1 PROPOSED FUTURE AGENDA ITEMS

9.1.1 DEVELOP MARKETING PLAN HIGHLIGHTING PROGRAMS/SERVICES TO RETAIN AND

ATTRACT NEW DISTRICTS

9.1.2 ANNUAL GOLF TOURNAMENT FUNDS

9.1.3 WETIP 2.0 POWERED BY CATAPULT EMS

9.1.4 STUDENT SUPPLEMENTAL MEDICAL PAY PROGRAM

9.2 EXECUTIVE COMMITTEE/SERVICE PROVIDER/PARTNER COMMENTS

President Dibble asked if there were any comments from members of the Executive Committee or any partners currently participating, there were none.

10.0 COMMUNICATIONS

10.1 TLI - 2021-0121 WORK COMP ED CODE UPDATE

President Dibble shared the information could be found in the packet and asked if there were any questions, there were none.

11.0 FUTURE MEETINGS OF THE EXECUTIVE COMMITTEE

11.1 FUTURE JPA EXECUTIVE COMMITTEE MEETINGS AND EVENTS

11.2 FUTURE JPA AD HOC, COMMITTEE OR FOCUS GROUPS

11.3 NON JPA CONFERENCES AND EVENTS

President Dibble shared the information could be found in the packet and asked if there were any questions, there were none.

12.0 ADJOURNMENT

President Dibble called for a motion to adjourn the December 16, 2020, Executive Committee meeting at 11:51 a.m.; approved by a unanimous vote of the CSRM Executive Committee.

Motion: Shauna Warnock - Second: Lisa Bailey

Ayes: Deanna Dibble, Sharon Flores, Lisa Bailey, Lori Isom, Larry Wilkie, Shauna Warnock, Kathleen Hardy, Debbie Betts

Nays: None – Abstentions: None

Motion carried.