



President
Mr. Dave Warren
City of Placerville

Vice President
Mr. Jose Jasso
City of Rio Vista

Treasurer
Ms. Jen Lee
City of Rio Vista

Secretary
Ms. Jennifer Styczynski
City of Marysville

NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND CLAIMS COMMITTEE MEETING AGENDA

DATE / TIME: Thursday, March 24, 2022 at 9:00 a.m.

A - Action
I - Information

LOCATION: Zoom Teleconference
Call-in Number: (669) 900-6833
Meeting ID: 934 2954 3746 Passcode: 395484

1 - Attached
2 - Hand Out
3 - Separate Cover
4 - Verbal

This Meeting Agenda shall be posted at the address of the teleconference locations shown below with access for the public via phone/speaker phone.

1. City of Corning- 794 Third St. Corning, CA 96021
2. City of Ione – 1 East Main St. Ione, CA 95640
3. City of Rio Vista - 1 Main Street Rio Vista, CA 94571
4. City of Marysville – 526 C Street Marysville, CA 95901
5. City of Yuba City – 1201 Civic Center Boulevard Yuba City, CA 95993

MISSION STATEMENT

The Northern California Cities Self Insurance Fund, or NCCSIF, is an association of municipalities joined to protect member resources by stabilizing risk costs in a reliable, economical and beneficial manner while providing members with broad coverage and quality services in risk management and claims management.

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENTS

This time is reserved for members of the public to address the Committee on matters pertaining to NCCSIF that are of interest to them.



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-
- pg. 4 **D. CONSENT CALENDAR** **A 1**
All matters listed under the consent calendar are considered routine with no separate discussion necessary. Any member of the public or the Committee may request any item to be considered separately.
- pg. 5 1. Claims Committee Meeting Minutes - September 16, 2021
pg. 7 2. Claims Committee Special Meeting Minutes – November 9, 2021
- pg. 9 **E. CLOSED SESSION TO DISCUSS PENDING CLAIMS** **A 2**
(Per Governmental Code Section 54956.95)
- Liability:
1. Stowe v. City of Rocklin
2. Open Claim Review
- F. REPORT FROM CLOSED SESSION** **I 4**
The Committee will announce any reportable action taken in closed session
- G. ADMINISTRATIVE ITEMS**
- pg. 10 **1. FY 21/22 LIABILITY PROGRAM CLAIM AUDIT AND** **A 1**
SEDGWICK RESPONSES
The Committee will review the most recent Liability Program claims audit conducted by RMS in 2021 and the response from Sedgwick to accept and file.
- pg. 18 **2. NEW ADDITION – DERICK KONZ – ANGELO, KILDAY &** **A 1**
KILDUFF
The Committee will be asked to approve revising the NCCSIF Liability Defense Attorney List to include Derick Konz.
- pg. 20 **3. LIABILITY COUNSEL LIST REVIEW OF LEGAL PANEL &** **A 1**
RATE CHANGES
The Committee will be asked to approve rate changes on the NCCSIF Liability Defense Attorney List.
- pg. 25 **4. SEDWICK WORKERS’ COMPENSATION CLAIMS** **A 1**
ADMINISTRATION RENEWAL PROPOAL
The Committee will be asked to review and may approve or recommend Sedgwick’s renewal terms effective July 1, 2022



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pg. 30 **H. ROUND TABLE DISCUSSION**

I 4

This is an opportunity for Committee members to ask questions or raise issue on risk exposures common to the members.

I. ADJOURNMENT

UPCOMING MEETINGS

Risk Management Committee Meeting - April 21, 2022

Board of Directors Meeting - April 21, 2022

Police Risk Management Committee Meeting - May 5, 2022

Claims Committee Meeting - May 26, 2022

Executive Committee Meeting - May 26, 2022

Per Government Code 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 Jenna Wirkner at Alliant Insurance Services at (916) 643-2741.

The Agenda packet will be posted on the NCCSIF website at www.nccsif.org. Documents and material relating to an open session agenda item that are provided to the NCCSIF Claims Committee less than 72 hours prior to a regular meeting will be available for public inspection and copying at 2180 Harvard Street, Suite 460, Sacramento, CA 95815.

Access to some buildings and offices may require routine provisions of identification to building security. However, NCCSIF 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.



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Claims Committee Meeting
March 24, 2022**

Agenda Item D.

CONSENT CALENDAR

ACTION ITEM

ISSUE: The Claims Committee reviews items on the Consent Calendar, and if any item requires clarification or discussion a Member should ask that it be removed for separate action. The Committee should then consider action to approve the Consent Calendar excluding those items removed. Any items removed from the Consent Calendar will be placed later on the agenda in an order determined by the Chair.

RECOMMENDATION: Adoption of the Consent Calendar after review by the Committee.

FISCAL IMPACT: None.

BACKGROUND: Routine items that generally do not require discussion are regularly placed on the Consent Calendar for approval.

ATTACHMENT(S):

1. Claims Committee Meeting Minutes - September 16, 2021
2. Claims Committee Special Meeting Minutes – November 9, 2021



**MINUTES OF THE
NCCSIF CLAIMS COMMITTEE MEETING
ZOOM TELECONFERENCE
SEPTEMBER 16, 2021**

COMMITTEE MEMBERS PRESENT

Kristina Miller, City of Corning
Jennifer Styczynski, City of Marysville
Jose Jasso, City of Rio Vista
Spencer Morrison, City of Yuba City

COMMITTEE MEMBERS ABSENT

Michael Rock, City of Ione

CONSULTANTS & GUESTS

Marcus Beverly, Alliant Insurance Services
Chris Richards, Sedgwick

Jenna Wirkner, Alliant Insurance Services
Dorienne Zumwalt, Sedgwick

A. CALL TO ORDER

Chair Jose Jasso called the meeting to order at 11:00a.m. A roll call was made and the above-mentioned members were present constituting a quorum.

B. PUBLIC COMMENTS

C. CONSENT CALENDAR

1. Claims Committee Meeting Minutes - May 27, 2021
2. Claims Committee Special Meeting Minutes – August 11, 2021

A motion was made to approve the Consent Calendar as presented.

Motion: Kristina Miller

Second: Jose Jasso

Motion Carried

Ayes: Miller, Styczynski, Jasso, Morrison

Nays: None

D. CLOSED SESSION

Pursuant to Government Code Section 54956.95, the Committee recessed to closed session at 11:09 a.m. to discuss the following claims:

Workers Compensation:

1. NCWA-558260 and NCWA-555437 v. City of Auburn
2. NCWA-72566 v. City of Placerville



E. REPORT FROM CLOSED SESSION

The Committee reconvened to open session at 11:38 a.m.

The Chair indicated that Committee met and provided direction on the above claims but no reportable action was taken.

F. Policy and Procedure Revision

- a. L-2: Liability Claims Management within the Banking Layer

Mr. Beverly reviewed the updates to the L-2: Policy and Procedure. We updated the Member's Claims Handling Procedures.

- b. L-3: Small Property Damage Claim Settlement

Mr. Beverly reviewed the updates to L-3 and mentioned the release on all claims in the Policy and Procedure.

A motion was made to recommend the revisions to L-2 and L-3, to the Board of Directors.

Motion: Kristina Miller

Second: Jennifer Styczynski

Motion Carried

Ayes: Miller, Styczynski, Jasso, Morrison

Nays: None

G. ROUND TABLE DISCUSSION

None.

H. ADJOURNMENT

The meeting was adjourned at 11:46 a.m.

Respectfully Submitted,

Jennifer Styczynski, Secretary

Date



**MINUTES OF THE
NCCSIF CLAIMS COMMITTEE SPECIAL MEETING
ZOOM TELECONFERENCE
November 9, 2021**

COMMITTEE MEMBERS PRESENT

Kristina Miller, City of Corning
Michael Rock, City of Ione
Jose Jasso, City of Rio Vista (**Chair**)
Jennifer Styczynski, City of Marysville
Spencer Morrison, City of Yuba City

CONSULTANTS & GUESTS

Jenna Wirkner, Alliant Insurance Services Marcus Beverly, Alliant Insurance Services
Steven Scott, Sedgwick Summer Simpson, Sedgwick

A. CALL TO ORDER

Chair Jose Jasso called the meeting to order at 9:02 a.m. A roll call was made and the above-mentioned members were present constituting a quorum.

B. ROLL CALL

C. AUTHORIZATIN TO MEET VIA TELECONFERENCE

D. PUBLIC COMMENTS

No public comments.

E. CLOSED SESSION

Pursuant to Government Code Section 54956.95, the Committee recessed to closed session at 10:0 a.m. to discuss the following claims:

Workers Compensation:

1. NCWA- 558339 and 557843- City of Colusa
2. NCWA-556141,30935,16902,556073,555955,66971-v. City of Folsom*
3. NCWA-558682,558687,386741,549574,555756,555938,556053,402104A8G0D-0001,40210389D7C-0001, 40210389DD9-0001 v. City of Folsom*

Liability

Hood v. City of Oroville*



Summer Simpson left the meeting at 9:11a.m.

F. REPORT FROM CLOSED SESSION

The Committee reconvened to open session at 9:32 a.m.

Chair Jasso indicated that the Committee met and provided direction on the above claims but no reportable action was taken.

G. ROUND TABLE DISCUSSION

Members discussed training for NCCSIF Members.

H. ADJOURNMENT

The meeting was adjourned at 9:37 a.m.

Respectfully Submitted,

Jennifer Styczynski, Secretary

Date



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Claims Committee Meeting
March 24, 2022**

Agenda Item E.

CLOSED SESSION TO DISCUSS PENDING CLAIMS

(Per Governmental Code Section 54956.95)

ACTION ITEM

ISSUE: Pursuant to Government Code Section 54956.95, the Committee will hold a Closed Session to discuss the following claims:

Liability:

1. Stowe v. City of Rocklin
2. Open Claim Review

FISCAL IMPACT: Unknown.

RECOMMENDATION: The Program Administrator cannot make a recommendation at this time, as the subject matter is confidential.

BACKGROUND: Confidential.

ATTACHMENT(S): None.



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Claims Committee Meeting
March 24, 2022**

Agenda Item G.1.

**FY 21/22 LIABILITY PROGRAM CLAIMS AUDIT
NORCAL CITIES - RISK MANAGEMENT SERVICES**

ACTION ITEM

ISSUE: Ken Maiolini of Risk Management Services completed a liability claims audit in January 2022. The Executive Summary and recommendations are provided for review and discussion. Sedgwick's response to the audit and recommendations is also attached.

Overall, the claims management is done in a professional and competent manner that meets or exceeds industry standards. The only exceptions noted were the "housekeeping" need to adjust reserves on three claims and did not indicate any negative trend or practice in the reserving process.

Areas of strength included investigation and documentation, with adjusters acting proactively to identify risk transfer opportunities. Litigation management is done in a competent, collaborative and proactive manner, resulting in resolutions and cost of defense below expectations for the exposures.

Liability and damage claims are well evaluated and documented in the file. Suggestions were made on three claims along with a recommendation to increase the use of captioned reports.

The claims also reflect early and aggressive negotiations on claims that have merit, saving on the cost to manage the claim. The closed claims audited were found to be managed well, with timely closing, good reconciliation of financials, good documentation, and supervisor involvement.

Sedgwick has reviewed and responded to the audit findings in the attached letter of March 2, 2022.

RECOMMENDATION: Review, accept and file audit and response.

FISCAL IMPACT: None, already budgeted.

BACKGROUND: Every odd year NCCSIF conducts an audit of member Liability claims to ensure it is being managed according to NCCSIF standards and best practices.

ATTACHMENT(S):

1. NorCal Cities FY 21/22 Liability Claims Audit by Risk Management Services January 2022 (without Audit Detail)
2. Sedgwick's Response to audit findings and recommendations dated March 2, 2022

NORTHERN CALIFORNIA CITIES SELF INSURANCE FUND (NCCSIF)

AUDIT REPORT – 2021/2022

An audit of the NCCSIF claims handling was conducted in December 2021 and January 2022. After a review of the loss runs provided by the NCCSIF TPA, RMS selected and reviewed 62 open claims, completing an RMS Audit Review form on each open claim; these forms are included in this report as a confidential document. RMS also reviewed 20 closed claims and prepared a Closed Claims Review, which is also attached.

The TPA operates on a paperless system, and we found their database to be complete, up to date and well documented. The following are additional observations made during the audit process:

INVESTIGATION – The files were well documented with investigative information. The Adjuster is in close contact with the involved Member once the claim is received. The TPA utilizes Member resources, conducts independent investigation, makes site visits, and uses outside sources to do a complete investigation. We found the investigations to be done in a timely, complete, and well documented manner. The investigation practice provides for a solid foundation for all future handling. Investigations involving police and dangerous condition matters are especially well investigated and timely information is provided by the Police and Public Works departments. The Adjusters are also proactive in identifying risk transfer opportunities.

RESERVES – The TPA generally reserves well and set values at a reasonable expected exposure level. There is good reserving rationale in the system notes and Supervisor review and approval involved in the process. Reserving of both loss and expense was well evaluated and reviewed.

We did NOTE a few claims that need attention:

- Claim # 4020113F3D7 – Loss reserve needs review.
- Claim # NCGA08821A1 – Loss reserve needs review. Current reserve is less than last offer and Mediators' number.
- Claim # NCGA09043A2 – Only \$156 left in expense reserve – MSJ denied on EPL case.

These three issues are housekeeping in nature and do not represent any negative trend in the reserving process.

LITIGATION MANAGEMENT – The management of the litigation by the TPA is done in a competent, collaborative and proactive manner. There is a good relationship with the handling Defense Counsel and appropriate notes in the claims system that outlines the current status and plans for future handling. The notes also indicate that litigation is tracked and reviewed by the Claims Supervisor. The Defense Counsel submits timely budgets and initial case evaluations. As litigation progresses, appropriate experts are retained, dispositive motions filed, and depositions strategically scheduled. The Adjusters keep the Member in the loop on the litigation status and work to create a collaborative effort between the Member, Defense Counsel and TPA to maximize the litigation effort. Overall, the litigation results are beneficial to the Member, Pool and Excess partners. Both resolutions and cost of defense are below what one would expect for Northern California city exposures.

LIABILITY/DAMAGE EVALUATION – The files are well evaluated in the handling process. There are good notes indicating review and evaluation of liability issues. When appropriate the Adjuster completes a captioned report that is distributed appropriately.

NOTE: Increased use of this captioned report would greatly enhance the claims handling process.

There is timely review of information related to damages – medical records, police reports, loss of earnings documentation, expert information, and future costs documentation. This information is well documented in the claims system.

Regular review and input are documented by the Claims Supervisor.

There were a few noted issues and suggestions:

NOTE:

- Claim #40201028983 – Special attention should be paid to the VA lien issue. It is RMS' experience that US Government liens are very difficult to compromise, and the US Government is hard line on 100 cents on the dollar in recovery. This should be taken not consideration in the evaluation.
- Claim #4020113F3D7 – Claim could benefit from a Defense Counsel evaluation.
- Claim #4021038FF67 – RMS has extensive experience with the Plaintiff Counsel on this excessive force case. He has not had a successful trial and is usually ill prepared. As a result, it is easy to negotiate nuisance values resolutions, when warranted.

FILE MANAGEMENT – The files were found to be well managed in a professional and competent manner. The handling includes:

- Good management of the statutory notice process. Notices are sent out per Member protocol timely, and all government tort claims defenses are preserved appropriately.
- Diary for both the Adjuster and Claims Supervisor is well maintained and up to date.
- Financials are tracked and posted timely.
- Claims system is complete with notes, attachments, and other claims information.
- There is good communication with the Member.
- All matters that meet Excess reporting requirements are reported timely and there is good ongoing communication with the Excess partners.
- Risk transfer opportunities are regularly identified and pursued appropriately.
- Adjusters use e-mail communication effectively.

NEGOTIATION PRACTICE – The Adjusters are aggressive in handling claims that have merit and enter into negotiation with the Claimant or their Counsel early on to accomplish favorable resolutions. This saves on the cost to manage the claim, Member administrative time and avoids litigation costs. On litigated claims the evaluation process identifies matters that are appropriate for mediation and a plan of action is developed to accomplish a successful negotiation – dispositive motions are filed to posture the claim for resolution, appropriate experts are utilized, and compatible Mediators are suggested and retained.

CLOSED CLAIMS REVIEW – The closed claims were found to be handled well and included the following:

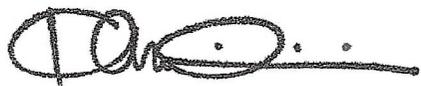
- Timely closing, with all appropriate documents in the file.
- Good reconciliation of financials, either with the Member or Excess partners.
- Resolutions were proactive, timely and favorable.
- File notes were complete.
- Good Claims Supervisor review and involvement.

- Defense costs were well in line for the jurisdiction, type of claim and exposure.
- Reserves were well set, and no indication of retro or step reserving was noted.

OVERALL – The claims handling by the TPA for NCCSIF is done in a professional and competent manner. The Adjusters are very familiar with the Member, the exposures, venues, and Plaintiffs' Bar. This relationship between the Adjusters, Members and Pool is a great advantage to NCCSIF.

We found the claims handling to meet or exceed industry standards and CAJPA criteria. Other than the NOTED issue above, we found no other issues and do not have any further recommendations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Maiolini', with a horizontal line extending to the right.

Kenneth R. Maiolini, ARM-P

Attachments: RMS Audit Review Forms (Confidential Document)
Closed Claims Review

NCCSIF Closed Claim List – 2021/2022

CLAIM #	TYPE	TOTAL INCURRED
402007123DD-0004	Tree damage to vehicle	\$39,600.35
40201031D3B-0001	City water pipe burst	\$15,000
4021026ACD6-0001	Trip-and-fall	\$10.85
nCGA06827A1	OIS	\$462,638.60
NCGA08034A2	Pipe on private property	\$434,621.36
NCGA08599A1	Brain damage	\$18,533.23
NCGA08811A1	Fatality	\$890,243.45
NCGA08838A1	OIS	\$2,744.92
NCGA09000A1	EPL	\$39,401.60
NCGA08971A1	Civil Rights violation	\$7.75
NCGA08985A1	Fatality	\$45
NCGA08860A1	Bodily injury	\$97,785.57
NCGA08910B1	OIS – fatal	\$7.75
NCGA08987A1	Bodily injury	\$16,948.66
NCGA08964A2	MVA	\$8,381.87
NCGA08934A2	Sewer main	\$5,612.38
NCGA08751A1	Bodily injury	\$20,045.91
NCGA08683A1	Trip-and-fall	\$55,500.83
NCGA08673A1	Bodily injury	\$96,869.32
C166507945-0002-01	Sewer main	\$22,937.92



March 2, 2022

To: Mr. Marcus Beverly, Alliant Insurance (via email)

Re: Response to Audit Results for NCCSIF

Dear Mr. Beverly,

This letter is in response to the Northern California Cities Self Insurance Fund audit report for the NCCSIF General Liability Claims and Property Claims. 62 open claims and 20 closed claims were audited. We were very pleased with the findings that our claims were well documented, and our investigations were complete. The audit also noted timely investigations and that our investigations provided a solid foundation for all future handling. Specifically noted as being especially well investigated were those investigations involving police and dangerous conditions. The auditor also found our examiners to be proactive in identifying risk transfer opportunities and commented the adjusters are aggressive in handling claims with merit and that negotiations with claimants or their counsel are entered early on. Also noted were appropriate liability evaluations, and active supervision of files. Overall, the auditor found our claims handling is done in a professional and competent manner and our claims handling for NCCSIF meets or exceeds the industry standard and CAJPA claims handling criteria.

Overall reserving was found to be addressed timely with appropriate rationale. The auditor did recommend three claims' reserves be reviewed. These reserves were reviewed on March 1, 2022 and adjusted as follows:

4020113F3D7- The indemnity reserves were increased to \$15,000 based on the probable value of claimant's injury.

NCGA08821A1- The indemnity reserves were increased to \$35,000 which is the amount of our last offer.

NCGA09043A2- The expense reserve was increased to \$150,000 on January 28, 2022.

The auditor found the files were well managed in a professional and competent manner and there was good and timely communication with the members. Closed file review found timely closings, good reconciliation of financials, timely, proactive, and favorable resolutions, complete file notes, and good claim supervisor review and involvement.

The auditor noted that when appropriate the adjuster completes captioned reports that are distributed appropriately. The auditor did note that increased use of the captioned report would greatly enhance the claims handling process. We currently require

captioned reports be completed and sent to the client at 30 days and a minimum of every 90 days thereafter. The Team Lead will monitor for compliance.

There were a few noted issues and suggestions. The issues and suggestions are noted below with a response to each.

40201028983- Auditor commented, Special attention should be paid to the VA lien issue. It is RMS' experience that US Government liens are very difficult to compromise, and the US government is hard line on 100 cents on the dollar in recovery. This should be taken into consideration in the evaluation. The examiner to address the VA lien with defense counsel and excess. It will be considered in the evaluation of this matter.

4020113F3D7- Auditor noted, Claim could benefit from a defense counsel evaluation. A status report was received from defense counsel on February 15, 2022. An updated captioned report was completed on this same date by the claims examiner.

4021038FF67- Auditor commented, RMS has extensive experience with the Plaintiff Counsel on this excessive force case. He has not had a successful trial and is usually ill prepared. As a result, it is easy to negotiate nuisance values resolutions. Currently, a motion for summary judgment is pending. As in all cases, if we are not successful with the motion, we will consider a nuisance value resolution if it makes sense to do.

We appreciate our partnership with NCCSIF very much and are dedicated in our commitment to provide excellent claims handling to all NCCSIF members. Please let us know if you have any questions or need additional information.

Sincerely,

Summer Simpson, Claims Team Lead

cc: Ronda Donovan, Director Claims Property & Casualty
Jill Petrarca, Claims Assistant Manger
Erik Baumle, Director Client Services



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Claims Committee Meeting
March 24, 2022**

Agenda Item G.2.

**REVISION TO A-9 ATTACHMENT A: LIABILITY COUNSEL LIST
DERICK KONZ – ANGELO, KILDAY & KILDUFF**

ACTION ITEM

ISSUE: The law firm of Angelo, Kilday and Kilduff has promoted Derick Konz to partner in the firm and has requested his addition to the Liability Counsel list. Derick has been with the firm since 2017 and has been a valuable addition to the firm and on many NCC claims.

RECOMMENDATION: Approve as requested.

FISCAL IMPACT: None.

BACKGROUND: The Claims Committee regularly reviews and recommends changes to the Approved List of attorneys based on feedback from members and the claims administrator.

ATTACHMENT(S):

1. Derick Konz Bio



601 University Avenue Suite 150
Sacramento, CA 95825
Telephone No. (916) 564-6100
Telecopier No. (916) 564-6263
E-Mail: dkonz@akk-law.com

Bruce A. Kilday*
Carolee G. Kilduff*
John A. Whitesides
Serena M. Warner
Kevin J. Dehoff
Derick E. Konz

Melissa T. Currier
Danielle J. Williams
William J. Bittner
Jacob J. Graham

Richard J. Schneider, Of Counsel

*Member of American Board
of Trial Advocates (ABOTA)

BIO OF DERICK E. KONZ

Mr. Konz focuses his practice on police litigation and is proud to represent those that serve the public good. He was admitted to the State Bar in December 2012 and has been defending peace officers and public entities in civil litigation ever since. In 2013, he began as an Associate Attorney at Mayall Hurley in Stockton, defending the City of Lodi and County of San Joaquin in state and federal litigation. In 2017, he moved to Angelo, Kilday & Kilduff and, in 2022, was elevated to Partner. Mr. Konz has worked on numerous cases for NCCSIF members, as well as delivered legal update presentations on police-related topics. He also represents public entities outside of NCCSIF, including CDCR and the Judicial Council of California.

Mr. Konz handles all aspects of civil litigation in state and federal court and regularly appears in the Eastern District on cases ranging from false arrest to deadly force. He has drafted several summary judgment motions that were granted, and a successful appeal in the Ninth Circuit that overturned the denial of summary judgment for two police officers. He has tried two cases, one as second-chair in federal court in 2019 on a fatal shooting, and one as first-chair in Monterey County Superior Court in 2021 on claims of sexual harassment. He has also resolved dozens of cases through informal negotiation, mediation, and federal settlement conferences.

Prior to becoming an attorney, Mr. Konz worked as a math teacher at a public high school in Stockton (2005-2012). During that time, he attended McGeorge School of Law as an evening student, graduated as a member of the Traynor Honor Society, and received the Witkin Award in Criminal Procedure. He is a husband and father of three, grew up in rural Calaveras County, and volunteers his time coaching youth sports.

Mr. Konz is honored to be considered for the NCCSIF approved list of attorneys and welcomes any additional inquiry regarding his experience and expertise.



BACK TO AGENDA

**Northern California Cities Self Insurance Fund
Claims Committee Meeting
March 24, 2022**

Agenda Item G.3.

**REVISION TO A-9 ATTACHMENT A: LIABILITY COUNSEL LIST
REVIEW OF LEGAL PANEL & RATE CHANGES**

ACTION ITEM

ISSUE: The Committee reviews the list of approved liability counsel as needed to keep the panel accurate and up to date. Firms that are not being used regularly are reviewed to determine if there is still a need, and those that are being used are reviewed for feedback as well.

RECOMMENDATION: Review, discuss and provide direction as needed.

FISCAL IMPACT: None.

BACKGROUND: The Claims Committee regularly reviews and recommends changes to the Approved List of attorneys based on feedback from members and the claims administrator.

ATTACHMENT(S):

1. Policy and Procedure A-9: Attachment A Defense Attorney List for Liability
2. Policy and Procedure A-9: Attachment A Defense Attorney List for Liability with rates – *Handout*

NCCSIF ADMINISTRATIVE POLICY & PROCEDURE #A-9

**ATTACHMENT A - LIABILITY
Approved List of Counsel**

Name of Law Firm	Attorneys	Areas of Expertise
Angelo, Kilday & Kilduff 601 University Avenue, Suite 150 Sacramento, CA 95825 (916) 564-6100	Bruce A. Kilday Carolee Kilduff Serena Warner Kevin Dehoff Derick Konz	Police Liability, General Liability, Auto, Personnel, Heavy Trial Experience
Ayres & Associates 930 Executive Way, Suite 200 Redding, CA 96002 (530) 229-1340	William Ayres	Dangerous Condition, Auto, General Liability, Environmental Liability
Bertrand, Fox, Elliott et al 2749 Hyde Street San Francisco, CA 94109 (415) 353-0999	Eugene Elliott	
Caulfield Law Firm 1101 Investment Blvd., Suite 120 El Dorado Hills, CA 95762 (916) 933-3200	Rich Caulfield Andrew Caulfield	Same as above, with Construction Defect, Heavy to Medium Trial Experience
Donahue Davies LLP 1 Natoma Street Folsom, CA 95630 (916) 817-2900	Robert E Davies	
Gregory P. Einhorn 48 Hanover Lane, Suite 2 Chico, CA 95973 (530) 898-0228	Gregory P. Einhorn <i>Use for Willows as needed</i>	Employment Law, General Liability, Municipal
Kronick, Moskovitz Tiedemann & Girard 400 Capitol Mall, 27 th Floor Sacramento, CA 95814	Christopher Onstott Bruce A. Scheidt * David W. Tyra Mona G. Ebrahimi Kevin A. Flautt Olivia R. Clark	Civil Rights, California Fair Employment and Housing, Tort Claims, California Public Records Employment Practices

NCCSIF ADMINISTRATIVE POLICY & PROCEDURE #A-9

**ATTACHMENT A - LIABILITY
Approved List of Counsel**

Name of Law Firm	Attorneys	Areas of Expertise
Liebert Cassidy Whitmore 135 Main St #7 San Francisco, CA 94105	Richard Bolanos	Employment Law, Labor Relations & Collective Bargaining, Public Safety, Wage & Hour, Retirement, Health and Disability
Peters, Habib, McKenna Juhl-Rhodes & Cardoza, LLP P.O. Box 3509 Chico, CA 95927 (530) 342-3593	Mark Habib Jim McKenna Lia Juhl	Dangerous Condition, Police Liability, General Liability, Auto, Good Trial Experience
Porter Scott P.O. Box 255428 Sacramento, CA 95865 (916) 929-1481 Fax: (916) 927-3706	John Whitefleet Carl L. Fessenden Will Camry David Norton Derek Haynes	Police, Civil Rights, Dangerous Condition, Inverse Condemnation, Auto, General Liability, Heavy to Light Trial Experience
Matheny Sears Linkert & Jaime, LLP 3638 American River Drive Sacramento, CA 95864 (916) 978-3434 Fax: (916) 978-3430	Matthew Jaime Douglas Sears Richard Linkert	
Ruben Escobedo 731 S. Lincoln St. Santa Maria, CA 93458	Ruben Escobedo	Labor & Employment
The Law Office of Justin N. Tierney 2000 U Street Sacramento, CA 95814 justin@jtierneylaw.com (916) 451-3426	Justin N. Tierney	Dangerous Condition, Auto, Medium Trial Experience
The Law Office of James A. Wyatt 2130 Eureka Way Redding, CA 96001 (530) 244-6060 P.O. Box 992338 Redding, CA 96099-2338	James A. Wyatt	Dangerous Condition, Civil Rights, Police, Wrongful Termination, Auto Liability, Labor Law, Heavy Trial Experience

NCCSIF ADMINISTRATIVE POLICY & PROCEDURE #A-9

**ATTACHMENT A - LIABILITY
Approved List of Counsel**

Name of Law Firm	Attorneys	Areas of Expertise
Murphy, Campbell, Alliston & Quinn, PLC. 8801 Folsom Boulevard, Suite 230 Sacramento, CA 95826 (916) 400-2300	Stephanie L. Quinn	Auto, Wrongful Deaths, Slip and falls, Fire and Trespassing Experience
Cota Cole LLP 2261 Lava Ridge Court Roseville, CA 95661 (916) 780-9009	Dennis Cota Derek Cole Daniel King	Land Use, civil rights, environmental issues.
Allen, Glaessner, Hazelwood, Werth 180 Montgomery Street, Ste. 1200 San Francisco, CA 94104 (415) 697-2000	Dale Allen Mark Hazelwood Steve Werth	Police liability, ADA, sidewalk, employment practices, general municipal liability
Arthofer and Tonkin, Attorneys At Law 1267 Willis Street Redding, CA 96001 (530) 722-9002	Kenneth Arthofer Griffith Tonkin	Public entity, injury, real estate
Randall Harr 44282 Highway 299 East McArthur, CA 96056 (530) 336-5656 rlh@randallharrlaw.com	Randall Harr	
Lenahan, Lee, Slater, Pearse & Majernik LLP 2542 River Plaza Drive Sacramento, CA 95833 (916) 443-1030	Charleton S. Pearse Benjamin D. Oram, Esq. Adam Ambrozy	Dangerous Condition and Vicarious Liability cases
Lynberg & Watkins 1100 Town & Country Rd., Ste. 1450 Orange, CA 92868 (714) 937-1010	Melissa D. Culp Courtney L. Hylton Norman J. Watkins	
Roy C. Santos	Roy C Santos Michelle Sassano	

ATTACHMENT A - LIABILITY
Approved List of Counsel

** Bruce A. Scheidt will be used only as respects the Eaton vs. Rocklin litigation.*

Revision Date: March 28, 2020

Revision Date; March 24, 2022



**SEDGWICK WC CLAIMS ADMINISTRATION
RENEWAL PROPOSAL**

ACTION ITEM

ISSUE: The Committee is provided the attached renewal proposal for Workers' Compensation claims administration per direction from the Board, to replace the agreement expiring as of 6/30/22.

Sedgwick has offered to continue their services for a three-year period with an initial increase of 3%, to \$626,645, and increases of 3% in each of the two subsequent years. The significant difference in the proposal for Option 1 is the use of an NCC dedicated claims team of three indemnity adjusters with caseloads not to exceed 125 pending. Those three adjusters will work exclusively for NCC members. The two Medical Adjusters will be designated, meaning they will work with other clients, though Rebecca Summers has been assigned to NCC for some time and is very familiar with the members.

Two additional options have been proposed at our request, adding additional resources to the team but at additional cost. After receiving feedback from the members and in further discussions with Sedgwick the recommendation is to proceed with the Option 1 model and pricing that is more in line with the past but with the dedicated unit and perhaps more ad hoc use of a Return to Work (RTW) Coordinator for the more difficult cases. The proposal is to include updated service standards and instructions that are currently being reviewed and will be distributed for feedback before finalizing.

RECOMMENDATION: Review and make a recommendation to the Board as presented or amended per discussion.

FISCAL IMPACT: Increase of 3% in current budget, from \$608,392 to \$626,645.

BACKGROUND: Sedgwick and its predecessors York and Bragg & Associates have been providing claims administration services to NCCSIF since the inception of the Workers' Compensation and Liability Programs. The Board reviewed the service and latest performance surveys at their December 16, 2021 meeting and provided direction to negotiate a new agreement with Sedgwick with options for improving service and performance plan benchmarks.

ATTACHMENT(S): NCCSIF Program Design and Pricing Proposal, 2/15/22

NCCSIF Program Design and Pricing Proposal

2/15/2022

Contract Term: 07/01/2022 – 06/30/2025

Annual flat fee option – Workers Compensation Life of Contract

Sedgwick offers an **annual flat fee pricing option in the amount of \$626,645** based on the estimated claim volumes outlined above and the estimated required staffing to service those claims. This proposal offers a 3% year over year annual increase. Under this option, Sedgwick reserves the right to modify the annual flat fee if acquisitions, divestitures, changes in program requirements, or an increase in claim volume of greater than 10% impacts the staffing requirements of the unit.

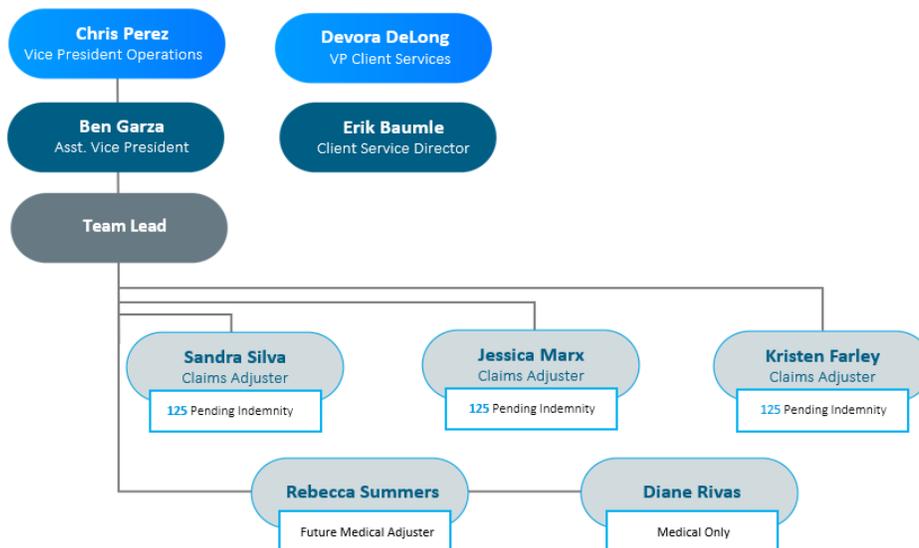
To address optional staffing models the below pricing and models are offered for member consideration.

Option 1:

This model moves the existing team to a dedicated claims team for NCCSIF which offers a case load of 125 for the three (3) indemnity adjusters. This is the proposed structure we are putting into place as quickly as possible to ease work flow and improve communications.

Term	Annual Fee
07/01/2022 – 06/30/2023	\$626,645
07/01/2023 – 06/30/2024	\$645,445
07/01/2024 – 06/30/2025	\$664,800

An Extension of the NCCSIF Team

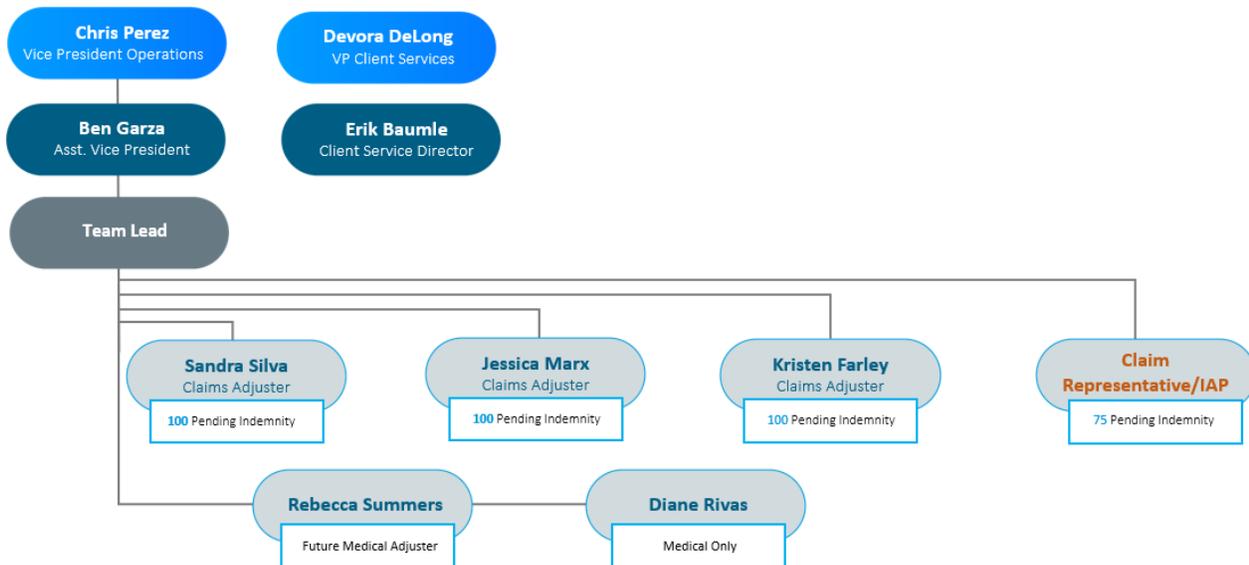


Option 2:

This model retains the dedicated team and adds a dedicated IAP (Industry Advancement Program) adjuster internally trained taking on a lower case load to bring down the caseloads to 100 allowing for greater member and injured worker focus/contact.

Term	Annual Fee
07/01/2022 – 06/30/2023	\$770,845
07/01/2023 – 06/30/2024	\$793,970
07/01/2024 – 06/30/2025	\$817,789

An Extension of the NCCSIF Team

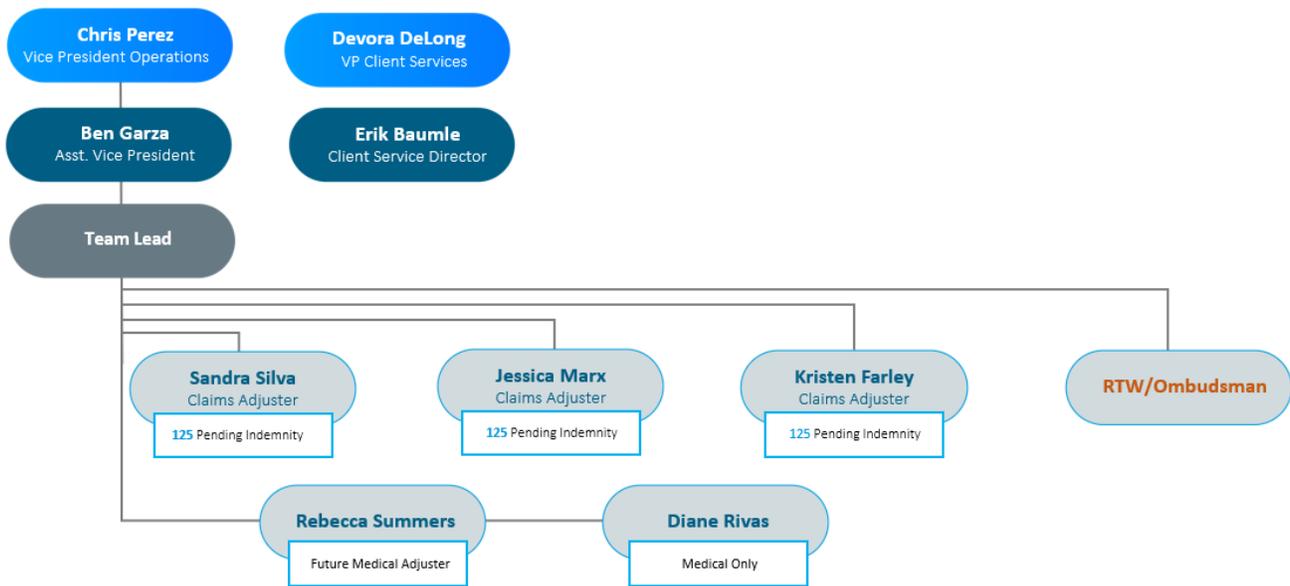


Option 3:

This model retains the dedicated team and adds a dedicated RTW Coordinator/Ombudsman focused on return to work efforts and greater responsiveness to the injured worker to facilitate RTW and reduce lost time.

Term	Annual Fee
07/01/2022 – 06/30/2023	\$829,847
07/01/2023 – 06/30/2024	\$854,743
07/01/2024 – 06/30/2025	\$880,385

An Extension of the NCCSIF Team



Sedgwick managed care

All claim administration fees and services contemplate the deployment of Sedgwick’s managed care services for all bill review and case management services.

Service	Rate
Medical bill review	
State fee scheduling/usual, customary and reasonable; state reporting	\$13.00 per bill

Service	Rate
Provider networks	
California outcomes-based statewide medical provider network (MPN) (all California bills)	Add \$5.00 per bill
Telephonic Clinical Services	
Telephonic case management: <ul style="list-style-type: none"> · Telephonic Nurse Case Manager, · Surgery Nurse Case Manager, · Behavioral Health Specialist 	\$102 per hour
Customized Nurse Services	\$102 per hour
Utilization Review & Physician Advisor	
Utilization review	\$149 per review
Physician advisor/peer review	\$200 per review
Physician review of records	\$275 per hour
Complex pharmacy management	Pharmacy nurse management/pain coaching: \$115 per hour Physician and PharmD management (as needed): \$275 per hour
Field Case Management	
Medical field case management: Full field	\$102 per hour, plus direct expenses
Crisis Care RN	\$165 per hour
Field Case Management Tasks:	
Limited Assignment Task	\$105 per hour
Specialty task services: Life Care Plan, Expert testimony, customized services, Catastrophic Case Management	\$165 per hour
Clinical Consultation Services	
Clinical consultation	Standard (24x7x365 access to nurse): \$90 per triage call Premium (blended nurse intake option): \$105 per triage call Advanced (ability to customize workflows): \$115 per triage call* *level of customization may warrant additional fees

Some of the Managed Care services and pricing outlined require an opt in and are not automatic services such as Clinical Consultation. All other terms and conditions not outlined above will remain as is under the current service agreement.



BACK TO AGENDA

Northern California Cities Self Insurance Fund
Claims Committee Meeting
March 24, 2022

Agenda Item H.

ROUND TABLE DISCUSSION

INFORMATION ITEM

ISSUE: The floor will be open to the Committee for discussion.

RECOMMENDATION: None.

FISCAL IMPACT: None.

BACKGROUND: This is an opportunity for Committee members to ask questions or raise issue on risk exposures common to the members.

ATTACHMENT(S): None.