



## **Executive Committee Meeting**

11:00 a.m. Thursday, October 27, 2016

**Favorito**  
115 N 6th  
Fowler, CA 93625

### **Meeting Minutes**

**Call to Order** President Larry Teixeira called the meeting to order at 11:04 a.m.

#### **Attendance**

Selma Unified School District Larry Teixeira	Los Banos Unified School District Dean Bubar
Kingsburg Joint Union School District (Elem) Dr. Wesley Sever	Kings River-Hardwick Union Elementary School District Trish Singh
Kerman Unified School District Kraig Magnussen	Guests: Gustavo Corona – <i>Borchardt, Corona &amp; Faeth</i> Nick Schumacher – <i>SETECH Div of Keenan- Associates</i> Erik Knak – <i>Knak &amp; Company</i> Dennis Williams – <i>Keenan &amp; Associates</i> Amy Dolson – <i>Poms &amp; Associates</i> Tim Karcz - <i>Poms &amp; Associates</i> Dr. Henry Brock – <i>Brock's Loss Control</i> Bill Tucker - <i>Tucker-Alexander Ins.</i> Donna Murry – <i>Tucker-Alexander Ins.</i>
Kingsburg Joint Union High School District Randy Morris	
Fowler Unified School District Eric Cederquist	
Firebaugh Las-Deltas Joint Unified School District Russell Freitas	

**Approval of Agenda** The motion to approve the agenda with the removal of Action Item 9.11 *Consider Waiving Late Payment Penalty for Raisin City* was made by member Bubar and seconded by member Magnussen.  
Ayes: Members Teixeira, Bubar, Singh, Magnussen, Morris, Cederquist, and Freitas. Nays: None.  
Abstentions: None. Motion carried.

**Public Hearing Session** President Teixeira asked if anyone wished to address the Committee. There was no response.

**Consent Agenda** The motion was made by member Magnussen and seconded by member Bubar to approve the Consent Agenda which included the following:  
A. Approval of the minutes of the July 21, 2016 Executive Committee meeting as emailed.  
B. Approval of audited expenditures for year ending June 30, 2016 (Attachment A) and quarter ending September 30, 2016, (Attachment B).  
Ayes: Members Teixeira, Bubar, Singh, Magnussen, Morris, Cederquist, and Freitas. Nays: None.  
Abstentions: None. Motion carried.

**Treasurer's Report** The audited financial statement for quarter and year ending June 30, 2016, (Attachment C) was presented by President Teixeira. The motion to approved the audited financial statement for quarter and year ending June 30, 2016 was made by member Bubar and seconded by member Magnussen.  
Ayes: Members Teixeira, Bubar, Singh, Magnussen, Morris, Cederquist, and Freitas. Nays: None.  
Abstentions: None. Motion carried.

Member Sever arrived.

The financial statement for quarter ending September 30, 2016, (Attachment D) was presented by the OSS treasurer, Dr. Wesley Sever. The motion to approve the financial statement for quarter ending September 30, 2016 was made by member Freitas and seconded by member Singh.

Ayes: Members Teixeira, Bubar, Singh, Magnussen, Morris, Cederquist, Freitas and Sever. Nays: None. Abstentions: None. Motion carried.

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### Broker/Manager's Report

NCR Ann'l Meeting Report

The JPA manager, Bill Tucker reported on the recent Northern California ReLiEF (NCR) annual meeting, (Attachment E):

*Guns on Campus* – It is NCR's position for members to refrain from the practice of authorizing individuals to carry concealed weapons on campus. Should a member proceed, it is strongly encouraged that additional safety and qualifying steps be taken by the member – online training course, completing a carrying a concealed weapon (CCW) training, advanced tactical training, psychological evaluation, to name a few. Also suggested was to have each permit holder provide a minimum of \$1,000,000 limit of liability insurance and providing an endorsement naming the school district as an additional insured.

*Booster Clubs* – Due to the independence of such clubs, coverage under the memorandum of coverage (MOC) will be phased out over a three-year period to give time to secure coverage elsewhere. Coverage will be available through an outside insurance provider. Assisting booster clubs from improvised areas was discussed as purchasing liability coverage could be a hardship.

*Emerging Risks Facing Schools* – Schools sites could be considered "soft" targets for lone wolf terrorists. It was suggested to have districts start pre-planning now in areas of prevention, security assessments and training of staff and students through drills.

*Claims* – Claims have started to improve, with sexual abuse claims starting to subside.

*Stopt Program* - A new anonymous reporting mobile app for districts is available. The app is free for staff and nominal charge per ADA.

*E-Discovery* – A new way of receiving the first notice of a potential lawsuit would be in the form of a letter from an attorney advising not to delete any electronic data or files.

NCR Matching Grant

The JPA manager announced both Fowler Unified and Firebaugh Las-Deltas Jt Unified were recipients of the matching grants awarded by NCR for up to \$10,000 each to assist with costs associated with new loss control or risk management products.

### Administrator's Report

The O.S.S. claims administrator Erik Knak from Knak & Company presented his report, *The O.S.S. Loss History Review – (Incurred)* as of 10-18-2016, years 2006-07 through 2016-17, (Attachment F). He stated overall districts with their claim activity have calmed down. The reserves and number of claims have also been going down. He was asked to provide a report removing the departed districts to see a comparison of where the O.S.S. stands.

### Loss Control Report

O.S.S. risk manager, Dr. Henry Brock presented his risk management report detailing the various areas of risk management he and Amy Dolson from Poms and Associates have recently been involved, (Attachment G):

The update of the current strategic plan was provided, (Attachment H).

Amy Dolson's service report outlining the assistance she has provided to the JPA as a Poms' Rent-a-Risk Manager, namely the development of an Injury & Illness Prevention Program (IIPP) to all member districts, strategic planning, claims analysis, evaluation of loss exposures, safety training, and a list of support services, (Attachment I).

The online training provider, School Insurance Program for Employees (SIPE), would be continuing its services for this fiscal year with a requirement that each district have an online training coordinator.

A playground inspection quote from Poms and Associates was provided, (Attachment J), should the JPA want to offer this service to its members.

Dr. Brock provided a detailed report on services Amy Dolson would be providing to not only the O.S.S., but also to the workers' comp JPA, Fresno County Self Insurance Group (FCSIG), (Attachment K), with a salary comparison to what other groups are currently paying for their risk manager services.

### Action Items

Financial Audit

Gustavo Corona with the firm Borchardt, Corona & Faeth, presented the O.S.S. financial audit for years ending June 30, 2016 and 2015 (Attachment L). The motion to approve the O.S.S. financial audit for years ending June 30, 2016 and 2015 was made by member Sever and seconded by member Cederquist.

Ayes: Members Teixeira, Bubar, Singh, Magnussen, Morris, Cederquist, Freitas and Sever. Nays: None. Abstentions: None. Motion carried.

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- SETECH RPT The SETECH Report, A Financial Management Information Report For The Fiscal Years Ended June 30, 2015 and June 30, 2016, (Attachment M) was presented by Nick Schumacher from the SETECH Division of Keenan & Associates. He mentioned the O.S.S. has continued to enjoy secure financial success, a stable rate structure and as a result has returned rebates of \$8,920,096 to its members. The motion to accept the report as presented was made by member Cederquist and seconded by member Freitas
- Ayes: Members Teixeira, Bubar, Singh, Magnussen, Morris, Cederquist, Freitas and Sever. Nays: None. Abstentions: None. Motion carried.
- Accreditation Rpt The O.S.S. recently went through its accreditation review conducted by the California Association of Joint Powers Authorities (CAJPA) and presented the subsequent report with its findings for discussion to the Executive Committee, (Attachment N). The motion to acknowledge and recommend accepting the CAJPA accreditation report to the full Board at the annual meeting in May as presented was made by member Magnussen and seconded by member Sever.
- Ayes: Members Teixeira, Bubar, Singh, Magnussen, Morris, Cederquist, Freitas and Sever. Nays: None. Abstentions: None. Motion carried.
- Target Equity Plcy The JPA manager presented the Contingency Fund & Net Position Policy (Target Equity Policy) as required for full accreditation, (Attachment O). The motion to acknowledge and recommend accepting the Target Equity Policy as presented to the full Board at the annual meeting in May was made by member Sever and seconded by member Magnussen.
- Ayes: Members Teixeira, Bubar, Singh, Magnussen, Morris, Cederquist, Freitas and Sever. Nays: None. Abstentions: None. Motion carried.
- Underwriting Plcy The JPA manager presented the Underwriting Policy for the Executive Committee's consideration as required for full accreditation, (Attachment P). The motion to acknowledge and recommend accepting the Underwriting Policy as presented to the full Board at the annual meeting in May was made by member Cederquist and seconded by member Freitas.
- Ayes: Members Teixeira, Bubar, Singh, Magnussen, Morris, Cederquist, Freitas and Sever. Nays: None. Abstentions: None. Motion carried.
- JPA Manager Ayrnt Amend An amendment to the JPA Manager Agreement was presented for consideration to the Executive Committee, (Attachment Q). The amendment adds a disclosure of conflicts provision as required by the O.S.S. accreditation report. The motion to accept the amendment to the JPA Manager Agreement was made by member Freitas and seconded by member Sever.
- Ayes: Members Teixeira, Bubar, Singh, Magnussen, Morris, Cederquist, Freitas and Sever. Nays: None. Abstentions: None. Motion carried.
- Clm Administrator Amended Agrmnt The JPA manager presented the Amended Claims Administration Contract to the Executive Committee for their consideration, (Attachment R). The amended contract contains a disclosure of conflicts provision as required by the O.S.S. accreditation report. The motion to accept the Amended Claims Administration Contract was made by member Cederquist and seconded by member Magnussen.
- Ayes: Members Teixeira, Bubar, Singh, Magnussen, Morris, Cederquist, Freitas and Sever. Nays: None. Abstentions: None. Motion carried.
- OSS Coverage Document The JPA manager presented the Organization of Self-Insured Schools Coverage Document as required for full accreditation, (Attachment S). The motion to accept the Coverage Document as presented was made by member Sever and seconded by member Singh.
- Ayes: Members Teixeira, Bubar, Singh, Magnussen, Morris, Cederquist, Freitas and Sever. Nays: None. Abstentions: None. Motion carried.
- Risk Manager Resignation O.S.S. risk manager, Dr. Henry Brock tendered his resignation to the Executive Committee effective October 31, 2016, (Attachment T). He stated he would enjoy retirement, but would miss the people and his involvement with the O.S.S. which has been since its formation in 1986. Member Freitas moved to approve with regrets the resignation of Dr. Brock as the O.S.S. risk manager effective October 31, 2016 with a second by member Cederquist.
- Ayes: Members Teixeira, Bubar, Singh, Magnussen, Morris, Cederquist, Freitas and Sever. Nays: None. Abstentions: None. Motion carried.

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Poms & Assoc  
Risk Management  
Consulting Agrmnt

The amended Risk Management Consulting Agreement for Poms & Associates (Poms) was presented by the JPA manger, (Attachment U). The new duties for Poms would provide for a loss control / risk management program to be split between O.S.S. and Fresno County Self Insurance Group. The period of the agreement would be in effect from November 1, 2016 through June 30, 2017. The motion to accept the Poms' contract as presented was made by member Sever and seconded by member Magnussen.

Ayes: Members Teixeira, Bubar, Singh, Magnussen, Morris, Cederquist, Freitas and Sever. Nays: None. Abstentions: None. Motion carried.

Claims Audit

The JPA manager presented and recommended the claims audit proposal submitted by Kenneth Maiolini with Risk Management Services, (Attachment V). The motion to accept the firm of Risk Management Services to perform the audit of the O.S.S. claims was made by member Magnussen and seconded by member Bubar.

Ayes: Members Teixeira, Bubar, Singh, Magnussen, Morris, Cederquist, Freitas and Sever. Nays: None. Abstentions: None. Motion carried.

RFP for Legal  
Counsel

The JPA manager mentioned three of the six request for proposals sent out to obtain quotes for legal services for the JPA had responded back. The three firms responding; Lozano Smith, Liebert Cassidy Whitmore, and the incumbent, John Phillips with Wild, Carter and Tipton have offices in Fresno and experience in servicing public entities, namely school districts. All three firms upon review, had qualifications which were equal to that of the other. The incumbent had a lower hourly rate than those of the other two. With the consideration given to the lower hourly rate, the motion was made by member Cederquist and seconded by member Bubar to choose the firm Wild, Carter, and Tipton to continue serving as legal counsel for the O.S.S.

Ayes: Members Teixeira, Bubar, Singh, Magnussen, Morris, Cederquist, Freitas and Sever. Nays: None. Abstentions: None. Motion carried.

**Board Member  
Report**

President Teixeira wanted to thank Dr. Brock for his years of service to the O.S.S. He was instrumental in the formation and continuation of this JPA. He would indeed be missed and wishing him all the best in his retirement.

**Next Meeting/  
Adjournment**

The next scheduled meeting for the Executive Committee is **11:00 a.m., Thursday, January 19, 2017** at Favorito's, Fowler

With no further business, the meeting adjourned at 12:48 p.m.

Prepared by,

*Donna Murry*

Donna Murry

TS:dm

Approved by,

*Trish Singh*

Trish Singh

O.S.S. Secretary