

**MINUTES**

**STATEWIDE ASSOCIATION OF COMMUNITY COLLEGES  
JOINT POWERS AUTHORITY  
(SWACC)**

**CLAIMS & COVERAGE COMMITTEE MEETING  
OCTOBER 10, 2005  
10:00 AM**

**THE WESTIN – SAN FRANCISCO AIRPORT  
1 OLD BAYSHORE HIGHWAY  
MILLBRAE, CALIFORNIA 94030**

**I. CALL TO ORDER**

The meeting was called to order by Chairperson Peter Goldstein at 10:00 AM.

**II. ROLL CALL**

**Attendees:**

BAY AREA COMMUNITY COLLEGES	James Keller
EL CAMINO COMMUNITY COLLEGE DISTRICT	Tom Fallo
GROSSMONT-CUYAMACA COMMUNITY	Bob Eygenhuysen
SAN FRANCISCO COMMUNITY COLLEGE DISTRICT	Peter Goldstein
SANTA ROSA COMMUNITY COLLEGE DISTRICT	Michael Beebe
VICTOR VALLEY COMMUNITY COLLEGE DISTRICT	Lael Willingham

**Absent:**

BAY AREA COMMUNITY COLLEGE	Deanna Walston
SANTA CLARITA COMMUNITY COLLEGE DISTRICT	Sharlene Coleal

**Guests:**

SANTA CLARITA COMMUNITY COLLEGE DISTRICT	Shari Bricker
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**Manager:**

KEENAN & ASSOCIATES	Graham Grice Steve Moccardini Colleen Bjerknæs
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**III. APPROVAL OF THE AGENDA**

Bob Eygenhuysen requested that Grossmont-Cuyamaca CCD be added under Trial Results in closed session.

PUBLIC COMMENTS: None

COMMITTEE CONSIDERATION: Motion was made by Tom Fallo, seconded by Lael Willingham, and unanimously carried to approve the Agenda as amended.

**IV. APPROVAL OF MINUTES – July 11, 2005**

There were no changes made to the July 11, 2005 minutes.

PUBLIC COMMENTS: None.

COMMITTEE COMMENTS: Motion was made by Tom Fallo, seconded by Bob Eygenhuysen, and unanimously carried to approve the minutes of July 11, 2005 as presented.

**V. CORRESPONDENCE**

The following correspondence were presented to the Committee:

- July 26, 2005 – From JPA Claims Manager to Robert Eygenhuysen, Grossmont-Cuyamaca CCD detailing coverage for claim, Kapchinsky vs. Grossmont-Cuyamaca CCD.
- July 28, 2005 – From JPA Claims Manager to Michael Hill, San Jose/Evergreen CCD acknowledging receipt and request for consideration of coverage for claim, Gonsalves & Stronck Construction vs. San Jose/Evergreen CCD.
- July 29, 2006 – From JPA Claims Manager to James Botting, Ventura County CCD, acknowledging receipt of lawsuit for US Air Conditioning Distributors, Inc. vs. Ventura CCD.
- August 15, 2005 – From JPA Manager to Tom Osborn, Schools Excess Liability Fund (SELF) requesting that any excess liability data requests be sent to JPA Manager.
- August 17, 2005 – From SWACC President to Lael Willingham, Victor Valley CCD, welcoming her as a member of the Authority's Claims and Coverage Committee.
- September 23, 2005 – From JPA Claims Manager to Carolee Kilduff of Angelo, Kilday & Kilduff advising that the firm's request for a fee increase will revisited again at the April 10, 2006 Claims and Coverage Committee meeting.

PUBLIC COMMENTS: None.

COMMITTEE CONSIDERATION: None.

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**VI. CLAIMS - CLOSED SESSION**

The Committee went into Closed Session at 10:10 AM and came out of Closed Session at 11:15 AM.

PUBLIC COMMENTS: None.

COMMITTEE CONSIDERATION: Motion was made by Tom Fallo, seconded by Bob Eygenhuysen, and unanimously carried to approve/ratify the items discussed in Closed Session.

**VII. CLAIMS - OPEN SESSION**

Chairperson Peter Goldstein announced that during Closed Session all items were either authorized, denied, ratified, deferred or reviewed as called for.

**VIII. CLAIMS PAID REPORT**

The following claims were paid and closed between June 1, 2005 through August 31, 2005 and were presented to the Committee for ratification as follows:

Claim Number	Name	Amount Paid
5206-02-00012-01-02	Moseley, Shohoni	\$2,500.00
5204-03-00003-02-07	Overton, Beverly	\$33,297.07
5209-03-00002-01-02	Bauer, Stephanie	\$52,297.07
5214-04-00001-01-02	Medeiros, Nicole	\$37,520.00
5226-04-00003-01-06	York, Vernette	\$62,706.66

PUBLIC COMMENTS: None.

COMMITTEE CONSIDERATION: Motion was made by Bob Eygenhuysen, seconded by Tom Fallo and unanimously carried to approve the ratification of the above stated claims.

**IX. TRUST ACCOUNT FUNDING**

The Manager advised the Committee that Keenan maintains a trust account to process expenses and settlements agreed to by SWACC. To improve cash flow and decrease the number of advance invoices requested to the account, the funding level needs to be increased. The Manager advised the Committee that funding should be increased from \$200,000 to \$350,000.

PUBLIC COMMENTS: None.

COMMITTEE CONSIDERATION: Motion was made by Bob Eygenhuysen, seconded by Tom Fallo, and unanimously carried to recommend that the Finance Committee and Board of Directors approve the trust account funding increase from \$200,000 to \$350,000.

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**X. DEFENSE COUNSEL GUIDELINES**

The Manager advised the Committee that the Defense Counsel Policy outlines the Authority's requirements for the Defense Counsel, which defines their role in relation to the Authority's Claims Administrator during the claims handling process. The Authority believes the defense of a lawsuit should be a cooperative effort between the Covered Party, the Authority, the Claims Administrator and the Defense Counsel. At the January 28, 1993 Board meeting, the Authority adopted a Defense Counsel Policy and at the January 1995 Board of Directors meeting, the policy was combined with the Defense Counsel Guidelines at the direction of coverage counsel. The Manager advised the Committee that at the July 10, 2005 meeting, it was requested that the previously proposed revisions be presented once again to the Committee.

Bob Eygenhuysen asked the Manager who was being approved as defense counsel for the Authority. The Manager advised Bob that the Authority only approves firms and not individual counsel. Peter Goldstein asked the Manager what could be done to help all members feel like they are getting the right counsel when needed. The Manager advised that if there is ever any question about counsel the Manager should be notified and action would be taken.

PUBLIC COMMENTS: None.

COMMITTEE CONSIDERATION: Motion was made by Bob Eygenhuysen, seconded by Lael Willingham, and unanimously carried to recommend the Board of Directors approve the Defense Counsel Policy.

**XI. RISK MANAGEMENT & LOSS CONTROL POLICY**

The Manager advised the Committee that the Safety Compliance Policy was originally adopted July 23, 1993 to evaluate loss trends and the underlying causes of those losses. The policy has been renamed to Risk Management & Loss Control Policy and paragraph one with items A and B have been deleted. The Manager advised the Committee that after presentation of a revised policy the Underwriting Committee requested a sub-committee consisting of Judy Neal and Graham Grice to do further review of the policy to consider adding reasonable sanctions for any violations.

The Manager advised the Authority that included in their agenda packet was a proposed amended policy as recommended by the Underwriting Committee.

PUBLIC COMMENTS: None.

COMMITTEE CONSIDERATION: Motion was made by Bob Eygenhuysen, seconded by Tom Fallo, and unanimously carried to recommend the Board of Directors approve the Risk Management & Loss Control Policy.

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**XII. OFF-CAMPUS ATHLETICS CASE STUDY**

The Manager advised the Committee that enclosed in their agenda was a copy of a special bulletin from Southern California Relief regarding, "Cross Country Injury Highlights Need for Course Inspection/Risk Transfer". The Manager advised the Committee that the case study was an information item and that it would be beneficial to review.

PUBLIC COMMENTS: None.

COMMITTEE CONSIDERATION: None.

**XIII. INFORMATION REPORTS**

**Visitor's Comments:** None.

**Committee Comments:** None.

**Manager Comments:** None.

**XIV. AGENDA ITEMS NEXT MEETING**

Next meeting will be held at 10:00 AM on January 9, 2006 at The Westin – San Francisco Airport in Millbrae, CA.

Items will be:

- o Claims Closed Session

**XV. ADJOURNMENT**

There being no further matters to discuss the Committee meeting was adjourned at 12:00 PM.