



**SCHOOLS EXCESS LIABILITY FUND  
BOARD OF DIRECTORS MEETING  
MINUTES**

**Time:** Friday, December 11, 2020, 8:00 A.M.

**Webinar Meeting Location:** Pursuant to Executive Order: N-35-20

**Log-In Information:** <https://us02web.zoom.us/j/82817144356?pwd=Yk96Rm8yQ0xpdGwycHVubm1vNEU0dz09>

---

**MEMBERS PRESENT**

Renee Hendrick, Chair	Area VI Representative
Craig Schweikhard, Vice Chair	Area V Representative
Toan Nguyen, Comptroller	Area VI Representative
David Flores, Secretary	Area II Representative
Steven Salvati, Member-at-Large	Area VI Representative
Thuy Wong	Area I Representative
Ryan Robison	Area III Representative
Susan Rutledge	Area IV Representative
Terese McNamee	Area V Representative
Nancy Anderson	Area VI Representative
Tony Nahale	Area VI Representative

**ALTERNATES PRESENT**

Adam Hillman	Area II Representative
Cindy Wilkerson	Area III Representative
Eric Dill	Area V Representative
Christina Aragon	Area VI Representative
Phil Hillman	Area VI Representative
George Landon	Area VI Representative
Stephan Birgel	Area VI Representative
Wael Elatar	Area VI Representative
Lisa Bailey	Southern California Community Colleges Representative

**GUESTS**

Mary Wray	WillisRe
Ian Skelly	WillisRe
Kaci Snyder	WillisRe
Mark Priven	Bickmore Actuarial
Sara Peterson	Consultant
Kevin Wong	Gilbert Associates
Robert Feldhake	Counsel
Byrne Conley	Counsel
Craig Bowlus	AON
Marjorie Segale	Segale Consulting Services

**SELF STAFF**

Dave George  
Phil Brown  
Jimmy Rowe  
Susan Casey  
Jessica Vega

Chief Executive Officer  
Chief Fiscal Officer  
Director of Claims  
Executive Assistant  
Member Services Specialist

**I. CALL TO ORDER**

Board Chair Renee Hendrick called the meeting to order at 8:08 a.m. Executive Assistant Susan Casey called the roll and confirmed the presence of a quorum.

**II. INTRODUCTIONS**

Board members, alternates, guests, and staff took turns introducing themselves.

**III. AGENDA –December 11, 2020**

A. Amendments/Adjustments

Nguyen proposed moving Item X.A. after Item V, Public Comments, so Javier Gonzales could participate as a voting member.

B. Approval

Nguyen made a motion, seconded by Anderson, to adopt the agenda as amended.

Vote: Hendrick – yes  
Schweikhard – yes  
Nguyen – yes  
Flores – yes  
Salvati – yes  
Wong – yes  
Robison – yes  
Rutledge – yes  
McNamee – yes  
Anderson – yes  
Nahale – yes

Motion passed.

**IV. MINUTES – October 7-9, 2020**

A. Amendments/Adjustments

None.

B. Approval

Flores made a motion, seconded by Schweikhard, to approve the minutes of the October 7-9 meeting as presented.

Vote: Hendrick – yes  
Schweikhard – yes  
Nguyen – yes  
Flores – yes  
Salvati – yes  
Wong – yes  
Robison – yes  
Rutledge – yes  
McNamee – yes  
Anderson – yes  
Nahale – yes

Motion passed.

**V. PUBLIC COMMENTS**

There were no members of the public who wished to address the Board.

**X. CONSENT ITEMS (Out of Order)**

A. Appoint Area VI Board Member – Javier Gonzales

Salvati made a motion, seconded by Rutledge, to approve Item X. A.

Vote: Hendrick – yes  
Schweikhard – yes  
Nguyen – yes  
Flores – yes  
Salvati – yes  
Wong – yes  
Robison – yes  
Rutledge – yes  
McNamee – yes  
Anderson – yes  
Nahale – yes

Motion passed.

**VI. COMMITTEE REPORTS**

A. Executive Committee

1. September 24 & November 12, 2020

Committee Chair Renee Hendrick said the Executive Committee has been busy, and she noted that many of the topics discussed were appearing later on the agenda.

B. Finance Committee

1. September 24 & November 12, 2020

Committee Chair Toan Nguyen reported that the Finance Committee reviewed

the 2019-20 financial audit, and he complimented the staff of the clean results, with no negative findings or adjustments. He said the committee also reviewed and accepted the relativity study, discussed AB218 assessments, and accepted the investment and financial reports.

C. Liability Claims and Coverage Committee

1. August 13, October 1 & December 10, 2020

Committee Chair David Flores said AB218 has impacted the volume of liability claims, and he commended Director of Claims Jimmy Rowe and the staff for providing regular updates on cases, working with partners to assist with claims management, and communicating well with underlying JPAs.

D. Member Services and Communications Committee

1. December 10, 2020

Committee Chair Nancy Anderson reported that the Member Services Committee talked about SELF's participation in virtual conferences. She noted that the committee reviewed upcoming written communications, including a new electronic and interactive format for the annual report. Anderson advised that the theme this year is "Weathering the Storm," an appropriate theme with AB218 and the pandemic, and the messaging will be very strong. She added that advertising will follow a similar theme.

Anderson said the committee talked about trainings and workshops SELF is developing, including a customized SAM risk management resource landing page for each underlying member JPA.

E. Workers' Compensation Claims & Coverage Committee

1. October 1 & December 10, 2020

Committee Chair Tony Nahale reported that the committee heard a presentation on the recent claims audit by Strategic Claims Consulting. He said the committee discussed four claims in closed session and gave staff settlement authority on two of them.

## VII. CHIEF EXECUTIVE OFFICER'S REPORT

George reported that SELF held a symposium on November 3 with member JPAs focusing on sexual abuse and molestation (SAM) claims. He said the session is intended to share best practices and ideas, work together more closely, and help JPAs engage their underlying member school districts.

George provided an update on member outreach and staff presentations at conferences and meetings since the last Board meetings.

George stated that School Services of California helped SELF make presentations to the Department of Finance and education policy individuals in the Assembly and the Senate to educate them on the impacts of AB218. He reported that all three groups were very receptive to the message, but the legislative policy representatives were unfamiliar with AB218. He added that all three invited SELF to come back with regular updates.

George gave a brief update on the status of AB218 claims. He advised that SELF has been receiving two to three claims per month, a pace that has not slowed. He said SELF continues to communicate with members about the assessment, and invoices will be sent out soon with more detailed financial information.

## **VIII. INFORMATION/DISCUSSION ITEM**

### **A. Reinsurance Update**

Mary Wray, WillisRe, provided an update on SELF's reinsurance renewal prospects for 2021-22. She introduced her colleagues, Ian Skelly and Kaci Snyder, senior brokers with WillisRe.

Wray advised that the reinsurance industry is officially in a hard market, with the most challenging conditions since the 1980's, although capacity is still readily available using a mix of reinsurers. She observed that there have been significant catastrophic loss claims in the market, particularly in North America, with respect to SAM, traumatic brain injury, auto liability, wildfire, active shooter claims. She noted that besides increases in the number of claims, there were increases in loss severity and litigation, and there are concerns about social inflation, runaway juries, huge settlements, litigation financing, and unknown variables associated with COVID. Wray indicated that insurers are seeing considerable loss development for older years, including claims like AB218 claims and SAM claims across the country.

Wray said the market reaction has been to increase pricing substantially, cut back capacity, and restrict coverage. She added that Markell decided to no longer offer liability coverage for public entities in California, Oregon, and Washington, citing a lack of tort reforms and general legal climate in those states.

Wray stated that some insurers are making exclusions for communicable diseases, cyber exclusions, and general coverage restrictions. She remarked that although there has been a reduction in capacity, there has not been a corresponding reduction in price, and some insurers are looking at higher attachment points and other ways to increase their profitability.

Wray noted that WillisRe is seeing broad rate increases across the board, not only for liability, but for property and other lines as well, and placements are taking much longer to complete. She said that insurers are likely to leave the market altogether if they cannot earn a profit. She observed that the current economic environment is putting more pressure on markets and exacerbating their concerns about return on equity.

Wray stated that WillisRe plans to follow the same marketing strategy as last year, contacting pooling reinsurers, traditional reinsurers, excess reinsurers. She noted that WillisRe already made some significant inroads by introducing SELF's program to so many markets last year. She advised that WillisRe and SELF representatives will be having discussions with incumbent reinsurers and other interested markets sooner this year so the placement can be completed earlier.

Wray said loss data will be available by the end of December. She indicated that halfway through the current coverage year, SELF is fortunate that no claims have been reported to incumbent markets for this year. She observed that SELF has had healthy and steady exposure growth. Wray noted that WillisRe will be developing target rates for reinsurers as framework for their quotes. She added that WillisRe will highlight SELF's efforts to prevent and mitigate SAM claims at the grassroots level.

Wray reviewed the anticipated timeline for this year's renewal. She said the analytics and loss data submission will be released to the market in January. Also, during January, she noted, WillisRe will be in contact with incumbent and prospective underwriters to gauge their interest in the upcoming renewal. She indicated that WillisRe has begun scheduling meetings in early February with London and the U.S. underwriters, renewal indications will be available in time for SELF's rate-setting process, and placements will be finalized in April or May.

Wray invited Ian Skelly to discuss SELF's current reinsurance structure and marketing targets for the coming year.

Skelly remarked that three new candidates have been added to the market list during the past week, and the list will be updated throughout the renewal process. He said WillisRe assesses each market for financial stability and security, as well as compliance with government regulations. He noted that WillisRe takes an exhaustive approach to build and maintain relationships with reinsurers in this hardening market.

Skelly reviewed SELF's incumbent markets for both occurrence-based and claims-made coverage and their levels of participation. He noted that A.M. Best and S&P ratings have been updated based on most recent 2020 ratings.

Hendrick thanked Wray and Skelly for the update.

#### B. MOC Update

George noted that SELF began discussing updates to the memorandum of coverage (MOC) at the strategic planning meeting in October, and the Board formed an ad hoc committee about a year ago to identify proposed changes. He advised that SELF plans to communicate with underlying JPA members and seek their input on the proposed changes in early January, and the revisions will come back to the Board for final approval.

George drew attention to the red-lined and clean versions of the MOC in the meeting packet. He said the major changes include moving to claims-made coverage for SAM cases and clearly delineating exclusions for communicable diseases and cyber liability. He emphasized that claims-made coverage would apply only to new SAM claims; all other kinds of claims would continue to be occurrence-based.

George indicated that the change to claims-made coverage will result in a premium moderation in the near term, and there will be no gap in coverage for current members. He observed that moving to claims-made coverage does not necessarily make a SAM claim less expensive, but it does change the coverage year to which a claim is assigned. He invited Mark Priven, Bickmore Actuarial, to discuss the results of his actuarial analysis.

Priven reviewed SELF's claim reporting and loss reporting pattern. In looking at SELF's loss reporting history, he noted, 31 percent of claims are reported in the same month as the incident, and 40 percent are reported within two months of the incident, but other claims are not reported until later. He explained that the date a claim is reported determines its coverage year, which could be different for occurrence-based versus claims-made coverage. Priven gave examples of how claims with different reporting dates would be handled under both types of coverage.

Aragon asked what constitutes a claim being “reported.” George stated that the reporting date is the date a claim is reported to SELF from an underlying member.

Priven indicated that his analysis of the loss reporting pattern reveals that large claims tend to be reported faster than smaller claims, so there is less of a difference between an occurrence-based and claims-made policy because there is less of a lag and less savings.

George stated that if SELF moves to a claims-made basis, SELF can purchase a tail policy from reinsurers if necessary.

Wray said the reporting parameters for claims-made coverage provide extensions of reporting periods that align with California’s reporting requirements for minors and adults.

Hendrick asked what would happen if SELF stays with occurrence-based coverage despite the market shift to claims-made coverage. George said SELF should align with market forces to the extent possible. He noted that staying with occurrence-based coverage would make financing less predictable, and it would also impair SELF’s ability to find reinsurance.

Birgel said ASCIP moved to claims-made coverage this year. He indicated that many of ASCIP’s reinsurers were demanding claims-made coverage, so occurrence-based coverage may no longer be a feasible option.

Anderson asked if any market was likely to continue offering occurrence-based coverage. Wray replied that WillisRe has not yet started this year’s renewal process, but there were discussions last year with reinsurers, and they generally encouraged SELF to make the change. She remarked that placement will become increasingly more difficult if SELF does not make the move. Anderson commented that ASCIP concluded that it would be fiscally irresponsible to its members not to adjust to this trend.

Wray agreed, and she noted that going to claims-made coverage for SAM cases could open potential new markets who were reluctant to provide quotes last year.

Chief Fiscal Officer Phil Brown observed that if SELF does not go to claims-made coverage for SAM, there would be greater and accumulating self-insured risk each year, so the Board needs to consider the potential long-term costs of financing those risks.

Hendrick commented that district decision-makers need to understand that lower up-front costs will result in higher costs in future years. She encouraged SELF to work toward long-term financial stability rather than worry about short-term impacts.

Anderson noted that SELF hired 25<sup>th</sup> Hour Communications as a PR/marketing consultant, and she recommended using them to craft messages and provide marketing tools and assistance to counter the opposition SELF faces from competitors.

Robison stated that TCSIG is not in favor of the proposed MOC change, but he expressed his appreciation to George for his efforts to communicate with TCSIG management. He explained that although TCSIG is committed to SELF and wants to stay with SELF, TCSIG has concerns about the timing of the change. Robinson further suggested that SELF consider creating a \$5 million excess of \$25 million layer that stays with occurrence-based coverage.

Hendrick said the Member Services and Communications Committee talked about MOC changes at its December 10 meeting. She noted that a competitor is already spreading the news

about SELF's assessment, and is touting its sell-off of liabilities as a way of protecting its members, although only \$1 million in liabilities was sold. Hendrick agreed with Anderson that SELF should use 25<sup>th</sup> Hour Communications to develop messages to make these points.

Schweikhard noted that SELF needs to do whatever it can to ensure the financial integrity of the pool. He expressed support for the change and noted the Board needs to make the right financial decisions. Nguyen agreed, but pointed out that members need to understand the rationale and be given time to react.

Aragon said the Board needs to do what is right for the membership as a whole. She emphasized the need to be agile, flexible, and responsive to market changes. She noted that members must submit intent to withdraw notices to SELF by December 31, so if they do not like the change, they can move from SELF the following year.

Birgel remarked that ASCIP held four well-attended, informative webinar sessions after its board approved claims-made coverage.

Schweikhard reminded Board members that the change only applies to SAM cases, not all claims.

Hendrick thanked George and Priven for their reports.

#### C. 5m xs 5m Funding Plan

George noted that SELF has been considering alternatives to self-insuring the \$5 million excess of \$5 million layer, which has been self insured since 2009. He said the staff and WillisRe have been working over the past year to develop some options for the Board's consideration, and some of those were discussed at the strategic planning session in October. He explained that a pure risk transfer of this layer would be inefficient and expensive, so SELF has been looking for other ways to reduce volatility. He introduced a proposal for structured reinsurance.

George said SELF has engaged in a structured reinsurance program twice in its history, from 1999-2003 and from 2004-2008. He suggested considering a hybrid structured reinsurance option for a three-year fixed term and rate. He noted that this option allows for profit-sharing, with a partial refund of premiums if no claims are filed within the given term.

George displayed a chart illustrating how a structured reinsurance program would work. He outlined the reinsurance premium over three years, with a self-insured retention (SIR) of \$5 million per year. He advised that a portion of the premium is used to pay fixed costs to the insurer, and a portion stays within SELF to create a claims fund. He pointed out that this structured reinsurance program would help buffer SELF from years with exceptional claim activity.

George observed that a major benefit of a structured reinsurance program is that it provides three years of fixed costs, which will help stabilize rates for members. He said other benefits include enhanced reinsurance relationships and lower IBNR. George advised that this kind of arrangement would probably last six to eight years.

George indicated that the staff will bring a more detailed proposal to the Board next spring as part of the reinsurance renewal cycle.



Schweikhard asked how many claims SELF pays on average each year. George replied that from 2001 to 2016-17, SELF has averaged about three to three and a half claims per year. He said that if the number of claims exceeds that average over a three-year period, the structured reinsurance program would provide a benefit.

Hendrick asked if the staff recommends purchasing structured reinsurance. George responded that although structured reinsurance would be a big expenditure, he believes it would be a good idea in the near term.

Hendrick invited comments from Board members.

Schweikhard expressed support for looking into the option in more detail.

Salvati asked about the possibility of reinsuring a piece of the \$5 million excess of \$5 million layer. He added that he liked the idea of investigating some sort of reinsurance for the \$5 million excess of \$5 million layer.

George said he would talk with WillisRe about other options. He noted that it would probably be very difficult and very expensive to get reinsurance participation in the \$5 million excess of \$5 million. Wray agreed, and added that reinsurers would require a substantial premium that includes their expenses, so that alternative would not be very cost-effective for SELF.

George added that the goal of a structured reinsurance program is to protect SELF from volatility, but SELF would still be absorbing most of the risk.

Hendrick thanked George for the update.

#### D. Strategic Plan Overview/Recap

George noted that the Executive Committee will be working on the governance section of the strategic plan. He invited facilitator Sara Peterson to provide a recap of the strategic plan and discuss next steps.

Peterson gave a recap of the October strategic planning session. She said the goal was to build on and update the existing strategic plan and its goals and objectives.

Peterson drew attention to the one-page overview in the meeting packet. She noted that the existing strategic plan had three major objectives focusing on membership issues, financial stability, and governance, and each objective had goals, strategies, and milestones. At this year's strategic planning session, she said, participants agreed to emphasize growth for SELF in terms of image, reputation, and long-term sustainability.

Peterson said participants at the strategic planning session in October talked about partnering with members to provide educational and training resources. She advised that SELF wants to become a trusted resource for members and other California JPAs and education groups, and the emphasis will shift toward taking a leadership role in ground-up advocacy and engagement efforts.

Peterson said the governance objective was included in the existing strategic plan as a placeholder, and that section is now being fleshed out. She noted that the three goals all move toward a more effective, efficient, and continuous Board role overall. Peterson added that the Executive Committee will be adding more details and milestones to each of the objectives.

Peterson invited feedback from Board members.

Hendrick commented that the overview captures what the group discussed in October, and she thanked Peterson for the update.

## **IX. ACTION ITEMS**

### **A. Approve Financial Audit**

Flores made a motion, seconded by Nahale, to approve the financial audit.

Kevin Wong, Gilbert Associates, presented highlights of the results of the financial audit. He reported that there were no adjustments to the financial statements, and the auditors issued an unmodified opinion, the best possible result.

He said the audit report describes the audit process and clarifies responsibilities, and it includes communications with management, financial statements, and supplementary information. He indicated there were no disagreements or difficulties in the auditors' interactions with management, and SELF's management and staff were very cooperative and well prepared.

Wong stated that the auditors found no issues with SELF's accounting practices. He said the auditors concluded that the financial statements reflected appropriate management judgments and accounting estimates. He advised that the scope and timing of the audit were as anticipated, and he commended SELF's management and staff for their assistance. He noted there are no findings of significant deficiencies or material weaknesses.

Hendrick indicated that the Finance Committee took a close look at the audit report and financial statements, and committee members felt comfortable with the results. She congratulated the staff for its work in providing transparent and accurate financial reporting.

Brown thanked Zakiya Jahan and the staff team for their efforts.

Vote: Hendrick – yes  
Schweikhard – yes  
Nguyen – yes  
Flores – yes  
Salvati – yes  
Wong – yes  
Robison – yes  
Rutledge – yes  
McNamee – yes  
Anderson – yes  
Nahale – yes

Motion passed.

### **B. Accept Relativities Study**

Nguyen made a motion, seconded by Anderson, to accept the relativities study.

Priven presented the results of the relativities study. He noted that the purpose of the relativity factor is to establish a price differential between K-12 and community college members based on the level of exposure each class of member presents. He said the actuaries look at SELF's losses and losses in the underlying layer to arrive at a factor that reflects the different actual incurred loss experience.

George stated that relativity factors were introduced about ten years ago when SELF had three classes of members: K-12, community colleges, and CSU. He said CSU eventually left SELF, leaving only two classes of members.

George noted SELF currently reviews the relativities every three years. He advised that the relativities study determines the factors that will be applied in the next rate-setting cycle.

Priven said there was no change to the methodology, and the actuaries used data as of December 31, 2019, to look at losses in three layers. He displayed a chart showing the relativity factors in past years.

Priven noted that the latest study results in a small decrease in the K-12 factor, from 1.085 to 1.06, and a corresponding small increase in the factor for community college members.

Nguyen remarked that some of the community college increase is due to their exposure to AB 218 claims. Hendrick added that there are also more high school students enrolling in community college classes, and the presence of minors on campus presents greater risk.

Hendrick clarified that the Board was only being asked to accept the relativities study at this time, but a decision as to whether to apply the factors will be determined as part of the rate-setting process. George confirmed that understanding and added that the Finance Committee and staff recommend acceptance of the study.

Vote: Hendrick – yes  
Schweikhard – yes  
Nguyen – yes  
Flores – yes  
Salvati – yes  
Wong – yes  
Robison – yes  
Rutledge – yes  
McNamee – yes  
Anderson – yes  
Nahale – yes

Motion passed.

#### C. Accept Workers' Compensation Audit

George advised that auditor Keith Jacobs, Strategic Claims Consulting, had an unexpected emergency and would not be participating in this meeting. He said this item can be moved to the March agenda, or Director of Claims Jimmy Rowe could provide a brief summary.

Nahale indicated that the audit report was very favorable, and he suggested that Rowe summarize the findings.

Nguyen made a motion, seconded by Schweikhard, to accept the workers' compensation claims audit.

Rowe noted the workers' compensation audit takes place every two years, in line with CAJPA's accreditation guidelines, and Keith Jacobs, of Strategic Claims Consulting, has conducted the last three audits. He reported that the audit took place remotely over a three-week period.

Rowe reviewed the major audit findings. He said SELF's lowest score was 50 percent for reporting, and the auditors recommended that SELF continue to reach out to underlying members to remind them of reporting requirements and penalties for late reporting. He noted that SELF scored 100 percent for reimbursements and reserves, 93 percent for litigation management, 94 percent for settlements and Medicare set-asides, 97 percent for claims oversight, for an overall average weighted score of 99 percent, excluding reporting requirements. Rowe indicated that the auditors also recommended extra communication with third-party administrators (TPAs) to explore the possibility of consolidating outstanding SELF claims to fewer adjusters.

Nahale said Jacobs went into more detail in his presentation to the Workers' Compensation Claims and Coverage Committee. He observed that reporting is an issue mostly beyond SELF's control, but the 99 percent weighted average score is outstanding. He commended Rowe for his excellent progress.

Vote: Hendrick – yes  
Schweikhard – yes  
Nguyen – yes  
Flores – yes  
Salvati – yes  
Wong – yes  
Robison – yes  
Rutledge – yes  
McNamee – yes  
Anderson – yes  
Nahale – yes

Motion passed.

#### D. Election Ad Hoc Committee

Schweikhard made a motion, seconded by Nahale, to approve creation of an Election Ad Hoc Committee.

George said SELF holds elections every two years. He recommended establishing an ad hoc committee to certify the results of the election in the spring. George invited three Board members not up for re-election to volunteer to serve on the ad hoc committee. He proposed Susan Rutledge, David Flores, and Terese McNamee, and all three of them agreed to serve.

Vote: Hendrick – yes  
Schweikhard – yes  
Nguyen – yes  
Flores – yes

Salvati – yes  
Wong – yes  
Robison – yes  
Rutledge – yes  
McNamee – yes  
Anderson – yes  
Nahale – yes

Motion passed.

**X. CONSENT ITEMS (Continued)**

- B. Approve ESM Contract
- C. Accept Investment Report – First Quarter 2020/2021
- D. Accept Financial/Treasurer's Report Ending September 30, 2020
- E. Accept Investment Compliance Report – Month Ending July 31, 2020, August 31, 2020, and September 30, 2020

Salvati made a motion, seconded by Anderson, to approve Items B through E of the Consent Calendar.

Vote: Hendrick – yes  
Schweikhard – yes  
Nguyen – yes  
Flores – yes  
Salvati – yes  
Wong – yes  
Robison – yes  
Rutledge – yes  
McNamee – yes  
Anderson – yes  
Nahale – yes

Motion passed.

**XI. CLOSED SESSION**

Flores made a motion, seconded by Nahale, to adjourn to closed session for the purpose of discussing potential claims and pending claims.

Vote: Hendrick – yes  
Schweikhard – yes  
Nguyen – yes  
Flores – yes  
Salvati – yes  
Wong – yes  
Robison – yes  
Rutledge – yes  
McNamee – yes  
Anderson – yes  
Nahale – yes

Motion passed. The Board adjourned to closed session at 11:08 a.m.

- A. Liability Claims (Gov. Code, § 54956.95)
- Discussion of anticipated claims
  - Discussion of existing pending litigation claims:
    - Doe vs. Big Oak Flat/Groveland USD
    - Doe vs. Acalanes UHSD

At the conclusion of the closed session, Flores made a motion, seconded by Anderson, to resume the open meeting.

Vote: Hendrick – yes  
Schweikhard – yes  
Nguyen – yes  
Flores – yes  
Salvati – yes  
Wong – yes  
Robison – yes  
Rutledge – yes  
McNamee – yes  
Anderson – yes  
Nahale – yes

Motion passed. The open meeting was resumed at 1:07 p.m.

In the Doe v. Big Oak Flat/Groveland USD matter (*Jensen v. Big Oak Flat* and *Cockrum v. Big Oak Flat*) involving two lawsuits, the Board determined that the allegations in the two suits constituted two separate Occurrences under the Memorandum of Coverage, with a separate Retained Limit applying to each. The District's coverage appeal urging one Occurrence and one Retained Limit for the two suits, made through ASCIP, was denied.

This was determined by a motion made by Schweikhard, seconded by Nguyen and approved unanimously as follows:

Vote: Hendrick – yes  
Schweikhard – yes  
Nguyen – yes  
Flores – yes  
Salvati – yes  
Wong – yes  
Robison – yes  
Rutledge – yes  
McNamee – yes  
Anderson – recused (as per standard practice)  
Nahale – yes

Hendrick reported further that during the closed session, the Board gave direction to staff but took no other reportable action.

## **XII. CHAIR'S REPORT**

Hendrick said she had nothing else to report. She thanked everyone for participating and wished all a happy and healthy holiday season.

### **XIII. FUTURE MEETINGS**

The Board reviewed the schedule of upcoming meetings.

### **XIV. ADJOURNMENT**

There being no further business, Salvati made a motion, seconded by McNamee, that the meeting be adjourned.

Vote: Hendrick – yes  
Schweikhard – yes  
Nguyen – yes  
Flores – yes  
Salvati – yes  
Wong – yes  
Robison – yes  
Rutledge – yes  
McNamee – yes  
Anderson – yes  
Nahale – yes

Motion passed. The meeting was adjourned at 1:08 p.m.