

CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY

MINUTES OF THE MEMORANDUM OF COVERAGE SUBCOMMITTEE MEETING OF  
MAY 28, 2009

A meeting of the Memorandum of Coverage Subcommittee of the Central San Joaquin Valley Risk Management Authority (CSJVRMA) was held via teleconference on May 28, 2009, at the Lindsay City Hall, Lindsay, California and at the Law Offices of Hemker-Smith & Associates, 5961 Country Manor Place, Sacramento, CA.

SUBCOMMITTEE MEMBERS PRESENT: Jo Barrick, Chairperson, Shafter  
Robert Ford, Clovis

SUBCOMMITTEE MEMBERS ABSENT: Leon Compton

OTHERS PRESENT: Jeanette Workman, Administrator  
Mary Ann Reilly, Board Secretary  
Linzie Kramer, Litigation Manager  
Charlotte Hemker-Smith, Legal Counsel  
Kenny Walker, City of Lindsay

1. CALL TO ORDER

The meeting was called to order by Chairperson Jo Barrick at 8:40 a.m.

2. INTRODUCTIONS

Introductions of those present took place.

3. APPROVAL OF AGENDA AS POSTED (OR AMENDED)

**Robert Ford moved to approve the agenda as posted. Seconded by Jo Barrick. Motion passed unanimously.**

4. PUBLIC COMMENTS

None.

5. MEMORANDA OF COVERAGE

A. Pooled Workers' Compensation Program

Staff reported the following recommended changes for the Pooled Workers' Compensation Program Memorandum of Coverage:

- Amend the dates of coverage to become effective for the 2009/10 program year;
- Amend the CSJVRMA address;
- Amend the form number; and
- Amend Endorsement 2 to reflect changes to the SIR for Cities of Hanford and Porterville from a \$200,000 to a \$500,000 SIR.

**Robert Ford moved to recommend to the Executive Committee approval of the Pooled Workers' Compensation Program Memorandum of Coverage as amended. Seconded by Jo Barrick. Motion passed unanimously.**

B. Pooled Property Program

Staff reported the following recommended changes for the Pooled Property Program Memorandum of Coverage:

- Amend the dates of coverage to become effective for the 2009/10 program year;
- Amend the CSJVRMA address; and
- Amend the form number.

**Robert Ford moved to recommend to the Executive Committee approval of the Pooled Property Program Memorandum of Coverage as amended. Seconded by Jo Barrick. Motion passed unanimously.**

C. Pooled Auto Physical Damage Program

Staff reported the following recommended changes for the Pooled Auto Physical Damage Program Memorandum of Coverage:

- Amend the dates of coverage to become effective for the 2009/10 program year;
- Amend the CSJVRMA address; and
- Amend the form number.

**Robert Ford moved to recommend to the Executive Committee approval of the Pooled Auto Physical Damage Program Memorandum of Coverage as amended. Seconded by Jo Barrick. Motion passed unanimously.**

D. Pooled Low Value Vehicle Program

Staff reported the following recommended changes for the Pooled Low Value Vehicle Program Memorandum of Coverage:

- Amend the dates of coverage to become effective for the 2009/10 program year;
- Amend the CSJVRMA address; and
- Amend the form number.

**Robert Ford moved to recommend to the Executive Committee approval of the Pooled Low Value Vehicle Program Memorandum of Coverage as amended. Seconded by Jo Barrick. Motion passed unanimously.**

6. POOLED LIABILITY PROGRAM

A. Pooled Liability Program Memorandum of Coverage

Staff reported the following recommended changes for the Pooled Liability Program Memorandum of Coverage:

- Amend the dates of coverage to become effective for the 2009/10 program year;
- Amend the CSJVRMA address;
- Amend the form number;
- Amend Section II – Definitions, add number five, to include the Administrator for coverage arising out of their reporting duties on behalf of the Authority regarding the Medicare / Medicaid & State Children’s Health Insurance Program (SCHIP) Extension Act 2007 (MMSEA);
- Amend Section VI – Exclusions, add number 18 to read: “Claims arising out of the ownership, operation, maintenance or use of any skateboard foam pit” and renumber all exclusions after number 18; and
- Amend Section VI – Exclusions, and number 30 (formally number 29), add additional language to preclude coverage exclusion for the Administrator as an “additional covered party.”

The Subcommittee discussed several other issues regarding the Pooled Liability Program Memorandum of Coverage including the ADA requirements of providing medication to children by public entities that have day care, swimming programs, and day camping programs; land use of condemned properties; and sponsorship of contact martial arts classes.

The Subcommittee noted that there is no current exclusion to sponsorship of contact martial arts classes and many of the CSJVRMA members sponsor such classes. Therefore, the Subcommittee reached a consensus to make no recommendations to change the current coverage.

The Subcommittee also discussed the land use of condemned properties. Mr. Linzie Kramer, Litigation Manager, noted currently if a city condemns property, they do not have coverage. Discussion ensued and it was determined that this exclusion of coverage is working well for the CSJVRMA and the Subcommittee reached a consensus to make no recommendations to change the MOC regarding this issue.

During the discussion of the ADA requirements of providing medication to children by public entities that have day care, swimming programs, and day camping programs, it was noted that the Subcommittee was not aware that any CSJVRMA member cities are participating in these actions. Ms. Charlotte Hemker-Smith, Legal Counsel, noted that this issue was recently brought to the attention of another pool which has members whose recreation staff are providing insulin injections. To ensure that the Subcommittee can make a recommendation based on the practice of CSJVRMA members, the Subcommittee directed staff to send out a member survey regarding the practice of providing regular or expected periodic administration of medicine, either orally or intravenously to participants of city sponsored programs. The results of the survey will be presented at the June 2009 Executive Committee and Board meetings and any changes, if required, can be made to the Memorandum of Coverage at that time.

Ms. Jeanette Workman, Administrator, noted that Mr. Tom Kline, Risk Control Manager, suggested the addition of the word “park” after the word “skateboard” in the following recommendation:

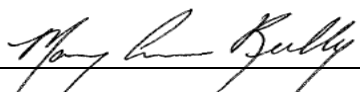
- Amend Section VI – Exclusions, add number 18 to read: “Claims arising out of the ownership, operation, maintenance or use of any skateboard foam pit” and renumber all exclusions after number 18.

This exclusion was added to address the City of Lindsay’s new facility, the McDermont Field House which has 172,000 square feet of recreation space that includes a skateboard park with foam pit. Mr. Ken Walker, City of Lindsay, reported that he had a conversation with Mr. Kline regarding this exclusion and noted that the City is fine with the exclusion at this time as the City is exploring both outside coverage and additional data on foam pits. The City of Lindsay would like the opportunity to bring this coverage issue to the Executive Committee once additional information is obtained. Ms. Hemker-Smith stated the Subcommittee could recommend a sub-limit on this coverage until the data is collected, but Mr. Walker reiterated that the City is fine with the exclusion for now. Ms. Hemker-Smith noted that activities could be endorsed back into coverage with a sub-limit at a later date. Ms. Workman reported that one of the reasons the Executive Committee is holding their meeting at the McDermont Field House is to allow members to view the attractions and discuss the possible exposures that the facility will bring to the CSJVRMA.

**Robert Ford moved to recommend to the Executive Committee approval of the Pooled Liability Program Memorandum of Coverage as amended. Seconded by Jo Barrick. Motion passed unanimously.**

7. ADJOURNMENT

The May 28, 2009, CSJVRMA Memorandum of Coverage Subcommittee meeting adjourned at 9:17 a.m.

  
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Mary Ann Reilly, Board Secretary