



California JPIA
El Capitan Room
8081 Moody Street
La Palma, California 90623
(Teleconference Locations Listed Below)

AGENDA

MANAGERS COMMITTEE

REGULAR MEETING

May 13, 2019

12:00 P.M.

CALL TO ORDER

Thaddeus McCormack, Chairman, Managers Committee

ORAL COMMUNICATIONS

Any persons present desiring to address the Manager Committee on any proper matter may do so at this time.

CONSENT CALENDAR

All items under Consent Calendar may be enacted by one motion. Any item may be removed from the Consent Calendar and acted upon separately by the Managers Committee.

1. APPROVAL

Managers Committee Minutes for the meeting of February 4, 2019

REPORTS AND RECOMMENDATIONS

2. CONSIDERATION

Extension of Benefits Under AB 1749

ADJOURNMENT

To a regular Managers Committee meeting on August 12, 2019 at 12:00 p.m. in the El Capitan Room of the California JPIA 8081 Moody Street, La Palma, CA 90623.

In compliance with Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Agency Clerk at (562) 467-8736. Notification 48 hours before meeting will enable the Authority to make reasonable arrangements to ensure accessibility. (28 CFR 35.102.35.104 ADA Title II)

TELECONFERENCE PARTICIPATION

To be a voting participant in action items appearing on the agenda, the participant's teleconference location must appear below and the participant must have posted the agenda in a location accessible to the general public no less than 72 hours prior to the announced meeting time, in accordance and within the requirements of the Brown Act (Gov. Code, § 54950 et seq.). At the announced time of the meeting, teleconference participants (unless otherwise instructed) shall call the California JPIA's teleconference number at 1-562-467-8764 and when prompted, enter the participant code 547899, and identify themselves for the record. To access the video conferencing and view the meeting online, go to [Join Skype Meeting](#)

TELECONFERENCE LOCATIONS

Big Bear City Community Services District, 139 E. Big Bear Blvd., Big Bear City, CA 92314
(909) 585-2565

City of Big Bear Lake, 39707 Big Bear Boulevard, Big Bear Lake, CA 92315, (909) 866-5831

City of Bradbury, 600 Winston Avenue, Bradbury, CA 91008-1123 (626) 303-3218

City of Dana Point, 33282 Golden Lantern, Dana Point, CA 92629, (949) 248-3500

City of Irwindale, 5050 N. Irwindale Ave. Irwindale, CA 91706, (626) 430-2217, (626) 430-2204,
(626) 430-2221

City of Lake Forest, 25550 Commercentre Drive, Lake Forest, CA 92630 (949) 461-3511

City of Paso Robles, 821 Pine Street, Suite A, Paso Robles, CA 93446 (805) 237-3999

City of Port Hueneme, 250 North Ventura Road, Port Hueneme, CA 93041, (805) 986-6501

City of Rosemead, 8838 E. Valley Boulevard, Rosemead, CA 91770, (626) 569-2171

City of San Clemente, 100 Avenida Presidio, San Clemente, CA 92672, (949) 361-8200

City of San Luis Obispo, 990 Palm Street, San Luis Obispo, CA 93401, (805) 781-7253

City of Seal Beach, 211 Eighth Street, Seal Beach, CA 90740, (562) 431-2527

City of Sierra Madre, 232 West Sierra Madre Boulevard, Sierra Madre, CA 91024, (626) 355-7135

City of Solvang, 1644 Oak Street, Solvang, CA 93463, (805) 688-5575

City of Temple City, 9701 Las Tunas Drive, Temple City, CA 91780, (626) 285-2171

Town of Apple Valley, 14955 Dale Evans Parkway, Apple Valley, CA 92307 (760) 240-7000

Dated: May 9, 2019

Posted: May 9, 2019

s/Veronica Ruiz
Veronica Ruiz, CMC
Agency Clerk

California JPIA

MINUTES

MANAGERS COMMITTEE

REGULAR MEETING

February 4, 2019

12:00 P.M.

CALL TO ORDER

Chairman McCormack called to order the regular meeting of the Managers Committee of the California Joint Powers Insurance Authority at 12:08 p.m. in the El Capitan Room at the California Joint Powers Insurance Authority.

ATTENDANCE

A quorum was established.

PRESENT:

Chairman Thaddeus McCormack, Lakewood
Kevin Chun, Paramount
Cheryl Dyas, Mission Viejo
Jorge Garcia, Pismo Beach - Teleconference
Jesus Gomez, Norwalk
Elaine Jeng, Rolling Hills
Laurie Murray, La Palma
Keith Neves, Lake Forest
Mary Reeves, Big Bear City Community Services District - Teleconference
Marlaine Sanders, Paso Robles - Teleconference

STAFF:

Jon Shull, Chief Executive Officer
Maria Galvan, Risk Manager
Tammie Haller, Administrative Programs Manager
Norm Lefmann, Assistant Executive Officer
Veronica Ruiz, Agency Clerk
Jeff Rush, Workers' Comp Program Manager
Carl Sandstrom, Business Projects Manager
Alex Smith, Chief Financial Officer
Jim Thyden, Insurance Programs Manager
Paul Zeglovitch, Liability Program Manager

**ORAL
COMMUNICATIONS**

There were no comments from the audience.

CONSENT CALENDAR

Chairman McCormack presented the items appearing on the Consent Calendar.

The Consent Calendar included:

- Combined Managers Committee and Finance Officers Committee Minutes for the meeting of November 8, 2018
- 2019 Executive Committee Workshop Call for Items

It was moved by Neves, that the Consent Calendar items be approved in one action, which was seconded by Dyas, with no members present opposed.

RECEIVE AND FILE
Captive Insurance Company
Update

Chairman McCormack presented the Captive Insurance Company Update item.

Jon Shull, Chief Executive Officer introduced Alex Smith, Chief Financial Officer, who presented an update on the formation of a captive insurance company for the California JPIA and the selected captive structure.

Mr. Smith stated that the primary benefits of forming a captive include (1) lower coverage costs for members resulting from a higher discount rate assumption in annual contribution calculations, (2) less dependence on commercial insurance markets for excess and reinsurance coverage placement, and (3) greater efficiencies when it comes to managing capital and financing risk.

Mr. Shull gave an overview of the next steps that would need to be completed in captive formation.

There being no objection, Chairman McCormack received and filed the Captive Insurance Company Update item.

CONSIDERATION
Risk Managers Advisory
Committee

Chairman McCormack presented the Risk Managers Advisory Committee item.

Jon Shull, Chief Executive Officer, provided an overview of the proposed establishment of a Risk Management Committee. He stated that the committee would bring together member agency risk managers who are the implementors of their risk

management programs to provide input on policy and training programs.

It was the consensus of the Managers Committee to recommend to the Executive Committee the establishment of a Risk Managers Advisory Committee.

ADJOURNMENT

The meeting adjourned at 1:15 p.m. to a meeting on Monday, May 13, 2019 at 12:00 p.m. in the El Capitan Room at the California JPIA, 8081 Moody Street, La Palma, CA 90623.

Respectfully submitted,

Thaddeus McCormack, Chairman

CALIFORNIA JPIA

AGENDA REPORT

To: MANAGERS COMMITTEE

From: Jonathan Shull, Chief Executive Officer

By: Jeff Rush, Workers' Compensation Program Manager

Date: May 13, 2019

Subject: Extension of Benefits Under AB 1749 – Policy Direction

For many years, workers compensation benefits have been made available to a police officer who was:

“injured, dies or is disabled from performing his duties as a peace officer by reason of engaging in the apprehension or attempted apprehension of law violators or suspected law violators, or protection or preservation of life or property, or the preservation of the peace *anywhere in this state*, including the local jurisdiction in which he is employed, but is not at that time acting under the immediate direction of his employer” (italics added)

Following the October 1, 2017 Las Vegas mass shooting, numerous California-based safety officers presented claims that were denied based on this statute. Assemblymember Tom Daly then authored AB 1749 which would have broadened the area of coverage to extend outside California and without any discernable geographic limits. After a great deal of opposition, the bill was later amended to remove the mandate that public agencies extend coverage to peace officers, but, instead, to allow agencies the discretion to extend coverage. Following these amendments, the bill was approved by the legislature and on September 23, 2018, Governor Brown signed it into law. The amended statute now states that it does not:

“Preclude an employer, at its discretion or in accordance with written policies adopted by resolution of the employer’s governing body, from accepting liability for compensation under this division for an injury sustained by a peace officer, as defined in Section 50920 of the Government Code, by reason of engaging in the apprehension or attempted apprehension of law violators or suspected law violators, or protection or preservation of life or property, or the preservation of the peace, *outside the state of California*, but who was not at the time acting under the immediate direction of his or her employer” (italics added)

Additional language was included allowing an employer to retroactively cover peace officers injured during the October 1, 2017 Las Vegas mass shooting, although we are not aware of any California JPIA members affected by that incident.

AB 1749 took effect on January 1, 2019, and we have had multiple members inquire as to the California JPIA's coverage position. The Authority does not currently have a position on this matter, but seeks the input of the Managers Committee in crafting a position and developing a policy.

Staff recommends providing some guidance to members looking to establish a policy pertaining to AB1749 benefits. To help guide the discussion, staff suggests that the following items merit consideration:

- Should the Authority extend coverage for incidents without respect to location when a member has a policy in place for such incidents?
- Should the facts of an incident lead to a limitation on coverage (i.e., alcohol consumption prior to the event or an investigation into exactly what the peace officer was doing that may have constituted "protection or preservation of life or property"?)
- Should coverage be extended to reflect a potential civil exposure if a peace officer inadvertently injures an innocent bystander or takes action against an individual who did not actually pose a threat to others?

Recommended Action

Provide input to staff regarding the establishment of coverage guidelines and guidance to members seeking to establish a policy pursuant to AB 1749, and direct staff to share that input with the Coverage Committee.