



AGENDA

LEGEND: A - Action may be taken
I - Information
1 - Included
2 - Handout
3 - Separate
4 - Verbal

JPA: ACCEL UNDERWRITING COMMITTEE MEETING

DATE/TIME Wednesday, September 25, 2024 at 1:30 PM

LOCATION Teleconference

Link: <https://alliantinsurance.zoom.us/j/92399078747?pwd=5onghBXx5fi3VVnCOsZvbwS5UoD4bR.1>

Dial: 1 (669) 900 6833

Meeting ID: 923 9907 8747

Passcode: 832377

In accordance with the requirements of the Brown Act, notice of this meeting must be posted in publicly accessible places, 72 hours in advance of the meeting, at the office of ACCEL's Secretary.

Per Government Code section 54954.2, persons requesting disability-related modifications or accommodations, including auxiliary aids or services in order to participate in the meeting, are requested to contact Alliant Insurance Services at (415) 403-1400, 24 hours in advance of the meeting. Access to some buildings may require routine provision of identification to building security. However, ACCEL does not require any member of the public to register his or her name, or to provide other information, as a condition to attendance at any public meeting and will not inquire of building security concerning information so provided. See Government Code section 54953.3.

- | | |
|-------------------|--|
| MEMBER | • City of Anaheim, 201 South Anaheim Blvd., Suite 503, Anaheim, CA 92805 |
| LOCATIONS | • City of Burbank, 275 E Olive Avenue – PO Box 6459, Burbank, CA 91510 |
| VIA TELE - | • City of Salinas, 200 Lincoln Avenue, Salinas, CA 93901 |
| CONFERENCE | • City of Santa Barbara, 735 Anacapa St., Santa Barbara, CA 93101 |
| CE | • City of Santa Cruz, 1200 Pacific Ave, Suite 290, Santa Cruz, CA 95060 |

PAGE **A. CALL TO ORDER**

- | | | |
|-----|--|-----|
| | B. CONSENT CALENDAR | (A) |
| 2-4 | 1. <u>Approval of Minutes for the January 31, 2024 Underwriting Committee Meeting</u>
<i>The Committee will review these minutes and will take action to approve or give direction.</i> | |

- | | | |
|-----|--|-----|
| | C. REPORTS | |
| | 1. UNDERWRITING COMMITTEE'S REPORT | |
| 5-6 | 1&3 a) <u>Review of Medical Malpractice Exclusion</u>
<i>Members will review and discuss the current Medical Malpractice exclusion on the ACCEL MOC and may take action or provide direction to recommend changes.</i> | (A) |

- | | | |
|---|--|-----|
| 7 | 1&3 b) <u>Review of Fixed Transit Language in ACCEL MOC</u>
<i>Members will review and discuss the MOC and excess insurance language and intent regarding the fixed transit risk of members and may take action or provide direction to recommend changes.</i> | (A) |
|---|--|-----|

- | | | |
|---|--|-----|
| | D. PUBLIC COMMENTS | (I) |
| 4 | <i>The public is invited at this point to address the Committee on issues of interest to them.</i> | |

ADJOURNMENT

**MINUTES OF THE
ACCEL UNDERWRITING COMMITTEE
MEETING**

**Item No. B.1
Underwriting Committee
September 25, 2024**

Wednesday, January 31, 2024 at 2:00 PM

**LOCATION:
Teleconference**

Link: <https://alliantinsurance.zoom.us/j/99839901031?pwd=RGVjMTRHS2ZJcDFvbTRVUU1jZG9jZz09>

Dial: 1 (719) 359 4580

Meeting ID: 998 3990 1031

Passcode: 790180

MEMBERS PRESENT:

Jena Covey, City of Bakersfield
Rhonda Combs, City of Salinas
Mark Howard, City of Santa Barbara
Ross Brandon, City of Santa Cruz
Tracey Matthews, City of Anaheim (Joined at 2:09 PM)

MEMBERS ABSENT:

None

GUESTS AND CONSULTANTS:

Conor Boughey, Alliant Insurance Services
Thomas Joyce, Alliant Insurance Services
Lorissa Huey, Alliant Insurance Services
Numeya Williams, City of Ontario (Left at 2:36 PM)
Jimmy Chang, City of Ontario (Left at 2:36 PM)
Ron Ivie, City of Ontario (Left at 2:36 PM)

A. CALL TO ORDER

Ross Brandon called the meeting to order at 2:01 PM.

B. CONSENT CALENDAR

B1. Approval of Minutes for the September 25, 2023 Underwriting Committee Meeting

A motion was made to approve the Consent Calendar.

MOTION: Mark Howard **SECOND:** Jena Covey **MOTION CARRIED**



	Tracey Matthews	Jena Covey	Rhonda Combs	Mark Howard	Ross Brandon
Aye		X	X	X	X
Nay					
Abstain					

C. REPORTS

C1. UNDERWRITING COMMITTEE’S REPORT

C1ai. City of Ontario – OntarioNet Broadband Network

The City of Ontario is moving to provide a broadband fiber and wireless plan to cover the entire City with affordable, fast, and high-capacity internet service. Internet services are typically provided by private companies and it is becoming increasingly common for public entities to provide internet services. ACCEL’s MOC was written to exclude utilities such as water, electricity, and gas, but it is ambiguous on internet services.

The Committee discussed the intent of the original exclusion as well as the scope of broadband projects being undertaken or being considered by Members. Guests from Ontario gave key insight into this exposure.

A motion was made to direct staff to work with ACCEL’s counsel to draft language broadening the existing exclusion to ban all failure to supply utilities by listing examples and include wording “including but not limited to”. A Special Board Meeting will be scheduled immediately before the March 2024 Board Meeting to review the proposed language.

MOTION: Mark Howard **SECOND:** Jena Covey **MOTION CARRIED**

	Tracey Matthews	Jena Covey	Rhonda Combs	Mark Howard	Ross Brandon
Aye	X	X	X	X	X
Nay					
Abstain					



Claii. City of Visalia – EMS Coordinator

The City of Visalia requested the Underwriting Committee review a new City exposure. The City employs an EMS Coordinator and recent discussions have led the department to believe that coverage through ACCEL’s MOC may not provide coverage for their job duties, and that they may need separate Medical Malpractice coverage.

The Committee discussed the exposure as well as standard market solutions available to ACCEL Members and whether coverage under the MOC should be expanded to cover these professional exclusions.

A motion was made to keep MOC language as is and to recommend to the Member to buy separate coverage elsewhere.

MOTION: Ross Brandon **SECOND:** Rhonda Combs **MOTION CARRIED**

	Tracey Matthews	Jena Covey	Rhonda Combs	Mark Howard	Ross Brandon
Aye	X	X	X	X	X
Nay					
Abstain					

D. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Ross Brandon adjourned the meeting at 2:48 PM.



Item No. C.1.a
Underwriting Committee
September 25, 2024

REVIEW OF MEDICAL MALPRACTICE EXCLUSION

ISSUE: ACCEL's Memorandum of Coverage has a longstanding exclusion for medical malpractice claims, with a giveback for emergency medical response such as paramedics.

Recently, members have had questions regarding coverage for things such as nurses, medical interns at fire departments, and other situations that could conceivably give rise to medical malpractice claims.

The goal of today's discussion is to review the exclusion to see if the current wording is still preferred or if members want to recommend changes. Below is the wording of the \$4M xs. \$1M MOC exclusion:

Exclusion:

K. To liability arising out of medical professional services provided by any doctor, nurse, or dentist employed by or contracted by the Member Agency, including:

- (1) Rendering, or failure to render:
 - (a) Medical, surgical, dental, x-ray or nursing service or treatment or the furnishing of foods or beverages in connection therewith.
 - (b) Any service or treatment conducive to health or of a professional nature.
 - (c) Any cosmetic or tonsorial service or treatment.
- (2) Furnishing of, or dispensing of, drugs or medical, dental, or surgical supplies or appliances.

This exclusion does not apply to the activities of paramedics, emergency medical dispatchers, technicians or similar personnel.

L. To liability arising out of the ownership or operation of any hospital or medical clinic.

Below is the wording of the 5x5 Memorandum of Coverage Med-Mal exclusion:

To liability arising out of or in connection with the operation of any hospitals, clinics, or established health care facilities owned or operated by the **Covered Party** including, but not limited to the following:

The rendering of or failure to render the following medical professional services:

1. Medical, surgical, dental, x-ray, or nursing, service or treatment, to any person, including the furnishing of food or beverages in connection therewith;
2. Service or treatment related to physical or mental health or of a professional nature;

ACCEL

Authority for California Cities Excess Liability

c/o Alliant Insurance Services
 Corporation Insurance License No. 0C36861
 560 Mission Street, 6th Floor, San Francisco, CA 94105



3. Furnishing or dispensing of drugs or medical, dental, or surgical supplies or appliances if the injury occurs after the **Covered Party** has relinquished possession thereof to others;
4. Any cosmetic or tonsorial service or treatment.

This exclusion shall not apply, however, to any liability arising out of:

1. Ambulance operations;
2. Occupational physical examinations and services of nurses, paramedics, emergency medical technicians, speech therapists, speech pathologists, nutritionists, psychologists, audiologists, or physical therapists, if those operations, examinations or services are provided by the **Covered Party's** employees within the scope of their employment by the **Covered Party** and are not provided in any hospital or established health care facility;
3. **Employment practices liability;**
4. First aid to any person;
5. Any nursing services clinic that does not perform invasive surgery of any kind; or
6. Operations performed by coroners.

RECOMMENDATION: It is recommended that the Committee review ACCEL's Memorandum of Coverage and provide feedback on the Medical Malpractice exclusions. The Committee may take action or recommend changes.

Additional Consideration

In favor: A member may vote in favor of changing the MOC language to more broadly pick up incidental medical malpractice exposure at each city. ACCEL's goal is to provide coverage to standard municipal exposures that are common to the membership. Currently, only emergency medicine is covered by ACCEL, and ACCEL may want to broaden coverage to include additional services cities may engage in.

Against: The Underwriting Committee may not want to make changes to the MOC and keep current language in force. This would focus ACCEL's coverage on emergency medicine and result in Members seeking other coverage options for medical malpractice exposure.

FISCAL IMPACT: No immediate financial impact. Changing the MOC may change coverage costs.

BACKGROUND: ACCEL has always excluded medical malpractice coverage under the Memorandum of Coverage. After an increase in questions around nurses, medical interns, and similar circumstances, it is prudent to review the exclusion language to make sure that the wording still matches the intent of the exclusion.

SEPARATE:

1. 24-25 Memorandum of Coverage of the \$4M xs \$1M primary layer w/highlights
2. 24-25 Memorandum of Coverage of the \$5M xs \$5M excess layer w/highlights
3. New Exposure Questionnaire: Visalia Fire Department Paramedic Interns
4. Visalia Paramedic Field Training Student Affiliation Agreement

A California Joint Powers Authority



Item No. C.1.b
Underwriting Committee
September 25, 2024

REVIEW OF FIXED TRANSIT EXCLUSIONS

ISSUE: The Committee will review ACCEL's language regarding fixed route transit liability within the MOC's. Due to recent questions from members and evolving transit exposures it is prudent to remind members of ACCEL's current applicable language.

While the \$4M xs. \$1M MOC is silent, the \$5M xs. \$5M MOC notably includes a fixed transit exclusion with an endorsement carveback for Santa Monica's Big Blue Bus. There is also a carveback for contingent liability where such services are contracted.

A. TRANSIT

To liability for **bodily injury** or **property damage** arising out of any transit authority, transit system or public transportation system owned or operated by any **Covered Party**. This exclusion shall not apply to transit or public transportation systems operating over non-fixed routes such as dial-a-ride, senior citizen transportation, or handicapped persons transportation, or to contingent liability where such services are contracted.

RECOMMENDATION: It is recommended the Committee review ACCEL's intent for coverage regarding Fixed Route Transit and provide feedback on the Fixed Transit language. The Committee may take action or provide direction.

Additional Consideration

In favor: A Member may be in favor of changing ACCEL's MOC to add clarity to coverage regarding fixed route transit exposures at Member agencies.

Against: A Member may decide that the MOC requires no changes and recommend against changing ACCEL's coverage document.

FISCAL IMPACT: No immediate financial impact. Changing the MOC may change coverage costs.

BACKGROUND: ACCEL's MOC is silent on fixed route transit. Santa Monica is the only member that specifically schedules a transit system, the Big Blue Bus. Other Members may have contracted services related to the city, dial a ride, or occasionally a new transit service arises. Previously, ACCEL endorsed coverage for Burbank's Got Wheels program, which has since ended operation. If a city has or is developing a fixed route transit system, they should report to the Program Administrator prior to beginning operations.

SEPARATE:

1. 24-25 Memorandum of Coverage of the \$4M xs \$1M primary layer w/ highlight
2. 24-25 Memorandum of Coverage of the \$5M xs \$5M excess layer w/ highlight