



Agenda Ad Hoc Committee Meeting

DATE/TIME: Thursday, August 10, 2023 at 11:00 AM

Teleconference Meeting

Link: <https://alliantinsurance.zoom.us/j/98997530051?pwd=dzdKV1k5Mkw4YmEzaHg5M0lDaVJuUT09>

Meeting ID: 989 9753 0051

Passcode: 375474

CALL-IN: 1-669-900-6833

ATTENDEE CODE: 3375474#

Ad Hoc Committee Members:

Tracey Matthews, City of Anaheim
Jena Covey, City of Bakersfield
Sandra Blanch, City of Palo Alto
Mark Howard, City of Santa Barbara

Guests & Consultants:

Conor Boughey, Alliant
Lorissa Huey, Alliant
Thomas Joyce, Alliant

AD HOC COMMITTEE GOALS AND TASKS:

Goals and Objectives: ACCEL's Board of Directors identified the need to supplement our current legal services provided by Byrne Conley. Byrne currently serves as General and Coverage Counsel to ACCEL, the goal is to supplement services and provide additional depth to the ACCEL service team. To move forward with reviewing and recommending additional Counsel, ACCEL's Board formed an Ad Hoc Committee and delegated authority to the Committee to review and recommend candidates to the Board. The following steps have been completed and/or are outlined for next steps.

1. Alliant surveys available firms and collects responses (Complete)
2. Board delegates authority to Ad Hoc Committee to vet and recommend a law firm to serve as additional legal counsel to ACCEL (Complete)
3. ***This meeting*** is to outline the Committee's goals and process to recommend Counsel to the Board. This may involve:
 - a. Obtain feedback on candidate panel as presented.
 - b. Discuss potential interviews and desired process to evaluate candidates.
 - c. Assigning tasks for follow-up at future meetings.
4. One or Two Follow-up Ad Hoc Committee meetings as necessary
5. Ad Hoc Committee to provide a recommendation to the Board.

ATTACHMENT: Agenda Item No. D.5.d from June 2022 Meeting (Proposed Services for Legal Counsel)

SEPARATE: RFQ Responses from prospective law firms as of 6/1/2023



Item No. D.5.d
Board of Directors
June 15 & 16, 2023

PROPOSED SERVICES FOR LEGAL COUNSEL

ISSUE: At the Spring 2023 Board Meeting, the Board gave authority to issue a Request for Quote (RFQ). The Program Administrators sent out a Solicitation for General and/or Coverage Counsel. The responses received so far are provided as a handout.

The action plan is as follows and is about a six-month process:

1. ACCEL discussion to establish goals & objectives (*March BOD Meeting*). – **Complete**
2. Administrations obtain authority to issue RFQ for legal services. – **Complete**
3. Administrators issue RFQ with a two- or three-week deadline. – **Complete**
4. Claims Committee (CC) Review of Proposals – **At the May 30th CC meeting, the committee recommended the Board to create an Ad Hoc Committee composed of members from the Underwriting Committee and Claims Committee.**
5. Next Steps / Interviews will be scheduled as needed. – **Summer 2023**
6. Committee recommendation to the Board. – **October 2023 BOD Meeting**

RECOMMENDATION: The Board will review the proposals received and make take action or provide direction. The Claims Committee has made a recommendation to the Board to form an Ad Hoc Committee to interview candidates.

Additional Consideration

In favor: The Board has discussed a desire to diversify legal counsel and a vote in favor would move those efforts forward. If the Board were to create an Ad Hoc Committee, members of the Claims Committee and Underwriting Committee may have interest in participating due to the two primary uses of ACCEL's legal counsel. Legal Counsel is currently under the Underwriting Committee's purview, but the solicitation being discussed is a Claims Committee related item in response to claims related work.

Against: Members may disagree with the recommendation and want to propose a different course of action. Members may want a specific Committee or the Board to review proposals.

FISCAL IMPACT: Cannot be determined at this time. The RFQ has asked the attorneys for their hourly rate. Currently, ACCEL pays \$225/hr for attorney time and \$102/hr for paralegals per the contract with Byrne Conley.

ACCEL

Authority for California Cities Excess Liability

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



BACKGROUND:

Below is a list from soliciting feedback from other internal resources.

- Greg Rolen
Haight Brown & Bonesteel, LLP
Three Embarcadero Center, Suite 200
San Francisco, CA 94111
- Debra Sturmer
Lerch Sturmer LLP
One Sansome St, Suite 2060
San Francisco, CA 94104
- Blane Smith
Law Office of Blane A. Smith
455 University Ave, Suite 270
Sacramento, CA 95825
- Doug Alliston
Alliston Law Office
2795 E. Bidwell #100-140
Folsom, CA 95630
- Robert A. Cutbirth
SBEMP Attorneys
1800 E. Tahquitz Canyon Way
Palm Springs, CA 92262
- ~~Richard Frischer~~
~~Lamb & Frischer Law Firm, LLP~~
~~500 Lighthouse Ave, Suite A~~
~~Monterey, CA 93940~~
- Scott Vida
Pollak Vida & Barer
11500 West Olympic Blvd., Suite 400
Los Angeles, CA 90064
- ~~Andy Downs~~
~~Bullivant Houser~~
~~101 Montgomery Street, Suite 2600~~
~~San Francisco, CA 94104 4146~~
- Steve Brower
Brower Law
26062 Red Corral Rd
Laguna Hills, California 92653

Prior to 2015, David Garthe in Oakland was ACCEL's Coverage Counsel and has retired. As such, ACCEL has given direction to the Program Administrators to approach potential new Coverage Counsel.

In 2015, The Administrators approached several potential Coverage Counsels for ACCEL. Byrne Conley shown interest in the position. Byrne works with several other Municipal Insurance Pools in the State and is known to the Administrators to be a competent Coverage Counsel. Back then, ACCEL did not 'officially' have General Counsel either. We were able to combine these roles and Byrne Conley has been ACCEL's General Counsel and Coverage Counsel since 2015.

Byrne has a deep understanding of JPAs and provides fair and member-oriented coverage stances which is a benefit to ACCEL. As ACCEL's claims activity increases, there is a need for more coverage counsel work. At a prior Claims Committee Meeting, the Committee agreed that by June 1st, ACCEL should develop an action plan on additional coverage counsel options and other matters (e.g. reservation of rights letters, coverage opinions).

HANDOUT: Responses as of 6/1/2023.