

**NORTH BAY SCHOOLS INSURANCE AUTHORITY  
BOARD OF DIRECTORS SPECIAL MEETING  
July 30, 2020**

**MINUTES**

**CALL TO ORDER:** The meeting was called to order at 10:02 a.m. by President Henson

**ATTENDANCE:** Those in attendance in person:  
Michelle Henson, Fairfield-Suisun USD  
Via videoconference/Zoom:  
Josh Schultz, Napa County Office of Education (left meeting at 10:30 a.m.)  
Matt Best, Davis Joint USD  
Adrian Vargas, Vallejo City USD  
Trudy Barrington, Travis USD  
Chris Hulett, Vacaville USD  
Victoria Lamica, Solano Community College  
Dana Page, Napa Valley USD  
Monique Stovall, Dixon USD  
Tommy Welch, Solano County Office of Education

Absent:  
Tim Rahill, Benicia USD

Staff and Guests in person:  
Janet Selby, NBSIA  
Carrie Green, NBSIA

Via videoconference/Zoom:  
Brandon Schlenker, NBSIA  
Kami Liñan, NBSIA  
Jennifer Taylor, Fairfield-Suisun USD  
Andrea Stubbs, St. Helena USD  
Maureen Hester, Calistoga USD  
Rob Cutbirth, General Counsel (presentation under Item 4)  
Adam Khan, Associate, Freeman Mathis & Gary

**APPROVAL OF AGENDA**

Motion was made by Welch, seconded by Schultz, and carried unanimously to approve as presented. (*Ayes: Henson, Schultz, Best, Barrington, Hulett, Lamica, Page, Vargas, Stovall, Welch; Noes: none; Abstained: none; Absent: Rahill.*)

**PUBLIC COMMENTS**

None.

**ACTION ITEM**

Liability Coverage for COVID-19

Executive Director Selby provided a brief recap on liability coverage for COVID-19 claims for the 2020-21 year. Selby reported that BASIC and all excess liability carriers have added a broad communicable disease exclusion to their coverage documents/policies starting July 1, 2020.

General Counsel Rob Cutbirth then reviewed coverage under the NBSIA pooled Memorandum of Liability Coverage (MOLC). He presented some of the most likely exposures and related coverage considerations and limitations. In summary, most claims directly related to COVID-19 would be excluded under the current MOLC.

Cutbirth and Selby then presented an option for special limited coverage for COVID-related claims that are excluded by the MOLC, as recommended by the Executive Committee. They reviewed the proposed MOLC Endorsement, including the limits, terms, and conditions of coverage. There would be an annual aggregate limit of \$500,000 for the pooled fund, with no more than two claims per Member. Each claim would have a deductible and coverage limit as stated in the Endorsement. The conditions of coverage were discussed in detail, including Member adoption of a mitigation policy, staff training per the IIPP Addendum, and use of updated forms with waivers. Finally, NBSIA staff would manage or be involved in all claims, and also provide pre-loss legal support.

Initially, the coverage would be paid from existing program funds, with an option to re-assess if certain triggers occur. With the uncertainty around the types and number of claims we might see, the Board appreciated the option of a pooled fund that provides some support and coverage for larger claims. (Schultz left the meeting at this point but voiced his support for the proposed pooled fund).

Following a healthy discussion, motion was made by Welch, seconded by Best, and carried unanimously to approve the proposed Endorsement to the MOLC creating a pooled fund for special limited coverage for COVID-19-related claims as presented. (Ayes: Henson, Best, Vargas, Welch, Barrington, Hulett, Lamica, Page, Stovall; Noes: none; Absent: Schultz, Rahill; Abstain: none)

**INFORMATION ITEM**

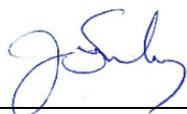
Workers' Compensation Coverage for COVID-19

Workers' Compensation Manager Liñan provided an update to the Board. Discussion focused on language being proposed by labor unions during negotiations that effectively creates a presumption for COVID-19-related workers' compensation claims. Manager Liñan reminded the Board (an email was sent previously) that the current Memorandum of Workers' Comp Coverage (MWCC) and the excess insurance policy exclude coverage for benefits bargained in excess of statutory requirements.

Also discussed was proposed legislation (SB1159) that would create a rebuttable presumption for COVID-19-related workers' compensation claims for certain employees. The bill essentially codifies the Governor's prior Executive Order, which expired July 5, with one added clause about requiring higher risk in the work environment than that of the general public in order for the presumption to apply. The bill is set for hearing August 11 and may yet be amended.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:49 a.m.

Respectfully submitted by:  (signature on file) Date: 7/30/2020

Approved by Board of Directors: September 30, 2020