



Executive Committee Meeting

ACWA JPIA
2100 Professional Drive
Roseville, CA 95661
(800) 231-5742

September 28, 2022

This meeting consisted of a simultaneous Zoom teleconference call at the ACWA JPIA, 2100 Professional Drive, Roseville, CA 95661 and the following remote sites:

- Green – 6151 Kimberly Drive, Huntington Beach

MEMBERS PRESENT

Vice-Chair: Melody A. McDonald, San Bernardino Valley Water Conservation District
Fred R. Bockmiller, Mesa Water District
David Drake, Rincon del Diablo Municipal Water District
Cathy Green, ACWA VP, Orange County Water District (*via Zoom*)
Brent Hastey, Yuba Water Agency
Chris Kapheim, Kings River Conservation District
Randall Reed, Cucamonga Valley Water District
J. Bruce Rupp, Humboldt Bay Municipal Water District

MEMBERS ABSENT

None.

STAFF PRESENT

Chief Executive Officer/Secretary: Walter “Andy” Sells
Adrienne Beatty, Assistant Executive Officer
Laura Baryak, Administrative Assistant II
Chimene Camacho, Executive Assistant to the CEO (*Recording Secretary*)
Linda Craun, Administrative Assistant II
Sarah Crawford, Training Manager
Debbie Cruz, Lead Member Services Representative
David deBernardi, Director of Finance
Robin Flint, Risk Control Manager
Robert Greenfield, General Counsel
Kyle Hutchings, Senior Accountant
Erik Kowalewski, Systems Network Administrator
Jennifer Nogosek, Liability and Property Claims Manager
Sylvia Robinson, Publications/Web Editor
Patricia Slaven, Director of Human Resources and Administration
Sandra Smith, Employee Benefits Manager
Dan Steele, Finance Manager
Shelley Tippit, Accountant II

Chuck Wagenseller, Cost Estimator/Risk Advisor
Nidia Watkins, Member Services Rep. II
Cece Wuchter, Lead Senior Claims Adjuster

OTHERS IN ATTENDANCE

Tiffany Giammona, ACWA Senior Director of Operations and Member Engagement
Patrick Meagher, Reclamation District #784
John Weed, Alameda County Water District

WELCOME

Vice-Chair McDonald welcomed everyone in attendance.

CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

Vice-Chair McDonald called the meeting to order at 1:00 p.m. She announced there was a quorum.

PLEDGE OF ALLEGIANCE

Vice-Chair McDonald led the Pledge of Allegiance.

ANNOUNCEMENT RECORDING OF MEETING

Vice-Chair McDonald announced that the meeting would be recorded to assist in preparation of minutes. Recordings are kept 30 days following the meeting, as mandated by the California Brown Act.

PUBLIC COMMENT

Vice-Chair McDonald noted that, as the agenda stated, members of the public would be allowed to address the Executive Committee on any agenda item prior to the Committee's decision on that item. Comments on any issues on the agenda, or not on the agenda, were also welcomed. No comments were brought forward.

INTRODUCTIONS

Vice-Chair McDonald introduced the Executive Committee members. Staff present introduced themselves and Mr. Sells introduced the guests. Vice-Chair McDonald honored the JPIA's longest tenured employee, Sylvia Robinson, who will be retiring at the end of this year.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

Vice-Chair McDonald asked for any additions to, or deletions from, the agenda. There were no additions or deletions from the agenda.

CONSENT AGENDA

Vice-Chair McDonald called for approval of the Consent Agenda:

M/S/C (Hastey/Bockmiller) (Bockmiller-Yes; Drake-Yes; Green-Yes; Hastey-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee approve the minutes of the July 18, 2022

meeting; and approve the JPIA disbursements of: Vendor Payments, Employee Benefits Claim Payments, Payroll, and summary of confidential claims payments for the Liability, Property, & Workers' Compensation Programs: July 1-15, 2022; July 16-31, 2022; August 1-15, 2022; August 16-30, 2022; and September 1-15, 2022.

ADMINISTRATION

Report on Meetings Attended on Behalf of the JPIA

Director Kapheim shared that he hosted Mr. Sells and Ms. Beatty for a Central Valley agricultural tour last August. Some Committee members also shared their attendance at the 2023 Annual CAJPA Conference in South Lake Tahoe and at the ACWA Board meeting.

Review and Take Action on Selection of the Officers

Last year, the Executive Committee appointed Jerry Gladbach and Melody McDonald to serve two-year terms as President and Vice President of the Board of Directors. Due to the recent passing of the JPIA President Jerry Gladbach, the Executive Committee will need to fill the Officer positions. The Executive Committee will need to select a new President and Vice-President to serve until May 2023.

Mr. Sells asked for a motion from the floor for a nomination of the office of President of the JPIA Board of Directors for term ending in May of 2023.

M/S/C (Bockmiller/Drake) (Bockmiller-Yes; Drake-Yes; Green-Yes; Hastey-Yes; Kapheim-Yes; McDonald-Yes; Reed-Yes; Rupp-Yes): That the Executive Committee selects Melody McDonald as President of the JPIA Board of Directors for term ending May of 2023.

Mr. Sells then asked for a motion from the floor for a nomination of the office of Vice-President of the JPIA Board of Directors for term ending in May of 2023.

M/S/C (Rupp/Hastey) (Bockmiller-Yes; Drake-Yes; Green-Yes; Hastey-Yes; Kapheim-Yes; McDonald-Yes; Reed-Yes; Rupp-Yes): That the Executive Committee selects David Drake as Vice-President of the JPIA Board of Directors for term ending May of 2023.

Discuss Executive Committee Vacancy

Due to the recent passing of JPIA President Jerry Gladbach, the JPIA has an opening on the Executive Committee. The balance of the term will expire in May of 2023.

The JPIA's Bylaws provide that the Board of Directors may elect a member to the Executive Committee at any time to fill any vacancy or vacancies.

Alternatively, the Bylaws also allow the Executive Committee on an interim basis to vote to appoint a member of the Board of Directors to fill the remainder of the term or wait until the Spring Conference 2023 Election. The Executive Committee discussed their options and ultimately decided to have the Board of Directors fill the vacancy at Spring Conference 2023.

Review and Approve JPIA Calendar of Meeting Dates for 2023

Mr. Sells presented the proposed 2023 JPIA meetings calendar for approval. A request was made to add one additional Employee Benefits Program Committee meeting and to consider alternative dates for the June 2023 meetings. Staff will research additional dates and bring back a revised 2023 meetings calendar for approval at the next Executive Committee meeting scheduled for November 14, 2022.

PROGRAMS

Cyber Program Update

Ms. Beatty provided a brief background on the Cyber Liability Program. The Program is a fully insured program that, as of July 1, provides coverage for members that have taken affirmative action to participate by completing an application and paying the premium invoice that was distributed to all JPIA Liability Program members in early August. The invoices mailed to the members contained notification that failure to pay the invoice would effectively decline coverage and participation in the program. As of today's meeting, September 28, 2022, Ms. Beatty reported that of the 343 Liability Program members, 269 members have paid the premium invoice confirming that they wish to continue to participate in the Cyber Liability Program. Fifty-six (56) members have declined coverage in writing. Staff will continue to follow up with the 18 members who have not declined coverage and have invoices outstanding.

Ms. Beatty shared that staff continues to research various risk control resources that could help our members minimize cyber risk and continues to explore options for creating a self-insured component to the current Program, in the event that becomes necessary.

PERSONNEL COMMITTEE

Committee Chair McDonald presented the recommendations of the Personnel Committee from its meeting on September 21, 2022.

M/S/C (Hastey/Drake) (Bockmiller-Yes; Drake-Yes; Green-Yes; Hastey-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee accept the Personnel Committee's recommendation to approve the new IT Support Specialist position.

M/S/C (Hastey/Rupp) (Bockmiller-Yes; Drake-Yes; Green-Yes; Hastey-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee accept the Personnel Committee's recommendation to approve the revised Bereavement Policy, effective immediately.

M/S/C (Hastey/Rupp) (Bockmiller-Yes; Drake-Yes; Green-Yes; Hastey-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee accept the Personnel Committee's recommendation to approve the new Salary Schedule for 2022-23, as presented.

FINANCE AND AUDIT COMMITTEE

Committee Chair McDonald presented the recommendations of the Finance and Audit Committee from its meeting on September 28, 2022.

M/S/C (Kapheim/Rupp) (Bockmiller-Yes; Drake-Yes; Green-Yes; Haste-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee accept the Finance and Audit Committee's recommendation to approve the change to the Investment Policy, as presented.

Chair McDonald also reported on the Finance and Audit Committee's recommendation to keep the Liability and Workers' Compensation Programs Catastrophic Fund Goals unchanged. Because the Committee's recommendation was to keep the Catastrophic Fund Goals unchanged, Executive Committee approval was not necessary.

LIABILITY PROGRAM COMMITTEE

Committee Chair Reed presented the recommendations of Liability Program Committee from its meeting on September 28, 2022.

M/S/C (Reed/Rupp) (Bockmiller-Yes; Drake-Yes; Green-Yes; Haste-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee accept the Liability Program Committee's recommendation to approve the proposed updates to the Small Claims Settlement Option, as presented.

M/S/C (Reed/Haste) (Bockmiller-Yes; Drake-Yes; Green-Yes; Haste-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee accept the Liability Program Committee's recommendation to approve the Memorandum of Liability Coverage, as revised, effective October 1, 2022.

M/S/C (Reed/Haste) (Bockmiller-Yes; Drake-Yes; Green-Yes; Haste-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee accept the Liability Program Committee's recommendation to approve the reinsurance and excess terms, conditions, and premiums, as presented, effective October 1, 2022

M/S/C (Drake/Haste) (Bockmiller-Yes; Drake-Yes; Green-Yes; Haste-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee accept the Liability Program Committee's recommendation to approve option 2 – a 10% rate increase, effective October 1, 2022, as presented.

MEMBERSHIP

Reclamation District #784

Ms. Rech reported that Reclamation District #784 (District) was established in May 1908 and operates under the authority of the State of California's Central Valley Flood Protection Board and the Department of Water Resources and encompasses approximately 2,000 commercial buildings and more than 12,500 residences. The District has seven employees and does not offer retiree health benefits. After staff reviewed the census information and employer policies related to health benefits, the District modified its benefits policies to align with JPIA participation requirements. Staff's assessment was that the agency possessed a favorable risk profile, similar to the JPIA membership.

M/S/C (Hastey/Rupp) (Bockmiller-Yes; Drake-Yes; Green-Yes; Hastey-Yes; Kapheim-Yes; Reed-Yes; Rupp-Yes; McDonald-Yes): That the Executive Committee approve Reclamation District #784's application for admission into the Employee Benefits Program, effective January 1, 2023.

CALIFORNIA WATER INSURANCE FUND (CWIF) UPDATE

Review of the CWIF Board of Directors' Meeting Held in Utah

CWIF Chair Rupp noted that since CWIF is domiciled in the State of Utah, it is a requirement by the Utah Insurance Department to hold at least one CWIF Board meeting per year in Utah. He then reviewed the agenda items from their meeting held in Utah on July 21, 2022.

Review of the CWIF Statement of Intention

Ms. Beatty shared that since CWIF was established about four years ago in 2018, it became evident to the CWIF Board (Board) that there needs to be a statement of intent created to put structure to CWIF's purpose. The Board recognized the value of having such a statement and put forth effort in creating one as a guiding framework. As a reminder of its function in relation to the JPIA, the Statement of Intention will be included in all future CWIF meeting agendas.

MISCELLANEOUS

Future agenda items

None.

CEO Update

Mr. Sells shared that the JPIA intends to establish a Jerry Gladbach Leadership Memorial Award to honor the late President of the ACWA JPIA. More details will be provided at Fall Conference 2022.

Due to time constraints, the managers' update will be rescheduled.

ACWA Update

Ms. Giammona reported on current and scheduled events at ACWA. She also provided an update on the newly created ACWA Foundation, intended to address diversity,

equity, and inclusion in the water industry, led by ACWA President Pam Tobin and ACWA Vice-President Cathy Green.

Availability for next meeting: The Executive Committee is scheduled to meet next on November 14, 2022.

CLOSED SESSION

Before proceeding into closed session, General Counsel announced the items to be discussed.

M/S/C (Hastey/Rupp) (Bockmiller-Yes; Drake-Yes; Green-Yes; Hastey-Yes; Kapheim-Yes; McDonald-Yes; Reed-Yes; Rupp-Yes): That the Executive Committee adjourn to closed session.

At approximately 2:37 p.m., the Executive Committee, upon advice of General Counsel, adjourned to closed session to discuss:

- A. Conference with Legal Counsel (tort liability losses, public liability losses/claims, or workers' compensation liability claims) – Pursuant to Government Code Sec. 54956.95.
 - 1. Segovia v. Merced Irrigation District (DOL 9/15/2017)
 - 2. Groth et al v. Santa Fe Irrigation District (DOL 4/2/2022)

M/S/C (Hastey/Reed) (Bockmiller-Yes; Drake-Yes; Green-Yes; Hastey-Yes; Kapheim-Yes; McDonald-Yes; Reed-Yes; Rupp-Yes): That the Executive Committee reconvene to open session.

The Committee returned to open session at approximately 2:51 p.m.

Closed session item A-1: No action; direction given to staff.
Closed session item A-2: No action; direction given to staff.

Before returning into closed session, General Counsel announced the item to be discussed.

M/S/C (Hastey/Bockmiller) (Bockmiller-Yes; Drake-Yes; Green-Yes; Hastey-Yes; Kapheim-Yes; McDonald-Yes; Reed-Yes; Rupp-Yes): That the Executive Committee adjourn to closed session.

At approximately 2:55 p.m., the Executive Committee, upon advice of General Counsel, returned to closed session to discuss:

- B. Public Employee Performance Evaluation (Personnel) – Pursuant to Government Code(s) Sec. 54957 and 54957.6 (conference with Labor Negotiators).

1. Position: Chief Executive Officer

M/S/C (Hastey/Reed) (Bockmiller-Yes; Drake-Yes; Green-Yes; Hastey-Yes; Kapheim-Yes; McDonald-Yes; Reed-Yes; Rupp-Yes): That the Executive Committee reconvene to open session.

The Committee returned to open session at approximately 3:45 p.m.

Closed Session Item B-1: The Executive Committee met with the Chief Executive Officer and reviewed his performance, provided feedback, and approved an annual salary of \$356,080 and an incentive award of \$12,000.

The Executive Committee meeting adjourned at 3:50 p.m.

Attest:

X

Melody McDonald
Chair

X

Walter A. Sells
Secretary