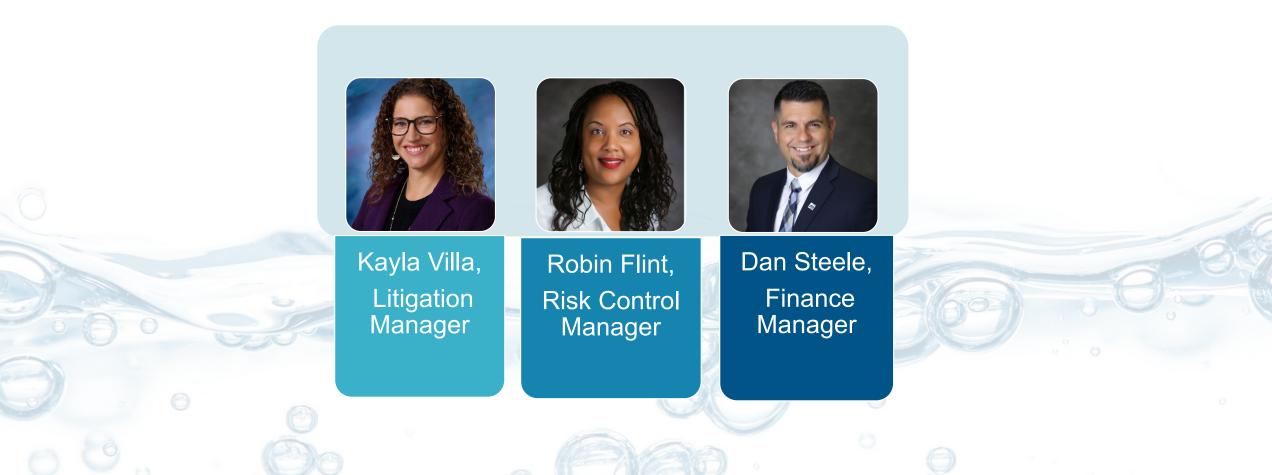
ANATOMY OF A CLAIM: Lessons Learned



Legal Disclaimer

The following claims have been creatively modified to protect the identities of our valued members—and some instances, to protect us from too many raised eyebrows. Any resemblance to real property or real persons, living or litigating, is purely coincidental... mostly. No actual member reputations or legal strategies were harmed in the making of this presentation.



Preview of Claims

Infrastructure Failures

- Challenges with aging infrastructure
- Failures leading to Third-Party Property Damage
- Importance of early reporting to ACWA JPIA
- Risk Management & Best Practices

Dangerous Conditions

- Non-Employee Personal Injuries at District owned facilities
- Importance of Risk Transfer where Independent Contractor Employees on are District property
- Risk Management & Best Practices
- Financial Impacts & Implications

Property Damage to Member Facilities

- Damages arising from third-party conduct/ natural disasters
- Claims Handling/ Adjusting
- Subrogation Efforts
- Risk Management & Best Practices
- Financial Impacts & Implications



- Issue: Irrigation Canals built in rural areas
- Challenge: Urban Sprawl
- Allegations: Seepage from unlined canal caused damage to nearby new construction
- Damages: Real Property





- Unlined Irrigation Canals constructed in late 1800's
- Developers building residential homes along canals
- Unlined canals subject to seepage

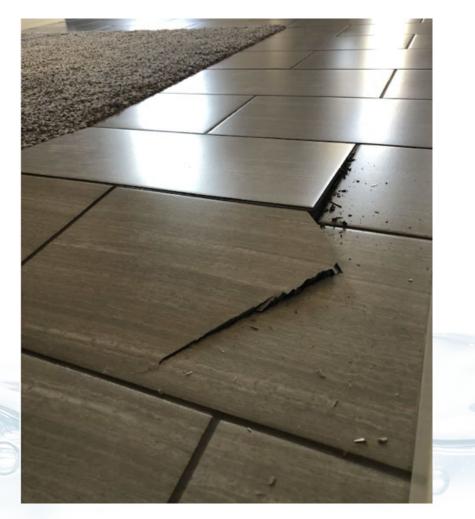




- Development built in 2017
- 19 Homeowners filed suit alleging seepage and damage to homes along canal
- Claimed damages water seepage, foundation movement, erosion of grading at foundations, cracked floor tiles







Cracked flooring due to foundation movement



Cracked flooring due to foundation movement



Liability & Litigation Department

Initial Claim Intake – Assigned to Claims Adjuster		eport Incident to Risk Management	Assignment of Defense Counsel, as needed	
Investigation and Retention of Consultants	S	Set Reserves	Report to Excess, as needed	6
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RESOLUTION STRATEGIES

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	Mediator	Judge Davidian						\$7,000,000.00			
	Mechator	Sudge Duvidian						\$6,000,000.00	\searrow		
	Plaintiff	John & Jane Doe		Defendant	Member District	Carrier Representatives Ka	avla Villa	\$5,000,000.00			
		J J					and the second second second	\$4,000,000.00			
	Plaintiff Attorn	ev Malaumer		Defense Counsel	Panel Counsel			54,000,000.00			
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								\$2,000,000.00			
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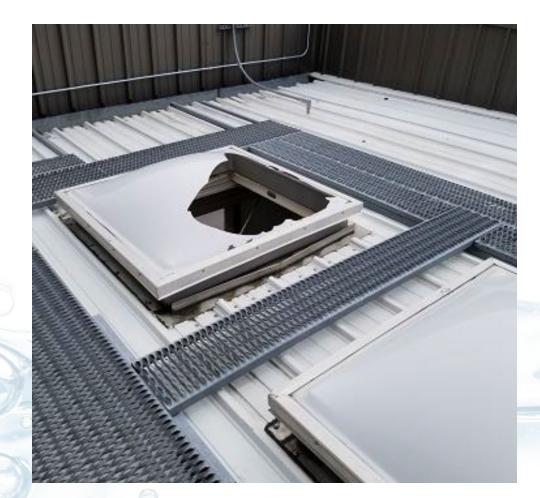
INFRASTRUCTURE PROGRAM BEST PRACTICES

Loss Reduction Focus	Best Practices Menu				
WATERLINE FAILURE	 Asset Identification Valve Exercising/Flushing Preventive Maintenance H₂O Loss Monitoring Emergency Response 				
SEWER BACKUP	 Inspection – Lift station/Pipe Inspections – Lift station Inspections – Entire Sewer System Lateral Responsibility Preventive Maintenance Asset Identification Emergency Response 				
CANAL FAILURE/FLOODING	Rodent Control Operations Inspection/Maintenance Construction/Design Vegetation/Weed Control				
THEFT/VANDALISM	Security/Alarms/Cameras Equipment ID Fencing/Enclosures				
FIRE	 Hot Work Controlled Burns Defensible Space 				
EQUIPMENT FAILURE	 Electric Surge Preventive Maintenance Animals/Insects/Bugs Lightning Backup Equipment Emergency Response 				
UNMANNED AERIAL DEVICES (DRONES)	 Planning and Coordination Certified Operators Drone Coverages 				

Claim #1: Infrastructure Failures Risk Management Department

- Risk Advisor is alerted to the claim and monitors claims adjusting process
- Shares C2E Program best management practices and resources

RAS visit walkthrough



- Identification of potential safety hazards on District property
- Risk of injury to independent contractor employees
- Risk Transfer documentation, including AI endorsements
- Managing high-value personal injury claims





View of skylight from inside pump room

Rooftop accessible from inside conference room



Personal Injuries Claimed by Plaintiff:

- Traumatic Brain Injury (TBI)
- Memory loss
- Visual disturbance, double vision
- Hearing loss
- Fractures in neck, back, ribs, and shoulder
- Medical Bills and Disability Payments exceeded \$1M



Liability & Litigation Department

Initial Claim Intake – Assigned to Claims Adjuster

Report Incident to Risk Management

Early Assignment of Defense Counsel

Investigation and Retention of Consultants

Set Reserves

Report to Excess (as needed)

Defense strategies – defenses to mitigate exposure

- Tender to Independent Contractor and Carrier
- Assess liability defenses



- Certificate of Liability Insurance Does NOT create a binding contract with insurance company
- Reference to Additional Insured status requires copy of the actual endorsement

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CERTIFICATE OF LIABILITY INSURANCE

ACORD

DATE (MM/DD/YYYY) 12/3/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attaon ACORD 101, Additional Remarks Schedule, If more space is required) Certificate holder, the District, its officers, officials, employees, agents and volunteers are named additional insured as per written contract and policy forms attached.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – COMPLETED OPERATIONS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location And Description Of Completed Operations
WHERE REQUIRED BY WRITTEN CONTRACT, BUT ONLY WHERE THE CONTRACT SPECIFIES COVERAGE FOR COMPLETED OPERATIONS.	ALL LOCATIONS WHERE REQUIRED BY WRITTEN CONTRACT.
nformation required to complete this Schedule, if not	shown above, will be shown in the Declarations

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the Schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

However:

- The insurance afforded to such additional insured only applies to the extent permitted by law; and
- If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

- 1. Required by the contract or agreement; or
- Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

- <u>Best Practices</u>: Obtain physical copy of AI Endorsement
- If AI based on general contract, ensure subject contract is fully executed and properly identifies the project(s)
 - If possible, request District be named specifically on the AI endorsement

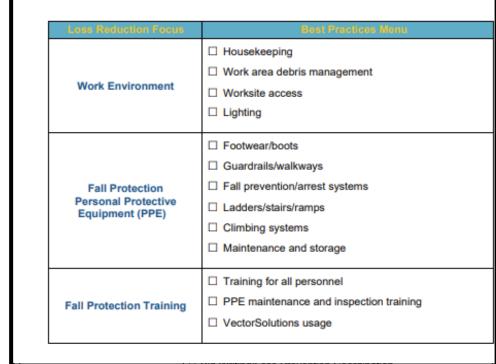


Claim #2

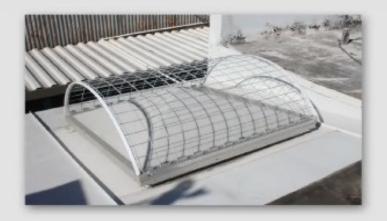
Risk Management Department

Risk Transfer Fall Prevention Contractor Qualification

ERGONOMICS/FALLS PROGRAM BEST PRACTICES
(Falls)



Multi-Employer Exposures



Skylight screens or covers

Liability Losses - Finance's Role

Finance Department

Monthly tracking of claim costs and reserves

Subrogation recoveries recorded (if any)

Receivable booked when a claim exceeds pool retention

Claims Department is notified when the recovery check is received

Claims Department records the recovery as a reduction in claims expense



Loss History Impact on E-MOD/Contributions

ACWA/JOINT POWERS INSURANCE AUTHORITY LIABILITY PROGRAM E-MOD/CONTRIBUTION CALCULATION WORK SHEET AT 9/30/20XX

Dan's Special Irrigation District

10/1/20XX-20XX ANNUAL ESTIMATED PAYROLL: \$10,000,000 LOSSES FOR PERIOD 10/1/20XX THRU 9/30/20XX RETRO ALLOCATION POINT: \$25,000

YEAR	CLAIM #	TOTAL LOSS	RAP	CLAIMS OVER RAP (or \$15,000)*	E-MOD CALC (Capped at \$75,000)
10/1/20XX-20XX	01-XXXX	\$2,754.47	\$25,000	\$0.00	\$0.00
10/1/20XX-20XX	No Claims	\$0.00	\$0	\$0.00	\$0.00
10/1/20YY-20YY	02-XXXX	\$1,175,000.00	\$25,000	\$1,175,000.00	\$75,000.00
10/1/20YY-20YY	02-XXXX	\$5,112,261.32	\$25,000	\$5,112,261.32	\$75,000.00
10/1/20ZZ-20ZZ	03-XXXX	\$720.00	\$25,000	\$0.00	\$0.00
10/1/20ZZ-20ZZ	03-XXXX	\$9,566.07	\$25,000	\$0.00	\$0.00
THREE YEAR LOSS	TOTAL	\$6,300,301.86		\$6,287,261.32	\$150,000.00



AMOUNT LIGED IN

HOW DO PROGRAM LOSSES IMPACT FUTURE CONTRIBUTION CALCULATIONS?

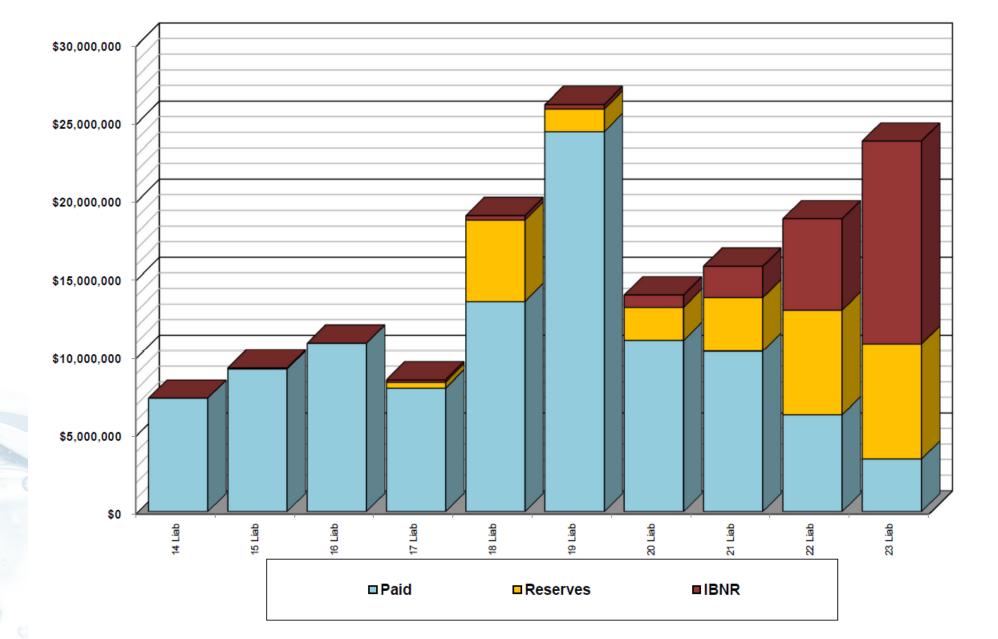
Actuary Analyzes <u>All</u> Historical Data Annually to Assist with Projection of Future IBNR

As Claims are Resolved, Updated Loss Data Provided to Actuary and is Then Reassessed and Adjusted for Prior Program Years

IBNR Projection Assists with Determining Total Pool Contributions for Upcoming Program Year

Individual Member Contributions Assessed

ACWA JPIA Liability Claims Development Last Ten Years



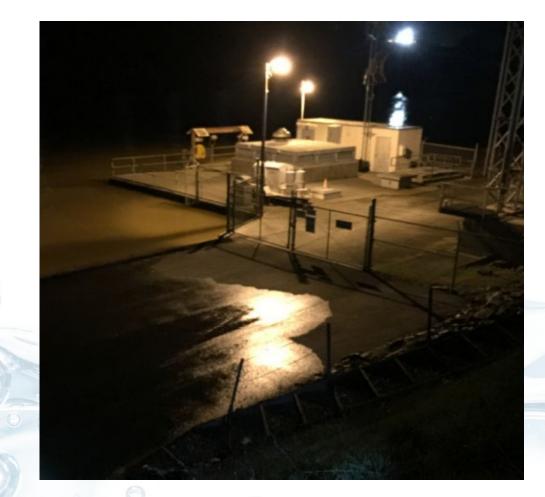
Claim #3: 1st Property Damage/ Subrogation



- Issue: Outside emergencies causing damage to member facilities
- Challenge: Preparing facilities
 and operations for emergencies
- Damages: Significant damage to real property and potential business interruption losses
 Importance of Subrogation



Claim #3: Property Damage/ Subrogation



Flood waters approach facility



Flooding inside Powerhouse



Claim #3: Property Damage/ Subrogation

Liability & Property Department

Loss reported to the Claims Department

Confirm damaged property listed on District property schedule

Hire third party investigator to inspect and assess damages

Pay District for loss less deductible

Investigate cause and determine whether ability to subrogate against at-fault third party





Claim #3: Property Damage/ Subrogation Risk Management Department

- Planning, Coordination and Communication
- Staff Training
- Facility Protection and Readiness
- Response and Recovery

Claim #3: Property Damage/ Subrogation



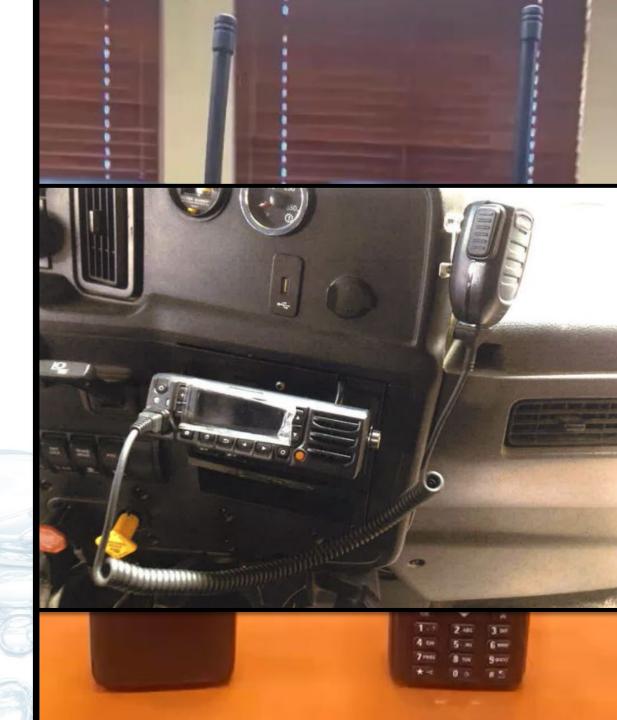
Risk Management Department

- Emergency Preparedness and Response
 - JPIA Sample ER Action Plan
 - SWCRB Small Systems Disaster
 Plan
 - EPA Incident Action Checklists
 - Cal/WARN Portal
 - SEMS/NIMS Training Resources

Claim #3: Property Damage/ Subrogation

Risk Control Grant Program

- Beaumont-Cherry Valley Water District
 - Handheld two-way radios with Motorola Digital License
- SCV Water
 - Two-way radios for trucks
- Montague Water District
 - Fire suppression trailer



Claim #3: Property Damage/ Subrogation

Finance Department

- When recovery funds are received, Accounts Receivable Department sends a copy of the check to the Claims Adjuster
- Claims Adjuster records the recovery in the Claims System
- Total claims cost reduced
- Subsequent loss runs reveal updated claims costs
- Actuary projects lower costs total for Program year
- JPIA Finance Department adjusts IBNR accordingly



1. Collaborative Efforts





ACWA JPIA departments work together to resolve claims and assist members with the implementation of best practices to reduce future risk Continual communication between departments and member agencies

2. Best Practices for Members



Commitment to Excellence Program Select best practices your Agency wishes to add to, or enhance, its existing loss reduction programs.



Risk Control Manual

A resource that Members can use when developing policies for their Safety and Loss Control Programs.



Support, collaborate, resource.



3. Future Outlook

Continue identifying potential risks and hazards Continual analysis of ongoing challenges with claims resolution and litigation challenges

Continue focusing on best practices and risk reduction Successfully managing losses will positively impact future contributions



4. Lessons Learned



QUESTIONS?



Session Feedback

SCAN HERE



OR, use your browser to go to: https://app.meet.ps/attendee/anatomyofaclaim



End of the Anatomy of a Claim Educational Session

Next @ 9:45 AM Cyber Chronicles: Lessons Learned from the Frontlines

