



**SISC**

Self-Insured Schools  
of California

*Schools Helping Schools*

**PROPERTY AND LIABILITY  
BOARD OF DIRECTORS MEETING  
DECEMBER 16, 2021  
10:30 A.M.**

**AGENDA**

\*Beginning with its November 18, 2021 regular Board meeting, Self-Insured Schools of California will be returning to an in-person meeting format. Members of the public wishing to observe the meeting or comment on matters within the Board's jurisdiction will need to attend the meeting in person to do so, at the time and place stated on the meeting agenda. The agenda can be accessed at [sisc.kern.org](http://sisc.kern.org).

The Board in the future may need to return to a teleconferencing format as permitted by the Ralph M. Brown Act based on conditions relating to the ongoing pandemic or as otherwise permitted by law. The meeting agendas will clearly indicate whether this is the case.

**I. Consent Agenda**

- A. Approval of Minutes for November 2021 Board of Directors Meeting Nick Kouklis
- B. Approval of Payment of Student Insurance Claims in the Amount of \$39,408.58 and Tackle Football Claims in the Amount of \$3,012.48 for the Month of November 2021 Nick Kouklis

Moved \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_

Yes \_\_\_\_ No \_\_\_\_ Abstain \_\_\_\_ Roll Call Vote \_\_\_\_\_

**II. Public Comment**

### **III. Closed Session- Property and Liability Claims**

The board may be required to adjourn to closed session for discussion of matters regarding a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability, authorized by Government Code 54956.95.

<b>District</b>	<b>File Number</b>	<b>Claimant</b>
Merced Union High School District By Ty Taylor	2020037647	Loretta Hernandez L-BI
Upland Unified School District By Ty Taylor	2022040918	Christopher Castaneda L-PI

### **IV. Reconvene To Open Session**

A. Reports from Closed Session, if Required

## V. Action Items

- A. Report of Property and Liability Claims in the Amount of \$732,546.45 for the Month of November 2021 and Ratification of Payment of this Amount Robert Kretzmer

Moved \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_ Abstain \_\_\_\_\_ Roll Call Vote \_\_\_\_\_

- B. Financial Report – Presentation of Financial Statements for the Month of November 2021 Will Be Submitted for Approval Kim Sloan

Moved \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_ Abstain \_\_\_\_\_ Roll Call Vote \_\_\_\_\_

- C. Approval of Excess Property Insurance Rate Renewal for 2022 Kim Sloan

Moved \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_ Abstain \_\_\_\_\_ Roll Call Vote \_\_\_\_\_

## VI. Information and Discussion Items

- A. Review of the Cyber Pilot Program Robert Kretzmer

- B. Review of the Quarterly Report December Edition Kerri Jones

- C. Discussion on Ferra and Associates (Interactive Process Assistance) Robert Kretzmer

- D. Comments from the Board of Directors Will Be Heard Nick Kouklis

- E. Next Meeting: Nick Kouklis

Thursday, January 20, 2022

10:30 a.m.

Room 204, 2nd Floor – Larry E. Reider Education Center

2000 K Street, Bakersfield, CA 93301

- F. Adjournment Nick Kouklis

Moved \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_ Abstain \_\_\_\_\_ Roll Call Vote \_\_\_\_\_

Any materials required by law to be made available to the public prior to a meeting of the Governing Board of the SISC II JPA can be inspected at the following address during normal business hours at:

2000 K Street, Bakersfield, CA. 93301

For more information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation to participate in the public meeting, please contact Kristy Comstock at 661-636-4682 or

[krcomstock@kern.org](mailto:krcomstock@kern.org)

\*The number of Board Members needed to form a quorum for this meeting is eight

## PROPERTY & LIABILITY TERMINOLOGY

1. **AMERICANS WITH DISABILITIES ACT (ADA)** - A federal act designed to set standards to remove the barriers to employment, transportation, public accommodations, public services, and telecommunications that exist for those members of our society who have physical disabilities. The act encompasses aspects of everyday life and generates wide ranging implications for almost every business or service.
2. **CIVIL RIGHTS VIOLATIONS** - The term applied to tort claims involving issues of sexual harassment; wrongful termination; employment, age, gender or race discrimination; ADA; employment harassment. If Plaintiff prevails, even partially, this type of case entitles plaintiff to also collect attorney fees.
3. **CLAIM TYPES** – The internal coding systems for claims includes:

ABI – Auto Bodily Injury	BM – Boiler/Machinery	LPD–Liability Property Damage
ACL – Auto Collision	CF – Crime/Fidelity	P - Property
ACP – Auto Comprehension	LBI – Liability Bodily Injury	SE – Special Education
AGK – Auto Garage Keepers	LPI – Liability Personal Injury	
APD – Auto Property Damage		
4. **COMPARATIVE NEGLIGENCE** - A more modern system of allocating damages between two or more persons than the method of contributory negligence. Under comparative negligence, the damages collectible in relation to another person are diminished in proportion to one's degree of negligence. In most instances, damages cannot be collected at all if the claimant's negligence were greater than that of the other party. Currently, in a few instances, the courts have awarded both parties damages as a percent of the total damages, depending on respective degrees of fault.
5. **DECLARATORY RELIEF ACTION** - Remedy for the determination of a judicial controversy where a plaintiff or defendant is in doubt as to their legal rights. No consequential relief is awarded.
6. **ERRORS AND OMISSIONS (E&O)** - A form of Professional Liability insurance which provides coverage for mistakes made in a profession not involved with the human body (lawyers, architects, engineers) or for mistakes made in a service business (insurance, real estate, and others). Also a form of coverage for financial institutions protecting against loss to lending institutions which fail to effect insurance coverage.
7. **HOLD HARMLESS AGREEMENT** - A contractual arrangement whereby one party assumes the liability inherent in a situation, thereby relieving the other party of responsibility. Such agreements are typically found in leases and easements and construction contract agreements. Agreement or contract in which one party agrees to hold the other without responsibility for damage or other liability arising out of the transaction involved.
8. **INJUNCTIVE RELIEF ACTION** - Legal action filed for prohibitive or equitable relief. An action filed to forbid an act or to restrain someone from continuing an act which is considered unjust or injurious.
9. **MOTION FOR SUMMARY JUDGMENT** - Rule of civil procedure permitting either side in a civil suit to move for dismissal when it is believed that there is no genuine issue of material fact that would allow the other side to prevail as a matter of law. The "motion" may include all or part of a claim.
10. **PERSONAL INJURY** - Injury, other than bodily injury, results from oral or written communication.
11. **PUNITIVE DAMAGES (Exemplary)** - Damages awarded separately and in addition to compensatory damages, usually on account of malicious or wanton misconduct, to serve as a punishment for the wrongdoer and, possibly, as a deterrent to others. Sometimes referred to as "exemplary damages" when intended to "make an example" of the wrongdoer. By law, government entities are immune from punitive damages.
12. **SUBROGATION** - In insurance, the substitution of one party (insurer) for another party (insured) to pursue any rights the insured may have against a third party liable for a loss paid by the insurer.
13. **TORT** - A legal wrong arising from a breach of duty fixed by law, except under contract, causing injury to persons or property and redressible by legal action for damages. Government entities are ruled by the Tort Claims Act.



**SISC**

Self-Insured Schools  
of California

*Schools Helping Schools*

**PROPERTY AND LIABILITY  
BOARD OF DIRECTORS MEETING  
NOVEMBER 18, 2021  
10:30 A.M.**

**MINUTES**

\*Beginning with its November 18, 2021 regular Board meeting, Self-Insured Schools of California will be returning to an in-person meeting format. Members of the public wishing to observe the meeting or comment on matters within the Board's jurisdiction will need to attend the meeting in person to do so, at the time and place stated on the meeting agenda. The agenda can be accessed at [sisc.kern.org](http://sisc.kern.org).

The Board in the future may need to return to a teleconferencing format as permitted by the Ralph M. Brown Act based on conditions relating to the ongoing pandemic or as otherwise permitted by law. The meeting agendas will clearly indicate whether this is the case.

The Regular Meeting of the Board of Directors of SISC II Property and Liability Program was called to order by Director Kouklis at 10:30 a.m. on Thursday, November 18, 2021 in room 204, 2<sup>nd</sup> floor of the Larry E. Reider Building, 2000 K Street, Bakersfield, California 93301. The following individuals were in attendance:

**MEMBERS PRESENT:**

Nick Kouklis\*  
Dr. Julie Boesch  
Ty Bryson  
Paul Miller  
S. Aaron Resendez  
Dr. Dave Ostash  
Christine Cornejo  
Katie Russell  
Jackie Martin  
Eva Chavez  
Robert Hughes

**ALTERNATES PRESENT:**

Dr. John Mendiburu\*\*  
Steve Martinez

**OTHERS PRESENT:**

Kim Sloan  
Kristy Comstock  
Rich Edwards  
Fred Bayles  
Robert Kretzmer  
Ty Taylor  
Kerri Jones  
Angel Garcia  
Dan Klingenberger

\*exited meeting at 10:32 and returned at 10:47 after presentation and voting on the first special case.

\*\*presided over the meeting from 10:32-10:47 for presentation and voting on the first special case.

## **Consent Agenda**

Motion was made by Director Bryson, seconded by Director Miller and by roll call vote of 11-Yes, 0-No, and 0 Abstention (11-0-0) to approve the Consent Agenda as follows:

## **Minutes**

Approval of Minutes for October 2021 Board of Directors Meeting

## **Student Insurance and Tackle Football Claims**

Approval of payment of Student Insurance Claims in the Amount of \$57,326.64 and Tackle Football Claims in the Amount of \$1,204.95 for the month of October 2021.

## **Public Comment**

None

## **Closed Session – Property & Liability Claims**

The Board went into closed session at 10:32 a.m.

## **Reconvene to Open Session**

The Board reconvened into open session at 11:21 a.m.

Director Kouklis reported on the following cases:

With respect to the claim filed by Pat Tumbarello against KCSOS, SISC, SLS, et. al after discussion, motion was made by Director Boesch, seconded by Director Ostash and by roll call vote of 11-0-0 the board approved the payment of \$175,000.00 for the settlement of this claim with Pat Tumbarello.

With respect to the claim filed by N.O., I.R., A.E. and D.G. (minors) against Bakersfield City School District after discussion, motion was made by Director Ostash, seconded by Director Resendez and by roll call vote of 10-0-1 (abstention by Director Cornejo) the board approved the payment of an undisclosed amount for the settlement of this claim with N.O., I.R., A.E. and D.G. (minors).

With respect to the claim filed by M.R. (minor) against Wasco Union High School District after discussion, motion was made by Director Russell, seconded by Director Miller and by roll call vote of 11-0-0 the board approved the payment of \$475,000.00 for the settlement of this claim with M.R. (minor).

With respect to the claim filed by Katura Stokes and M.M. (minor) against Palmdale School District after discussion, motion was made by Director Boesch, seconded by Director Chavez and by roll call vote of 11-0-0 the board approved the payment of \$75,000.00 for the settlement of this claim with Katura Stokes and M.M. (minor).

## **Action Items**

### **Report of Property and Liability Claims – October 2021**

Robert Kretzmer presented the Report of Property and Liability Claims. There were 40 new claims, 45 claims were closed and no claims reopened in October, resulting in 330 pending claims. Robert reviewed the check register for October 2021, reporting on two checks that were in excess of \$25,000.00. After discussion, motion was made by Director Hughes, seconded by Director Cornejo and by roll call vote of 11-0-0, approving payment of Property and Liability Claims in the amount of \$798,702.30 for the month of October 2021.

### **Financial Report**

Kim Sloan reviewed with the Board the Financial Report for the period ending October 31, 2021. Kim reported the LAIF rate for the month of October 2021 dropped slightly to 0.20% from last month at 0.21%. After discussion, motion was made by Director Resendez, seconded by Director Miller and by roll call vote of 11-0-0, approving the Financial Reports as submitted.

## **Request Approval of the Property & Liability Independent Financial Audit Report for the Year Ended June 30, 2021**

Kim Sloan reviewed the independent financial audit report for property & liability. He pointed out that, per the auditor report to the board, there were no audit adjustments or findings for the year ending June 30, 2021. After discussion, motion was made by Director Boesch, seconded by Director Russell and by roll call vote of 11-0-0, approving the independent financial audit report.

## **Information and Discussion Items**

### **Review Cyber Pilot Program**

Robert Kretzmer informed the board that the pilot program is under way and will have a report for the board at the December board meeting.

### **Discussion on AAAtraq Website Auditing System**

Robert Kretzmer discussed the AAAtraq website auditing system with the Board. AAAtraq is a firm that reviews websites for ADA compliance.

### **Review Wildfire Mitigation Information Memo**

Kerri Jones reviewed the update that was made to the Mitigation Information Memo. The revised memo has been posted on the SISC II website.

### **Comments from the Board of Directors**

Robert Kretzmer noted that Kerri Jones is the editor for the quarterly newsletter. Kerri left copies of the newsletter for the board. Director Kouklis informed the Board that there is a new podcast posted to the website. Robert's guest was Abigale Auffant, Attorney at Law of Schools Legal Service. Director Kouklis discussed the outcome of the October Annual Board Meeting and the SISC Healthcare Symposium.

### **Adjournment**

There being no further business to come before the Board, motion was made by Director Boesch, seconded by Director Chavez and by roll call vote of 11-0-0, adjourning the meeting at 11:51 a.m.

### **Next Meeting**

The next meeting of the Board of Directors will be held **Thursday, December 16<sup>th</sup>** at 10:30 a.m. in Room 204 on the 2<sup>nd</sup> Floor-Larry E. Reider Education Center, 2000 K Street, Bakersfield, CA 93301

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Bill Ridgeway, Secretary