

**MINUTES OF THE
ACCEL UNDERWRITING COMMITTEE
MEETING**

Tuesday, November 29, 2022 at 1:30 PM

**LOCATION:
Teleconference**

Link: <https://alliantinsurance.zoom.us/j/99706247753?pwd=UWhmdjFBendsdVFMSIF0U2JHOVIIZz09>

Dial: (669) 900-6833

Meeting ID: 997 0624 7753

Passcode: 864381

MEMBERS PRESENT:

Tracey Matthews, City of Anaheim
Jena Covey, City of Bakersfield
Rhonda Combs, City of Salinas
Mark Howard, City of Santa Barbara
Ross Brandon, City of Santa Cruz

MEMBERS ABSENT:

None

GUESTS AND CONSULTANTS:

Byrne Conley, Gibbons & Conley
Kevin Albertson City of Bakersfield Fire Deputy Chief (*left at 2:10 PM*)
Stephen Sparks, City of Salinas Police Sergeant (*left at 2:40 PM*)
Conor Boughey, Alliant Insurance Services
Lorissa Huey, Alliant Insurance Services

A. CALL TO ORDER

Mark Howard called the meeting to order at 1:32 PM.

B. Consent Calendar

B1. Approval of Minutes for the March 30, 2022 Underwriting Committee Meeting

A motion was made to approve the consent calendar.



MOTION: Jena Covey

SECOND: Rhonda Combs **MOTION CARRIED**

| | Tracey Matthews | Jena Covey | Rhonda Combs | Mark Howard | Ross Brandon |
|---------|-----------------|------------|--------------|-------------|--------------|
| Aye | | X | X | X | X |
| Nay | | | | | |
| Abstain | X | | | | |

C. REPORTS

C1. Underwriting Committee’s Report

C1ai. New Exposures: Completed Questionnaire - City of Bakersfield Tele911 Program

Conor Boughey reported that the City of Bakersfield requested the Committee to review the New Exposure Questionnaire for the Tele911 Program.

Kevin Albertson, City of Bakersfield Fire Deputy Chief explained that the Fire Department will have iPads that are owned by Kern County when they respond to an emergency call where a patient needs to speak with a doctor. The patient will have an option of telemedicine services with a physician at the scene on the iPad.

Byrne Conley, ACCEL’s Legal Counsel advised that the City should not sign an indemnity agreement because ACCEL’s Memorandum of Coverage (MOC) does not cover medical malpractice. There is coverage for this program under the current language in the MOC. If ACCEL chooses to exclude this program, the City will need to purchase separate coverage and ACCEL would add an endorsement exclusion.

Jena Covey stated that the City will review after this meeting and put together a letter of agreement with Tele911. Also, the City will work with Byrne on language for the recitals that should be added to the waiver that will be signed by the patient if it does elect telemedicine services.

The Committee did not take any formal action.

C1aai. New Exposures: Member Locations – Battery Farms

Conor Boughey reported that Cities across the State are being asked to host battery systems and the ACCEL Members should consider the impacts to the entity and how ACCEL’s Memorandum of Coverage (MOC) will apply.



Mark Howard, City of Santa Barbara stated that the City is in the process of purchasing battery back-up components for use at the City’s water treatment plant.

No reportable action took place. Conor reminded the Committee Members that the ACCEL MOC has an exclusion that would apply to any failure to supply water, electricity or gas. Therefore, it’s important to be cognizant when entering into any agreement because the City does not want to be an energy provider, unless it has purchased separate coverage.

C1bi. Proposed Changes to ACCEL’s Memorandum of Coverage (MOC): Unmanned Aerial Vehicles (UAVs)

Conor Boughey reported that in 2016, ACCEL took action to clarify the MOC language to explicitly state that the aircraft exclusion does not apply to UAVs (drones), and define UAVs as a small unmanned aircraft regulated by Part 107 of the Federal Aviation Administration (FAA). Now, the FAA has changed the guidelines to allow governmental entities to fly UAVs outside of Part 107.

The City of Salinas forwarded the Certificate of Waiver of Authorization (COA) from its Police Department and asked ACCEL if it is acceptable under the current MOC language.

Stephen Sparks, City of Salinas Police Sergeant was present at today’s meeting and was able to address questions from the Committee.

A motion was made to direct Byrne Conley, ACCEL’s Legal Counsel to draft language that keeps Part 107 in the UAV definition, and add language about the COA and similar federal regulations. This will be brought back to the Board at the January 19 and 20, 2023 Board Meeting for consideration to adopt and discuss when the changes will take into effect. The Committee also recommends to repeal the Unmanned Aerial Vehicle (UAV) Usage Guidelines Policy and Procedure.

MOTION: Rhonda Combs **SECOND:** Ross Brandon **MOTION CARRIED**

| | Tracey Matthews | Jena Covey | Rhonda Combs | Mark Howard | Ross Brandon |
|---------|-----------------|------------|--------------|-------------|--------------|
| Aye | X | X | X | X | X |
| Nay | | | | | |
| Abstain | | | | | |



C1bii. Proposed Changes to ACCEL’s Memorandum of Coverage (MOC): Fines and Assessments Exclusion

Byrne Conley, ACCEL’s Legal Counsel suggested to incorporate some of the Excess Carrier’s Great American exclusion into ACCEL’s Fines and Assessment Exclusion, specifically injunctive, equitable or declaratory relief so that no one can argue ACCEL pays for non-monetary damages. The proposed language included in the agenda packet further clarifies the intent of the current exclusion.

A motion was made to recommend to the Board at the January 2023 Board Meeting to adopt the proposed changes to the Fines and Assessment Exclusion.

MOTION: Mark Howard **SECOND:** Ross Brandon **MOTION CARRIED**

| | Tracey Matthews | Jena Covey | Rhonda Combs | Mark Howard | Ross Brandon |
|---------|-----------------|------------|--------------|-------------|--------------|
| Aye | X | X | X | X | X |
| Nay | | | | | |
| Abstain | | | | | |

C1c. Dates of Loss for Employment Practices Liability Claims

Conor Boughey reported that in the past, there were issues identifying the date of loss trigger on Employment Practices Liability (EPL) matters. Byrne Conley, ACCEL’s Legal Counsel pointed out in the ACCEL Memorandum of Coverage (MOC) the Occurrence definition and the Multiple Coverage Periods section to help with agreeing to a date of loss.

Members asked questions, which were addressed.

The Committee agreed to keep the current MOC language as is.

No reportable action took place.

D. PUBLIC COMMENTS - No public comments were made.

ADJOURNMENT

Mark Howard adjourned the meeting at 3:16 PM.