



**IN-HOME SUPPORTIVE SERVICES  
PUBLIC AUTHORITY  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One

PETE VANDER POEL  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** June 7, 2011

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	X
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	X
Published Notice Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	X
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	X
Meet & Confer Required	Yes		No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes		No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	X
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	X
Resolution, Ordinance or Renewals are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	X	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
CONTACT PERSON: Denise Tarvin    PHONE: 559-623-0640						

**SUBJECT:**

Memorandum of Understanding (MOU) Primary General Liability (PGL) Program with California Association of Counties-Excess Insurance Authority (CSAC-EIA).

**REQUEST(S):**

That the Governing Board:

1. Approve the Amendment to the PGL Program MOU.
2. Authorize the Chairman to sign to execute the Amendment to the PGL Program MOU.

**SUMMARY:**

On October 19, 2010, the PGL Committee at CSAC-EIA approved amendments to the PGL Program MOU. The document was last amended in 2005 and subsequently changes have become necessary due to the restructure of the California Public Entity Insurance Authority restructure. This year the EIA completed a review of the PGL MOU and made recommendations for modifications.

Most of the revisions pertained to the EIA restructure that took place in 2006 and others were made to create language that was consistent with other EIA documents. Other revisions of note are:

- A provision was added to allow the executive committee at CSAC-EIA to appoint representatives from the General Liability Program Committee to serve on the Primary Liability Committee if there are insufficient volunteers to serve. Two alternate positions were added.
- The program is now subject to dividend distribution and assessments and previously no mechanism was in place to administer an adjustment.
- Closure of Policy Periods is defined to clarify that claims for all program years rather than individual years will be pooled as is done in the General Liability Program I.
- Added provisions for late payments which may include the issuance of a 10 day notice of withdrawal from a program.
- Failure to execute an MOU will result in withdrawal from the Program.

**FISCAL IMPACT/FINANCING:**

No additional funds are required if this recommendation is approved. Failure to approve the MOU will result in the IHSS being withdrawn from the Program and may result in an increase in insurance costs under another less cost effective alternative.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's five year strategic plan includes promoting public health and welfare. IHSS provides in home supportive services for the elderly and disabled. This recommendation is in accordance with the strategic initiative to achieve Organizational Performance: Continuously improve organizational effectiveness and fiscal stability.

**ALTERNATIVES:**

1. Do not approve the changes to the PGL Program MOU. This alternative is not recommended because it would result in IHSS being withdrawn from the program on July 1, 2011 and may result in an increase in insurance costs for the IHSS.
2. Do not authorize the chairman to sign the MOU. This alternative is also not recommended because it would result in IHSS being withdrawn from the program on July 1, 2011 and may result in an increase in insurance costs for the IHSS.

**INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:**

Tulare County Counsel reviewed Resolution No. PA 2010-02, which delegates the authority to the Risk Manager to act on official matters on behalf of the IHSS, and determined execution of the attached MOU is not within the scope of Risk Manager's authority and therefore requests that the Board of Supervisors review the recommendation and approve it.

**ADMINISTRATIVE SIGN-OFF:**

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Denise Tarvin  
IHSS Public Authority Director

Cc: Auditor/Controller  
County Counsel  
County Administrative Office (2)

Attachments: Amendment to Primary General Liability (PGL) Program MOU

**RESOLUTION:** Attached

**DISTRIBUTION:** Board of Supervisors Clerk: Original complete packet plus nine (9) of the Agency Agenda Item and Resolution only

Copy of complete packet to:  
Jean M. Rousseau  
County Counsel (1)  
County Auditor (1)

**BEFORE THE GOVERNING BOARD OF THE  
TULARE COUNTY IN-HOME SUPPORTIVE SERVICES  
PUBLIC AUTHORITY**

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**IN THE MATTER OF**

Memorandum of Understanding Primary General Liability (PGL) Program  
with California Association of Counties-Excess Insurance Authority (CSAC-  
EIA).

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE GOVERNING  
BOARD, AT AN OFFICIAL MEETING HELD  
BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: JEAN ROUSSEAU  
ADMINISTRATIVE OFFICER/CLERK  
IHSS GOVERNING BOARD

BY: \_\_\_\_\_

Deputy Clerk

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The Governing Board hereby:

1. Approved the Amendment to the PGL Program MOU.
2. Authorized the Chairman to sign to execute the Amendment to the PGL Program MOU.