



Nevada Public Agency Insurance Pool
Public Agency Compensation Trust
201 S. Roop Street, Suite 102
Carson City, NV 89701-4779
Toll Free Phone (877) 883-7665
Telephone (775) 885-7475
Facsimile (775) 883-7398

**Minutes of Meeting of
Executive Committee of
Nevada Public Agency Insurance Pool
Date: Friday, December 15, 2017
Time: 10:00 A.M.
Place: at 201 S. Roop Street, Carson City, NV 89701
Conference Call-In Phone No: 1-800-593-9034; Passcode: 15042**

AGENDA

Notices:

- 1. Items on the agenda may be taken out of order;**
- 2. Two or more items on the agenda may be combined for consideration**
- 3. Any item on the agenda may be removed or discussion may be delayed at any time**
- 4. The general Public Comment periods are limited to those items not listed on the agenda. Public Comment periods are devoted to comments by the general public, if any, and may include discussion of those comments; however, no action may be taken upon a matter raised under Public Comments until the matter itself has been included specifically on an agenda as an item upon which action may be taken. Public Comments are Limited to Three Minutes per Person.**
- 5. At the discretion of the Chair of the meeting, public comments on specific agenda items may be allowed, but must be limited to the specific agenda item.**

1. Roll

Members present: Cash Minor, Gerry Eick, Ann Cyr, Josh Foli, Dan Corona

Members absent: Beverly Conley, Lisa Jones

Others present: Jack Angaran, Stephen Balkenbush, Wayne Carlson, Donna Squires, Marshall Smith

A quorum being present, Chair Minor called the meeting to order.

2. Public Comment

Chair Minor opened public comment and hearing none, closed the comment period.

3. For Possible Action: Discussion and potential direction to the legal counsel to sign on to an amicus curiae brief supporting the State of Nevada's Petition for Writ of Mandamus or Prohibition filed in State of Nevada, Division of Forestry v. District Court, Supreme Court Case No. 74271 (Little Valley Fire).

Chair Minor opened this item for discussion. Wayne Carlson provided a summary of the issues and rationale for joining as amicus in this case. He noted that Jack Angaran, coverage counsel for NPAIP, and he had discussed this from a coverage form perspective. The POOL

Form excludes takings type cases, but does cover tort liability. This case creates confusion regarding what is covered regarding certain takings cases that allege damages that may be construed as a tort. Thus, having the court clarify what law applies is important both to the POOL and to its members. He said that the contribution costs would be less than \$5,000, a share of the total which would be reduced as more join in. Wayne noted that he had received a draft of the proposed amicus brief last night as had legal counsel. He then asked Steve Balkenbush as general counsel to the POOL, to provide his insights.

Steve Balkenbush noted that the amicus arose from the writ of mandamus in the underlying case and that the court had agreed to review the case on appeal within 30 days. Thus, there is an opportunity to file an amicus curiae to seek clarification of the takings issues so that it does not become tort law damages because of this case. He noted that about 12 public entities agreed to join as amici thus far. He recommended that the POOL join as well. In response to questions, he commented that there would be no liability to the POOL beyond the contribution to the amicus effort. He emphasized that the amicus purpose is to seek clarification of the law, not to take sides in the underlying case.

Cash Minor called for a motion. On motion and second to direct counsel to sign on to the amicus brief addressing the legal issues of the case cited regarding the State of Nevada's Petition for Writ of Mandamus or Prohibition filed in State of Nevada, Division of Forestry v. District Court, Supreme Court Case No. 74271 (Little Valley Fire), Chair Minor asked for further discussion or public comment on the motion, the motion carried.

4. Public Comment

Chair Minor opened public comment and hearing none, closed the comment period.

5. For Possible Action: Adjournment

On motion and second to adjourn, the meeting adjourned.

The Agenda was posted at the following locations and linked to the Official State Website

<https://notice.nv.gov>:

**N.P.A.I.P.
201 S. Roop
Carson City, NV 89701**

**Carson City Courthouse
885 E. Musser Street
Carson City, NV 89701**

**Eureka County Courthouse
10 S. Main Street
Eureka, NV 89316**

**Churchill County Courthouse
155 North Taylor Street
Fallon, NV 89406**