

**New Mexico Public Schools Insurance Authority
Board of Directors Special Meeting Minutes**
<https://global.gotomeeting.com/join/885685213>

Dial in: + 1 (312) 757-3121
Access Code: 885-685-213

Thursday, August 19, 2021

1. Call to Order

Mr. Al Park, President, called the NMPSIA Board Meeting to order at 3:32 p.m. on Thursday, August 19, 2021.

2. Roll Call

Ms. Pamela Vigil, called roll.

Present via virtual meeting/telephonic meeting:

Alfred Park, President
Chris Parrino, Vice-President
Pauline Jaramillo, Secretary
Daniel Benavidez
Tim Crone
Bethany Jarrell
Sammy Quintana
K.T. Manis
David Martinez Jr.
Trish Ruiz

Absent:

Denise Balderas

Staff Members present via virtual meeting/telephonic meeting:

Richard Valerio, Executive Director
Patrick Sandoval, Deputy Director
Martha Quintana, Chief Financial Officer
Melissa Rael, Human Resource/Finance Manager
Katherine Chavez, Benefits/Wellness Operations Manager
Pamela Vigil, Risk Program Coordinator
Dion Romero, Accountant
Claudette Roybal, Chief Procurement Officer

Audience present via virtual/telephonic meeting:

| | |
|-----------------------|----------------------|
| Martin Esquivel | Esquivel & Howington |
| Connor Jorgensen | LFC |
| Joseph Simon | LESC |
| David Poms | Poms & Assoc. |
| Rika Martinez | Poms & Assoc. |
| Tammy Pargas | Poms & Assoc. |
| Larry Vigil | Poms & Assoc. |
| Louise Carpenter | CCMSI |
| Kevin Sovereign | CCMSI |
| Dr. Nura Patani | Segal |
| Melissa Krumholz | Segal |
| Jon Molberg | ESI |
| Marlene Mier | BCBS |
| Lisa Sullivan | BCBS |
| Maureen Sergal | BCBS |
| Sam Garcia | Davis Vision |
| Cathy Fenner | Davis Vision |
| JoLou Trujillo-Ottino | Delta Dental |
| Genia Chambellan | Delta Dental |
| Steve Valdez | Presbyterian |
| Cynthia Grajeda-James | Presbyterian |
| Kathy Payanes | Erisa |
| Lourdes Rael | Erisa |
| Magdiel Barrios | Erisa |

3. Introduction of Guests

There were no guests.

4. Citizens to Address the Board (five- minute time limit)

There were no citizens to address the Board.

5. Approval of the Agenda (Action Item)

Mr. Richard Valerio, Executive Director, NMPSIA, requested that item 7.C (2021-2022 MOCL024 General & Automobile Liability Memorandum of Coverage) be changed from an action item to a discussion item.

A motion was made to approve the agenda as amended.

MOTION: C. Parrino

SECONDED: D. Benavidez

A roll call vote was taken.
Ms. Pamela Vigil, called roll.

Daniel Benavidez - **Yes**
Tim Crone – **Yes**
Pauline Jaramillo, Secretary - **Yes**
Bethany Jarrell - **Yes**
Sammy Quintana - **Yes**
K.T. Manis - **Yes**
David Martinez Jr. - **Yes**
Trish Ruiz - **Yes**
Chris Parrino, Vice-President - **Yes**
Alfred Park, President – **Yes**

Vote: Vote carried unanimously.

6. Approval of July 29, 2021, Virtual Board Minutes (Action Item)

A motion was made to table the approval of the July 29, 2021 Board Minutes to correct an error. The minutes will be brought back for approval at the September Board Meeting.

MOTION: C. Parrino

SECONDED: D. Martinez Jr.

A roll call vote was taken.

Ms. Pamela Vigil, called roll.

Daniel Benavidez - **Yes**
Tim Crone – **Yes**
Pauline Jaramillo, Secretary - **Yes**
Bethany Jarrell - **Yes**
Sammy Quintana - **Yes**
K.T. Manis - **Yes**
David Martinez Jr. - **Yes**
Trish Ruiz - **Yes**
Chris Parrino, Vice-President - **Yes**
Alfred Park, President – **Yes**

Vote: Vote carried unanimously.

7. Administrative Matters

7. A Election of Officers (Action Item)

Mr. Martin Esquivel, NMPSIA General Counsel, stated pursuant to NMPSIA Rules, August is the meeting for the election of the President, Vice-President and Secretary of the NMPSIA Board of Directors which form the Executive Committee. He explained the process is to open nominations for the President, Vice-President and Secretary. A motion is required to close nominations followed by a vote.

A motion was made to open nominations for the NMPSIA Board of Directors President.

MOTION: C. Parrino

SECONDED: S. Quintana

A roll call vote was taken.

Ms. Pamela Vigil, called roll.

- Daniel Benavidez - **Yes**
- Tim Crone – **Yes**
- Pauline Jaramillo, Secretary - **Yes**
- Bethany Jarrell - **Yes**
- Sammy Quintana - **Yes**
- K.T. Manis - **Yes**
- David Martinez Jr. - **Yes**
- Trish Ruiz - **Yes**
- Chris Parrino, Vice-President - **Yes**
- Alfred Park, President – **Yes**

Vote: Vote carried unanimously.

A motion was made to retain all three officers in their current positions. Mr. Alfred Park, President, Mr. Chris Parrino, Vice-President, and Ms. Pauline Jaramillo, Secretary.

MOTION: T. Ruiz

SECONDED: S. Quintana

A roll call vote was taken.

Ms. Pamela Vigil, called roll.

- Daniel Benavidez - **Yes**
- Tim Crone – **Yes**
- Bethany Jarrell - **Yes**
- Sammy Quintana - **Yes**
- K.T. Manis - **Yes**
- David Martinez Jr. - **Yes**
- Trish Ruiz - **Yes**

Vote: Vote carried unanimously.

Mr. Esquivel asked if there were any other nominations.

Mr. Martinez Jr. asked if Mr. Park, Mr. Parrino, and Ms. Jaramillo accept the nominations to retain their current positions on the NMPSIA Board.

Mr. Park, Mr. Parrino, and Ms. Jaramillo accepted.

A motion was made to close nominations and elect Mr. Park as NMPSIA Board President, Mr. Parrino as NMPSIA Vice-President and Ms. Jaramillo as NMPSIA Board Secretary by acclimation.

MOTION: S. Quintana

SECONDED: D. Martinez Jr.

A roll call vote was taken.

Ms. Pamela Vigil, called roll.

Daniel Benavidez - **Yes**

Tim Crone - **Yes**

Bethany Jarrell - **Yes**

Sammy Quintana - **Yes**

K.T. Manis - **Yes**

David Martinez Jr. - **Yes**

Trish Ruiz - **Yes**

Vote: Vote carried unanimously.

Mr. Park, Mr. Parrino, and Ms. Jaramillo thanked the Board for their continued confidence.

7. B COVID-19 Update

Mr. Valerio reported staff has been monitoring the current situation with respect to COVID-19, including the mask mandates in the schools and suspension of the Floyd School Board. He stated himself and Mr. Esquivel participated in a call with the New Mexico School Boards Association, New Mexico Public Education Department Cabinet Secretary, Incoming Cabinet Secretary and The New Mexico Department of Health. Mr. Valerio stated there was a lot of discussion on the efficacy on masks and vaccinations with respect school aged children. He reported PED is working on an updated tool kit that will be available soon.

Mr. Valerio stated NMPSIA had previously added COVID-19 Liability under the Memorandum of Coverage that falls under the State Tort Claims Act and Limits. This coverage will stay the same and it is included in the MOC's that will be discussed later in the agenda.

Mr. Quintana asked what is happening next with respect to the Floyd School Board Suspension.

Mr. Valerio stated this is still in the courts and PED has not reinstated the Floyd School Board as of yet.

Mr. Martinez Jr. reported he has just learned schools will no longer be closed once there is a rapid response. He asked if there are any liability concerns because of this decision.

Mr. Park asked where this information came from.

Mr. Martinez Jr. stated it just came out on the Channel 4 website.

Mr. Park located the link with this information and stated he would email it to Mr. Valerio and the Board.

Mr. Benavidez stated Mr. Stan Rounds was appointed by PED to oversee the Board functions only. The Superintendent of Floyd was reinstated by PED.

7. C 2021-2022 MOCL024 General & Automobile Liability Memorandum of Coverage.

Mr. Valerio reviewed the 2021-2022 MOCL024 General & Automobile Liability Memorandum of Coverage. He reported staff has been working with Poms & Associates, CCMSI and Mr. Esquivel in reviewing this document and making updates.

Mr. Valerio stated staff wanted to have discussion with respect to potentially limiting coverage in certain circumstances for perpetrators in sexual molestation claims and other claims where school staff and volunteers act outside their scope of work.

Mr. Esquivel stated staff has spent a significant amount of time reviewing this MOC. He stated the main issue is the frustration over defending and indemnifying employees who make bad decisions with respect to their conduct with students. He stated a lot of discussions have centered around the issue of limiting coverage or not providing coverage if an employee who engages in misconduct with students. He stated Ms. Julie Garcia, Poms & Associates talked about writing in an exclusion related to sexual or ethical misconduct by teachers that we will not provide a defense for that.

Mr. David Poms, Poms & Associates reported this is a very difficult conversation because NMPSIA was founded on providing insurance coverage for all its employees. He stated at the beginning there was very few exclusions in the MOC and there was a lot of discussion when the MOC's were first created. He stated as time went on the MOC's were modified because of different issues that have arose. Mr. Poms stated everyone agrees that that sexual abuse claims are getting very costly. He stated that if staff added the inclusion or clarification as an employee, we could get into a lot of subjectivities about what is in the course and scope of employment.

After a lengthy discussion, Mr. Park stated he wants to take some time to review this document. He stated he would like to refer this to the Risk Advisory Committee (RAC) so that they can review in detail and make a recommendation to the Board at the September meeting. Mr. Park asked all of the RAC members to review this document prior to the RAC meeting in September and be ready to discuss.

7. D 2021-2022 MOCP024 Property, Automobile Physical Damage, Crime & Cyber Coverages Memorandum of Coverage

Mr. Valerio reviewed the 2021-2022 MOCP24 Property, Automobile Physical Damage, Crime & Cyber Coverages Memorandum of Coverage. He reviewed all changes in detail.

A motion was made to approve the 2021-2022 MOCP24 Property, Automobile Physical Damage, Crime & Cyber Coverages Memorandum of Coverage as presented.

MOTION: S. Quintana

SECONDED: P. Jaramillo

A roll call vote was taken.

Ms. Pamela Vigil, called roll.

Daniel Benavidez - **Yes**

Tim Crone – **Yes**

Pauline Jaramillo, Secretary - **Yes**

Bethany Jarrell - **Yes**

Sammy Quintana - **Yes**

K.T. Manis - **Yes**

David Martinez Jr. - **Yes**

Trish Ruiz – **Yes**

Chris Parrino – **Yes**

Alfred Park, President - **Yes**

Vote: Vote carried unanimously.

8. General Discussion

Mr. Park thanked everyone for their hard work. He thanked staff for the successful annual retreat.

Mr. Park stated he sent out an email asking Board members if they would like to join the Investment Policy Review Committee, Rules and Regulation Committee and Loss Prevention Committee. He stated he has heard from some Board members but not all. Mr. Park stated Ms. Ruiz has agreed to be the chair of the Rules and Regulation Committee.

Mr. Park stated the goal is to announce the full committees and chairs at the September meeting.

Mr. Quintana stated he would like to serve on the Loss Prevention Committee. Ms. Ruiz stated that she would also like to serve on the Loss Prevention Committee.

Mr. Parrino asked what the structure of the meetings will be.

Mr. Park stated he would defer to the chairs of the committee to decide.

Mr. Parrino stated he would serve as the Chair of the Investment Policy Review Committee if no one else would like to.

Ms. Jarrell stated she would serve on any of the committees if needed.

9. Next Meeting Date and Location

Mr. Park asked if the Board would like to resume virtual meetings because of the COVID-19 spike.

After discussion, the Board agreed to hold the September meeting virtually.

10. Adjournment (Action Item)

A motion was made to adjourn the meeting at 4:26 p.m.

MOTION: C. Parrino

SECONDED: S. Quintana


A roll call vote was taken.

Ms. Pamela Vigil, called roll.

- Daniel Benavidez - **Yes**
- Tim Crone – **Yes**
- Pauline Jaramillo, Secretary - **Yes**
- Bethany Jarrell - **Yes**
- Sammy Quintana - **Yes**
- K.T. Manis - **Yes**
- David Martinez Jr. - **Yes**
- Trish Ruiz - **Yes**
- Chris Parrino, Vice-President - **Yes**
- Alfred Park, President – **Yes**

Vote: Vote carried unanimously.

APPROVED:



7A5C4B245034497...
Mr. Al Park, President