



# LOCAL GOVERNMENT LIABILITY POOL

## MEETING INFORMATION

October 28, 2021 | 8:00 a.m.

Quarterly meeting held in-person in Cheyenne and online.

## MEMBERS PRESENT

Brad Basse, Chairman, At-Large Member  
Kelly Krakow, Treasurer, Mayor of Town of Albin  
Rick Grant, Converse County Commissioner  
Don Richards, Shoshone Municipal Pipeline (Zoom)  
Jessica Weaver, Tongue River Community Center

## STAFF PRESENT

Mike Todd, Executive Director  
Torey Racines, General Counsel  
Bill Miller, Loss Prevention Manager  
Judi Just, Loss Prevention Representative  
Mary Augustin, Risk Management Consultant  
Andrea Hixon, Risk Management Consultant  
Shuler Boone, Claims Administrator  
MaryBeth Oatsvall, Paralegal/Claims Manager

## EXECUTIVE SUMMARY

Board members and the Local Government Liability Pool (LGLP) met in-person in Cheyenne and online to discuss topics related to the fiscal year 2021 financial audit, rules and regulations, legislative updates, entity employment terminations and board elections. The Board also discussed risk & loss reports and July, August, and September expenditures. A portion of the meeting was held in executive session.

## CALL TO ORDER

Chairman Basse called the meeting to order at 8:00 a.m.

## WELCOME AND INTRODUCTIONS

Brittany M. Wilson, CPA with McGee, Hearne & Paiz, LLP (MHP) was welcomed by the Board.

**APPROVAL OF THE AUGUST 5, 2021, MINUTES**

The Board considered the minutes from the August 5, 2021, meeting. Treasurer Krakow moved that the minutes be revised on page 3 under “Executive Session” by including a sentence at the end clarifying that no action was taken regarding the injunctive relief discussion during the Board’s executive session. The Board approved the August minutes as revised by voice vote. The August minutes were updated accordingly.

**FISCAL YEAR 2021 FINANCIAL AUDIT**

CPA Wilson summarized the MHP report related to its audit of the financial statements of LGLP for the year ended June 30, 2021. She briefly discussed MHP responsibilities, the overview of the planned scope and timing to the financial audit, accounting policies and practices, audit adjustments and management analysis and considerations.

CPA Wilson also touched on 2021 highlights and noted an increase in non-capital assets and a decrease in total liabilities. The audit included an overview of the Pool as a whole, nature of activities, policies, cash, cash equivalents and investments, property and equipment, reserve for Incurred But Not Reported (IBNR) claims, and Wyoming Retirement System retirement commitment. CPA Wilson also noted a good rate of return for WYO-STAR I and WYO-STAR II. LGLP’s investment portfolio as being fully collateralized, compliance with laws and statutes and stated that overall audit went well.

After Board discussion, Member Grant moved that the Board accept the findings of the financial audit prepared by MHP. The motion passed by voice vote.

**RULES/REGULATIONS/LEGISLATIVE UPDATES**

Executive Director Todd provided the Board with an update regarding LGLP rules and regulations. He stated the proposed rules with changes and a clean copy have been submitted to LGLP’s website for comments. He also noted that LGLP has received just a few comments regarding the proposed changes.

General Counsel Racines indicated the proposed rules were emailed to all members and posted on the website October 4, 2021. The comment period ends on November 18, 2021. Racines summarized the comments received to date and indicated that the Board would have a public hearing on the proposed rules during the January 2022 meeting.

After Board discussion regarding promulgating rules *vs.* recommendations, Treasurer Krakow suggested fine tuning language to clarify how LGLP will handle repeat offenders. Racines discussed the legislative special session currently underway. Racines noted the Joint Judiciary Committee is considering sponsorship of a bill in response to the *Romaine* decision from the Wyoming Supreme Court. The bill would limit W.S. 1-39-110 to medical malpractice matters.

## **ENTITY EMPLOYMENT TERMINATIONS**

Executive Director Todd noted the recent increase of employment termination matters, which tend to be costly for the pool. He summarized a recent brainstorming meeting with LGLP Staff, Tom Thompson, Cathy McPherson, and John Bowers that sought preventative solutions to employment claims.

The Board discussion included suggestions to involve WAM and WARM in this conversation.

## **BOARD ELECTION UPDATE**

Executive Director Todd discussed the upcoming board member election. He stated that nominations were in and that ballots would go out next week. Director Todd discussed the need to set a date as the deadline for ballot submissions.

The Board questioned what qualifications the special district positions require - whether employees of special districts qualify as representatives of a special district.

Treasurer Krakow moved to set December 15 as the cutoff deadline for Board ballot submissions. The motion passed by voice vote.

## **RISK & LOSS REPORTS**

Executive Director Todd introduced Mary Augustin and Andrea Hixon, Risk Management Consultants.

Consultant Hixon discussed continued training with Bill Miller, Loss Prevention Manager and Judi Just, Loss Prevention Representative. Previewing board trainings and attending conferences. She also noted upcoming travel to Green River for training and one day visits to meet members and develop rapport with entities.

Consultant Augustine also discussed training with Bill and Judi. She noted traveling to sixty-one entities, attending board trainings and working to connect members to trainings and resources online.

Executive Director Todd and General Counsel Racines also noted for the Board, Byron Oedekoven, Executive Director, Wyoming Association of Sheriffs and Chiefs of Police, training of peace officers, preventive measures. They stated that Mr. Oedekoven will be providing estimates and possibly working with LGLP, WARM and SSIP to implement statewide trainings. Racines mentioned a focus on jail training and the possibility of Eric Daigle with the Daigle Law Group providing training via a law enforcement package. The package would include focus on implementing a model with a platform via the internet that

could be utilized. Executive Director Todd noted splitting the costs three ways between LGLP, WARM and SSIP, annual maintenance fee and expressed that he thought this would be a good investment for loss prevention.

## **EXECUTIVE DIRECTOR'S REPORT**

### ***a. Entity additions/cancellations***

Executive Director Todd provided an overview of additions and cancellations of current members and provided the Board with a current member count.

### ***b. Budget review***

Executive Director Todd provided an overview of LGLP expenditures and revenue for fiscal year 2021 for the months of July, August and September and noted the purchase of cyber security. He also stated that LGLP would be recommending cyber security coverage to its members *via* the Risk Management and Loss Prevention page on LGLP's website.

### ***c. Actuarial Report***

Executive Director Todd provided an overview of actuarial report, contributions and getting the best return. He also discussed reinsurance, adequate amounts, federal claims, and attorney's fees.

The Board discussed looking at investments, risks, uncollateralized cash, bonds, and cd's. Chairman Basse requested members participate in future discussion with RBC Wealth Management in anticipation for a future agenda item looking into investment strategy. Chairman Basse and Vice-Chairman Richards agreed to participate in discussions regarding a deeper dive in investments with Executive Director Todd and RBC. The Board also discussed growing the pool, being conservative in its approach and add backs.

## **EXPENDITURES FOR JULY, AUGUST & SEPTEMBER**

Executive Director Todd discussed LGLP's projected financial position gains, credit cards payments and settlements. He also discussed office purchases, training expenses, and consultant fees.

Treasurer Krakow moved to have the budget and financial reports approved and placed on file. The motion passed by voice vote.

**EXECUTIVE SESSION**

Member Grant moved the Board resolve itself into executive session at 10:02 a.m. to discuss current claims, litigation and personnel matters pursuant to W.S. 16-4-405. The executive session concluded at 12:38 p.m.

Treasurer Krakow moved to give LGLP the authority for negotiating claims and settlement of the matters discussed during executive session. The motion passed by voice vote

**OLD AND NEW BUSINESS**

***Building Maintenance – HVAC***

Executive Director Todd discussed moving forward with replacement of the HVAC system, down payment, and timeline for moving forward. He also noted that the replacement will also likely involve some asbestos remediation.

Executive Director Todd also alerted the Board to the need to formally appoint him as the Executive Director.

After Board discussion, Member Grant moved to appoint Mike Todd Executive Director of LGLP as of January 1, 2021. The motion passed by voice vote.

Director Todd discussed upcoming retirements for Bill Miller, Loss Prevention Manager, and Judi Just, Loss Prevention Representative and thanked them for their service.

**NEXT BOARD MEETING ANNOUNCEMENT**

The next board meeting will be held in-person and virtually at 8:00 a.m., on Thursday, January 27, 2022.

**MEETING ADJOURNMENT**

There being no further business the meeting adjourned at 12:43 p.m.

Respectfully submitted,



Brad Basse, Chairman, At-Large Member

Dated: 1-27-22