



LOCAL GOVERNMENT LIABILITY POOL

MEETING INFORMATION

April 28, 2022 | 8:00 a.m.

Quarterly meeting held in-person in Cheyenne and online.

MEMBERS PRESENT

Brad Basse, Chairman, At-Large Member (*via zoom*)

Linda Ann Smith, Secretary, Council Member, City of Rawlins (*via zoom*)

Kelly Krakow, Treasurer, Mayor of Town of Albin

Bob King, Lincoln County Commissioner

Richard Grant, Jr., Converse County Commissioner (*via zoom*)

Jessica Weaver, Tongue River Community Center

Lindsey Woodward, Hot Springs County Weed & Pest Control District

STAFF PRESENT

Mike Todd, Executive Director

Torey Racines, General Counsel

Mary Augustin, Risk Management Consultant

Andrea Hixon, Risk Management Consultant

MaryBeth Oatsvall, Paralegal/Claims Manager

Pennie McDaniel, Administrative/Fiscal Assistant

EXECUTIVE SUMMARY

Board members and the Local Government Liability Pool (LGLP) met in-person in Cheyenne and online to discuss topics related to Wyoming Association of Sheriffs and Chiefs of Police (WASCOP) proposal for policy development and training; non-governmental entity membership review; coverage documents review; fiscal reports, banking, and contribution investments. The Board also discussed risk & loss reports, expenditures for January, February, and March, and held a budget hearing. A portion of the meeting was held in executive session.

CALL TO ORDER

Treasurer Krakow, (acting Chairman) called the meeting to order at 8:00 a.m.

WASCOP PROPOSAL PRESENTATION

Byron Oedekoven, Executive Director, WASCOP, provided a brief overview of the proposal for training of peace officers and preventive measures. Director Oedekoven noted that the proposal included Wyoming adult jail guidelines, juvenile jail guidelines and Detention & Corrections Online and Training Academy (DACOTA) training.

Attorney Trisha Koosa, Daigle Law Group (DLG) Policy Center, provided an overview of the policy development and policy cost options submitted to WASCOP. Attorney Koosa discussed the online training and education platform which include interactive courses for police and corrections. She discussed further how users can easily access training on their computer, tablet or mobile devices and how proper policy, procedure, training, and operations in law enforcement are paramount to the realization of transparent and constitutional policing. She noted Wyoming has no state accredited program and DLG would be helping to create policy that is uniform.

Director Oedekoven noted that well-defined policies and procedures would benefit law enforcement agencies around the state by reducing liabilities and likely would help with long-term diminishment of claims.

Chief Travis Koltiska, Sheridan Police Department, discussed the proposal as an opportunity to work more consistently as law enforcement throughout the state.

Rebecca Moltz-Sandhu, Agency Development Specialist, National Institute for Jail Operations (NIJO), provided an overview of NIJO's mission; legal-based solution and guidelines, and training formats. She noted that the jail-based guidelines will make Wyoming facilities safer, more secure, and potentially protect against liability. The legal-based jail guidelines can be accessed through an online system allowing correctional institutions to update policies and conduct thorough internal inspections, with the ability to manage, track, monitor and follow up on compliance. Wyoming's state statutes and Circuit Court rulings from the 10th Circuit are included in the guidelines provided by NIJO.

NIJO's Detention and Corrections Online Training Academy (DACOTA), provides corrections professionals with interactive and engaging online training with curriculum based on current case law. DACOTA includes critical operational and litigated topics with the goal of protecting facilities from frivolous inmate lawsuits. The cost could reduce costs for paid in-person training when travel, course costs and overtime hours are considered.

Public Comment

Sheriff Jeff Hodge, Crook County, stated he believed all Wyoming sheriffs would welcome the live and online training, if offered.

Board Action

After Board discussion regarding reduced rates for members who elect to participate in the training, costs and cost sharing from members, WARM and SSIP participation, grant funding, and administration of program, Treasurer Krakow recommended tabling the discussion until the July meeting.

APPROVAL OF THE JANUARY 28, 2022, MINUTES

After a brief discussion regarding executive session and the Public Meetings Act, Member Weaver moved that the Board approve both the general session and executive session minutes from the January 28, 2022, meeting. The motion passed by voice vote.

NON-GOVERNMENTAL ENTITIES

Executive Director Todd provided an updated regarding review of membership of suspected non-governmental entities. He also discussed LGLP's position and liability exposure.

Torey Racines, General Counsel, discussed library foundations and explained foundations do not fit the definition of a governmental entity. He noted library systems are created by statute with public funds and foundations were created to accept donations, so that donation funds could not be appropriated to the general county fund.

Public Comment

No one from the public commented on this topic.

Board Action

After Board discussion regarding membership eligibility and terminating coverage, Member King moved to maintain the current LGLP coverage until June 30, 2022 for non-governmental entities that are currently members. The motion passed by voice vote.

COVERAGE DOCUMENTS REVIEW

General Counsel Racines provided an overview of amendments to LGLP's Memorandum of Liability Coverage. Substantive amendments include inserting a new Section A "Claims Covered" that affirmatively states what is covered, i.e., WGCA claims and federal claims for damages; under renumbered Section C "Damages Coverage" clarifying LGLP will pay for covered claims under the WGCA and federal law; under renumbered Section D "Defense Coverage" clarifying LGLP will defend claims for damages; under Section B. 7. (b) amending language regarding off-duty peace officer vehicle claims to reflect longstanding practice; under Chapter VII "Definitions" amending the definition of "occurrence" by adding "under the Wyoming Governmental Claims Act" and amending the definition of "Ultimate Net Loss" by adding "up to the limits of LGLP coverage"

Mr. Racines also noted the changes to the Declaration Page (Dec Page) due to SF0053 passage during the 2022 budget session. The changes reflect new law that would allow for LGLP to cover claims under W.S. 1-39-110(b), up to the \$1 million cap for negligence of a healthcare provider.

Public Comment

No one from the public commented on this topic.

Board Action

After Board discussion regarding pollutants, liability for COVID transmission, nuclear material definition and whether the general exclusion should remain general, the Board requested that Mr. Racines report back during its July meeting regarding definitions and coverage for liability for COVID transmission and nuclear material.

Member Weaver moved that the Board approve the amendments to Memorandum of Liability Coverage. The motion passed by voice vote.

FISCAL & BANKING

Executive Director Todd discussed Wyoming Bank and Trust, customer service, on-going issues with paying bills via Automated Clearing House (ACH) bank transfers and vouchers requirements. Executive Director Todd also discussed reducing the paper trail by eliminating the credit card statements from board meeting packets.

Public Comment

No one from the public commented on this topic.

Board Action

After Board discussion regarding Wyoming Bank & Trust, ACH bank transfers, WYOSTAR I and II signatories, credit card statements and vouchers the Board requested that Executive Director Todd report back on banks that would meet LGLP's needs and whether McGee, Hearne & Paiz require vouchers during its July meeting.

Chairman Basse moved to remove Dee Applegate as a signatory and replace her with Pennie McDaniel. The motion passed by voice vote.

COINTRIBUTION INVESTMENTS

Executive Director Todd discussed continuing to provide contributions into the WYOSTAR I re-insurance account. He noted the WYOSTAR I re-insurance account as being well-funded and questioned whether 5% should remain the contribution rate to that account

Public Comment

No one from the public commented on this topic.

Board Action

After Board discussion regarding WYOSTAR I and contributions, the Board agreed this discussion was a matter of director discretion and everything LGLP does not need for operations should be placed into WYOSTAR II.

EXECUTIVE SESSION

Member King moved the Board resolve itself into executive session at 10:50 a.m., to discuss current claims, litigation and personnel matters pursuant to W.S. 16-4-405. The executive session concluded at 12:29 p.m.

RISK & LOSS REPORTS

Mary Augustin, Risk Management Consultant, provided an overview of 1st quarter highlights. The overview included discussion of simplifying the renewal process, trainings she and Risk Management Consultant Hixon provided and attended. She also discussed reviewing member policy manuals and on-site visits. She noted future plans for the 2nd quarter are continuing with board and supervisor trainings for members and PRIMA conference in June.

EXECUTIVE DIRECTOR'S REPORT

a. Entity additions/cancellations

Executive Director Todd noted no additions or cancellations.

b. Budget review

Executive Director Todd provided a quick overview of LGLP's Expenditures and Revenue FY2022 Budget Report provided in the Board meeting packet. He discussed working with Ms. McDaniel for review of categories under the "Account Name" of the report.

EXPENDITURES FOR JANUARY, FEBRUARY, MARCH

Member Weaver moved the Board approve the FY2022 Budget Report. The motion passed by voice vote.

BUDGET HEARING

Executive Director Todd provided an overview of FY2023 Proposed Budget. He also discussed the possibility of training in October by the actuarial, rising fuel prices, in-state travel, and higher utilities.

Public Comment

No one from the public commented on this topic.

Board Action

After Board discussion, the budget hearing was closed. Member King moved the Board approve FY2023 Proposed Budget with increases to in-state travel and utilities line items by \$5,000 each. The motion passed by voice vote.

NEXT BOARD MEETING ANNOUNCEMENT

Executive Director Todd discussed moving the next Board meeting elsewhere due to Cheyenne Frontier Days. He mentioned following up with Board members closer to the July meeting for availability and desire.

The next board meeting will be held in-person and virtually at 8:00 a.m., on Thursday, July 28, 2022.

MEETING ADJOURNMENT

There being no further business the meeting adjourned at 1:05 p.m.

Respectfully submitted,



Brad Basse, Chairman, At-Large Member

Dated: 8-4-22