



LOCAL GOVERNMENT LIABILITY POOL

MEETING INFORMATION

August 4, 2022 | 8:00 a.m.

Quarterly meeting held in-person in Cheyenne and online.

MEMBERS PRESENT

Brad Basse, Chairman, At-Large Member

Linda Ann Smith, Secretary, Council Member, City of Rawlins

Kelly Krakow, Treasurer, Mayor of Town of Albin

Bob King, Lincoln County Commissioner

Richard Grant, Jr., Converse County Commissioner

Jessica Weaver, Tongue River Community Center (*via zoom*)

Lindsey Woodward, Hot Springs County Weed & Pest Control District

STAFF PRESENT

Mike Todd, Executive Director

Torey Racines, General Counsel

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; non-governmental entities; Board election timing; Board meeting schedule; and contribution tabulations – tax forms. The Board also discussed risk & loss reports, expenditures for April, May, and June. A portion of the meeting was held in executive session.

CALL TO ORDER

Chairman Basse called the meeting to order at 7:56 a.m.

APPROVAL OF THE APRIL 28, 2022, MINUTES

Secretary Smith made a motion that the Board approve both the general session and executive session minutes from the April 28, 2022, meeting. The motion passed by voice vote.

WASCOP PROPOSAL

Executive Director Todd discussed the WASCOP proposal previously discussed during the Board's April 28, 2022 meeting. He noted that well-defined policies and procedures would benefit law enforcement agencies around the state by reducing liabilities, defense costs, and would help with long-term diminishment of claims. Director Todd discussed conversations with State Self-Insurance Pool and ideas of a pilot program. He also provided a breakdown of costs (policies vs. guidelines vs. jails).

Legal Counsel Racines discussed conversations with Daigle and SSIP. He spoke about evidence-based results, online jail training of issues that are heavily litigated, and weekly updates. Counsel Racines noted that Wyoming is unique with only one Law Enforcement Academy.

Director Todd also provided an overview of Sheriffs, Jails and Police Departments incurred defense costs and discussed the increase in jail claims.

Counsel Racines elaborated on distinctions: individual vs. official capacities, deliberate indifference claims and discussed the proposal as helping the Pool's defense of these types of lawsuits. He also talked about ideas of having a consistent unified effort.

The Board discussed at length shortfalls, committing to a timeframe, reporting back annually to ensure members are utilizing this service. The board also discussed LGLP funding the proposal, but WASCOP would be ensuring that the service is delivered and that members would be utilizing the training. The Board also discussed using the contribution as part of the member's buy in.

Public Comment

No one from the public commented on this topic.

Board Action

Member Grant moved the Board proceed with funding the full WASCOP proposal for three (3) years with an annually reporting requirement of the numbers on utilization of the training by members of the Pool. The motion passed by voice vote.

NON-GOVERNMENTAL ENTITIES

Director Todd provided an updated regarding review of membership of suspected non-governmental entities previously discussed during the Board's April meeting. He discussed three (3) additional members on the list: Alpine EMS, Inc., Big Horn County Family Treatment Court, and the Thermopolis Volunteer Fire Department.

Counsel Racines discussed the Wyoming Supreme Court test, nonprofit corporations, bylaws require membership, funding, public benefit, and close calls. He discussed membership of the Big Horn County Family Treatment Court and recommended that they remain in the Pool. Counsel Racines discussed further the Thermopolis Volunteer Fire Department, provisions in statutes for volunteer fire departments, the core governmental function and making an argument that a volunteer fire department would be covered under the WGCA.

Executive Director Todd suggested tabling eligibility for Thermopolis Volunteer Fire Department and liability issues for further discussion.

Public Comment

No one from the public commented on this topic.

Board Action

Member King moved the Board exclude Alpine EMS from coverage in the Pool if it was determined that Alpine EMS had coverage through the hospital district. The motion passed by voice vote. Chairman Basse stated he would personally reach out to the Thermopolis Volunteer Fire Department to schedule a telephone conference concerning eligibility.

BOARD ELECTION TIMING

Director Todd discussed current Board election timing, the term ending in December, and proposed moving the elections due to entity meetings, planning, filling positions and recruiting.

Public Comment

No one from the public commented on this topic.

Board Action

The Board discussed this topic but agreed to leave the election timing the same. No formal action was taken.

BOARD MEETING SCHEDULE

Director Todd proposed moving LGLP quarterly Board meetings to the first Thursday or third Thursday of the month (January, April, July, and October).

Public Comment

No one from the public commented on this topic.

Board Action

The Board discussed this topic but agreed the meeting schedule would remain the same. No formal action was taken.

CONTRIBUTION TABULATION – TAX FORMS

Risk Management Consultant Hixon discussed discovering an error in a formula when calculating payroll in our Contribution Rating Sheet. She stated a formula in the W-3's was multiplying the taxes by 2. The formula was attempting to make the taxes equal on both W-3's and 941's. However, 941's record the entire tax amount for both employer & employee and W-3's report the taxed amount paid by the employee. Ms. Hixon recommended correcting the formula by removing the formula on the W-3 column to show the actual tax amount.

Public Comment

No one from the public commented on this topic.

Board Action

The Board agreed LGLP should correct the error in our Contribution Rating Sheet. No formal action was taken.

RISK & LOSS PREVENTION REPORTS

Ms. Hixon provided an overview of risk and loss prevention reports. The overview included updating the Board on the renewal process, trainings delivered, policy reviews,

member visits and trainings attended during the May, June and July quarter. Ms. Hixon also noted that she and Mary Augustin have lots of travel in the next quarter and would be attending the Society of Human Resource Management (SHRM) and Wyoming Association of County Officers (WACO) conferences.

EXECUTIVE DIRECTOR'S REPORT

a. Entity additions/cancellations

Director Todd noted Sublette County Weed & Pest as an addition to the Pool and no cancellations.

b. Budget review

Director Todd discussed fiscal year month-by-month and revenues and expenditures. He also discussed moving vehicle reserves to a line item on the budget and LGLP's projected financial position as down.

c. Employment Law Training

Director Todd discussed the employment law training provided by Cathy McPherson on July 18, 2022. The training consisted of employment law, trends, and how we can help members curb EEOC claims and lawsuits.

d. Cyber Wyoming

Director Todd also provided an overview of Cyber Wyoming training and benefits for LGLP. He noted implementing a 2-factor authentication for the RIMS system and the requirement for our cyber insurance policy. He also discussed a retention policy for archived records.

EXPENDITURES FOR APRIL, MAY & JUNE

Ms. MacDaniel provided an explanation regarding double billing on employee credit cards as crossover from Quickbooks desktop to Quickbooks online.

Board Action

Treasurer Krakow moved the Board approve the FY2022 Budget Report. The motion passed by voice vote.

EXECUTIVE SESSION

Member Smith moved the Board resolve itself into executive session at 10:20 a.m., to discuss current claims, litigation and personnel matters pursuant to W.S. 16-4-405. The executive session concluded at 11:38 a.m.

Board Action

Member Smith moved the Board approve settlement authority for Smith, Cornella, and Perez Sosa. The motion passed by voice vote.

OLD OR NEW BUSINESS

a. Fiscal & Banking

Executive Director Todd discussed LGLP's new banking institution: Western Bank. He also discussed interest rates and investments and WyoStar II outperforming WyoStar I and suggested moving funds.

Board Action

The Board provided Director Todd verbal authority for transferring funds from WyoStar I to WyoStar II. No formal action was taken.

Counsel Racines followed up on Member King's concerns regarding nuclear material, specifically thorium. He confirmed that thorium is considered a source material and a thorium leak would be excluded from coverage. Counsel Racines also provided clarification to Member Weaver's questions regarding whether Covid would be considered a pollutant and discussed the difficulty of having a Covid claim under WGCA.

NEXT BOARD MEETING ANNOUNCEMENT

The Board discussed conflicts with the October Board meeting date. The Board agreed to move its next meeting to November 3, 2022 in Cheyenne.

MEETING ADJOURNMENT

There being no further business the meeting adjourned at 11:49 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Brad Basse".

Brad Basse, Chairman, At-Large Member

Dated: 11-3-22