

**WASHINGTON COUNTIES RISK POOL
EXECUTIVE COMMITTEE MEETING MINUTES**

6:00 PM, Thursday, March 26, 2009
Skamania Lodge, Stevenson, Washington

ATTENDANCE:

President – Mark Abernathy, Director – Kitsap County Risk Manager
Secretary/Treasurer – Jay Winter – Walla Walla County Personnel / Risk Manager
Executive Committee Members –

Keith Goehner, Director – Chelan County Commissioner
Steve Clem – Douglas County Prosecuting Attorney
Rose Elway – Grays Harbor County Director of Mgmt. Services & Budget
Lee Grose – Lewis County Commissioner
Marilyn Butler – Skamania County Administrative Services Director
Steve Bartel – Spokane County Risk Manager
Tammy Devlin – Thurston County Risk Manager
Randy Watts – Whatcom County Chief Civil Deputy Prosecuting Attorney
Vyrlle Hill – WCRP Executive Director (*ex-officio*)

Risk Pool Staff –

Susan Looker – Claims Manager
Jill Lowe – Loss Control Coordinator

Others –

Robert Koch, County Commissioner – Director (Franklin)
Ione George, Sr. Deputy Prosecuting Attorney – Alternate Director (Kitsap)
Andrew Lampe, County Commissioner – Director (Okanogan)
Kevin Wick, Managing Director – PricewaterhouseCoopers, LLP
Elizabeth Miser, Area Vice President – Arthur J. Gallagher RMS, Inc.

Call to Order, Welcome, Roll Call and Agenda: President Abernathy called the meeting to order following dinner at 6:50 pm. He welcomed everyone and announced that he could confirm visually that all committee persons were present. With no objections, the request for support of an appeal of a Kitsap County public records matter was added to the proposed to the agenda under **Officer and Committeeperson Reports**.

Minutes: Lee Grose moved for approval of the executive committee minutes of the February 5, 2009 meeting held at the Radisson Gateway Hotel Seattle in SeaTac; Randy Watts seconded, and the motion carried.

Vouchers: Rose Elway moved for approval of Voucher Approval Request No. 09-03, more specifically check numbers 2555 through 2678 (administrative) and 27385 through 27645 (claims) totaling \$2,198,162.23 with transfers of \$89,451.39; Marilyn Butler seconded, and the motion carried.

Claims Settlement Authorizations: Marilyn Butler moved to confirm approval of Settlement Confirmation No. 03.26-2009, more specifically Ryan v. Clallam County; Lee Grose seconded, and the motion carried.

Nominating Committee: Chair (President) Abernathy reported that the Executive Committee position held by Neva Corkrum was vacated December 31, 2008 when she completed her term as Franklin County Commissioner. He noted that Steve Lowe (Franklin County Prosecuting Attorney – Alternate Director) and Andrew Lampe (Okanogan County Commissioner – Director) had contacted him expressing interest in being considered as nominees for the unexpired term of the vacant Executive Committee position. The makeup of the Committee was briefly discussed. Steve Clem moved to nominate Steve Lowe and Andrew Lampe and forward the both names as the Committee's slate of nominees to fill the unexpired term of the vacant Executive Committee position; Steve Bartell seconded, and the motion passed without dissent.

State Risk Manager Report: LGSI Program Administrator Shannon Stuber was unable to attend. The issues and process associated with the WAC 82.60 revisions were briefly discussed.

Consultant's Reports: Actuary Kevin Wick reported that he had met earlier in the day with the Finance Committee and presented some preliminary results associated with the Pool's experience rating. He noted that they would be continuing these efforts during the spring with any revisions to be proposed being presented to the Board during the Summer Conference.

Producer (Broker) Liz Miser reminded the Committee that they are planning to remarket both the liability and property insurance programs this year and maybe secure some other sound insurers to add to the account. She noted a West Coast underwriting trip with the Pool's contingent was likely. They would be meeting with the several insurers that are showing interest the Pool.

Standing Committees' Reports

- **Finance:** Chair Steve Clem reported that the committee met earlier in the day to preview actuary Kevin Wick's presentation on Experience Modification and the Factor(s) used. He noted that the analyses and presentation were "top notch" and expressed his appreciation of Kevin's efforts.
- **Personnel:** Chair Tammy Devlin reported that her committee had also met earlier today to review the suggested Personnel Policy revisions (and procedures) to address the recent mandatory leave enhancements. The committee also supported her findings and recommendations from her meetings with Pool staff regarding the presently vacant administrative position.

The process and timelines for evaluating the executive director's performance was discussed. Mr. Wick excused himself from the balance of the meeting.

- **Risk Management:** Chair Steve Bartel mentioned that his committee had also met earlier in the day. The committee is proposing to replace the Membership Compact's prior form for annual self-assessments with the exposures assessment form used last year. He also noted that tentative agreement had been reached among several of the Westside counties regarding the SkidCar program. The Pool's future involvement would be limited to the bookkeeping associated with participant contributions and expense reimbursements.

The committee also proposes that the scholarship rules be broadened to allow the funds to be used for any eligible 3rd-party liability training costs incurred by the member counties. Steve noted that they were still compiling a chart (matrix) with general guidelines for use with contracted risk transfer agreements. And finally, the committee reviewed loss trends per SMO 1.4 and 4.4 and is recommending the following training topics for Py2010 – Reduction in Force (1 day each east- and west-sides), Lead/Supervisory and Employment Law (1.5 day sessions), Public Records/Open Meetings Compliance, and Contractual Risk Transfer.

- **Underwriting:** Co-chair Marilyn Butler reported this committee met telephonically March 17th and in-person earlier today. The committee discussed and decided to recommend against the enhancement requested by San Juan County's Randy Gaylord to provide coverage for county-initiated legal actions. Randy Watts moved not to accept financial responsibility for member-initiated actions; Keith Goehner seconded, and the motion carried.

Marilyn also reported that the committee is supportive of the broker's suggestion to pursue limited environmental coverage for pollution events from the insurers, but as a member-by-member option. She then reported that the committee had considered the request to have member's non-personnel claims-related costs treated and reimbursed as ordinary loss adjustment expenses but didn't have a recommendation to advance.

The committee also discussed and recommends that the rodeo exclusion from earlier years be reinstated by adding "Rodeos" to the list of exclusions in section 5.G – *Certain Municipal Activities* of the Coverage Form. Randy Watts moved to support the action by recommending the additional exclusion to the Board; Steve Clem seconded, and after a brief discussion as to whether rodeo needed to be defined, the motion carried.

Marilyn then reported that the committee had considered the issue of coverage for named elected officials, employees and volunteers in a lawsuit and the possible conflict with RCW

4.96.041 and several sections in the Joint Self Insurance Liability Policy, especially section 2.B – *Persons and Organizations Insured*. She noted that the committee decided to recommend the third option of the three reviewed, to amend the JSILP by deleting specific references to RCW 4.96.041 but retaining the “within the scope” language. Randy Watts moved to support the third option from Steve Clem’s compilation and forward the same to coverage counsel to review the suggested language before presenting the same to the Board during the Annual Meeting; the motion was duly seconded, and carried without dissent.

Next Marilyn reported that the committee had agreed to ask during the next Board meeting if there was sufficient interest in revisiting coverage associated with Public Records requests. And finally, she reported that the several Strategic Management Objectives assigned to the committee were reviewed and the following recommendations were approved:

- 2.1 Claims staff will review practices and procedures on how to document, investigate, and resolve claims and ~~bring any issues to the Underwriting Committee prior to making a report annually~~ to the Board.”
- 3.6 Review the joint self-insurance liability policy annually, ~~with input from the broker and coverage counsel~~, and make underwriting adjustments based on industry standards and/or emerging trends, member-expressed needs, and prudent financial management annually by July.”
- 7.5 “Provide member counties’ prosecuting attorneys’ (civil) staffs with training on claims management, reporting procedures and case document requirements ~~annually with summer session report.~~”

Officer and Committeeperson Reports

Mark Abernathy asked the committee to support the costs (estimated at \$20,000) for Kitsap County to appeal the decision against the County recently reached in a public records case involving the release of employee addresses. Ione George provided additional details of the underlying case and noted the appeal would allow other parties that feel the case is bad precedent setting to intervene with amicus actions. Following some discussion, Steve Clem moved to not pay any costs associated with an appeal of this case; the motion was duly seconded and carried without dissent with President Abernathy abstaining. Then, Ms. George excused herself from the meeting.

Staff Reports:

- **Claims Manager Susan Looker** briefly reported that ACE Public Entities was scheduled to conduct an on-site claims audit and meet with Pool management March 30th.
- **Loss Control Coordinator Jill Lowe** reported on the efforts to reignite the Westside SkidCar® program with tentative agreement being recently reached... Clark County will provide a replacement vehicle (Ford Crown Victoria) and the Pool would provide the bookkeeping.

Jill also reported that review of the 5-year loss runs suggest road maintenance and design, civil rights, and wrongful terminations as needing more attention. She also reported that the leadership (management and supervision) trainings were “maxed out”, that public records training would focus upon tools and procedures, and that she was presently working to develop a 1-day focused termination/reduction-in-force risk reduction training. She also spoke in favor of broadening the scholarship usage language and shared the Phase II Assessment plans and difficulties in obtaining member commitments.
- **Executive Director Vyrle Hill** reported that Jefferson County Administrator (and Risk Manager) Philip Morley is requesting an adjustment to the Membership Compact language. After a brief discussion, Chair Steve Bartel agreed to have the Risk Management Committee consider the request and provide a recommendation.

Mr. Hill also briefed the committee on the status and plans for the property appraisal project, the SAO audit of Py2008, the SRM annual reporting for Py2008, Medicare Secondary Reporting registration/reporting requirements, and the Wahkiakum County marketing efforts.

- **Spokane County Withdrawal.** Mr. Hill then shared the "Notice of Intent to Withdraw" letter recently received from Spokane County... Steve Bartel shared that the action was to allow exploration of other insuring options and that he didn't expect to find a more viable option, but the county leadership felt the efforts were necessary to demonstrate such.

Upcoming Meetings and Trainings: The upcoming meetings and conferences were discussed very briefly. Committeepersons interested in attending the trainings/conferences were strongly encouraged to inform the President or Executive Director regarding their desires very soon.

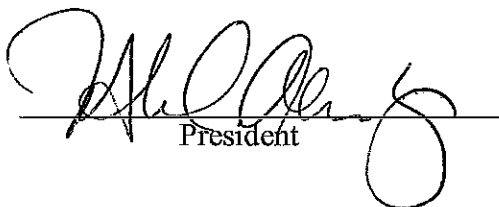
Executive Session: Keith Goehner moved to convene in executive session for and estimated ten minutes to discuss and examine existing litigations; Randy Watts seconded and the motion carried. Recognizing that public discussion would impair the Committee's ability to conduct its business effectively and acting in accordance with the WCRP Bylaws and RCW 48.62.101, **President Abernathy** first excused Commissioners Koch and Lampe then **moved the meeting into an estimated ten minute executive session at 9:10 pm** after determining those still present were pertinent to these discussions. Announcements to extend the executive session were issued at 9:20 pm (estimated five minutes) and at 9:28 (estimated fifteen minutes).

The meeting was reconvened in regular session at 9:40 pm. Steve Clem moved to support the Claims Manager's recommendation regarding the French v. Whatcom County matter; Marilyn Butler seconded and the motion passed with Randy Watts abstaining.

Steve Clem then moved that the Executive Committee strongly support Pool management and claims staff in their efforts and directing them to proceed with resolving matters through settlements that are determined to be in the best interests of the Pool; Keith Goehner seconded at the motion passed without dissent.

Adjournment: Jay Winter moved for meeting adjournment; the motion was duly seconded and carried. President Abernathy adjourned the meeting at 9:41 pm.

MINUTES APPROVED this 23rd day of June, 2009.



President

Attest: 

Secretary/Treasurer