



**Nevada Public Agency Insurance Pool
Public Agency Compensation Trust**
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**Minutes of Meeting of Loss Control Committee of
Nevada Public Agency Insurance Pool and Public Agency Compensation Trust
Date: Monday March 3, 2008**

1. Roll

The meeting was called to order by Chairman Cash Minor at 1:00 p.m. Ann Wiswell confirmed that a quorum was present.

Members present: Chairman Cash Minor (Elko County), Mike Pennacchio (IVGID), Nancy Medford (Battle Mountain General Hospital), Roy McDonald (Yerington), Jeff Zander (Elko County Schools)

Ex-Officio Members and others present: Eric Guevin, Craig Buchholz, Rick Hudson, Debbie Connally, Wayne Carlson, Ann Wiswell, Alan Kalt, Steve West, Pam Munk, Mike Cupoli

2. Action Item: Approval of Minutes of Committee Meeting of February 4, 2008

On motion and second to approve the minutes, the motion carried.

3. Action Item: Strategic Plan

a. Define mission statement for Loss Control Committee

The group resumed discussion of the committee's mission, guiding principles and vision from the last meeting. The committee was split up into three small discussion groups and began once again refining the purpose of the committee. There was some discussion as to whether or not the committee purpose should include oversight of POOL/PACT management directives to staff. Mike Pennacchio said that he did not think that the purpose of the committee was to provide oversight of staff. Ann Wiswell agreed with Mike and indicated that risk management staff (PARMS) reported to the Executive Committee, and that Willis Pooling representatives are directed by PARMS. Eric Guevin indicated that the purpose of the Loss Control Committee was to serve as an advisory committee to the board. Each group shared their draft mission statement and afterward, Wayne Carlson suggested that the following may represent the groups' collective mission:

Deliver risk control services by planning, promoting, and implementing safety, health, and environmental initiatives to protect public assets and reduce losses.

b. Evaluate loss trends

Ann Wiswell presented information titled Foundations of Claim Trend Analysis, an introduction to the basics of analyzing claim trends. Information presented included risk matrix, definition of severity and frequency, and trends relating to PACT claims experience. The group noted that indemnity claims are the most costly component of PACT claim experience. While there is a high frequency of medical claims, the cost associated with medical claims represents a small percentage of total PACT costs. The most significant costs lie in the indemnity claims. The group then also evaluated claims by body part, and noted that 42% of all PACT claims result from injuries to backs, shoulders and knees. It was also agreed that due to the nature of these types of injuries, it was likely that this was a significant driver of indemnity claims, as these types of injuries often result in extended time off work. Ann indicated more detailed information relating to these types of injuries would be evaluated at the next meeting.

c. Prioritize plan objectives

After evaluating PACT trends, the committee reviewed the strategic plan objectives adopted at the 9/12/07 meeting and determined that it would give priority to the following objectives for the next year:

Claims Analysis/Benchmarking
Formalized Injury Management /Return to Work Programs
Wellness/Body Mechanics
Auto/Driver Safety Training

Further analysis of PACT and General Liability trends would inform the group as to where it needed to focus more attention. Return to Work programs are focused on getting people back to work early and serve to reduce indemnity claims. Wellness and Body Mechanic programs assist members in reducing back, shoulder and knee injuries. Auto and driver safety programs reduce the prevalence of back and shoulder injuries resulting from auto accidents.

4. Discussion and Action:

a. Risk Management Grant Report

Ann Wiswell reported that two grants had been approved since the last meeting: one for the City of Mesquite Police Department that supported emergency medical dispatch training for ten operators in the amount of \$3,090 and another for the Nye County School District that supported

installation of security features at Pahrump Valley High School to reduce exposure to vandalism and illegal activity on school property after school hours.

Ann also noted that the guidelines relating to grant applications were being carefully considered and that although several grant applications had been approved for law enforcement agencies, in a few of those cases agencies had been asked to revise their applications to remove certain requests for items that should be included in the agency's budget such as batteries for tasers, stop sticks, patrol car cages and mobile video recorders.

Alan Kalt commented that he was very pleased to see the various uses of grant applications. He was however concerned that grant monies should be used to support member purchases and not supplant monies that should be budgeted to purchase items such as critical safety equipment. Ann advised Alan that the grant guidelines had been established by the committee at the retreat and that availability of other grant or funding sources as well as the ability to fund on behalf of the requesting member were two of the criteria included in the guidelines. Alan requested that the grant guidelines and an application be sent to him so that he could share that information with Churchill County's Sheriff also.

b. Consideration and Approval of Grant Application submitted by Douglas County Sheriff's Office

Ann informed the group that she had received a grant application from Keith Logan of the Douglas County Sheriff's Office that she would like the committee to consider. The application was being referred to the committee for further consideration because the equipment itself would not traditionally be considered "safety equipment" and the amount requested was very close to the \$10,000 threshold.

The equipment that the Sheriff's Office wanted to purchase was an audio visual digital recording system. Systems such as these are used to ensure proper recording of statements in law enforcement investigations. Ann noted that she had recently become aware of a national trend in law enforcement liability relating to an increase in wrongful conviction claims. These claims commonly cite allegations of improper collection of evidence, eyewitness error, false confessions, police torture, and false or misleading science. Systems such as iRecord are a safeguard against such claims since statements cannot be tampered with once recorded. Ann also noted that she had contacted Douglas County and confirmed that other grant sources had been researched and there were none available and the County did not currently have the money in the budget to fund this piece of equipment. Lastly, the acquisition of this type of equipment was time sensitive as there had recently been a homicide in Douglas County that they would be investigating and they were very concerned about the equipment they would be using in the course of such a serious investigation.

The grant application was read for the committee. Ann invited Keith Logan to comment on the grant application and answer any questions the committee had relating to the equipment.

Keith said that the Sheriff's office had looked at three new systems as the Sheriff's office had originally pieced together a system of various components and over the years that system had become obsolete. The iRecord system was initially bid at \$15,000 and Keith was able to negotiate the pricing down to the \$9,950.00 bid that they submitted for the grant. Another system that they had looked at through High Hills Security Systems that is more expensive is used by Carson City, Sparks, Reno and Lyon County has a problem in that it sometimes loses the recording. He is also aware of some recent claims arising out of law enforcement agencies in Southern Nevada that have arisen from lost booking tapes. He has examined funding this equipment through the County mechanism and the Douglas County Sheriff's Office Advisory council which goes out and solicits funding, and there is no funding available.

Cash Minor asked Keith if they would be funding the service of this equipment. Keith indicated that after the first year, Douglas County's technology services would service the equipment. Alan Kalt commented that he viewed the equipment as a valid risk management tool, but felt it is the responsibility of Douglas County to fund this sort of equipment. Alan indicated he would support the grant as long as Douglas County reached out to other member agencies and shared their experience and possibly even the use of the iRecord equipment. Keith indicated that they would be willing to do that.

Roy McDonald commented that he found it disturbing that the County had at one time funded this equipment and that it had been allowed to deteriorate to the current obsolete condition. He was concerned that by funding this grant, POOL/PACT would be opening the flood gates to provide funding for critical equipment that the counties and/or cities should be including in their budgets. Roy said POOL/PACT should maybe consider funding a third or a half of the cost, but the County should step up and fund some of this. Ann advised Roy that she had confirmed with Claudette Springmeyer that the money was not available in the budget at this time.

Eric Guevin commented that Douglas County S.O. was asking for assistance, there is risk and potential exposure, they have made a commitment to maintain this equipment, that this is what this fund is for, it is a time sensitive request and he would support the grant.

Alan Kalt made a motion to provide two thirds grant funding. Cash Minor advised Alan that he was not a voting committee member. Roy made the same motion, however it died for lack of second. Jeff Zander made a

motion to fund the grant for the full requested amount. Nancy Medford seconded. Cash Minor said that a motion had been made and seconded and asked if there was any discussion. Eric Guevin indicated that it he would like to see a report back regarding the validity of the system and how well it worked for Douglas County. Ann indicated that part of the risk management grant administration process included a validation report, and that she could provide that to the committee. Cash Minor called for the question, all voting committee members voted in favor, except Roy McDonald who voted against funding the grant application.

c. E-Learning Report

Ann reported that in addition to the Human Resource and Law Enforcement related courses, a new Public Officials Liability course was being launched that week. The course was created for elected and appointed public officials and covered the basic elements of fiduciary liability.

The next series of online courses will include MRSA awareness, Back Injury Prevention and a course on Slips, Trips and Falls.

Mike Pennacchio asked how a public official who did not have a password for POOL/PACT's website accessed the e-learning. Ann advised that the official need only go to the POOL/PACT website, click on E-Learning and register to enroll in the e-learning system.

5. Action Item: Approve Loss Control Excellence Program Recertification

- a. Nevada Rural Housing Authority**
- b. City of Carlin**
- c. City of Winnemucca**
- d. City of Mesquite**
- e. Humboldt County**
- f. Churchill County**

Cash Minor advised that Churchill County was being removed from the list of members being approved at this meeting. Craig Buchholz commented that there were a few other members in addition to Churchill County that would require a separate conference call of the voting committee members to approve Loss Control Excellence Program awards.

On motion and second to approve the recertification of the members listed above except for Churchill County, the motion carried.

6. Discussion: Report on Wells Earthquake and loss control efforts

Craig reported that he had visited the City of Wells to assist in their safety efforts the day after the 2/21/08 6.0 magnitude earthquake had occurred. During his visits

to the Wells and Elko communities, members had requested more training on earthquake safety. Craig anticipates that there will be an increase in requests for disaster related training as a result of the Wells earthquake.

Wayne commented that changes in code over the years have resulted in a higher level of earthquake resistance in newer buildings, but that Wells was hit so hard because so many of the buildings were very old unreinforced masonry construction. Wayne added that regardless of construction type, schools and other types of occupancies really need to focus on nonstructural mitigation, as so much of the damage results from damage to building contents that are not properly stored, secured or located.

Wayne and Jeff Zander both commended Craig for his service to the City of Wells during the emergency. The City was not adequately prepared to respond to this catastrophe and is very appreciative of Craig's willingness to serve an interim officer during the emergency.

Eric commented that Counties need to be encouraged to determine what their earthquake hazard is, and that aside from flooding, earthquake seems to be a real concern for everyone. Ann advised Eric that both she and Craig had offered training on nonstructural mitigation to school districts and that Storey County School District had included the training in their annual in-service training of all staff in August of 2007, but that most other school districts hadn't really shown too much interest in the training. Ann was hopeful that after the Wells earthquake, more school districts would request the training in nonstructural mitigation.

7. Action Item: Set Date for Next Committee Meeting

A tentative date of June 2nd was set.

8. Public Comment

Jeff Zander said that if there was any message to get out to the members or pursue relative to earthquake safety, he would encourage staff to move quickly on it.

Action Item: Adjournment

This Agenda was posted at the following locations:

NPAIP/PACT
201 S. Roop Street, Suite 102
Carson City, NV 89701

Carson City Courthouse
885 E. Musser Street
Carson City, NV 89701

**Eureka County
Courthouse**
10 S. Main Street
Eureka, NV 89316

**Churchill County
Administrative Complex**
155 North Taylor Street
Fallon, NV 89406