

**ONTARIO COUNTY
INSURANCE COMMITTEE MINUTES
November 5, 2013**

MEMBERS

JEFFERY GALLAHAN
JOHN COWLEY (N/A)
MARGARET HILTON (N/A)
FREDRICK LIGHTFOOTE
DONALD NINESTINE
RICHARD RUSSELL

PRESENT: Jeff Gallahan, Donald Ninestine, Richard Russell, Fred Lightfoote, John Garvey, John Parrott, Mike Reinhardt, David Tillman, Julie Hoffman, Sherman Manchester, Kris Thorsness, Andrea Schoeneman, Board Chairman Jack Marren.

DISTRIBUTION: Committee Members, Board Chairman Jack Marren, John Parrott, John Park, Michael Reinhardt, Julie Hoffman, John Garvey, Sheriff Philip Povero, Karen DeMay, Sherman Manchester.

CALL TO ORDER

Chairman Gallahan called the meeting to order at 10:00 A.M. and announced Supervisor Cowley and Supervisor Hilton as necessarily absent.

Supervisor Russell made a motion to approve the minutes of the October 1, 2013 meeting. Supervisor Lightfoote seconded the motion. All ayes; motion carried.

APPROVAL OF SETTLEMENT WITH KATHY ROTH

Ms. Thorsness addressed a settlement she achieved settling a claim with former employee, Kathy Roth. The Committee previously authorized \$7,500 to settle the claim. Ms. Thorsness was able to settle the claim for \$2,500 and requested the Committee's approval to move forward.

Supervisor Lightfoote made a motion to approve the Kathy Roth settlement in the amount of \$2,500. Supervisor Russell seconded the motion. All ayes; motion carried.

CONTRACT LANGUAGE FOR ODOR CONTROL CONSULTING FIRM

Andrea Schoeneman & John Parrott addressed a re-occurring issue with the County's standard indemnity clause with respect to professional liability insurers. Some of the County's professional contractors or their agents/insurance companies are refusing to accept our contract with our standard indemnification language. Mr. Parrott provided an article from CNA to the Committee and suggested an acceptable indemnification clause from CNA Insurance, one of the largest underwriters of professional liability and recommended adopting this change for professional consultant contracts. This should resolve any requests for changes.

Supervisor Ninestine made a motion to approve the draft indemnification language in the County's contracts. Supervisor Lightfoote seconded the motion. All ayes; motion carried.

SAFETY REPORT

Mr. Manchester referred to the Recordable Injuries report he handed out and noted a couple of corrections to the report. For the period 1/1/13 – 10/31/13, Health & Medical should read 3 and 0 new cases. Human Services should read 4 and 1 new case. Mr. Manchester reviewed the new recordable incidents within the municipalities and the county since the last meeting.

Mr. Manchester requested authorization to fund the Driver Improvement Program for 2014. A few years ago, the Insurance Committee requested that annual approval be given for the expenditure of the budgeted funds.

Mr. Garvey discussed the online Driver Improvement Program offered by AAA and would like the Committee and staff to give this option some thought. Online training is increasing and offering the training on a computer may increase participation from employees who are unable to spend the majority of their day in a classroom. Mr. Garvey also mentioned the availability of the conference rooms in Bldg 3019 will decrease once the Department of Finance moves in.

Supervisor Lightfoote made a motion to approve funding of the Driver Improvement Program for one year. Supervisor Russell seconded the motion. All ayes; motion carried.

WORKERS' COMPENSATION

Ms. Hoffman reviewed the monthly report. There were five payments over \$5,000 during the month of October.

Ms. Hoffman requested the Committee's approval to waive the insurance requirements for Mr. Dan Moore who has been the County's Physical Fitness Exam Monitor for over 20 years. The cost for Mr. Moore to provide insurance relative to his fees would create a hardship.

Supervisor Ninestine made a motion to approve the waiver of insurance for Mr. Moore. Supervisor Lightfoote seconded the motion. All ayes; motion carried.

LIABILITY SELF-INSURANCE

Chairman Gallahan made a request to enter into executive session to discuss pending litigation.

At 10:20 A.M. a motion was made by Supervisor Lightfoote, seconded by Supervisor Russell, that the Insurance Committee adjourn and reconvene in executive session for the purpose of discussing information regarding proposed, pending or current litigation. All ayes; motion carried.

Supervisor Ninestine made a motion to leave executive session and reconvene in regular session at 10:55 A.M. Supervisor Lightfoote seconded the motion. All ayes; motion carried.

OTHER BUSINESS

The Insurance Committee authorized Mr. Reinhardt to offer \$500 to settle a litigation case discussed during executive session.

Supervisor Ninestine made a motion to approve the offer to settle the litigation case. Supervisor Russell seconded the motion. All ayes; motion carried.

Mr. Reinhardt discussed District Attorney, Mike Tantillo's request to waive the contract requirements for hiring a forensic expert for a recent felony/murder trial. Mr. Reinhardt explained that Purchasing won't pay the bill without the contract in place. The Committee discussed and denied waiving the contract requirement for Mr. Tantillo.

Chairman Gallahan discussed The News & Happenings Report and noted 36 out of 53 accidents on County Highways were deer related.

With no further business to come before the Committee,

Supervisor Ninestine made a motion to adjourn, seconded by Supervisor Lightfoote. All ayes; motion carried.

The meeting adjourned at 11:05 A.M.

Respectfully submitted,

Cindy Abrasger