

LARM Board of Directors Meeting Minutes

February 6, 2019 9:00 am CT

The agenda and supporting materials were emailed to the LARM Board of Directors, LARM members and LARM staff on February 1, 2019.

Board Vice-Chair Lane Danielzuk called the meeting of the League Association of Risk Management (LARM) Board of Directors meeting via phone conference to order at 9:01 am CT February 6, 2019 and announced that LARM is subject to the Open Meetings Act and that a memo stating this was posted in the meeting room at Gering. Danielzuk asked everyone to say the Pledge of Allegiance. After the pledge, the Board of Directors roll was taken.

For the roll call, the following members were present: Beth Bonderson, Hoskins; Lane Danielzuk, Gering; David Hunter, Auburn BPW; and Andrew Ward, Valentine Absent: Kimberly Neiman, Pilger and Shannon Stuchlik, NENEDD.

Staff members present by phone were: Michael Nolan, Elizabeth Becker, Randy Peters, Dave Bos, Tracy Juranek, Fred Wiebelhaus, and Diane Becker.

Guests present by phone: ex officio Lynn Rex, League of Nebraska Municipalities (LONM); Misty Garcia, Dannebrog; Teresa Bartlett, Beaver City; Mark Nestor with Independent Consulting and Risk Management Services (ICRMS); David Domina, Domina Law; Lyle Lutt, City of Norfolk; Lanette Doane, Ansley; and others not identified.

Danielzuk read the Nebraska Revised Statutes - § 84-1412 (2) which states, "It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings." Danielzuk said a public comment period of 15 minutes would be held at the start of the meeting to discuss items on the agenda. Danielzuk subsequently opened the public comment period.

Rex said she had emailed three changes to the minutes and wanted them to be attached to the minutes.

Nolan said the ex-officio member is not allowed to change the minutes and in the past the board has allowed her recommended changes to the minutes to be added as a memorandum to the board meeting package.

Motion to approve B1- the January 28, 2019 LARM Board meeting minutes and add Rex's proposed changes as an attachment to the materials made by Hunter and seconded by Bonderson. Roll Call: Ayes: Bonderson, Danielzuk, Hunter and Ward. Nays: none. Absent: Stuchlik and Neiman. Motion carried.

C - No special presentations.

Consideration of D1 - Consideration of and action concerning expansion of Executive Committee delegated responsibilities to include a) matters in litigation involving LARM non-claims related matters; b) matters related to member-specific claims or membership issues requiring interaction with the Nebraska Department of Insurance; c) matters related to member-specific claims or membership issues requiring interaction with reinsurance carriers; d) matters related to action supported or opposed by a LARM Board decision concerning proposed legislation before the Nebraska Legislature.

Danielzuk transferred board chairmanship to Domina for this portion of the meeting.

Nolan noted that though D1, an amendment to the last meeting, was sent to the Board members well within 24 hours of the meeting, it was objected to, was tabled and was being considered at this time and complies with the Open Meetings Law.

Domina asked if the executive committee had authority as to matters of litigation.

Nolan said the executive committee has the authority to rule on litigation decisions because of two prior delegations by the board. This item was meant to clear up any ambiguity about that delegation.

Domina asked if the delegation was to provide more timely decisions especially during a meeting.

Nolan said yes.

Nolan added that there may be amendments added to LB 573 and that the executive board would be given the authority to add any amendments needed for enactment.

Rex said the executive committee was subject to the Open Meetings Act.

Motion to approve D1 by Danielzuk and seconded by Ward to expand of Executive Committee delegated responsibilities to include a) matters in litigation involving LARM non-claims related matters; b) matters related to member-specific claims or membership issues requiring interaction with the Nebraska Department of Insurance; c) matters related to member-specific claims or membership issues requiring interaction with reinsurance carriers; d) matters related to action supported or opposed by a LARM Board decision concerning proposed legislation before the Nebraska Legislature.

Roll Call: Ayes: Bonderson, Danielzuk, Hunter and Ward. Nays: none. Absent: Stuchlik and Neiman. Motion carried.

Domina asked for a brief report on E1 – an administrative report on use of an ad hoc candidate review committee to screen applicants to date received for LARM Board Membership and possible other applicants in the future.

Nolan said LARM made a good effort through LARM attorneys and the attorneys of Rex and three other plaintiffs to allay the primary issue in the lawsuit that Rex and three other plaintiffs filed against LARM Board members. Nolan said they worked at putting together a slate of nominees that everyone agreed to but failed to happen and the reason given from the attorneys of

Rex and the three other plaintiffs that LB573 was introduced by the LARM Board. The plaintiffs also said that the North Platte action was also made in bad faith so they weren't going to work with the LARM Board on a slate of nominees for election.

Nolan said there had been several people interested in being on the board and they expected there to be more. He said he was trying to make the whole nomination process more efficient.

Domina said the ad hoc committee would consider the people who expressed interest in serving on the LARM Board to make sure there weren't any disqualification issues (i.e. conflict of interest). It wouldn't advance matters to an election but would provide a slate of nominees for the time when there is an election. Nolan said that was correct.

Rex asked how could it not be in bad faith that attorneys were meeting January 22 for the purpose of talking of a slate of nominees to resolve the litigation and then find that LB573 was introduced and that a letter was sent to the NDOI in regard to North Platte.

Danielzuk took back chairmanship duties of the board.

Moved to adjourn by Ward, Seconded by Hunter. Roll Call: Ayes: Bonderson, Danielzuk, Hunter, and Ward. Nays: none. Absent: Stuchlik and Neiman. Motion carried. Meeting adjourned at 9:31 a.m.

DRAFT