

Loss Control Lowdown

- Starr Markworth
PRIMA Cybrary

All MVRMA members have access to the PRIMA Cybrary, which is a service provided by the Public Risk Insurance Management Association (PRIMA).

The PRIMA Cybrary is your **members-only resource** for a variety of sample documents that every risk manager needs, including requests for proposals, job descriptions, risk management annual reports and much more!

Use this resource as a starting point for all of your risk management-related projects. All of the documents in the

PRIMA Cybrary have been contributed by risk management professionals in public entities. Find out what worked for them and get a head-start on your next project.

Please contact the MVRMA office if you are looking for sample documents and would like staff to research the PRIMA Cybrary for you.

In addition to the resources available in the PRIMA Cybrary, MVRMA staff are always willing to survey the other members for sample policies, procedures or other information. Just let us know, and we will email your request to the membership.

For more information, please contact Loss Control Manager Starr Markworth, smarkworth@mvrma.com.

Miami Valley Fire District

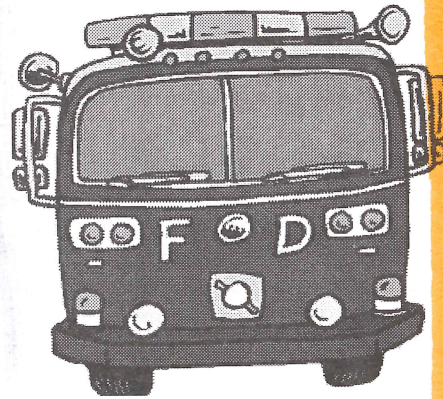
Contributed by Dody Bruck, Assistant City Manager, Miamisburg

In an historic agreement, Miamisburg City Council and Miami Township Trustees voted to merge fire departments and form a joint fire district to serve both communities.

Administrators and fire chiefs from the jurisdictions along with a newly appointed Board of Fire District Trustees, have been working on various operational issues, policies and procedures for the new agency.

"Of course, it is critical that the outstanding fire and emergency medical services provided to our community be maintained, but at the same time, we have to be cost conscious," said Mayor Dick Church, Jr., who once served as a volunteer firefighter in Miamisburg. "We're confident that this new joint fire district will help our two governments control costs into the future while continuing to provide the service levels expected by our residents."

The City and Township studied the concept of a joint fire district for several years prior to the groundbreaking vote. A jointly appointed Interim Fire Commission (IFC) worked closely with City and Township administrators and fire chiefs to lead the study effort.



"It is reassuring that we are combining two capable and talented departments, rich in individual tradition," Miami Township Trustee Charles Lewis said. "As we move forward together, I expect nothing but a continued level of excellence that will serve as an example for this region and our state."

The resolution adopted by City Council and Township Trustees gives oversight of the new fire district to the Board of Fire District Trustees.

The Board will soon be selecting a fire chief to lead the district on a day-to-day basis. Its funding will be derived from existing fire resources, including levies, general funds and fees. Miami Township will assume a 53% share of the budget, while the City will assume a 47% share. City Council and Township (Cont. on Page 4 - See FIRE DISTRICT)

Brokers' Beat...

Alliant

As many of you are aware, Alliant publishes an Insurance Requirements in Contract Manual (IRIC Manual). This extensive resource has insurance requirements that should be included in contracts for vendors and contractors. However, this manual is very detailed and does not highlight the basics. The list below should be helpful in a review of basic insurance requirements that should be included in your city's **standard vendor/contractor contract.**

- 1) Require that your city is endorsed as Additional Insured on the vendor's/contractor's Commercial General Liability insurance.
 - 2) Require that the Additional Insured endorsement includes not only your city, but officers, officials, employees and volunteers as well.
 - 3) Require that the Additional Insured endorsement be primary and non-contributing with other insurance.
 - 4) Require that Employers' Liability/ Stop Gap coverage is endorsed as a part of the vendor/contractor Commercial General Liability coverage.
 - 5) Require that the Commercial General Liability policy be as broad as Insurance Services Office (ISO) form CG 0001.
 - 6) Make sure that you receive a copy of the actual endorsements outlined above in addition to the Certificate of Insurance.
 - 7) Require that the Automobile Liability policy be as broad as Insurance Services Office form CA 0001 and includes or is endorsed to include your city, officers, officials, employees and volunteers as insureds.
 - 8) Require Workers' Compensation insurance as required by the State of Ohio.
 - 9) Include language in the contract that obligates vendor/contractor to grant a waiver of any right of subrogation which any insurer of the vendor/contractor may acquire against your
- (Cont. on Page 4 - See ALLIANT)

Board (Cont./Page 1)

Meetings: March 19, June 18, September 24 and December 17

Fire District (Cont./Page 3)

Trustees are required to approve the district's budget annually.

There will be five stations to serve the district, including a new station on Wood Road being constructed by the Township. Employment has been offered to current firefighters from both departments.

A representative from the governor's office commended both jurisdictions for their commitment to cooperative government.

FYI (Cont./Page 1)

in cost avoidance for CALEA accredited departments by reducing the time a sworn officer will have to devote to updating policies. Beaver Creek Financial Administrative Services Director Bill Kucera said, "After discussion with the Police Chief, it was determined we would like to join Lexipol as a supplement to our accreditation. With budget cut-backs and reorganization, we realize that keeping up with current issues is time consuming, and we like the idea of having regular updates driven from an outside source. Thank you again for your efforts in identifying the need and orchestrating a relationship that should aid us in reducing our overall risk and liability."

Having good policies is critically important to a police department, but their value is lost if the officers don't have a working knowledge of their application. The Daily Training Bulletin is integrated with the policy manual to deliver scenario based training. Each department can customize the Daily Training Bulletins to address department-specific topics that reinforce approved policies and procedures. Lexipol also archives departmental training records to provide an invaluable resource in defense of litigation or personnel matters.

It is our hope that other member police departments will see the value in

using Lexipol for assistance with policy development, updates and training.

If you would like to know more about how Lexipol can benefit your police department, contact MVRMA.

Alliant (Cont./Page 3)

city by virtue of the payment of any loss under such insurance.

10) Include language in the contract that states the limit requirements are the minimum requirements, and if the vendor/contractor has higher limits than the minimum requirements, the city is entitled to the benefit of the higher limits.

We encourage you to review the insurance requirements in your city's standard vendor/contractor contract and incorporate the above requirements as necessary. If additional information is needed for special situations, you can access the current version of the IRIC Manual (Version 7.4.1 May 2011) on Alliant's website, www.alliantinsurance.com by clicking on Specialty Industries. The manual can be downloaded from the right side of the page under IRIC. As always, Alliant is available to address specific questions, concerns and exceptions to the standard requirements addressed above.

Comments (Cont./Page 2)

Congress and most state legislatures have not enacted statutes regulating the use of GPS tracking technology for law enforcement purposes, the minority asserted that the legislature is better "situated to gauge changing public attitudes, to draw detailed lines, and to balance privacy and public safety in a comprehensive way." Under that premise, the minority expressed its belief that, in the meantime, "the best [the Court] could do...was to apply existing 4th Amendment doctrine and to ask whether the use of GPS tracking in a particular case involved a degree of intrusion that a reasonable person would not have anticipated."

The minority explained that "[u]nder this approach, [the] relatively short-term monitoring of a person's movements on

Coming Events

February 8

Elected Officials Training
8:00 am - 3:00 pm
Heatherwoode Golf Club

March 19

MVRMA Quarterly Board Meeting
9:30 am
MVRMA Offices

March 27-29

BWC Ohio Safety and Health Congress
Columbus Convention Center

public streets accords with expectations of privacy that our society has recognized as reasonable. Citing *United States v. Knotts*, 460 U.S. 276, 281-282 (1983), the minority further explained that "the use of longer term GPS monitoring in investigations of most offenses impinges on expectations of privacy." It reasoned that "society's expectation has been that law enforcement agents and others would not - and indeed, in the main, simply could not secretly monitor and catalogue every single movement of an individual's car for a very long period." While not attempting to identify with precision the point at which the tracking of a vehicle becomes a search, the minority explained that "where uncertainty exists...the police may always seek a warrant."

The Court's opinion in the *Jones* case settled a split between the circuits as to the constitutionality of warrantless GPS tracking of a suspect's vehicle, but many questions remain. Barring action by Congress, or the state legislatures, the Supreme Court will likely be invited to weigh in on the use of GPS tracking again in the near future. In the meantime, law enforcement agencies should obtain search warrants prior to obtaining geolocational data via GPS devices, regardless of whether the data is obtained by installing the device on a vehicle or through accessing that data by some other non-physically intrusive manner.