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LGIT News is a quarterly publication providing news and information for its member local governments.



7225 Parkway Drive  
Hanover, Maryland 21076  
TEL 443-561-1700  
FAX 443-561-1701  
800-673-8231  
[www.lgit.org](http://www.lgit.org)



## LGIT Welcomes New Board of Trustees Members



*David E. Carey* is a member of the Bel Air town commissioners. He received his Bachelor of Arts degree in English from the College of Wooster (Ohio). He

received his law degree from the University of Baltimore in 1989, and then served as Law Clerk to an Associate Judge of the Court of Special Appeals of Maryland. He is past president of the Maryland Municipal League. He has testified before committees in both the Maryland House of Delegates and Senate on issues of interest to Maryland's cities and towns.



*Robert S. McCord* is the county attorney for Harford County. He received a Bachelor's degree in Business Administration and Philosophy from Loyola College

of Maryland in 1983 and a Master of Business Administration from Loyola in 1985. He received a Juris Doctor, cum laude, from the University of Baltimore School of Law in 1989. He currently serves as president of the Maryland Association of County Civil Attorneys.



*M. Susanne Hayman* is the county administrator for Kent County. She is a past elected state's attorney; deputy state's attorney; and county attorney for Kent

County; and past attorney to the Kent County Board of Zoning Appeals. She is an adjunct faculty member at Chesapeake College. She has a Bachelor of Arts degree in sociology from Washington College, and Juris Doctor from University of Baltimore.



*Wilson H. Parran* is president of the Calvert County Board of County Commissioners. He is secretary of the Maryland Association of Counties

(MACo) and represents Calvert County on the MACo Legislative Committee. He holds a Bachelor of Science degree in Organizational Management from Columbia Union College and a Masters of Science Degree in Information Systems from The George Washington University.

## LGIT Board of Trustees

*F. Gary Mullich, Chairman*  
Director of General Services  
Garrett County

*Barrie P. Tilghman, Vice Chair*  
Mayor  
City of Salisbury

*David S. Bliden, Ex-Officio*  
Executive Director, Maryland  
Association of Counties

*Scott Hancock, Ex-Officio*  
Executive Director, Maryland  
Municipal League

*David E. Carey*  
Commissioner  
Town of Bel Air

*Stewart B. Cumbo*  
Councilman  
Town of Chesapeake Beach

*David J. Deutsch*  
Manager  
City of Bowie

*Roger L. Fink*  
County Attorney  
Charles County

*M. Susanne Hayman*  
County Administrator  
Kent County

*Robert S. McCord*  
County Attorney  
Harford County

*John D. Miller*  
Burgess  
Town of Middletown

*Wilson H. Parran*  
President, Board of County  
Commissioners  
Calvert County

## From the Boardroom...

**The Board of Trustees met on May 17, 2007, and took the following actions:**

- Approved the Underwriting Committee's recommendation for a reduction in Equipment Breakdown renewal rates.
- Approved the Underwriting Committee's recommendation for no change in the rates for the Excess Liability pool.
- The Board directed that property rates remain unchanged for FY 2008 but approved premium credits amounting to 10% of the pool funding. All members would receive a 5% credit and in addition there would also be membership longevity credits as follows: an additional 3% reduction for members with five to ten years of participation; and an additional 6% reduction for members with over ten years of participation.. The net result is an overall reduction of 10% with every participant receiving a reduction of between 5% and 11%.



Sandy Tedrow  
Executive Secretary

**The Board of Trustees met on June 14, 2007, and took the following actions:**

- Approved the Executive Committee's recommendation to adopt the FY 2008 operating and capital budgets.
- Approved Barrie Tilghman, Mayor, City of Salisbury, to be the Vice Chairman of the Board as recommended by the Nominating Committee.



### LGIT Trustees Election:

The following were elected by the membership to a three-year term on the Board of Trustees: Barrie P. Tilghman, City of Salisbury; Robert S. McCord, Harford County; and Susanne Hayman, Kent County.



2007 LGIT Wellness Winners

### LGIT's Wellness Program

**L**GIT kicked off its Wellness Program in the summer of 2006 with a Health Risk Assessment offered to all employees. The program also included several lunchtime exercise programs, Lunch and Learn educational lectures, educational materials and healthy lifestyle incentives. The first year

was so well received by LGIT employees that the Staff Wellness Committee has unveiled the program for its second year, and they're very excited about it.

The second year of the program will start off with a health fair, where employees can take advantage of blood pressure screenings, cholesterol checks and BMI. Our program will also include lunchtime exercise programs such as Pilates, Yoga and Light Weights; Lunch and Learn lectures such as Healthy Backs, and Nutrition; and incentives for attending these events.

For more information about how to start a Wellness Program in your workplace, please call Sandy Tedrow or Marsha Carpenter at 1-800-673-8231 — we'd love to share our exciting program with our members!

# The 2007 MML Convention LGIT Kicks Off its 20th Anniversary (1987-2007)

MML and LGIT members visit LGIT's booth at the 2007 MML Convention to help celebrate LGIT's 20 years of service to Maryland local governments.



*Left to Right -*  
Jon Burrell, Executive Director, LGIT  
Floyd "Pete" Elliott, Councilman, City of Cumberland



*Left to Right -*  
David E. Carey, Commissioner, Town of Bel Air, LGIT Board of Trustees member  
Jon Burrell, Executive Director, LGIT

*To acknowledge  
our members  
is to be aware  
that we did not  
make it here  
by ourselves*

## Town of Friendsville

A special acknowledgment to the Town of Friendsville for their timely and thorough follow up to LGIT's loss control visits and recommendations.

## Town of Riverdale Park

A special acknowledgment for the outstanding effort made by Riverdale Police Department by having their entire department attend LGIT-sponsored defensive driving classes.

## Town of Bladensburg

A special acknowledgment to the Town of Bladensburg for hosting the first in the series of Street Encounters and the Fourth Amendment interactive workshops for law enforcement agencies. A special thanks to Chief John Moss for all his help.

**Thank  
You!**

# Top Claims from the Primary Liability and Property Pools

Our members often ask what types of claims have the greatest impact on the Trust. While there are several ways to analyze claim data, for the purposes of this article, we will be looking at the type of claim, by each line of coverage, which has the greatest incurred monetary cost. Many times this type of claim may also occur most frequently, but considering the incurred loss in actual dollars, it has the greatest impact on the Trust as a whole and the members individually.

The following is a summary of the top claim type from individual lines of coverage in the Primary Liability and Property pools for fiscal year 2007.

## Auto Liability

The top claim type for auto liability is rear-end collision: where a member vehicle rear-ended another vehicle. There were 154 claims of this type totaling \$460,464. The cause for this type of collision is almost always driver error, which includes distracted driving, following another vehicle too closely and excessive speed.

To help prevent rear-end collisions and other types of vehicle accidents, we encourage all member employees to take advantage of our Defensive Driving Classes, especially those employees who are new or have had a driving incident in the last two years.

## Auto Physical

The top claim type for auto physical damage is deer-to-vehicle collision. Last year, there were 164 claims of this type totaling \$296,109. Many times the vehicles involved in this type of collision were driven by law enforcement personnel. The high number of these incidents may be attributed to the fact that law enforcement agencies are often on patrol 24 hours a day, 7 days a week.

With deer populations at record levels and greater pressures placed on these populations with increased development throughout the state, there are no easy answers to this trend. Even more troublesome is that many times it is not the vehicle that runs into the deer, it is the deer that runs into the vehicle.

To reduce deer collisions, drivers are encouraged to use proper scanning techniques especially at dawn and dusk, during the fall and winter months (when deer are in rut) and to be vigilant when driving roads that are known to be deer crossing areas.

## General Liability

The top claim type under general liability is sewer backup/water damage. Typically these are claims where a sewer system has backed up causing flooding and damage to homeowner property. Traditionally, these are expensive claims with related costs for clean up, replacement for damaged/destroyed items and possible repairs to homeowner property. There were 285 claims of this type last year totaling \$461,523.

While some claims of this type are inevitable, often backups occur due to failure or blockage of the lateral lines, which are the citizens' responsibility and not the local governments. Often the problem is the accumulation of grease or invasive tree roots.

To reduce the number of sewer backup incidents, members are encouraged to do routine inspections and all required maintenance of their sewer systems. It is equally important to keep accurate and thorough records of inspections and maintenance performed. Having a system for tracking and maintaining a record of citizen complaints is also very valuable in defending this type of claim.

## Public Official Liability

Employment-related claims are often the type that drive costs up for public official liability. The reason is the defense costs associated with these types of claims. In FY 2007, wrongful termination topped the list with 27 claims totaling \$202,373.

The Trust offers several resources to help public officials with employment issues and to avoid this costly type of claim. These include the Employment Law Hotline and such publications as the Risk Management Manual and the Strategies for Employment Loss Prevention handbook. In addition, member local governments are strongly encouraged to have an employment policy in place, which is disseminated to all employees. All policies should be consistent, current and reflect current employment law.

## Law Enforcement Liability

Search and seizure is the claim type that topped the list for law enforcement related claims with 17 claims totaling \$394,016. These claims dealt with police allegedly denying citizens of their Fourth Amendment rights. As with public official liability, even if we prevail in court and pay no damages, defense costs often cause this type of claim to be costly to both the Trust and the member. This is easily demonstrated with the relatively low number of claims, just 17, but incurred costs totaling nearly \$400,000.

Training of law enforcement personnel is the key to reducing this type of claim. Many sources of training are available through both the Trust and the Maryland Police and Corrections Training Commissions. The Trust's legal department in the last year has conducted a series of law enforcement liability workshops across the state dealing with Fourth Amendment issues. These workshops have been extremely successful and well attended. More of these workshops are planned for this year and we encourage all member law enforcement personnel to attend.

## Property

When one thinks of property claims often fire or flood come to mind; however, in 2007, lightning/power surge is the type of property claim that cost the most with 56 claims totaling \$435,847. Often, lightning and its accompanying power surge can be devastating to electrical components and equipment. Each year, across the country, thousands of properties are damaged or destroyed by lightning. Lightning is responsible for more deaths and property loss than tornadoes, hurricanes and floods combined. The good news is that lightning is the only disaster that we can economically afford to protect ourselves against. If struck by lightning, a building will generally sustain less damage when there is a lightning protection system present.

Lightning protection should be implemented for both the building and its equipment. Lightning protection systems consist of air terminals (lightning rods) and the associated fittings connected by heavy cables to grounding equipment. This type of system provides a path for lightning current to travel safely to the ground.

Members are encouraged to install surge arresters to protect utility services and telephone equipment from power surges that can enter homes or other structures using power or telephone lines. Surges are diverted to the ground, which protects both wiring and appliances. Transient voltage surge suppressors should be installed in receptacles to which computers and other electronic equipment are connected to limit the voltage to 1.5 times the normal voltage (maximum for solid state devices).

### Summary

The top six types of claims for 2006-07 totaled 703 claims with incurred losses of \$2,250,332.

For most of these cases there are loss control measures available, which if properly implemented can greatly reduce members' exposure. Please contact your loss control representative for more information.



## Did You Know?

That the Insurance Institute for Highway Safety estimates that last year there were over 1.5 million deer-to-vehicle collisions, which registered an estimated total of \$1.1 billion in physical damages and 180 deaths?



Larry Bohlen  
Loss Control Training Coordinator

### LGIT's High Severity Claims in FY 2007

Coverage Type	Cause of Loss	Number of Claims	Total Incurred
Auto Liability	Rear-end collisions	154	\$460,464
Auto Physical	Deer strikes	164	\$296,109
General Liability	Sewer backups and/or water damage	285	\$461,523
Public Official Liability	Wrongful termination	27	\$202,373
Law Enforcement Liability	Search and seizure	17	\$394,016
Property	Lightning/power surges	56	\$435,847
Total			\$2,250,332

## The Employment Law Hotline

The Hotline is a phone service available to Liability Program members that provides up to 30 minutes of free legal advice on employment matters.

We have selected for printing one inquiry of interest that was posed through the Hotline. This member service is provided by LGIT, with the assistance of Daniel Karp, Esquire and Kevin Karpinski, Esquire.

### QUESTION

If a local government hires seasonal employees, most of whom are under the age of eighteen, and some of the job positions require random drug testing, should the local government get parental permission before random drug testing minor employees?

### ANSWER

**YES** - local governments should get parental permission for all minors prior to drug testing.



# LGIT Wins Consecutive MSAE Awards

The Maryland Society of Association Executives advised that the entry LGIT submitted in the Program Innovation category received first place award in MSAE's 2007 Circle of Excellence Awards.

LGIT's submittal was based on the Roll Call Reporter and the Commander's Log, two publications that are written regularly as a service to

our member police agencies and county jail wardens by John F. Breads, Jr., Director of Legal Services, LGIT.

This is the fourth time in the past six years that the Trust has been recognized with a Circle of Excellence Award by MSAE. The Award was presented at MSAE's 2007 Annual Meeting and Expo on April 27, 2007.



*Left to Right -*

Larry Bohlen, Loss Control Training Coordinator, LGIT

Robert Johnston, MSAE President

John F. Breads, Jr., Director of Legal Services, LGIT



The Roll Call Reporter and the Commander's Log can be accessed from LGIT's Web site at <http://www.lgit.org/legal/RollCallReporter.htm> and <http://www.lgit.org/legal/CommandersLog.htm> respectively.

Law enforcement and detention center personnel can request to be placed on the list to receive e-mail notification whenever a new Roll Call Reporter or Commander's Log is published. To be placed on the e-mail notification list, just e-mail [sheryl@lgit.org](mailto:sheryl@lgit.org) and provide your full name, job title, local government/department, address, phone number; and specify the publication you would like to receive notification of in the subject line of the e-mail.

# Swimming Pool Entrapment

## Basic Loss Control Measures

A horrible swimming pool entrapment incident has already happened this summer to six-year-old Abigail Taylor from Michigan, who was playing in a kiddie pool when the pool's drain suctioned a two-inch tear in her rectum, pulling out her small intestines. It is a miracle she's still alive; however, she will now have to wear a colostomy bag and be fed intravenously for the remainder of her life.

As terrible and unpleasant as this story is to hear, incredibly this is not an uncommon event. According to the CPSC (Consumer Product Safety Commission – [www.cpsc.gov](http://www.cpsc.gov)), since 1990, 170 people, mostly children, have been caught in drains; of those 27 have died.

While it is too late for Abigail and her family, future swimming pool injuries can be prevented with basic loss control measures. Note that while most public pools have drain covers that are screwed in and can not be easily removed, drain covers may still not prevent injuries like those that happened to poor Abigail. The suction from a pool drain can be as strong as 300 pounds per square inch. Two loss control measures that can prevent swimming pool drain injuries are a proper anti-seal drain cover, which can cost as little as \$50, and a safety vacuum cutoff system which shuts down when someone is trapped.

### Swimming Pool Safety Alert

The CPSC has issued a Swimming Pool Safety Alert (see <http://www.cpsc.gov/cpscpub/pubs/5101.pdf>) that lists some swimming pool and spa entrapment dangers and loss control measures such as:

**1** Never allow the use of a pool or spa that has a missing or broken drain cover. Inspect to make sure that a newer,

safer drain cover is in place. The newer drain covers are usually domed-shaped instead of the old flat drain covers.

**2** Consider installing a Safety Vacuum Release System (SVRS), a device that will automatically shut off a pump if a blockage is detected.



Photo courtesy of commons.wikimedia.org

**3** Have a professional regularly inspect all pools and spas for protection against entrapment or entanglement hazards (i.e., long hair, jewelry, bathing suit strings, etc.).

**4** Plainly mark the location of the electrical cut-off switch for the pool or spa pump.

**5** If someone is entrapped against a pool drain, cut off the pump immediately instead of trying to pull the person away from the powerful suction; then wedge a hand between the drain and the person's body to break the seal.

### Abigail's Plea

While at the hospital, Abigail asked her family if she would be on the news. Why, they asked? She said, "Because I want to make sure this doesn't happen to anyone else."

Let's make sure we put Abigail's words into practice. Being a father of four little ones, I know

I don't ever want to hear of another story like this one and I'm sure neither do our members.

**“Because I want to make sure this doesn't happen to anyone else”**

### Guidelines to Preventing Swimming Pool Injuries

We highly recommend downloading the comprehensive guide to preventing any further swimming pool entrapment injuries and/or deaths entitled, "Guidelines for Entrapment Hazards: Making Pools and Spas Safer" at <http://www.cpsc.gov/cpscpub/pubs/363.pdf>. Furthermore, please remember to review your LGIT Risk Management Manual, Module 6 entitled "Swimming Safety and Open Water Swimming." It can be downloaded at <http://www.lgit.org/docs/misc/mod6.pdf>.

Here's hoping for a great and SAFE summer season.



Scott Soderstrom, CPCU, ARM-P  
Underwriting Manager

7225 Parkway Drive  
Hanover, Maryland 21076

## Training & Seminar Schedule

### July

#### Supervising with Confidence

July 31, 2007 - Garrett County

### August

#### Harassment in the Workplace

August 7, 2007 - Garrett County

TBA - University Park

#### Regional DDC

August 22, 2007 - Takoma Park

August 27 & 28, 2007 - Talbot County

### September

#### Regional DDC

TBA- Garrett County

TBA-Hagerstown

### September

#### Street Encounters and the Fourth Amendment

TBA- Salisbury

#### Harassment in the Workplace

TBA- Salisbury

#### Accident Investigations

TBA- Cecil County

### October

#### Regional DDC

TBA-Cecil County

For seminar descriptions, directions and registration forms, visit [www.lgit.org](http://www.lgit.org).

For more information, contact  
Larry Bohlen, Training Coordinator,  
at 1.800.673.8231 or by e-mail at  
[lbohlen@lgit.org](mailto:lbohlen@lgit.org).

