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The Local Government Insurance  
Trust will provide coverage and  
risk management services at stable  
and competitive rates through an  
organization that is owned and  
managed by its local government  
members.



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Winter 2007



## Ms. LGIT



Raquel Sanudo, chairperson of the LGIT Board of Trustees for the past seven years, retired as the county administrator of Howard County on December 31, 2006,

bringing an end to a long and distinguished career in local government and with the Trust. To put in words what her contributions have meant to LGIT, raises the question of where to start and even then, there wouldn't be enough space here to do justice to such a record.

Raquel was there at the beginning of the Trust. When the bottom fell out of the commercial insurance market in 1985 -1986, as executive director of the Maryland Association of Counties (MACo), she saw the vision of trying to place Maryland local government in a position that would no longer keep it at the whim of private insurers for insurance coverage. She convinced the powers to be at MACo that it made sense to develop an alternative to that market. At a time when history had not been good but relationships with the Maryland Municipal League (MML) had been improving, she saw an opportunity to enhance that effort. She boldly suggested to her board that not only should there be an effort to create an alternative insurance market for Maryland local government but that the effort should be done in partnership with MML. During 1987, as this partnership developed and flourished, it created the Local Government Insurance Trust. The creation of LGIT also involved significant effort from the General Assembly, the Governor, the State Insurance Commissioner and host of others both supportive and opposed to the idea.

On July 1, 1987, Raquel became a member of the Board of Trustees by virtue of her position with MACo. She served in that capacity until July 1991 when she left the Board to assume the position of county administrator of Howard County. One year later, after an opening occurred on the LGIT Board, she sought the position and was elected to serve the first of five three-year terms as one of the officials representing county government on the Board. Her commitment to LGIT continued while on the Board and she served in various capacities including chair of the Health Benefits and Finance Committees, secretary of the Board and eventually, upon the death of Bill McFaul in 1999, as chairperson of the Board.

During her eighteen-plus years on the Board as a member and as chairperson, she worked hard to not only make sure that LGIT pursued its mission to "provide coverage and risk management services at stable and competitive rates" but she also worked hard to preserve the intergovernmental partnership that created LGIT. Often she went out of her way to make sure that issues sensitive to counties or municipalities that were before the Board received fair and equitable debate and review. One such issue was the difficult decision to close the Health Benefits Pool. She valued a consensus and strived to achieve it, always mindful of the intergovernmental partnership that was LGIT.

After years of service to local government in Maryland, she has finally decided to "stop and smell the roses" with her husband Vince and her family. Her contributions to the Trust are significant and many. They have made LGIT what it is today.

Jon C. Burrell  
Executive Director, LGIT

## LGIT Board of Trustees

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

*Barrie P. Tilghman, Secretary*  
Mayor  
City of Salisbury

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

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

*Stewart B. Cumbo*  
Councilman  
Town of Chesapeake Beach

*David J. Deutsch*  
Manager  
City of Bowie

*Roger L. Fink*  
County Attorney  
Charles County

*John D. Miller*  
Burgess  
Town of Middletown

### Founding Organizations



## From the Boardroom...

**The Board of Trustees met on October 12, 2006,  
and took the following actions:**

- The Board of Trustees approved the Local Government Insurance Trust's Combined Annual Financial Report (CAFR) for June 30, 2006 and 2005.
- Effective July 1, 2006, the Board of Trustees approved the following sponsored entities as participants in the Trust: Cambridge Municipal Utilities Commission, Humane Society of Carroll County, Carroll County Senior Overland Services, Inc., and Tri-County Council for the Lower Eastern Shore.



Sandy Tedrow  
Executive Secretary

### General Elections Affect LGIT Board

As a result of the fall general election, LGIT's Board of Trustees lost four members including: John "Sonny" Bloxom, Worcester County Commissioner; Nelson Bolender, Cecil County Commissioner; Hilary Spence, Talbot County Councilwoman; and Tom Dillingham, Poolesville Town Councilman.

Additionally, Raquel Sanudo, Chairperson of the Board, announced her retirement. As we go to press, the Nominations Committee of the Trust is preparing to address the five vacancies on the Board.

### Volunteers Recognized

At the 19th Annual Meeting Awards Program, Chairperson Raquel Sanudo gave special thanks to the following for serving on LGIT committees during the fiscal year:

David S. Bliden, Executive Director .....	MACo
John E. Bloxom, President of Commissions .....	Worcester County
Nelson K. Bolender, President, Board of County Commissioners ...	Cecil County
George P. Bradley, Risk Manager .....	Worcester County
David E. Carey, Commissioner .....	Town of Bel Air
Stewart B. Cumbo, Town Councilman .....	Town of Chesapeake Beach
David Deutsch, Manager .....	City of Bowie
Thomas B. Dillingham, Commissioner .....	Town of Poolesville
Bryan C. Ebling, Director, Risk Management Services .....	Caroline County
Tim Elliott, Director of Finance .....	City of Annapolis
Roger L. Fink, County Attorney .....	Charles County
George Forrest, County Administrator .....	St. Mary's County
Steve Gindes, Finance Director .....	MML
M. Susanne Hayman, County Administrator .....	Kent County
Charles Hessing, Risk Manager .....	City of Bowie
Eric Lagstrom, Risk Manager .....	Town of Ocean City
Lynne Levin, Risk Management Administrator .....	Howard County
Alfred E. Martin, Director of Finance .....	City of Hagerstown
Rob McCord, County Attorney .....	Harford County
Kimberly A. Millender, County Attorney .....	Carroll County
F. Gary Mullich, Director, General Services .....	Garrett County
Joyce A. Oliver, Director of Administration .....	Town of Bel Air
Raquel Sanudo, Chief Administrative Officer .....	Howard County
Christopher G. Schlehr, Town Administrator .....	Town of Bel Air
Terry L. Shannon, Finance Director .....	Calvert County
Hilary B. Spence, Council Member .....	Talbot County
Laurell E. Taylor, Clerk/Zoning Administrator .....	City of Westminster
Barrie P. Tilghman, Mayor .....	City of Salisbury
Juan L. Torres, Public Works Director .....	Town of Cheverly
John C. Walter, Risk Manager .....	Harford County
David W. Warrington, Administrator .....	Town of Cheverly
Odie Wheeler, Administrative Coordinator .....	City of Cambridge
Bob Williams, Risk Manager .....	Carroll County

# *The 19th Annual Meeting and Awards Program*



Raquel Sanudo presents Carole Linder, Safety Coordinator for the City of College Park, with the Claims Practices Award for their outstanding efforts in claims reporting, investigating, managing, and communication.

Raquel Sanudo presents Karen Nusic, Risk & Safety Manager for Cecil County, with the Risk Management Award for their outstanding effort in risk management.



Raquel Sanudo presents Kimberly Rau, City Clerk for the City of Laurel, with the Training Award for their outstanding effort in risk management training participation.



Raquel Sanudo presents "J" (Judith) Davis, Mayor of the City of Greenbelt, with their Fifteen-Year Anniversary Award.



From left: Leslie Nataro, "J" (Judith) Davis, Raquel Sanudo, Michael McLaughlin

## **Members Receive Awards for Excellence**

At the 19th Annual Meeting in Ellicott City, the following awards were presented by the Trust: the Claims Practices Award to the City of College Park, the Risk Management Award to Cecil County, and the Training Award to the City of Laurel.

We also presented awards to those members who had their ten- and fifteen-year membership anniversaries with LGIT. Dorchester County, North Beach and Poolesville received the Ten-Year Anniversary Award.

The following members received the Fifteen-Year Anniversary Award: the Town of Chevy Chase, the City of East New Market, the City of Greenbelt, the Town of Highland Beach, the Town of Hillsboro, and the City of Preston.

Life Saver Awards were presented to the Cecil County Roads Division, Cecil County Solid Waste Division, Carroll County Sheriff's Department, and the City of Bowie for the heroic actions of their employees in the face of emergencies.

We congratulate these members and wish them all continued success in the coming year.

## **Congrats!**

## **Thank You, Sponsors!**

Thanks to the following sponsors of the Trust's 19th Annual Meeting. Their support and participation in our annual program helped to enhance the quality of the meeting:

- Corridor Printing, Inc.
- Courthouse Copy Services
- Filar Design Group, Ltd.
- Funk & Bolton, P.A.
- Glicksman Consulting, LLC
- Niles, Barton & Wilmer, LLP
- Turf Valley Resort & Conference Center

## Safety Concern for Use of Metal Halide/Mercury Lamps

In the last several years there has been a growing concern about the safety of indoor lighting using Metal Halide/Mercury Vapor type lamps. This type of lighting is common for most indoor recreational facilities, gymnasiums, auditoriums and even large garage and repair facilities. This should be a concern to LGIT members who have any of these types of facilities, the personnel who may be responsible for the lights at these locations and the public that may use such facilities.

### Background

Recently, more than 100 people were exposed to short-wave UV radiation from a broken mercury vapor light bulb at a high school gym of which 18 went to the hospital with severe eye and skin burns. Personnel investigating the event confirmed that a broken, non-self-extinguishing "R" type metal halide bulb caused the injuries resulting in victims receiving maximum allowed daily exposure levels for UV radiation within eight minutes.

Similar incidents have been reported in the past involving "R" type light bulbs installed in open and wire grid fixtures. Most injuries have occurred inside gymnasiums or recreational facilities, after the light bulbs were struck and partially broken by balls or other sports equipment. There have not been any incidents involving "T" type light bulbs, or involving light bulbs installed in fixtures fully enclosed by glass or plastic.

The 2005 National Electrical Code addresses high intensity metal halide and mercury vapor light bulbs installed in newly constructed or renovated indoor sports or all-purpose facilities. Because the bulbs in such areas are subject to physical damage, they must be installed in fixtures that are fully enclosed by a lens of glass or plastic to protect the bulb from breakage.



### What are Halide and Mercury Vapor Light Bulbs?

Metal halide and mercury vapor bulbs are bright, long-lasting sources of light. The bulbs have an inner quartz tube, containing the mercury vapor discharge, enclosed by an outer glass bulb that filters out harmful short-wavelength UV radiation. If the outer bulb breaks and the inner tube continues to operate unshielded, intense UV radiation is emitted. UV exposure at this level can cause eye and skin burns, as well as blurred or double vision, headaches, and nausea.

Types of halide and mercury vapor light bulbs sold in the U.S. include the following:

- "T" type light bulbs with a self-extinguishing feature that shuts off the light within fifteen minutes after the outer bulb is broken. "T" type light bulbs may be used in either open fixtures or enclosed fixtures.
- "R" type light bulbs are not self-extinguishing. "R" type light bulbs should only be installed in light fixtures that are fully enclosed by a lens of glass or plastic to shield people from the UV radiation, or in areas where people will not be exposed to UV radiation if the outer bulb breaks.

The best way to reduce the risk of burns is to use fully-enclosed fixtures or self-extinguishing "T" type mercury vapor light bulbs in facilities where the public can be exposed to the ultraviolet (UV) radiation from a broken bulb.

### Precautions for Facilities that Use Metal Halide and Mercury Vapor Lighting

All gymnasiums and other indoor all-purpose facilities using metal halide and mercury vapor lighting should inspect both the light bulb and the fixture on a regular basis to ensure that they are not broken. The inspection should always be performed as follows **WITH THE LIGHT FIXTURE TURNED OFF:**

- Check the light fixture regularly following the manufacturer's recommendations. Replace any fixture that is damaged. Damaged, open fixtures or fixtures with wire guards DO NOT protect the bulb from breakage and will not protect the public from UV radiation.
- Check the bulbs. Replace any light bulbs that are missing, broken, or punctured.
- Ensure light bulbs are installed in appropriate fixtures. Self-extinguishing "T" type light bulbs should be installed in open fixtures or fixtures with wire guards. Non-self-extinguishing "R" type light bulbs should only be installed in light fixtures that fully enclose the light bulb and have a lens of glass or plastic to protect the light bulb from breakage and to protect the public from UV radiation.
- Supervisors should make sure that those responsible for the maintenance of these lighting systems fully understand the manufacturer's warnings on product packaging, as well as federal, state, and local guidelines to reduce the risks associated with these products.

If a metal halide or mercury vapor light bulb is broken during use:

- TURN OFF THE LIGHT IMMEDIATELY.
- Move people out of the area as quickly as possible.
- Advise people exposed to the damaged bulb to see a doctor if symptoms of skin burns or eye irritation occur.

When an incident occurs any responder to the event should obtain contact information for anyone injured and complete an incident report to record the cause of the occurrence. The incident should be reported to LGIT and the following actions taken:

- Report injuries from damaged light bulbs to the bulb manufacturer, your state health department, and the nearest FDA district office.
- Check to make sure the light fixture is turned off before replacing the damaged light bulb. It is important to retain the broken bulb to identify the bulb type and manufacturer, and to assist with any investigation conducted after the incident.

LGIT members may eliminate any harm resulting from these types of incidents with proper maintenance and procedures in place.

Additional information on the care and maintenance of high intensity metal halide and mercury vapor lamps can be found at <http://www.nema.org/stds/halide-schools.cfm#download>, and best practices for metal halide lighting systems at <http://www.nema.org/stds/LSD25.cfm>.

Larry Bohlen  
LCU Training Coordinator



## Employment Law Hotline

**30 minutes of free legal advice  
on employment matters**

**1.800.845.8055**

This service is provided by LGIT, with the assistance of Daniel Karp, Esq. and Kevin Karpinski, Esq. to Trust members of the Public Officials Liability program.

### Q & A

Employment Law Hotline selected inquiry of interest ...

#### QUESTION

A Trust member local government is preparing a fitness-for-duty policy for their law enforcement officers. Would such a policy conflict with the Law Enforcement Officers Bill of Rights (LEOBR)?

#### ANSWER

NO - The LEOBR relates only to disciplinary matters involving police officers and is not implicated with respect to performance or fitness-of-duty issues.

**“...there has been a growing concern about the safety of indoor lighting using Metal Halide/Mercury Vapor type lamps.”**

# Winter Perils

## snowstorms, icesstorms & severe cold weather

“Did you know that an average evergreen tree (50' high, 20' wide) could be coated with five tons of ice?”

Winter weather can cause major property losses from not only storm activity but also the impairment of normal public services and other necessary operations. Drifting snow can adversely affect the structural integrity of buildings if permitted to accumulate. Collapse of structures is the most common problem with ice. Sustained freezing temperatures can cause piping systems and associated valves to rupture.

### Pre-Event Actions

Buildings should not only be designed to withstand normally anticipated snow/ice loads, but also loads that could very well exceed general historical levels. This would also apply to building



modifications such as additions or add-ons, which may create parapet walls or roof elevation changes where snow/ice loads and snow drifting were not considered in the design.

Emergency power equipment should be available to provide backup utility services, operate pumps and maintain fire protection systems; U.L. approved portable heating devices can be used to keep water lines from freezing and to maintain space heating needs in critical areas.

Materials such as posts, lumber, plywood, plastic sheets and tarpaulins should be available to make temporary structural bracing and emergency repairs.

Tree branches that overhang power lines should be trimmed.

Insulation should be adequate for the cold weather. Heating systems should be properly designed and of adequate size.

Personnel should be trained and assigned to handle emergency operations including the placement of temporary structural supports, the removal of snow/ice accumulations, and the operation of emergency equipment.

### Post-Event Actions

Salvage and clean-up operations should be started and building protection should be restored to full and proper operation.

Damaged areas should be isolated and temporary repairs completed. Cover any building opening caused by the storm event to minimize further damage from weather. Emergency repairs should be implemented as soon as possible.

Additional information regarding seasonal perils can be found in the LGIT Risk Management Manual in Module 9.



Scott Soderstrom,  
CPCU, ARM-P  
Underwriting Manager

## Public Works Liability Series - Sewer Backups

Sanitary sewer backup claims are the most numerous general liability claims filed against local governments. These are difficult claims to address. There are health concerns associated with sewage contamination into a structure, and citizens are invariably angry and demand that the local government is legally responsible for the damages to their home. Although a local government is not liable simply because a backup occurs, it can be liable for damages caused by the negligent construction, inspection or maintenance of the sewer line if the city or county had actual or constructive notice of a defective condition which caused the backup and resultant damages.

Angry homeowners and sometimes subrogated insurers will attempt to argue that they should be compensated for damages because the local government "controls the sewer system" and, therefore, the city or county is strictly liable for the damages caused by the backup. Sewer systems are not closed systems and any number of inappropriate objects may be introduced into a public sewer system causing potentially catastrophic results. In fact, it is this public access to sewer systems which defeats any argument that counties or cities are liable under a doctrine of *res ipsa loquitur*. Maryland courts have stated that local governments are not the insurer of streets, sidewalks and sewer or storm water systems but are held to exercise reasonable standards of care to inspect and maintain these facilities.

A city or county may be held liable for a sewer backup only if it had actual or constructive notice of a defective condition and failed to take action to correct the defect. A municipality is charged with constructive notice when the evidence shows that as a result of the nature of the defective condition or the length of time it has existed, the city or county **should have learned** of the defect by exercising reasonable care.

To avoid liability a local government must exercise reasonable care to inspect and maintain its sewer

system. Records of all inspection and maintenance activities including the response to citizen complaints must be recorded and preserved for four years. Your sewer operations program should include:

### Inspection and Maintenance

- Develop a regular schedule to inspect and maintain sewer lines
- Flush or jett lines every two-three years or as necessary
- Inspect manholes and covers
- Inspect lines with a camera to detect sags, breaks and tree roots
- Smoke test lines to discover sources of water infiltration
- Use chemical or vapor root killer, especially in areas with many trees
- Inspect and maintain flow meters, pumps, check valves and alarm systems
- Have electrical components checked by an electrician

### Problem Areas

- Designate problem areas with a known history of roots, grease or water infiltration
- Maintain problem areas more regularly
- Conduct engineering studies of problem areas to determine the need for infrastructure upgrades
- Consider a program of installing or requiring the installation of backflow preventer valves

### Educate the Public

- Educate citizens through web sites, newsletters, newspaper advertisements, and mailings
- Inform citizens that sewer backups may occur without liability
- Inform citizens that special endorsement homeowners coverage may be purchased for sewer backup damage
- Inform citizens not to put grease into the lines
- Advise citizens that backflow preventer valves should be installed to help protect their property from contamination and damage
- If water infiltration is a problem, advise the public that sump pump and rain leaders should not be

connected to the public system

### Emergency Response

- Develop a procedure to respond to sewer backups
- Designate responders and train responders to emergency procedures
- Provide citizens with handouts that inform homeowners that specific clean-up procedures should be followed to reduce contamination and minimize damages
- Provide citizens with the member's policies and procedures for backup events

### Records

- Record the date, time, location and nature of all citizen complaints
- Record the response to the complaint and the nature of the defect
- Record daily logs which include the date, time, location and activity of all inspection and maintenance work
- Records should be kept for four years to preserve evidence for claims and lawsuits

Some members wish to compensate citizens when a sewer backup occurs in a home. To address this need, LGIT offers a "no fault" sewer backup coverage. This optional coverage will reimburse a property owner for cleanup costs and structure and contents damage caused by a member's sewer backup irrespective of whether the member was negligent or legally liable for those damages. This optional coverage can reduce health hazards, reduce severity of claims and lawsuits and address volatile political situations that may arise when citizens learn that they will not be compensated for their loss.



Sherri N. Butler  
Director of Claims Services



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## Training & Seminar Schedule

### **January**

#### **Regional DDC**

January 24, 2007 - LGIT Offices

#### **Traffic Stops, the Use of Narcotics-Detecting K-9 Units, and the Investigative Continuum**

January 31, 2007 - LGIT Offices

### **February**

#### **Traffic Stops, the Use of Narcotics-Detecting K-9 Units, and the Investigative Continuum**

February 22, 2007 - City of Salisbury

### **March**

#### **Regional DDC**

March 29, 2007 - Cecil County

#### **Harassment Prevention Training**

March 9, 2007 - Town of Bladensburg  
March 27, 2007 - St. Mary's METCOM

For seminar descriptions, directions and registration forms, visit [www.lgit.org](http://www.lgit.org). For more information, call Larry Bohlen, Training Coordinator at 1.800.673.8231 or by e-mail at [lbohlen@lgit.org](mailto:lbohlen@lgit.org).

### **LGIT Congratulates ...**

**Calvert County** - for hosting a series of regional Defensive Driving classes. Thanks to Bobby Fenwick for his help with setting up these classes.

**Town of District Heights** - for hosting a regional Sexual Harassment Seminar conducted by LGIT's Legal Department. This valuable training had excellent attendance that included representation from each department of the Town of District Heights, as well as personnel from five additional local governments.

**St. Mary's METCOM** - for their efforts to ensure that property schedules are accurate and up to date.

Your help  
is greatly  
appreciated!

