



TARRANT COUNTY

BUDGET & RISK MANAGEMENT

TARRANT COUNTY ADMINISTRATION BUILDING
100 E. WEATHERFORD – SUITE 305
FORT WORTH, TEXAS 76196-0102
817/884-2640 FAX 817/212-7202

DEBBIE K. SCHNEIDER
DIRECTOR

RISK MANAGEMENT BOARD MEETING

April 21, 2010
2:00 p.m.

MINUTES

Call to Order

PRESENT: Members/Reps:	Tina Glenn	(Human Resources Director)
	Frank Mazza	(Senior Internal Auditor Supervisor)
	Jane Sanford	(Executive Administrator)
	Debbie Schneider	(Director, Budget & Risk Management)
	Jay Singleton	(Asst. County Administrator)
	Steve Sparks	(Asst. District Attorney)
	Charlotte Swint	(Workers' Comp Specialist)
	Paul Wood	(Risk Management Specialist)

I. Approval of Minutes

Jay Singleton moved for approval of the April 14, 2010, Minutes of the Risk Management Board. Steve Sparks seconded; motion carried unanimously.

RISK MANAGEMENT BOARD MEETING
April 21, 2010, Minutes
Page Two

II. Consideration of Claims

DISTRICT ATTORNEY'S OFFICE

- A. Reporting Resources, Inc.** \$ **383.65 or**
Invoice No. 5105 dated 03/31/10 \$ **393.65**
Claim No. 07-20044 Abdullah Bashir (Facilities/Corrections Center)

Steve Sparks moved for **approval of Item A.** Jay Singleton seconded; motion carried unanimously. It was noted that there were two amounts on the invoice. More than likely it was a clerical error and the amount will be clarified before processing.

- B. Kelly Hart & Hallman LLP** \$ **42.00**
Invoice No. 303056 Dated March 31, 2010

Claim No. 08-20066 (State Case)
Appeal No. 07-10-25-CV Peter Lee Hinojosa vs. Tarrant County,
Texas and Thomas A. Wilder, District Clerk of Tarrant County, Texas

- C. Kelly Hart & Hallman LLP** \$ **17,538.20**
Invoice No. 303055 Dated March 31, 2010

Claim No. 06-20056 (Federal Case)
Appeal No. 09-10571 Peter Lee Hinojosa vs. Tarrant County, Texas
and Thomas A. Wilder, District Clerk of Tarrant County, Texas

Claim No. 06-20057 (Federal Case)
Appeal No. 09-10570 Bobby Don Cook vs. Tarrant County, Texas
and Thomas A. Wilder, District Clerk of Tarrant County, Texas

Steve Sparks moved for **approval of Items B-C.** Jay Singleton seconded; motion carried unanimously.

RISK MANAGEMENT OFFICE

- D. Zenen Simon** \$ **2,056.45**
Claim No. 10-10037 (Sheriff/Warrants)
Discussion of Subrogation Offer

On February 4, 2010, while traveling eastbound in the 200 block of E. 5th Street in Fort Worth, a Sheriff Deputy struck the Simon vehicle on the passenger side as it entered the intersection under a red light. Simon, as well as our Sheriff Deputy, both say their light

RISK MANAGEMENT BOARD MEETING
April 21, 2010, Minutes
Page Three

was green at the time they entered the intersection. Simon's insurance company, driven by their insured's statement, was only willing to settle the claim at 50% of the \$4,112.98 damages to the Tarrant County vehicle. Since there was another Sheriff's deputy that witnessed the accident and verified that the County vehicle entered the intersection under a green light, Debbie Schneider made a **motion to deny the offer made by Affirmative Insurance Company**. Tina Glenn seconded; motion carried unanimously.

The Board recommended that Paul Wood send a letter to Affirmative denying their offer and giving them two weeks to send Tarrant County a check for 100% of the damages. Mr. Wood will advise them in the letter that should they not act in accordance with the deadline, the matter will be forwarded to the District Attorney's Office for recovery of damages sustained in this accident.

E.	(1)	Auto Damage Appraisals of Texas	\$ 95.00
	(2)	Tarrant County (<i>Repairs to County Vehicle</i>)	\$ 2,756.62
	(3)	Maria Carranza	\$ 3,134.54 to
		Claim No. 10-10052 (Pct. 7 Constable)	\$ 5,500.00
			[Plus Maximum 8 Days Car Rental]

On April 10, 2010, while en route to serve a paper on Forest Ridge in Arlington, the Deputy Constable was looking down to find the address and struck the front of Maria Carranza's parked, unattended vehicle. Steve Sparks moved for **approval of Item E. (1) and (2)** for payment of the appraisal and repairs to the County vehicle. Jay Singleton seconded; motion carried unanimously.

Paul Wood addressed the Board regarding payment to Ms. Carranza. As listed above, the appraisal to repair her vehicle is \$3,134.54. Because the impact was in the front of the pickup truck, more than likely there will be hidden damages for repairs. That, coupled with rent car charges, could easily bring the total to over \$5,000. Costs to replace a vehicle of this caliber begin at \$5,500. Mr. Wood felt there were two options: Pay the repairs and probable supplement as well as the rent car charges. Or he could offer \$5,500 and let the Carranzas retain the pickup truck. Upon discussion, Debbie Schneider made a **motion to offer \$5,000 and let them keep the vehicle**. Jay Singleton seconded, with no rent car charges included in the offer. Motion carried unanimously.

III. Discussion Item

- **Labor Code Chapter 504. Workers' Compensation Insurance Coverage for Employees of Political Subdivisions**
 - **Subchapter B. Coverage**
 - **§504.012 Optional Coverages. (a) – (c)**
Charlotte Swint, Workers' Compensation Coordinator
Tarrant County Human Resources
(Previously Discussed 12/29/2009)

On December 29, 2009, Charlotte Swint addressed the Board regarding a question of coverage. Back in 2008 an elected official suffered a work related injury. The official's doctor had been rendering treatment, but now surgery will be required. Charlotte Swint posed questions as to how the official will be paid while off on workers' compensation and will the official be eligible for maximum pay. She pointed out that by statute, elected officials are paid regardless of whether they work or not. Because of this, Ms. Swint questioned whether temporary income benefits would even be due under workers' compensation if the official continues to receive a salary regardless of work history.

The Labor Code outlining workers' compensation benefits allows for an elected official to be covered "By majority vote of the members of the governing body of a political subdivision..." Debbie Schneider's inclination is that Tarrant County not elect to pay benefits out of self-insurance funds unless there is a way to sever the two issues of medical and salary. Ms. Swint was asked to gather more information and bring back to the Board at a later date. Ms. Swint was able to gather the necessary information, but due to scheduling conflicts this was the earliest it could be again presented to the Board.

Ms. Swint reminded the Board that the December 2009 required surgery for a work related injury to an elected official is what initially brought this subject up. In that particular instance Tarrant County did not pay the elected official any lost wages, and the surgery and medical expenses were covered by the official's insurance. A decision does need to be made by the Commissioners Court as to whether or not to cover elected officials under WC in future instances. If the Court chooses to cover, it is an all or

RISK MANAGEMENT BOARD MEETING
April 21, 2010, Minutes
Page Five

nothing coverage, so the question of severing the two issues of medical and salary is not an option. If the choice is to cover, expenses would include:

- Pay their medical treatment. Medical benefits are lifetime.
- Weekly indemnity payments. Required by law to pay a minimum amount. They would draw their regular salary in addition to \$116 weekly (current price, goes up every year).
- Pay impairment benefits. Could be a tremendous amount of weeks depending on if it's a 2% versus 33% impairment.

Debbie Schneider asked Ms. Swint to contact other major urban counties and query whether or not they cover their elected officials under workers compensation. She had already contacted Bexar, Dallas and Denton Counties, and they all pay WC benefits to their elected officials. The Board had a few more things they want H.R. to clarify before presenting a recommendation to Commissioners Court. This item will be readdressed at a future meeting.

IV. Next Meeting: Wednesday, April 28, 2010, 2:00 p.m., Suite 305
