

MEETING DATE: April 26, 2018

TITLE: Authorization to Accept Tort Liability Limits

RESOLUTION NUMBER: 18-045

PREPARED BY: Cathy Reynolds

E-MAIL: creynolds@minnehahacreek.org

TELEPHONE: 952-641-4503

REVIEWED BY: Administrator Counsel Program Mgr. (Name): _____
 Board Committee Engineer Other:

WORKSHOP ACTION:

<input type="checkbox"/> Advance to Board mtg. Consent Agenda.	<input type="checkbox"/> Advance to Board meeting for discussion prior to action.
<input type="checkbox"/> Refer to a future workshop (date): _____	<input type="checkbox"/> Refer to taskforce or committee (date): _____
<input type="checkbox"/> Return to staff for additional work.	<input type="checkbox"/> No further action requested.
<input checked="" type="checkbox"/> Other (specify): Approval at April 26 Board Meeting	

PURPOSE or ACTION REQUESTED:

The Board is asked to accept the monetary tort liability limits for municipalities as set out in Minnesota Statute 466.04. The statutory limit for individual recovery is set at \$500,000 and combined recovery total is \$1.5 million for claims arising after January 1, 2009.

PROJECT/PROGRAM COST:

Included in current budget.

PAST BOARD ACTIONS:

Annual action.

SUMMARY:

The District's property and liability insurance is contracted through the League of Minnesota Cities Insurance Trust. Our insurance policies are due for renewal on May 24, 2018. As part of the renewal process the Board of Managers must decide if they want to waive or accept the monetary limits on tort liability established by Minnesota Statutes 466.04. The statute sets the limits for individual recovery at \$500,000 per and combined recovery for a single occurrence at \$1.5 million for claims arising after January 1, 2009.

In previous actions the Board has decided to not waive the statutory tort liability limits.

Attachment: LMCIT Liability Coverage - Waiver Form



CONNECTING & INNOVATING
SINCE 1913

LIABILITY COVERAGE – WAIVER FORM

LMCIT members purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage. Please return the completed form to your underwriter or email to pstech@lmc.org

This decision must be made by the member's governing body every year. You may also wish to discuss these issues with your attorney.

League of Minnesota Cities Insurance Trust (LMCIT) members that obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits apply regardless of whether the city purchases the optional excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could potentially recover up to \$2,000,000 for a single occurrence. (Under this option, the tort cap liability limits are waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2 million.) The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

LMCIT Member Name

Check one:

- The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04.
- The member **WAIVES** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council/governing body meeting _____

Signature _____

Position _____