

## Proposed Risk Management Policy: OPTION ONE (Bay Model)

### SECTION V

#### BUSINESS AFFAIRS

##### 5.08 Risk Management<sup>1</sup>

###### A. Claims Committee

1. There is hereby created the Risk Management and Claims Committee, the purpose and responsibility of which is to:
  - a. Oversee the Risk Management Programs;
  - b. Evaluate incidents and claims filed with the Risk Management Program which are covered by the self-insurance plan, and consider offers of compromise or settlement of such claims; and
  - c. Establish reserves for incidents and claims, evaluate available reserves and recommend self-insurance funding levels, all upon the advice and counsel of one (1) or more qualified and experienced consultants and/or actuaries selected by the School Board.
2. The Risk Management and Claims Committee shall be composed of:
  - a. the Superintendent or designee;
  - b. the Risk Manager;
  - c. an Assistant or Deputy Superintendent;
  - d. the School Board Attorney; and
  - e. one (1) member of the School Board who shall be appointed by and serve at the pleasure of the Board.

The Risk Management and Claims Committee may, from time to time and at its discretion, elect a Chair from among its members.

###### B. Meetings

The Risk Management and Claims Committee shall meet with regularity, such that it may timely review and evaluate pending and potential claims, defenses, litigation strategies, settlement strategies and opportunities, claims reserves, self-insurance funding levels, the achievement of sound Risk Management Program goals and objectives. Meeting minutes shall be kept and maintained by the Risk Manager.

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<sup>1</sup> If the policy is adopted, current Board Policy 5.08, *Food And Nutrition Services*, will be renumbered as Board Policy 5.09.

### C. Confidentiality

As provided by Florida law, Risk Management claims files, discussions pertinent to the evaluation of claims, and the proceedings and minutes of the Risk Management and Claims Committee which relate solely to evaluation of claims or offers of compromise or settlement of such claims shall be confidential. Such materials shall remain confidential and exempt from Florida "sunshine" and public records laws until termination of the underlying claims through litigation and/or settlement.

### D. Settlement Authority

The Risk Manager, the Superintendent, and the Committee are authorized to expend from the self-insurance plan an amount per incident not exceeding the respective amount set forth below (which amounts are not cumulative) to settle and obtain a full and final discharge of the Clay County School Board from any one or more claims arising from that incident and filed with or covered by the self-insurance plan. Upon authorization for expenditure, the Risk Manager is authorized to sign any release agreement or other forms necessary to obtain a full and final discharge.

1. The Risk Manager: Fifteen Thousand Dollars (\$15,000) per incident
2. The Superintendent: Fifty Thousand Dollars (\$50,000) per incident
3. The Committee: One Hundred Thousand Dollars (\$100,000) per incident

Greater amounts must be authorized by the School Board sitting as a supervisory Risk Management and Claims Committee, in which case the Board shall consider but shall not be bound by any recommendation the Committee may have made.

## Proposed Risk Management Policy: OPTION TWO (Pinellas Model)

### SECTION V

#### BUSINESS AFFAIRS

##### 5.08 Risk Management<sup>1</sup>

The School Board of Clay County is self-insured in accordance with Florida law for personal injury, property damage, workers' compensation, and similar claims. The Board utilizes a third party administrator ("TPA") to process and assist with the Board's management and resolution of such claims.

###### A. Risk Management Claims Committee

A Risk Management and Claims Committee is established to review and authorize settlement of certain claims. The committee shall be comprised of:

1. the Superintendent;
2. the School Board Attorney;
3. the Director of Risk Management;
4. one member of the School Board; and,
5. for cases involving personal injury or property damage, a representative of the TPA

###### B. Settlement Authority

The Board authorizes:

1. its TPA to settle any personal injury, property damage, and workers' compensation claims up to \$10,000.
2. the Director of Risk Management and/or School Board Attorney to settle any personal injury, property damage, and workers' compensation claims up to \$20,000.
3. the Superintendent and School Board Attorney to settle any personal injury, property damage, and workers' compensation, as well as any other claims up to \$50,000.

The Board authorizes the Superintendent to execute on the Board's behalf appropriate settlement documents in connection with the settlement of any of the foregoing claims, provided that such documents have been reviewed and approved by the School Board Attorney.

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<sup>1</sup> If the policy is adopted, current Board Policy 5.08, *Food And Nutrition Services*, will be renumbered as Board Policy 5.09.

### C. Claims Committee Meetings

The Claims Committee will be convened by the Risk Manager when authorization is sought to settle any claim or lawsuit for an amount in excess of \$25,000. Absent Board approval, no settlement shall exceed the statutory limits imposed by section 768.28 of the Florida Statutes. The Committee will consider all relevant factors, applicable laws, and recommendations of the TPA and assigned counsel when determining settlement options.