

Introduced by: Mayor
Date: 08/07/18
Hearing: 09/04/18
Action: Enacted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2018-30**

**AN ORDINANCE AMENDING KPB 2.34, RISK MANAGEMENT OFFICE, TO
CHANGE THE TITLE OF THE RISK MANAGER TO CLAIMS MANAGER, CLARIFY
THE SAFETY MANAGER ADMINISTERS THE SAFETY PROGRAM, AND
DESCRIBE THE ENVIRONMENTAL COMPLIANCE MANAGER'S ROLE**

WHEREAS, KPB 2.34 governing the office of risk management was enacted in 1989 and most provisions have not been changed since then; and

WHEREAS, several changes have been made to the personnel in that office in the last 10 or more years which should be addressed by amending this chapter; and

WHEREAS, amending the title of the risk manager to claims manager more accurately reflects the functions currently performed by the risk manager; and

WHEREAS, the risk manager no longer directly provides the employee safety program and safety engineering and instead the safety manager performs those functions which requires amending the code; and

WHEREAS, the environmental compliance functions are now performed by the environmental compliance manager employed in the office of risk management which should also be recognized in the risk management code; and

WHEREAS, the claims manager, safety manager and environmental compliance manager positions all require unique expertise relating to risk management and it is appropriate for them to report to the Human Resource Director rather than the claims manager; and

WHEREAS, this ordinance serves to clarify and more accurately reflect the current operations of the risk management office;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That KPB 2.34.010 is amended as follows:

2.34.010. Risk Management Office established—Administrator.

There is in the human resources department, the office of risk management. The office of risk management shall be administered by the [RISK] claims manager and a risk management committee consisting of the Kenai Peninsula Borough attorney, the Kenai Peninsula Borough finance [OFFICER] director and an employee of the Kenai Peninsula Borough School District who has significant responsibility for managing school district finances and is appointed by the Superintendent. The members of the risk management committee may each designate a person to act as a committee member in the event of absence of that committee member. Meetings of the risk management committee shall be held on a regular monthly basis, and are exempt from the Open Meetings Act as now enacted or as may be hereinafter amended.

SECTION 2. That KPB 2.34.040 is amended as follows:

2.34.040. – [RISK] Claims manager—Authority and duties.

The [RISK] Claims manager shall have authority, responsibility and duties for:

- A. Identification and prevention, to the extent possible, of all risks of accidental losses and/or claims;
- B. Selection of the appropriate risk management techniques, subject to approval of the risk management committee, for offsetting exposures to losses and/or claims through:
 - 1. risk reduction
 - 2. risk transfer
 - 3. risk retention
 - 4. risk assumption
 - 5. other appropriate methods, including the purchase of insurance.
- C. Further development and maintaining of an information system, in coordination with existing systems, for timely and accurate recording of losses and claims, insurance premiums and other risk related costs and information;
- D. Allocation of loss and claim payments and related costs within the deductible and self-insured retention levels, and all other risk management related costs and insurance premiums to the various budgetary units of the Kenai Peninsula Borough and School District;

- E. [CONTINUE THE APPROPRIATE DEVELOPMENT AND ADMINISTRATION OF THE KENAI PENINSULA BOROUGH AND SCHOOL DISTRICT SAFETY PROGRAM LEADING TO THE FURTHER REDUCTION OF ACCIDENTAL LOSSES AND CLAIMS;]
- F.] Prepare the agenda and chair the monthly meeting of the risk management committee.

SECTION 3. That KPB 2.34.070(A) is amended as follows:

2.34.070. Reserving and investing of the self-insurance fund.

- A. The [RISK] claims manager with the concurrence of the risk management committee shall determine the amount of monies the Kenai Peninsula Borough requires to fund adequate reserves for present known losses and/or claims, estimated reserves for incurred but not reported losses and/or claims, estimated reserves for legal fees for defense of self-insured and uninsured losses and/or claims, estimated costs for purchase of required insurance and bonds and estimated costs for other risk management and insurance related contracts and services.

...

SECTION 4. That KPB 2.34.100 is amended as follows:

2.34.100. Payment of self-insured losses and/or claims.

Approval of the self-insurance program and risk retention per Section 2.34.050 shall constitute authority for the [RISK] claims manager with the concurrence of the risk management committee, and where prudent, the Kenai Peninsula Borough mayor and/or the superintendent of the Kenai Peninsula Borough School District, to negotiate and settle or approve and authorize settlements of losses and/or claims within the limits of the deductibles, the self-insured retention level and for those losses and/or claims that are uninsured.

SECTION 5. That KPB 2.34.110 is amended as follows:

2.34.110. Procurement of insurance and services.

The procurement of all insurance and insurance related services and/or contracts for the Kenai Peninsula Borough and School District will be coordinated through the [RISK] claims manager and the risk management committee. Insurance with limits equal to the maximum foreseeable losses and/or claims shall be purchased;

...

D. The method utilized to procure insurance and/or insurance related services shall be in accordance with the Kenai Peninsula Borough Purchasing Code. The [RISK] claims manager and risk management committee shall be responsible for the purchase and maintaining of insurance and insurance related services as best meets the needs, and cost within funding of the Kenai Peninsula Borough and School District, through methods including but not limited to, open competitive bidding, request for proposals, negotiation with brokers and/or companies, or designation of a broker-of-record to purchase necessary coverage and/or services.

SECTION 6. That KPB 2.34.115 is amended as follows:

2.34.115. Administration of health insurance.

Nothing in this chapter shall be construed to require the risk management office including the [RISK] claims manager and the risk management committee to purchase or administer employee health insurance plans.

SECTION 7. That KPB 2.34.170 is amended as follows:

2.34.170. Public official's and employee dishonesty bonds.

The [RISK] claims manager shall be responsible for maintaining appropriate bonds for the Kenai Peninsula Borough finance [OFFICER] director and other designated check signors, for the benefit of the Kenai Peninsula Borough, in the amount of one hundred thousand dollars (\$100,000.00) for each of the bonds required.

SECTION 8. That KPB 2.34.180 is amended as follows:

2.34.180. Employee safety program and safety engineering.

The [RISK] safety manager shall assist the Kenai Peninsula Borough and School District departmental directors and managers in developing, initiating and administering a cooperative employee safety program. The [RISK] safety manager shall be responsible for coordinating efforts to reduce, to the greatest degree possible, the hazards existing in the work place that pose an undue risk to the employees and the user public. The safety manager shall continue the appropriate development and administration of the Kenai Peninsula Borough and School District safety program(s) which result in the further reduction of losses and claims.

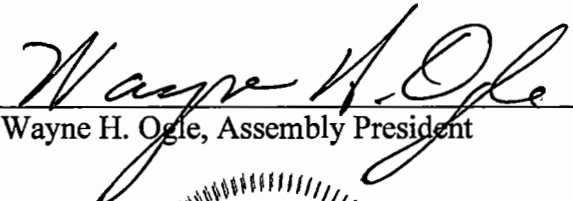
SECTION 9. That KPB 2.34.190 is enacted as follows:

2.34.190. Environmental compliance and reporting.

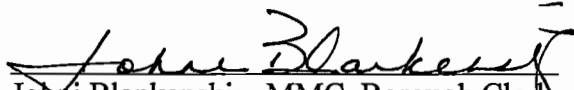
The environmental compliance manager shall assist the Kenai Peninsula Borough and School District departmental directors and administration in maintaining environmental compliance protocols, reporting and related training.

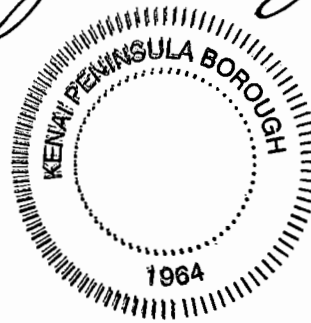
SECTION 10. That this ordinance shall become effective upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 4TH DAY OF SEPTEMBER, 2018.


Wayne H. Ogle, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



- Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle
- No: None
- Absent: None