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# NAVIGATING COMMUNITY INTERACTIONS – COUNCILPERSON OR COMMISSIONER

Montana Municipal Interlocal Authority (MMIA) recognizes that being part of a municipal council or commission presents a wide variety of information and responsibilities that you may encounter. One such area is the self-funded coverages your municipality participates in as a member-owner of MMIA. Although the council/commissioner role primarily intersects with policy type responsibilities, there may be times the general public approaches you individually with non-policy issues, such as a liability claim or a potential hazard in your municipality.

MMIA created this resource to assist you in instances when you're approached with issues that intersect with the municipality's self-funded coverage so you can avoid causing or exasperating a claim. MMIA recommends you learn your city or town's process for how the public can notify the municipality of hazards and how to file claims. For more information on MMIA and self-funded coverages visit [mmia.net](http://mmia.net).

## YOU'RE A COUNCILPERSON/COMMISSIONER FOR ANYTOWN, MONTANA:

### ➤ SCENARIO 1:

**You're approached by a citizen while in the local supermarket. The citizen is upset about a sewer backup that occurred in their residence.**

### WHEN RESPONDING:

#### DO'S:

- Remain calm, receptive, and neutral while conversing.
- Be empathetic.
- Let them know who to contact at the city/town to report the occurrence as a claim.
- Let them know the occurrence will be investigated.
  - Use phrases like "We'll look into this to identify what happened" or "We'll get to the bottom of it" or "We'll investigate to determine the cause."
- Let the designated city/town contact know the citizen may contact them to file a claim for the occurrence.

#### DON'TS:

- Don't accept liability or admit fault for the occurrence.
  - Don't use phrases that could be interpreted as admitting fault such as "We'll take care of that" or "We'll handle it" or "We'll fix the problem."
- Don't say the occurrence isn't the city/town's fault.
- Don't be evasive.
- Don't invalidate their concern.

#### Resources:

- *MMIA Liability Memorandum of Coverage, Section 9.4 and Section 17.1 - 17.3*
- *Municipal Offices Handbook - 3rd Ed; Ch 1. Sec 1.3; Ch 2. Sec 2.1*

### WHY

Just because an occurrence happened, doesn't mean the city/town will be liable or responsible for paying for the remedy. Liability for the occurrence can't be determined until a claim has been filed by the citizen with the city/town, and MMIA completes an investigation.

If you were to communicate liability would be accepted or could be interpreted as communicating liability would be accepted prior to MMIA's investigation, you'd place your city/town at risk to be financially responsible for the occurrence, without the coverage from MMIA. These exclusions and conditions are noted in the coverage agreement, the Memorandum of Liability Coverage. Failing to follow the coverage agreement terms and conditions could result in your city/town paying thousands of dollars in unbudgeted costs!

## ➤ SCENARIO 2

You receive a call from a citizen complaining about the condition of the sidewalk surrounding a city/town park.

### WHEN RESPONDING:

#### DO'S:

- Remain calm, receptive, and neutral while conversing.
- Be empathetic.
- Let them know who to contact at the city/town to report the potential hazard.
- Let them know the potential hazard will be investigated.
  - Use phrases like "We'll look into it" or "We'll review the situation" or "We'll see what's going on."
- Let the designated city/town contact know the citizen may contact them to report the potential hazard.

#### DON'TS:

- Don't make promises about when or how the conditions will be addressed.
  - Don't use phrases that could be interpreted as admitting fault or making promises such as "We'll take care of that" or "We'll handle it".
- Don't invalidate their concern.

#### Resources:

- *MMIA Liability Memorandum of Coverage, Section 5.2.*
- *Municipal Offices Handbook - 3rd Ed; Ch 1. Sec 1.3; Ch 2. Sec 2.1*

### WHY

Having the citizen follow your city/town's reporting process ensures the situation will be properly documented and followed up on. There may be various ways the potential hazard can be addressed. Allowing the expert staff to investigate and implement appropriate corrective actions is best for preventing future claims. Documentation of the report, along with documentation of the investigation and any actions taken, are key in defending the city/town should a claim arise in the future.

An individual councilperson/commissioner does not have authority to take action. Only as part of the legislative body is there authority to take action. MMIA's liability coverage extends only while acting within the scope of your duties for the city/town. Actions taken outside the scope may leave you personally liable.

## ➤ SCENARIO 3

You're approached by a citizen while you are at your child's school event. The citizen is adamant that the alley behind their residence needs to be paved by the city/town.

### WHEN RESPONDING:

#### DO'S:

- Remain calm, receptive, and neutral while conversing.
- Be empathetic.
- Let them know who to contact at the city/town to submit the request for consideration.
- Let them know the city/town's process will be followed.

#### DON'TS:

- Don't make promises about the outcome of the request.
  - Don't use phrases that could be interpreted as making promises such as "We'll take care of that" or "We'll handle it".
- Don't invalidate their concerns

### WHY

Having the citizen follow your city/town's established process for the request ensures the situation will be properly documented and followed up on in accordance with standardized procedures. Documentation of the process and outcome are key in defending the city/town should a claim arise in the future.

An individual councilperson/commissioner does not have authority to take action. Only as part of the legislative body is there authority to take action. MMIA's liability coverage extends only while acting within the scope of your duties for the city/town. Actions taken outside the scope may leave you personally liable.

#### Resources:

- *MMIA Liability Memorandum of Coverage, Section 5.2.1*
- *Municipal Offices Handbook - 3rd Ed; Ch 1. Sec 1.3; Ch 2. Sec 2.1 & 2.4*