



*Working together for  
Montana's municipalities.*



*The finishing touches are put on artwork in one of Missoula's new "quick-build" traffic circles ahead of a neighborhood event. These traffic circles were installed in response to traffic safety concerns from neighborhood citizens at unmarked intersections. They are relatively quick and inexpensive to install, and neighborhoods have chosen to beautify them with artwork, planters, or a combination of both. City of Missoula McCormick Park - credit Linda Todd*

## Spring 2022

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# HR RECRUITMENT SERIES – DEVELOPING INTERVIEW QUESTIONS

*By Derrek Shepherd, MMIA Human Resource Consultant*

Now that we have modified our job postings to attract more people and completed a careful review of our applicants, it is time to develop our interview questions.

In my opinion, we have relied too long on the same old and tired interview questions. Consider whether your interview questions ask what is important and whether they help you get to know the applicants and their skills. Tailor the questions to the job. If the position interacts with the public a lot, ask them how they feel about working with the public, what issues they have had, whether they find it rewarding, and, if so, in what ways. If someone only talks about negative experiences when working with the public, they might not be the best person for the job. If the job entails working on a team, ask them how they feel about that, what good and bad experiences they have had, what they learned, what helped them succeed. If the job requires a lot of learning, ask them how they learn, how they feel

about being corrected, and how they feel about coworkers giving them directions.

Also, ask them any questions you have about their application, such as why they left previous jobs; which jobs they liked the best, and why; which job they liked the least, and why; and get clarification about any gaps in employment where they did not have a job. Another good question is to ask them to describe their favorite and least favorite supervisor. Some have tried to tell me they liked all their supervisors, and I say that is fine, but even if they liked them all, there must be something that makes one of them not as perfect as the others. This forces them to answer the question, and their answer can help you determine if they will be a good fit for your team.

If you have any questions or need additional help during the interview process, please contact me at [dshepherd@mmia.net](mailto:dshepherd@mmia.net) or 406-495-7017. ■

## THE LEAGUE WELCOMES NEW DEPUTY DIRECTOR, THOMAS JODOIN, JD

The League recently hired Thomas Jodoin, JD, former City of Helena Attorney as the new Deputy Director and Legal Counsel. Thomas worked in the Helena City Attorney's Office for 15 years, with seven years as the City Attorney. In that capacity he brought trusted leadership, collaborative problem solving, and advice to local elected officials, city staff, and citizens in all aspects of Montana municipal operations.

Thomas was born and raised in San Diego, California. He earned a BA in Environmental Studies from United States International University in San Diego and a JD, with a certificate in Environmental and Natural Resources Law, from the University of Montana School of Law.

You can reach Thomas at the League at [thomas.jodoin@mtleague.org](mailto:thomas.jodoin@mtleague.org) or 406-442-8768. ■



WELCOME THOMAS!

## CHILD ABUSE PREVENTION PROGRAM

*By Jim Brandley, Risk Management Strategist*

The MMIA Child Abuse Prevention Program bulletin addresses **RISK**. Not the typical risk we face during our commute to work each morning, not the risk of slip and fall in the parking lot, and not the risk of getting the wrong coffee from the drive thru. The risk I'm referring to is more significant. **RISK** is the exposure to danger, harm, or loss of someone or something valued! This bulletin addresses the "someone." That "someone" is the youth and their involvement in municipal recreational and educational programs offered through libraries, swimming pools, sports recreation programs, summer camps, etc. MMIA has partnered with Praesidium Inc., a nationally recognized consultant in child abuse prevention, to offer a no-cost program that allows Member-Owners to sign up and use the comprehensive online format to analyze their operational strengths and weaknesses in preventing child abuse. The program also provides the solutions to create a plan or compliment an existing plan for municipal operations. Member-Owners can contact MMIA at any time to become part of this unique program through our Risk Management email address: [riskmgmt@mmia.net](mailto:riskmgmt@mmia.net)



of the MMIA Child Abuse Prevention Program. Jamie Fray, Manager of Business Development for Praesidium Inc., will be traveling with Jim Brandley, MMIA – Risk Management Strategist, to facilitate these seminars in the following locations:

- ▶ **Kalispell:** May 9th @ 9am-11am in the Kalispell Council Chambers in City Hall
- ▶ **Great Falls:** May 10th @ 9am-11am in the Missouri Room at Great Falls Civic Center
- ▶ **Belgrade:** May 11th @ 9am-11am at Belgrade's Central Valley Fire District Station #1 – Training classroom on 215 Wings Way, Belgrade, MT.

### On the Horizon

MMIA and Praesidium Inc. are conducting three in-person, 2-hour seminars, to kick off the revitalization

*Register Today!*

To register for the seminars, please go to [mmia.net/cap2022](http://mmia.net/cap2022) ■

# COVERAGE CHANGES AFFECTING LIBRARIES & LIBRARY BOARDS



In Montana, there are various types of public library formations including city libraries, county libraries, city-county libraries, library districts, and multi-jurisdictional libraries. It has recently come to the MMIA's attention that regardless of a public library's formation, the employees may not be employees of the city/town, but rather employees of the library board. That nuance poses a coverage challenge in workers' compensation and employee benefits as employers cannot insure the employees of another employer. It also poses a coverage challenge in liability as the city/town may not have oversight of employment-related matters such as the hiring process, disciplinary process, harassment prevention, workplace safety, etc. From a risk management perspective, insuring something you can't control is not advisable.

In response to these coverage issues, effective 7/1/2022 MMIA is excluding coverage for libraries and library boards in the Liability, Workers' Compensation, and Employee Benefits programs. However, MMIA and its board of directors understand the importance of providing these coverages to cities and towns and their respective libraries. As a result, MMIA has established a process for those member-owners and libraries that desire to have these coverages with MMIA to obtain coverage through an endorsement by meeting specific underwriting criteria.

The underwriting criteria includes but are not limited to:

- ▶ Library staff must be employees of the city/town.
- ▶ Library must adopt and adhere to city/town personnel policies.
- ▶ Library agreement must allow input and authority by city/town for personnel decisions such as hiring, termination, discipline, grievances, ADA, harassment prevention, and safety.
- ▶ Agreement between the city/town and library must incorporate the items above.

It's important for cities/towns that desire to obtain coverage for their library through MMIA to work with their city/town attorney to meet the underwriting criteria. MMIA must receive notice of intent to obtain or reject coverage for libraries from each city/town by close of business on May 16, 2022, on the form that was provided with the memo dated 3/30/2022. If no response is received by that date, MMIA will assume coverage is not being sought.

Those cities/towns and libraries that do not desire to maintain coverage for the library with MMIA will need to secure other coverage for liability, workers' compensation, and employee benefits as of 07/01/2022.

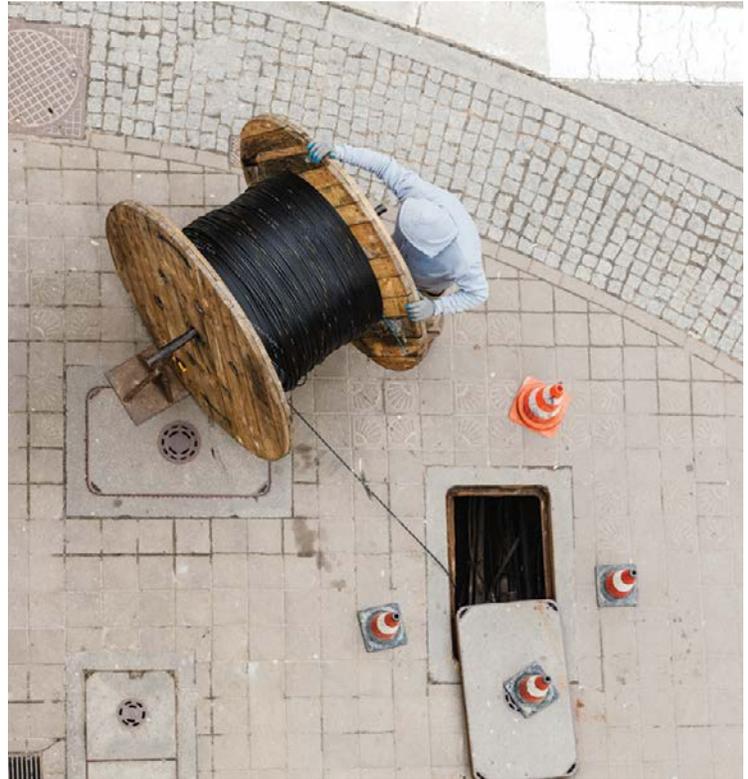
For questions or concerns regarding your coverage, please do not hesitate to call Alan Hulse, CEO at 406-495-7014 or Britani Laughery, Operations Manager at 406-495-7004. ■

# LIABILITY COVERAGE: MEMBER DUTIES IN THE EVENT OF A CLAIM OR OCCURRENCE

Section 17 of the MMIA Memorandum of Liability Coverage (MOC) outlines several conditions MMIA Members must meet to help ensure coverage with MMIA. These include timely payment of assessments, outline of the coverage dispute resolution process, assignment of counsel, inspection of property and operations, and cancellation of coverage. This article focuses on the duty an MMIA Member has in the event of an occurrence or claim which is addressed in section 17.3 of the MOC.

## 17.3. A COVERED PARTY's Duty in the Event of any Occurrence or Claim.

- 17.3.1. In the event of an Occurrence reasonably likely to involve the Authority, written notice containing particulars sufficient to identify the COVERED PARTY and reasonably obtainable information with respect to the time, place and circumstances thereof, and the names and addresses of the COVERED PARTY(ies) and of available witnesses, shall be given by or for the COVERED PARTY to the Authority or any of its authorized agents as soon as practicable.
- 17.3.2. If a Claim is made or brought against a COVERED PARTY, the COVERED PARTY shall timely forward to the Authority every demand, notice, summons or other process received by the COVERED PARTY or the COVERED PARTY's representative.
- 17.3.3. A COVERED PARTY shall cooperate with the Authority and upon its request assist in making settlements, in the conduct of suits, and in enforcing any right of contribution or indemnity against any person or organization who may be liable to the COVERED PARTY because of an Occurrence with respect to which coverage is afforded under this Memorandum; and the COVERED PARTY shall attend hearings and trials and assist in securing and giving evidence and obtaining the attendance of witnesses. The COVERED PARTY shall not, except at its own cost, voluntarily make any payment, assume any obligation, or incur any expense.



Section 17.3.1 discusses the member's responsibility to notify MMIA when an occurrence is likely to involve MMIA and provide as much information as possible regarding the event. All records and evidence related to the occurrence **must be** held and details submitted to MMIA as soon as possible. MMIA will set up an information-only claim and conduct an initial investigation if appropriate.

Failure to hold evidence can be costly. Several years back MMIA received a property damage claim involving a service line coupling that allegedly failed. The member took possession of the coupling soon after the incident. A claim was filed with MMIA and the investigation determined there was no liability on the part of the member. Litigation ensued, and the coupling became an issue. Unfortunately, the member could not locate the coupling before trial, and MMIA paid \$300,000 to resolve the matter. Plaintiff's counsel argued spoliation of evidence which hindered his client's ability to pursue a manufacturer defect claim.

MMIA sends our members a litigation hold letter when we receive notice of an occurrence or claim. The letter

# LIFT STATION LIABILITY ROUNDTABLE A GREAT SUCCESS

By Jim Brandley, MMIA Risk Management Strategist

The MMIA held a Virtual Roundtable Meeting on March 8<sup>th</sup> with Member-Owners to review the impacts of a recently settled liability suit and share information that will prevent future occurrences for all Member-Owners. The Roundtable provided detailed insight to the court ruling for working in a confined space and the strict liability decision that impacted a Member-Owner's lift station job site. The Roundtable discussion helped facilitate the disbursement of additional claim details, additional legal defense facts, and accident details not previously made available. The claim closed with an approximate total cost of \$780,000, which prevented the court ruling from becoming case law. The collaboration and sharing of information were very productive and beneficial to the membership. Ninety attendees participated in the Roundtable. Thank you to all who attended.

Tim Cooper and John Alston from the City of Bozeman shared details of the suit, as well as the risk-control-measures they've implemented to manage the exposures going forward. Many thanks to Tim and John for their willingness to share so many details, and offer their solutions to the membership. The Roundtable was intended to provide learning opportunities for all and was not intended to imply mistakes or assign fault in the case.

MMIA is currently reviewing the suggestion made during the Roundtable to provide boilerplate content for contractual agreements between the Member-Owner and a Contractor. Details will be forthcoming as the product becomes ready for distribution. If you need Confined



Space or other types of signage for your job sites, please see [safetysign.com](https://www.safetysign.com). The recorded Roundtable is currently available at <https://bit.ly/Lift-Station-Roundtable>.

**Contact Risk Management at MMIA for your Member-Owner resources. Get your piece of the pie!**

Website: [MMIA.net/RiskManagement](https://www.mmia.net/RiskManagement)

E-mail: [riskmgmt@mmia.net](mailto:riskmgmt@mmia.net)

Phone: 800-635-3089 ■



## Montana Municipal Attorneys

**2022 Jim Tillotson Service Program**

**May 4-6, 2022**

**Best Western GranTree Inn**

# BOZEMAN



Register at [www.mmia.net/event/tillotson2022](https://www.mmia.net/event/tillotson2022) today!

# 2022 Open Enrollment

May 15 to June 15

www.mmiaEB.net/Open-Enrollment

## Prior to Open Enrollment

### Before May 15

- Provide employees a list of their current benefits, coverage level, and cost.
- Provide employees a list of benefits available to them through Open Enrollment and the new costs as of July 1st.

## Open Enrollment

### Direct employees (and retirees) to the online form to make changes

- Employees not participating in the medical plan can complete their yearly waiver of medical coverage on this form.
- Review the employee's change request and approve no later than June 15th if correct.



## Liability Coverage - Continued

outlines member responsibilities as it relates to the retention of all evidence. This letter **must be** shared with all staff involved with the occurrence so they can collect and retain all related evidence.

Section 17.3.2 requires a member to timely forward to MMIA all demands, notices or summons received. MMIA has received cases where the member chose to handle liability situations internally, believing the matter would never involve MMIA. Two of these cases involved employment liability claims. In both cases, the member failed to notify MMIA when the complaint was filed. The first case was reported to MMIA while the member was participating in mediation and realizing their exposure, contacted MMIA asking for contribution towards a settlement. The second claim was reported to MMIA shortly before mediation when the demand received from the plaintiff's counsel far exceeded the member's deductible. The cases were resolved for \$35,000 and \$100,000 respectively. Unfortunately, MMIA had to have some difficult conversations with the members regarding coverage issues based on this section of the MOC.

The takeaway from these types of experiences is to report these claims to MMIA immediately. Our staff and general counsel will work with members who may want to handle the matter internally. If MMIA is involved in the communications from the start, these situations can be prevented, and difficult conversations avoided.

Section 17.3.3 specifically outlines the responsibilities of members in the claims process. MMIA often hears from claimants that the city or town representative told me it was their fault. Many times, once an adjuster completes their investigation, the member is not liable.

It is important member employees are trained that when interacting with someone who believes the member wronged them, the employee does not commit to making payment or assume any obligation regarding the matter. Advise the person they can file a claim with the city who will submit it to MMIA. Once received, MMIA will assign an adjuster to investigate to determine if the member is negligent and responsible for damages. Just because a member owns the infrastructure, does not mean they are liable. MMIA handled a situation where a sewer backup caused damage to a home. When the member responded to the claimant's call for assistance, the employee told the damaged party the city was responsible and would pay for their damages. The claim was submitted to MMIA and upon completion of the adjuster's investigation, it was determined the city was not liable and the property owner's damages would not be paid. Unfortunately, this placed the city in a difficult situation with the property owner. Ultimately, the city incurred the cost of the damages because of their employee's verbal commitment the city was responsible and would pay for the loss. The cost to the small member was over \$10,000.

MMIA encourages our members to train staff not to commit the city or town to an obligation when responding to or involved in an incident where a third party is harmed. Employees can show empathy and when confronted with someone who believes the member is at fault, advise them they can file a claim.

If you have questions or are interested in training on this or other topics for your employees, please contact Ann Komac at 406-439-7011 or [Akomac@mmia.net](mailto:Akomac@mmia.net). ■

## MMIA WELCOMES NEW STAFF

Please join us in welcoming our new staff to our Finance and Liability/Property teams!

### Matt Heidinger, Liability/ Property Claims Adjuster



Matt started his career in Bozeman in the food industry for Sysco in 2015 after he graduated from the University of Montana Western. He and his wife moved to Helena in 2016, where he continued to work for Sysco until December of 2021. Matt and his wife now live in East Helena and have a 2-year-old daughter named Finley, and he couldn't be more excited to start a career with MMIA.

### JT Linder, Controller



JT was previously employed at Glacier Bank where he was a corporate accountant and focused most of his time on accounting for the bank's investments in Low Income Housing Tax Credits. He received an accounting degree from Carroll College in 2016 and became a Certified Public Accountant in 2019.

JT loves to spend time in the outdoors with family and friends including fishing, hunting, camping, boating, and skiing. He has two kids, a 2 ½-year-old daughter and a 6-month-old son. If he's not chasing his kids or partaking in an outdoor activity, he really enjoys cooking.

### Patty Kautz, Claims Technician



Patty retired after 31 years with the State of Montana where she worked as an Accountant for Department of Transportation/Aeronautics Division (25 years) and as a Licensing & Compliance Specialist for Department of Revenue/Alcoholic Beverage Control Division (6 years). She is excited to take on a new role outside of State Government. Patty has lived in Montana her entire life. She is married and has three children, two granddaughters and two adorable dogs. Patty enjoys cooking and baking and spending quality time with family & friends. ■

WELCOME MATT, JT, AND PATTY!

## LEAGUE DIRECTORY IS COMING YOUR WAY

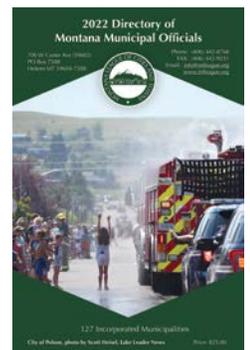
The 2022 League Directory is coming your way! Copies of the directory will automatically be mailed to all incorporated cities and towns, as well as League Partners.

### Online Directory

Did you know you can access the League Directory directly from your computer or smart phone? To access just the basics, you

can go to [mtleague.org/basic](https://mtleague.org/basic), and for the same information as printed in the League Directory book, go to [mtleague.org/standard](https://mtleague.org/standard). You will need a password to access that page, and it has changed recently.

For more information, please contact the League at 406-442-8768 or [directory@mtleague.org](mailto:directory@mtleague.org).





*Working together for  
Montana's municipalities.*

PO BOX 6669  
HELENA, MT 59604-6669



## Upcoming Events

Please join us for the following events. Visit [www.mmia.net/news-events/calendar/](http://www.mmia.net/news-events/calendar/) for up-to-date information.

**Apr**  
**14** **Employee Benefits Group Election Forms due**

**May**  
**15** **Employee Benefits Open Enrollment Begins**

**June**  
**17** **TSPC Board of Director's Meeting**  
700 W. Custer Ave, Helena

**Apr**  
**15** **Workers' Compensation quarterly assessments due**

**May**  
**30** **Memorial Day**  
MMIA/League offices closed

**May**  
**1-5** **Municipal Institute**  
Best Western Gran Tree Inn  
1325 N 7th Ave, Bozeman

**June**  
**15** **Employee Benefits Open Enrollment Ends**

**May**  
**3-5** **Elected Officials Training**  
Best Western Gran Tree Inn  
1325 N 7th Ave, Bozeman

**June**  
**16** **League Board of Director's Meeting**  
700 W. Custer Ave, Helena

**May**  
**4-6** **Jim Tilloston Service Program**  
Best Western Gran Tree Inn  
1325 N 7th Ave, Bozeman

**June**  
**17** **MMIA Board of Director's Meeting**  
700 W. Custer Ave, Helena

Coming to a town near you...

### Municipal Summits

Dates and Locations, TBA, go to <https://mmia.net/2022summits> for more information.

