



*Working together for
Montana's municipalities.*



WINTER 2020

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NEW LOOK, MORE GREAT CONTENT FOR MONTANA'S CITIES AND TOWNS!

The Montana Municipal Interlocal Authority (MMIA) and the Montana League of Cities and Towns (League) work together every day to provide top-notch education and services to Montana's municipalities. We are re-branding the MMIA's quarterly newsletter to reflect those collaborative efforts. This newsletter will bring you the same great risk management content you're used to, along with other vital information about local, state, and national topics.

Thank you for the hard work you do to make Montana's cities and towns great. We look forward to continuing to serve you!

Sincerely,



Alan Hulse, CEO
MMIA



Tim Burton, Executive Director
The League

Not subscribed? If you want to receive this newsletter, please contact Janel Favero, MMIA Communications Specialist, at jfavero@mmia.net. Please indicate if you would like to receive an electronic or hard copy.

MMIA LAUNCHES CHILD ABUSE PREVENTION RESOURCES FOR MUNICIPAL OPERATIONS

DID YOU KNOW?

One in four girls and one in six boys is sexually abused before age 18.

WHAT'S AT STAKE?

Tragically, children experience abuse while in the care of organizations where they should be protected. This abuse has serious personal costs for survivors and their families. It impacts people for life and destroys trust in the organization.



These cases are highly public and have a reputational cost to the organization that may exist for decades. In addition, financial costs of abuse cases are staggering. The average national payout for jury verdicts in child abuse cases from 2013 – 2018 was \$7.24 million. In Montana, a \$9 million settlement was recently reached in a school district child abuse case.

Municipalities must work to reduce the risk of child abuse from occurring on our watch. We need to understand how perpetrators operate within organizations to gain access, privacy, and control with children so we can prevent it from happening.

WHERE ARE THE RISKS?

Municipalities need to assess their exposure to risk for child abuse. Areas of concern include, but are not limited to: pools, libraries, parks and recreation programs, law enforcement, and municipal-sponsored special events.

WHAT SHOULD WE DO?

MMIA has partnered with industry-leading Praesidium Inc. to help our members address the risk of child abuse in municipal operations with two powerful resources.

KNOW YOUR SCORE! ONLINE SELF-ASSESSMENT

Because abuse-prevention efforts take an ongoing commitment, the Know Your Score! system is designed to help organizations maintain the highest standards today, and over time.

The online self-assessment tool:

- ▶ Helps you identify your current prevention practices;
- ▶ Allows you to quickly learn the strength of your policies and practices designed to keep those in your care safe from abuse;
- ▶ Provides custom action plans identifying next steps;
- ▶ Provides cost/benefit analysis tools; and
- ▶ Provides sample resources to address potential abuse prevention gaps.

ONLINE TRAINING – ARMATUS LEARN TO PROTECT SYSTEM

The Armatus Learn to Protect system offers online training for:

- ▶ Staff directly involved in providing services to youth;
- ▶ Those who supervise others directly involved with youth; and
- ▶ Those who manage or oversee youth programs.

Participants will learn how offenders operate, how to recognize warning signs, when and how to intervene to interrupt interactions that may foretell of abuse, how to prevent youth-to-youth abuse, mandated reporting requirements, and how to manage high-risk situations in their programs.

Online courses are 25 – 45 minutes in length and include actionable learning objectives, research-validated content, engaging graphics, frequent interactivity, a content mastery quiz, and course completion documentation.

In addition to the online courses, learners are supported with a variety of tools including:

- ▶ Action Plans;
- ▶ Coaching Guides;
- ▶ Discussion Guides; and
- ▶ Mini Minders Learning Segments.

HOW DO WE GET ACCESS TO THESE RESOURCES?

To access these resources, please complete the risk management resource request form at <https://form.jotform.com/mmia/CAP>, and an MMIA representative will contact you with the access information. ■

HOW THE 2020 CENSUS IMPACTS MONTANA



From the Montana Department of Commerce Census and Economic Information Center

Once every ten years, the US Census Bureau does a complete population count, surveying every resident in the US. This count is mandated by the Constitution and requires reaching millions of households. The census is very important to Montana for many reasons.

FUNDING: For every Montana resident counted, the Census estimates the state will receive nearly \$2,000 per person each year in federal funding. That's \$20,000 per person coming into the state over the next decade. This money is used across Montana counties for medical assistance, educational programs, need-based support, infrastructure, highway planning, and over 300 other programs. Spending just a few minutes to complete your Census form will help ensure Montana gets its fair share of federal funding. Filling out the form is quick, easy, safe and important.

APPORTIONMENT & REDISTRICTING: Census data is used to define legislative districts, establish school districts and guide decision making in many other functional areas of government. As mandated by the U.S. Constitution, the Decennial Census is used to apportion seats in the U.S. House of Representatives. Montana is one of the states on the cusp of gaining a new congressperson so getting a complete count is more important than ever.

DATA: Census data are used to inform community decisions. Think of it like a snapshot of who we are as a community every decade. Data about changes in each area are crucial to many planning decisions, such as where

to provide services for seniors, where to build new roads and schools and where to locate job training centers. Census data are also used by organizations to obtain grant funding for key programs helping Montanans.



WHAT CAN YOU DO TO PROMOTE THE CENSUS

TALK: Promote discussion about the 2020 Census and emphasize the benefits of participation.

REASSURE: By law, the Census Bureau cannot share respondents' answers with anyone, including other federal agencies and law enforcement entities. All Census Bureau employees take an oath of non-disclosure and are sworn for life to protect the confidentiality of the data.

HOST: Commit to do at least **one thing** to get us closer to a complete count! Invite federal or state partners to events in your community. Request Census materials for your community. Volunteer to record a radio PSA to be aired on **your** local radio stations. Host a Census awareness event.

ENCOURAGE: Participation in the Census is easy, important and safe, and participation is vital.

WORK: Be a Census worker. The job is part-time, pays a competitive wage with flexible hours. ■

2020 CONSTRUCTION SEASON – THE MAKEUP OF A GOOD CONTRACT



MMIA members are fast approaching the 2020 construction season. Bell ringing and bright twinkling lights will be replaced with project specification development and contract negotiations.

The first step in planning for the upcoming construction season is preparing bid specifications for new projects. There are many variables to consider during this step. From a risk management perspective, the most important is protecting your city/town. Well written contracts capturing the details of roles and responsibilities, can prevent disputes, and ultimately protect your city from lawsuits.

The MMIA routinely receives liability claims involving contracts or agreements. This article outlines the parts a contract should have to mitigate risk to a city/town and makes suggestions for clauses a good contract should have.

A contract for the most part, identifies the parties to the project and establishes the responsibilities of each party involved with a specific task in mind. This includes transferring the risk of performing a specified project onto the contractor(s) executing the work as outlined in the contract. The specifics and size of the contracts may vary depending on the size and complexity of the proposed project. **No project is too small to enter into a well-written contract; whether it is snow removal or large construction projects.**

Key Sections of a Contract

- ▶ **Agreement/recitals** – Lists the contracting parties (city/town and ABC Construction), names the project, gives a description, and gives a date of the contract and bid award.
- ▶ **Definitions of the work to be done** – Includes clean-up specifications, any site restoration needed, what the contractor will do and furnish for the job and anything the city/town will provide.
- ▶ **Time-frame of the project** – Sets a time-frame for the length of the project and any penalties for delays or non-completion. Penalties can incentivize the contractor to complete the project on time.
- ▶ **Compensation and warranties** – Details how the city/town will compensate the contractor and how payments will be structured. It should also include a section on warranties the contractor will provide to

the city/town on the work and any testing or inspections needed.

- ▶ **Labor practices** – This might include no intoxicant use on the job site and non-discriminatory hiring practices.
- ▶ Inspection
- ▶ Dispute resolution process
- ▶ **Termination clause** – Explains how the contract can be terminated, limitations of the contracting parties, and a timeline for termination.
- ▶ **Subcontractor use** – Lists the responsibilities of the contractor and their sub-contractors.
- ▶ **Insurance language** - Insurance coverages and limits should be clear and specific as to who is responsible for what coverages and what amounts. This section should include:
 - ▶ Risk transfer with language indemnifying the city/town for claims as the result of the negligence of the contractor(s).
 - ▶ Proof of insurance (copy of the policy is recommended).
 - ▶ Hold harmless, indemnify, and defend language.
 - ▶ Listing the city/town as an additional insured on the contractor's policy.
 - ▶ Consider bonding and insurance coverage for a reasonable period after a project is completed while kinks are being worked out.

It is important to require the contractor's insurance policy be written on a primary or primary non-contributory basis. These type of policies establish themselves as the first policy in line to cover events arising out of the project. Their provisions effectively waive the contractor's insurance carrier's right to argue about coverage from the insurance policy of the city or town. They stand first in line to the full extent of their coverage limits.

Contracts can be complex and must comply with a vast number of laws and regulations. Once a document is signed, it becomes legally binding and subject to the interpretation of courts and juries. MMIA recommends your city attorney or contracted legal counsel review any contracts before signing.

If you have questions regarding insurance language in contracts, please contact the MMIA at 406-443-0907. ■

PREPARE AHEAD FOR MMIA EMPLOYEE BENEFITS OPEN ENROLLMENT

Make sure you're ready for Open Enrollment 2020! Now is the best time to consider the benefits you're offering to employees through the MMIA Employee Benefits (EB) Program, discuss any possible changes, and make decisions as a group before Open Enrollment starts this spring.

Review your group election choices. Cities and towns can choose to offer a combination of benefits including:

- ▶ Medical with prescription coverage;
- ▶ Dental with or without orthodontia;
- ▶ Vision;
- ▶ Basic and/or voluntary life insurance; and/or
- ▶ Benefits for elected or contracted officials (resolution required).



Consider the Menu

In particular, we highly recommend offering our Menu of four different medical plans. This is a great way to allow your employees to select benefits customized to their needs and to maximize the contribution you give toward benefits without affecting the city's budget!

Flex Savings

Another consideration for this time of year: are you offering a flexible spending plan to employees to compliment the health benefits they get? These plans are administered by your city/town. They are another great resource that significantly adds value to the employees' benefits for very little cost. In fact, the city could end up saving in tax offsets.

Join EB for a webinar on February 20th at 10:00 am to learn more about benefit options and what's coming in 2020. Watch your email and check the EB newsletter for more information on this webinar.

If you have questions about these coverages, joining the Employee Benefits Program, or making changes, contact the Employee Benefits Program at 1-800-635-3089, option 4, or ebgroup@mmia.net. You can also find more info on the EB website: www.mmiaeb.net. ■

1094/1095 EMPLOYER REPORTING WEBINAR

Allegiance Benefit Plan Management is hosting a webinar Thursday, January 16th, from 10:00 – 11:30 to review employer reporting requirements.

Allegiance compliance will review the basics on the 1094/1095 forms, instructions, deadlines, changes and be available to answer any questions you may have. This webinar is for new clerks and anyone who needs a refresher or has specific questions regarding this ACA requirement.

While there is no longer a penalty for not having health insurance, you are still required to complete the reporting piece. MMIA Employee Benefits will be securely sending final census reports to program members at the beginning of January so you can begin filling out your forms.

1094/1095 EMPLOYER REPORTING WEBINAR

Thursday, January 16th, 2020 10:00 a.m. - 11:30 a.m.

Call In: 866-205-5379

Access Code: 732 953 906

Link: <http://bit.ly/mmia1094>

Password: MrPm5m3B

If you have any questions please contact MMIA Employee Benefits at 800-635-3089, option 4. ■



PREVENT SLIPS, TRIPS, AND FALLS THIS WINTER

Now that winter is here, our thoughts turn to accident prevention. If you want to stay upright when conditions get icy, follow the steps below to make sure your feet stay on the ground!

You can:

Walk like a penguin: Walk slowly and in small shuffling steps to minimize slipping.

Check your footwear: Wear footwear that provides good traction and/or traction devices

Use 3-point contact while getting in and out of vehicles: That means two hands and a foot or two feet and a hand should be in contact with the vehicle or ground at all times. A good way to do this when exiting a vehicle is to rotate sideways in the seat and place both feet on the ground, grasp the car door, seat, or dash with the hands, then stand slowly and carefully. The procedure can be reversed for getting back in the car.

Step down, not out

From a Vehicle: Swing both legs out to the side. Place both feet, flat footed, on the ground.

From a curb: Shorten your steps. Do not step too far out. Step flat-footed off the curb. This minimizes your forward momentum. It also helps ensure your leading foot doesn't land heel-first and result in a slip.

Use your arms for balance: Extend your arms out to your sides to maintain balance. Bring gloves so you can keep your hands out of your pockets to help maintain balance if you slip.

Don't carry too much: Beware if you are carrying a heavy bag or other load, your sense of balance will be off. If you must carry a load, try not to carry too much, and make multiple trips when necessary.

Plan your route to avoid the slick spots: Keep an eye out for ice and walk along the grassy or snowy edges for maximum traction if the walkway is covered in ice. Remember, shade could be hiding black ice. ■

Steps to prevent slips, trips, and falls

1. Walk flat footed and take short steps.



2. Wear footwear that provides traction.



3. Step down, not out, from curbs.



4. Use your arms for balance.



5. Don't carry too much.



PROPERTY RENEWAL: FY2020- 2021

It's that time of year again! The Annual MMIA Property Renewal runs January – March. Beginning January 2, 2020, Property Renewal has opened. Be on the lookout - you will receive an email initiating the renewal process. This is your opportunity to inform the MMIA of changes, additions, and removals that will be used to calculate your annual assessment for the FY2020-2021 period. These updates may also affect coverage determinations should you experience a claim. Thorough review and auditing of your real/personal property, contractors/mobile equipment, and vehicles is encouraged.

For those members that receive a \$0 stated value memo, please review for accuracy, make any updates, and return the signed memo to Laura Wigen. Property Renewal will close March 31, 2020. For questions, please contact Laura Wigen at 406-495-7024 or via email at lwigen@mmia.net. ■



WELCOME NEWLY ELECTED OFFICIALS – WE ARE HERE TO HELP!

November election results are in and Montana has eight new mayors and 109 council members taking office in January. The Montana League of Cities and Towns (League), the MMIA, and the MSU Local Government Center (LGC) are gearing up to make sure those newly elected officials have everything they need to start on the right foot.

First Contact

A postcard has gone out to welcome these new additions and introduce our organization. This will be followed by a phone call. If you receive one of these communications, please help us make sure they get to the right people.

Municipal Officials Handbook

The LGC is hard at work updating the Municipal Officials Handbook. This year, in addition to a physical book, the book will be fully available online at no cost. We will send a second postcard to new officials as soon as they publish this document, so you and your newly electeds can access this vital information.

Educational Opportunities

Executive Forum: We strongly encourage mayors, chief executives, and city managers, new and experienced, to join us in Choteau April 8-10 for the Executive Forum. This event brings together city and town leaders and municipal experts to network and learn.

We're here to help!

mtleague.org
406-442-8768

MMIA
MONTANA MUNICIPAL INTERLOCAL AUTHORITY
mmia.net
800-635-3089

M
MONTANA STATE UNIVERSITY
EXTENSION
Local Government Center
msulocalgov.org
406-994-6694

City of Helena Photo by: Travel Montana

Clerks and Elected Officials Institute: Clerks, mayors, and council-members should consider attending the Clerks and Elected Officials training in Bozeman, May 6-8.

Montana League of Cities and Towns Conference: This year's conference will take place in Kalispell at the Hilton Garden Inn and the Red Lion Inn October 7-9.

Still Have Questions?

If you or a newly elected official have any questions, please do not hesitate to call the League, MMIA, or the LGC. We are here to keep Montana's cities and towns, vibrant, healthy, safe, and stable! ■



*Working together for
Montana's municipalities.*

PO BOX 6669
HELENA, MT 59604-6669



LEAGUE/MMIA CALENDAR OF EVENTS



- | | | | |
|---|---|--|--|
| <div data-bbox="425 1068 532 1186" data-label="Text"><p>Jan
16</p></div> | <div data-bbox="535 1094 889 1167" data-label="Text"><p>1094/1095 Employer Reporting Webinar</p></div> | <div data-bbox="974 1068 1081 1186" data-label="Text"><p>Feb
15</p></div> | <div data-bbox="1084 1094 1425 1167" data-label="Text"><p>Employee Benefits Early Rate Indication</p></div> |
| <div data-bbox="425 1241 532 1358" data-label="Text"><p>Jan
23</p></div> | <div data-bbox="535 1266 933 1339" data-label="Text"><p>League Board of Director's Meeting
700 W Custer Ave.</p></div> | <div data-bbox="974 1241 1081 1358" data-label="Text"><p>Feb
20</p></div> | <div data-bbox="1084 1266 1442 1339" data-label="Text"><p>Employee Benefits Webinar for Clerks/Benefit Admins.</p></div> |
| <div data-bbox="425 1413 532 1530" data-label="Text"><p>Jan
23</p></div> | <div data-bbox="535 1417 950 1533" data-label="Text"><p>MMIA Employee Benefits Committee Meeting
700 W Custer Ave.</p></div> | <div data-bbox="974 1413 1081 1530" data-label="Text"><p>Mar
26</p></div> | <div data-bbox="1084 1417 1507 1533" data-label="Text"><p>MMIA Employee Benefits Committee Meeting
700 W Custer Ave.</p></div> |
| <div data-bbox="425 1585 532 1703" data-label="Text"><p>Jan
24</p></div> | <div data-bbox="535 1610 933 1684" data-label="Text"><p>TSPC, Inc. Annual Business Meeting
700 W Custer Ave.</p></div> | <div data-bbox="974 1585 1081 1703" data-label="Text"><p>Mar
27</p></div> | <div data-bbox="1084 1610 1474 1684" data-label="Text"><p>MMIA Board of Director's Meeting
700 W Custer Ave.</p></div> |
| <div data-bbox="425 1757 532 1875" data-label="Text"><p>Jan
24</p></div> | <div data-bbox="535 1782 958 1856" data-label="Text"><p>TSPC, Inc. Board of Director's Meeting
700 W Custer Ave.</p></div> | <div data-bbox="974 1757 1081 1875" data-label="Text"><p>Apr
8, 9, 10</p></div> | <div data-bbox="1084 1766 1401 1875" data-label="Text"><p>Executive Forum
Choteau Stage Stop Inn
1005 Main Ave. N</p></div> |
| <div data-bbox="425 1929 532 2047" data-label="Text"><p>Jan
24</p></div> | <div data-bbox="535 1955 917 2028" data-label="Text"><p>MMIA Board of Director's Meeting
700 W Custer Ave.</p></div> | <div data-bbox="974 1929 1081 2047" data-label="Text"><p>Apr
17</p></div> | <div data-bbox="1084 1955 1474 2028" data-label="Text"><p>MMIA Board of Director's Meeting
(if needed)</p></div> |