

City of McCleary Council Do's and Don'ts Training

Presented by
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Washington Cities Insurance Authority

1

Washington Cities Insurance Authority

- A municipal non-profit organization of Washington public entities joined to share risk
 - Over 165 members and \$222 million in assets
- Advantages of WCIA Membership
 - Run by a board of directors composed entirely of members
 - Assist members in avoiding and reducing losses through risk management, training, and claim handling
 - Stability and transparency in rates
 - Coverage decisions made by the Executive Director with appealable rights to the Executive Committee

2

Washington Cities Insurance Authority

- Provides Self-Insurance Liability Coverage
 - Auto Liability, General Liability, Employment Practices, Errors & Omission
 - \$20,000,000 per Occurrence
 - Look for coverage not exclusions
- Additional Insurance Coverage
 - Member Property, Auto & Boiler Machinery
 - Crime Fidelity purchased by members
 - Cyber and Pollution Premises Liability purchased for all members



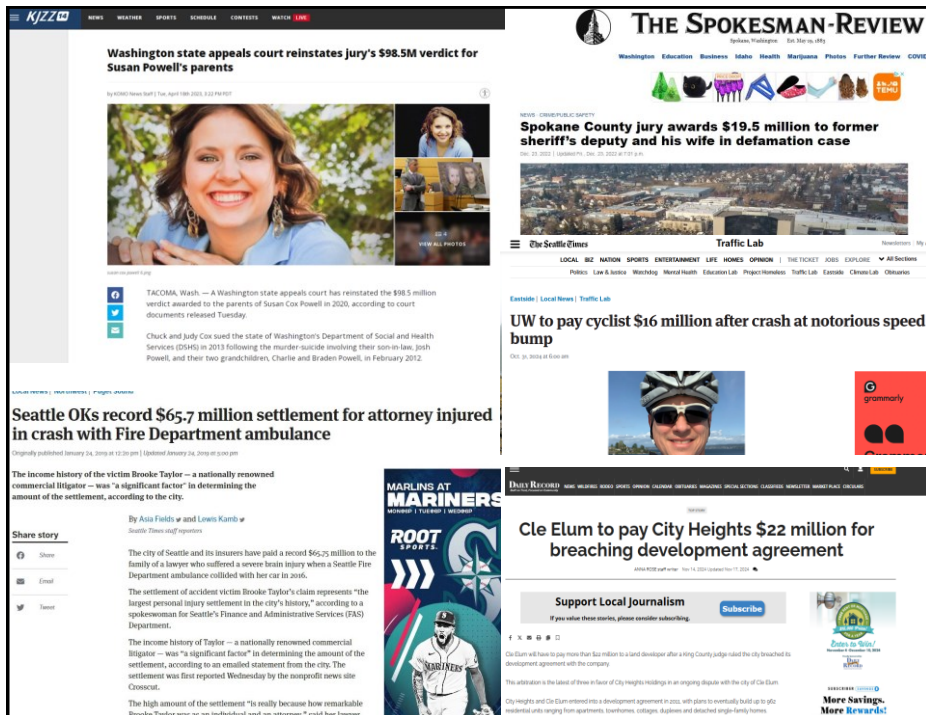
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Insurance Market Update

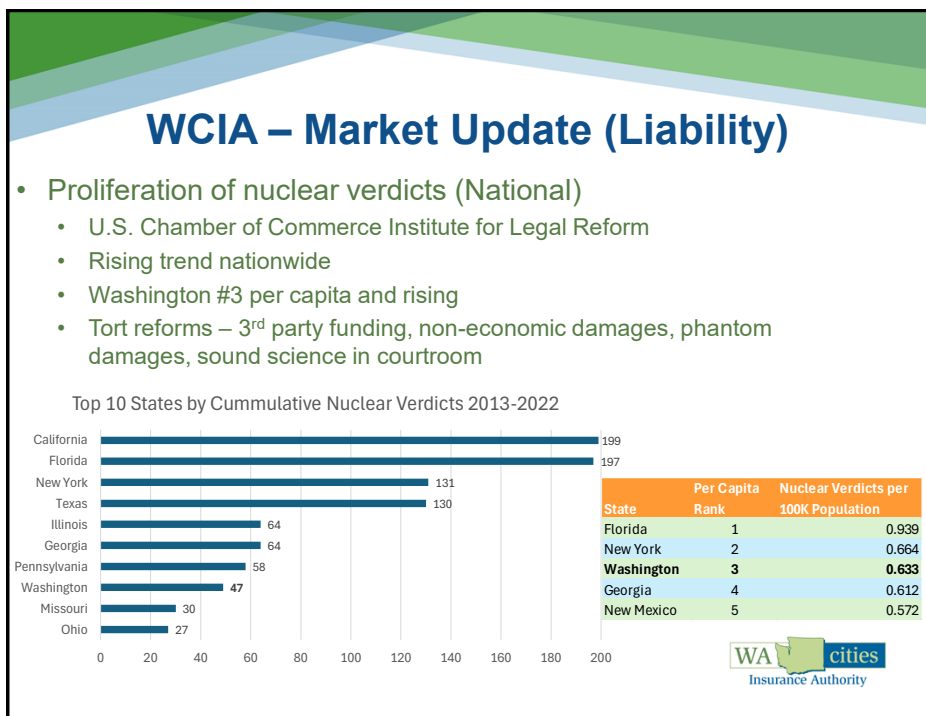
- Insurance is a cyclical industry prone to large pricing deviations from year to year
 - WCIA's overall reinsurance rate has increased 700% from 2015 – 2025
 - WCIA's 2026 renewal mixed results
 - Liability reinsurers requiring WCIA to increase our SIR from \$4M to \$5M while reducing their available capacity and charging more for less coverage = hard market
 - Property rate decreased while also increasing Members earthquake coverage; pay less for more = soft market
 - 2026 WCIA's overall liability rate increased by 3%



4



5



6

Avoiding Liability

Individuals can receive absolute immunity for legislative activities

- Adoption of budgets, ordinances, and resolutions

Only within context of council meeting as a whole and not acting as an individual



7

Avoiding Liability

Land Use

- Use of Hearing Examiners
 - Less issues with appearance of fairness doctrine
 - Eliminates many arbitrary and capricious decision allegations
- Do not insert yourself in the process
 - Westmark v. Burien, Mission Springs v. Spokane
- Development Agreements
 - Held to contractual law and remedies which may not be covered by WCIA
 - You thought you had an expiration date...



8

Avoiding Liability

Personnel

- Stay in legislative role
 - Set policies, budgets, municipal codes
 - Do not to stray into Executive role
 - Management of employees, hiring/firing, discipline
- Harassment and Discrimination
 - Held to same standard as City employees
 - Can be sued individually
 - Know the law and your policies
 - Report to Executive
 - If you witness behavior or are made aware of problem by employee



9

Avoiding Liability

Negligent Misrepresentation

- Do not make specific promises or assurances
- Refer specific questions to staff
- Do not take matters into your own hands



10

Avoiding Liability

Defamation

- If the statement/opinion is regarding a legislative concern you have immunity
- Careful discussing or naming individuals
 - Are they a public official, staff or private individual?
 - Any untruth gives rise to liability



11

Avoiding Liability

Public Works

- Do not “politically engineer”
 - Crosswalks, Signs, Speed Limits, Traffic Control Devices
 - Ask for staff input off the record
 - Have staff respond to public requests
 - Joint and Several Liability
- Avoid promises, assurances and inflammatory statements



12

Avoiding Liability

Do not leak Executive Session information

- Resist the temptation to share
- Disclose conflicts prior to session and recuse yourself
- Claims and Litigation
 - Can jeopardize defense
 - Possible sanctions imposed



13

Avoiding Liability

Be mindful of written communications

- Email/Social Media
 - Always use City email address, not personal
 - Public record and discoverable in litigation
 - Is your social media account personal? For election activity? To discuss City business?
 - Do you allow comments and discussions?
 - » Possible Public Forum creation with First Amendment Protections



14

