



To: MAYOR AND CITY COUNCIL

Agenda Item #: IV. Q.

From: Lisa Schaefer, Assistant City Manager

Action

Date: June 17, 2015

Discussion

Subject: 2015-2016 City Insurance Renewals

Information

Action Requested:

Adopt a motion to approve the renewal of the City's Worker's Compensation, Volunteer Accident, and Property/Casualty insurance through the League of Minnesota Cities Insurance Trust (LMCIT), effective July 1, 2015.

Information / Background:

The 2015-2016 estimated total premium for worker's compensation is \$578,164 compared to last year's estimate of \$520,119. The increase is due primarily to increased payroll cost estimates.

The Volunteer Accident Coverage is \$1,088 compared to \$1,233 the year prior.

The 2015-2016 property/casualty renewal total estimated premium is \$444,923. This is approximately \$22,461 more than last year. However, this year's premium includes the addition of Braemar Field and No-fault sewer coverage. Last year, LMCIT had anticipated that the premium would need to increase \$30,000 to \$50,000 due solely to the expiration of prior acts covered by Traveler's, so this the renewal is much better than anticipated.

Attachments:

LMCIT Renewal Premium Summary

Memo from LMCIT re: 2014-2015 Changes, Rates, and Dividends



CONNECTING & INNOVATING
SINCE 1913

June 9, 2015

Horizon Agency, Inc.
6500 City West Pkwy
Suite 100
Ecen Prairie, MN 55344-7704

Covered Party: City of Edina
Effective Date: 7/1/2015

RENEWAL PREMIUM SUMMARY
Common Coverages

Coverage	Deductible	Premium
• Property	\$ 50,000 / 100,000 / 1,000.	\$131,954.
• Mobile Property	50,000 / 100,000 / 1,000.	20,888.
• Municipal Liability	50,000 / 100,000 / 1,000.	198,801.
• Automobile Liability	50,000 / 100,000 / 1,000.	30,977.
• UM/UIM \$200,000 all owned autos	50,000 / 100,000 / 1,000.	Included.
• Basic Economic Loss Benefits (PIP) all owned autos	50,000 / 100,000 / 1,000.	Included.
• Automobile Physical Damage	50,000 / 100,000 / 1,000.	14,303.
• Crime	50,000 / 100,000 / 1,000.	Included.
• Petrofund	NA.	Included.
• Defense Cost Reimbursement	NA.	Included.

Experience Factor Modifier: 0.994 Aggregate Factor Modifier: 1.254
Expiring Experience Factor Modifier: 0.974

(Applied to Municipal Liability, Auto Liability, and UM/UIM) The modifier is calculated with a formula which compares the city's actual loss history with the amount of losses that would be expected for a city of that size if the city were a perfectly average LMCIT member. If the city's losses and expenses are better than average the city receives a premium credit. If the city's losses and expenses are worse than average, the city receives a premium debit.

Optional Coverages

Coverage	Deductible	Premium
• Bond	\$ 1,000,000.	2,306.
• Equipment Breakdown	50,000 / 100,000 / 1,000.	11,250.
• Excess Liability Limit:	\$ NA.	Not Covered.
• Liquor Liability Limit:	\$ 1,000,000.	17,992.
• Fireworks	50,000 / 100,000 / 1,000.	243.
• No Fault Sewer Back Up Limit:	\$ 40,000.	16,209.
• Airport Liability		Not Covered.
TOTAL:		\$444,923.

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TORT LIMIT: \$500,000/\$1,500,000

LEAGUE OF MINNESOTA CITIES
INSURANCE TRUST

145 UNIVERSITY AVE. WEST PHONE: (651) 281-1200 FAX: (651) 281-1298
ST. PAUL, MN 55103-2044 TOLL FREE: (800) 925-1122 WEB: WWW.LMC.ORG

Comments: If the expiring covenant includes additional interests (mortgagee, loss payee, additional insured) you will find a schedule of those interests included with the Premium Breakdown. Please review, update and return to your LMCIT Underwriter.

Renewal is subject to signed and dated Waiver Election Form. Please forward at your earliest convenience.

Coverage	Optional Coverage Quotes Deductible	Approximate Premium

Optional coverage(s) are not bound unless the covered party has requested that coverage be bound and LMCIT has sent a written confirmation. Optional coverage quotes are valid for 30 days after the date of this letter.

Sincerely,

Underwriter



November 12, 2014

To: LMCIT Members and Agents

From: Pete Tritz, LMCIT Administrator
Dan Greensweig, LMCIT Assistant Administrator
Liam Bieber, LMCIT Underwriting Manager

RE: **2014-15 Coverage Changes, Rates, and Dividends**

The League of Minnesota Cities Insurance Trust (LMCIT) Board has approved rates and several coverage changes for the upcoming underwriting year. In addition, the Board approved returning a \$9.5 million dividend to members of the property/casualty program this year. Following is a summary.

Dividend

- Property/casualty members will share in a \$9.5 million dividend. The dividend will be distributed mid-December to those who are property/casualty members as of Dec. 1, 2014.

Property/Casualty Rates, Effective Nov. 15, 2014

- Liability rates will decrease 4%.
- Property rates will decrease 4%.
- Auto physical damage will decrease 6%.
- Auto liability and bond rates will be unchanged.
- Rates for LMCIT's optional coverages will change as follows: liquor liability will be unchanged, machinery breakdown will decrease 5%, and excess liability will decrease 12%.

Workers' Compensation Rates, Effective Jan. 1, 2015

- Overall premium rates will increase 5%.
- Rates for volunteer firefighters will increase an additional 2%. These rates are based on population served, rather than payroll, and therefore need to be adjusted to account for inflation. This slight increase will allow volunteer firefighter rates to stay in line with other job classes.
- Volunteer accident rates, an optional coverage, will decrease 10%.

Coverage Changes

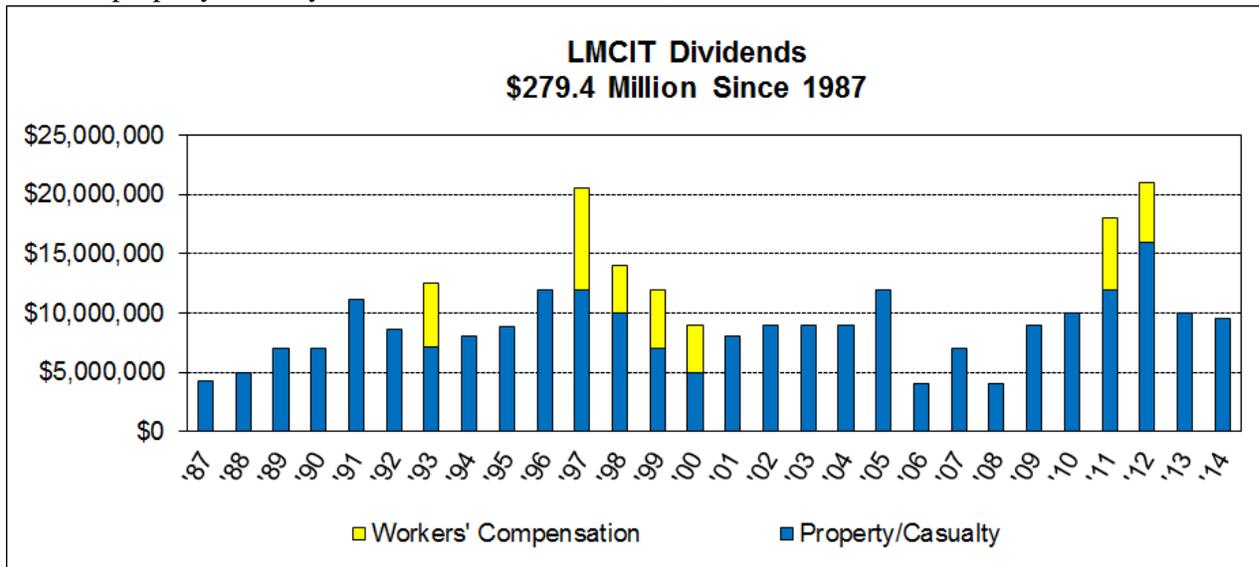
See pages 3-5 to learn more about the coverage changes that will take effect for property/casualty renewals written or renewed on or after Nov. 15, 2014.

Premium Rates

The rate reductions for the coming year don't necessarily mean your premiums will decrease by that amount. In fact, some cities' premiums could still increase. That's because actual premiums are also affected by changes in city expenditures, property values, payrolls, experience rating, the third year of transition to the new liability rating system for some members, and other exposure measures.

Dividend

Members of the property/casualty program will share in a \$9.5 million dividend this year, bringing the total amount of returned dividends since 1987 to \$279.4 million. The dividend will be distributed, along with a detailed explanation of the dividend formula and calculation, in mid-December to those who are property/casualty members as of December 1, 2014.



The dividend amount this year is possible because of some continued good experience in some of LMCIT’s more significant loss areas, but it’s worth noting that over the past two years there have been a very large number of claims against LMCIT member cities for alleged violations related to the Drivers Privacy Protection Act (DPPA). Because it’s very uncertain what these claims might ultimately cost, the LMCIT Board has decided to retain a significant amount of extra funds as a hedge against this potential cost. Hopefully these funds won’t be needed to resolve these claims and can be returned to members in the future.

Property/Casualty Rates

Members with renewals on or after November 15, 2014 will see a decrease in rates for most lines of coverage. Auto liability, bond and liquor liability rates will remain flat.

When LMCIT sets premiums rates, the average experience over the past several years is used to project how much loss to expect in the future. The reductions in property, auto physical damage, and machinery breakdown are possible this year because of lower reinsurance costs in these areas of coverage. The reduction in municipal liability rates reflects improved loss experience on land use and steady losses in the areas of sewer backups, auto liability, and other minor liability loss areas. Excluding the effect of claims related to the DPPA, police liability has also been positive.

Rate Setting

LMCIT’s practice is to incorporate a solid contingency margin into the premium rates. That margin is meant to cover the extra cost in case losses turn out to be more than what LMCIT projected. By doing so (and then returning the extra funds afterwards if it turns out the fund aren’t needed), LMCIT is able to keep premium rates much more stable from year to year. In other words, it helps keep premium rate changes in the range of a few percent up or down each year, rather than the much larger year-to-year premium rate changes that would be seen if LMCIT set lower rates with a much smaller contingency margin.

Changes to the New Liability Premium Rating System

Over the last couple years, some members saw their liability, auto liability and no-fault sewer backup premiums go up while others saw decreases. This was the result of the new liability system's more equitable allocation of premium costs among all members.

To provide a gradual transition to the premium changes, LMCIT has applied a transition mechanism to avoid shock increases for individual members. For the 2014-15 underwriting year, which is the third year of transition to the new system, members will see:

- General liability and auto liability premium increases capped at 15% (50% for drug task forces; 30% for no-fault sewer backup).
- General liability decreases constrained at 15%, with no constraints on all other lines of coverage.

Workers' Compensation Rates

Members with renewals on or after January 1, 2015 will see a 5% increase in overall rate levels. One of the main reasons for this year's rate increase is because of rising medical costs, which now make up 60% of LMCIT's total workers' compensation loss costs. Rates for 2015 assume that medical costs will continue to increase at a rate of about 9% annually, which significantly outpaces the increase in wage levels.

In addition to the overall rate increase, rates for volunteer firefighters will increase an additional 2%. These rates are based on population served, rather than payroll, and therefore lag all other class rates essentially by the amount of annual wage inflation. This slight increase will allow volunteer firefighter rates to stay in line with other job classes.

The LMCIT Board also decided to decrease rates for LMCIT's optional volunteer accident coverage by 10% because of the very low loss experience and the growth in member participation for this line of coverage. The volunteer accident coverage provides disability, death, and impairment benefits to city volunteers who are injured while performing volunteer services for the city. Cities can also add a limited medical benefit as an extra cost option. At the new rate, the basic charge is \$.05 per capita, subject to a minimum premium of \$75 and a maximum premium of \$750.

Coverage Changes

The following coverage changes will take effect for property/casualty coverages renewing on or after November 15, 2014.

Liability Coverage

Liability coverage limits increase

Beginning with renewals on or after November 15, 2014, LMCIT will increase the per-occurrence liability coverage limit from \$1.5 million to \$2 million. The annual aggregate liability limits will also increase from \$2 million to \$3 million for most of the exposures where annual aggregate limits apply, including products liability, failure to supply utilities, data security breaches, electric magnetic fields (EMF), limited pollution, and mold. The only exposures where the annual aggregate will not change is for LMCIT's land use/special risk litigation coverage (\$1 million) and on coverage for claims arising from activities of outside organizations (\$100,000).

New Liability Rating System

LMCIT projects it will be nearly fully transitioned to the new liability rating method by the start of the 2015-16 underwriting year. To learn more about the specifics of the new liability system and the changes made to it over the last three years, go to www.lmc.org/rating.

For those members that carry LMCIT's excess liability coverage, there will be \$500,000 more in coverage limits. If you carry \$1 million of excess coverage, you currently have \$2.5 million of total limits available - \$1.5 million under the primary coverage plus \$1 million of excess coverage. When the liability limits increase on November 15, you'll have \$3 million of total limits - \$2 million of primary coverage plus \$1 million of excess coverage.

Airport operations exclusion - helipads

The existing LMCIT liability coverage contains an exclusion for damages arising out of a city's ownership, operation, or maintenance of any airport. It has been clarified to state that this exclusion does not apply to heliports that are not open for public use (i.e. medical facility/public safety-type heliports).

Covered parties – independent contractor exclusion

Coverage has been clarified that reinforces that independent contractors are generally not considered covered parties. The only exceptions are 1) independent contractors acting in the administrative capacity of medical director or medical advisor to the city ambulance service; and 2) independent contractors serving as a member of, or representing the city as a member of, a committee, subcommittee, board, or commission. This exclusion also applies to the Defense Cost Reimbursement Coverage.

Daycare operations

The LMCIT liability coverage contains an exclusion for a number of specialty type operations, including medical facilities and nursing homes. The coverage has been revised to include licensed daycare operations to the list of operation types subject to this exclusion. Note, however, there is an exception - "drop-in" daycare operations (e.g. community centers/gyms) and park and rec summer day camp or holiday camp type operations are covered.

Hazardous stunting activities

The LMCIT liability coverage contains an exclusion for damages arising out of a number of high-risk special event type activities, including motorized amusement devices, vehicle racing and stunting, and rodeos if the city is the owner, sponsor or operator of those activities. The definition of an excluded "stunting activity" has been revised to include any pre-arranged stunting activity or event that involves a significant risk of serious injury to the participant, performer, or others. Common traditional athletic events such as hockey, baseball, softball, basketball, soccer, gymnastics, or track and field events are not subject to this exclusion. Coverage has also been expanded to exclude stunting events or activities like high-wire acts, base or bungee jumping, skydiving, circus type acts, and acts involving dangerous animals.

Data security breach definition

There is a very slight change to the definition of "data security breach". The change entails broadening the definition so that it applies not only to the *actual* unauthorized acquisition of confidential data, but also the *potential* unauthorized acquisition of confidential data. As a result, the \$3 million annual aggregate limit for claims arising out of data security breaches will also apply to these types of claims even if it's not certain whether the security, confidentiality, or integrity of personal information has actually been compromised.

Liability Coverage Limit Increase

A *Questions and Answers* section is attached at the end of this letter explaining why LMCIT is making a change to the liability coverage limits, what the higher limits mean in practice, and how the change will affect those members that carry LMCIT's optional excess liability coverage.

No-fault sewer back up coverage

LMCIT offers member cities an optional no-fault sewer backup (NFSB) coverage. This coverage pays for a property owner's damage caused by a sewer backup or water main break, regardless of whether the city was negligent or legally liable for those damages. This year there are several changes to the NFSB coverage. A separate letter detailing the specifics will be sent to those cities that currently purchase this coverage option. Briefly, the two major changes this year incorporate the following:

- 1) The exclusion for FEMA-declared disasters has been reworded to exclude NFSB coverage in *any weather-related or other event which has been declared by the President of the United States to be a major disaster pursuant to 42 U.S.C. §§ 5121-5206, commonly known as the Stafford Act*. In other words, the NFSB coverage will not apply in any situation which has been declared a disaster by FEMA.
- 2) The exclusion for heavy rainfall events has been revised to apply to any situation in which rainfall or precipitation exceeds the following amounts:

2.0 inches in a 1-hour period; or
2.5 inches in a 3-hour period; or
3.0 inches in a 6-hour period; or
3.5 inches in a 12-hour period; or
4.0 inches in a 24-hour period; or
4.5 inches in a 72-hour period; or
5.5 inches in a 168-hour period.

If rainfall exceeds these amounts, the NFSB coverage will not apply. Formerly, the NFSB coverage excluded events where rainfall exceeded the 100-year rainfall amount. The new provisions are more restrictive.

Property Coverage

Mobile property rental reimbursement limit

The annual aggregate limit for rental reimbursement expenses needed to sustain operations in the event of a covered loss to mobile property will increase from \$25,000 to \$250,000.

Data security breach definition

The definition of "data security breach" has been slightly changed to reflect the same wording as noted above for the liability coverage (i.e. broadening of the definition so it applies to both actual *and potential* unauthorized acquisition of confidential data). The change results in a slight broadening of coverage for the first-party data security breach coverage, which provides coverage for things like legal and information technology consulting, notice to affected persons, credit monitoring and identity theft services, and similar things.

More Information

If you have additional questions about the rate changes, coverage changes, and dividend amount being returned this year, contact your underwriter at 651.281.1200 or 800.925.1122.

Questions and Answers Liability Coverage Limit Increase

What's being changed in the LMCIT liability coverage limits?

There are two changes.

- 1) The basic liability coverage limit is increased from \$1.5 million to \$2 million per occurrence.
- 2) The annual aggregate limits that apply to several specific types of liability are increased from \$2 million to \$3 million per year. This affects coverage for claims for products liability, failure to supply utilities, data security breaches, damage caused by electromagnetic fields, limited pollution, and mold. There are also annual aggregate limits on the land use / special risk coverage (\$1 million), and on coverage for claims arising from activities of outside organizations (\$100,000). These annual aggregate limits don't change.

More Information

Read more about LMCIT's Liability Coverage Options at <http://lmc.org/page/1/P-C-Coverages.jsp>.

When do the changes take effect?

The changes will apply at the city's first renewal after November 15, 2014.

Why did the LMCIT Board decide to make these changes?

The reason is to give member cities better protection. The statutory liability limit caps the city's liability for many types of claims. But some liability claims aren't covered by the statutory limit, so the city's potential liability is unlimited. Claims under the federal civil rights laws are probably the biggest example, but there are a few others as well. The new \$2 million per occurrence coverage limit gives the city better protection for these types of claims, and makes it less likely the city could end up with liability exceeding its coverage limit.

That's also why the various aggregate limits were increased – to give member cities better protection. The higher limits make it less likely the city could run out of coverage if there were a major incident in which many people were injured.

Do the higher coverage limits mean that the city can now be sued for larger amounts?

For the vast majority of LMCIT members, the answer is no. This is because for LMCIT members the statutory liability limits remain in effect unless the city has explicitly chosen to waive the statutory limits. Only about 18% of LMCIT members do so. So for most member cities, even though the city's liability coverage now has a \$2 million limit, the city's liability is still limited by the statute to no more than \$500,000 per claimant and \$1.5 million per occurrence. In other words, the new, higher coverage limits would only come into play on those types of claims that aren't covered by the statutory liability limit.

For cities that do choose to waive the statutory limits, the change will mean the city can now be sued for greater dollar amounts. When the city chooses the "waiver" option, the city waives the protection of the statutory limits, up to the amount of coverage the city has. So someone with a claim against a city that has waived the statutory limits would now be able to recover up to \$2 million. Of course, that claimant would have to show that s/he actually did suffer that much damage.

Our city carries the optional excess liability coverage. How does this change affect us?

There are three effects, all of them positive, for the city that carries the optional excess liability coverage.

- 1) The total coverage limit the city has available will now be greater. For example, suppose the city carries \$1 million of excess coverage. Formerly, that \$1 million of coverage would sit on top of the old \$1.5 million primary limit, so the total limit available was \$2.5 million. Now that \$1 million of excess coverage will sit above the \$2 million per occurrence primary limit, for a total of \$3 million.
- 2) The city will now have better protection for claims relating to mold or to failure to supply utilities. The excess liability coverage doesn't apply to those types of claims, so under the old coverage even if the city carries the excess liability coverage, the city still only had \$2 million of coverage for those claims per year. Now the city will have \$3 million of coverage per year for those claims.
- 3) The excess coverage is now less expensive. Formerly, the excess coverage would come into play on a claim that exceeds \$1.5 million; now, a claim would need to exceed \$2 million for the excess coverage to come into play. That means there's less risk that a claim will hit the excess coverage; and because the risk is less, the cost is less.

So our premium for excess liability coverage will go down at our next renewal?

For many cities it will, but not necessarily for all. The premiums for excess liability coverage are based on the city's premium for the primary liability coverage. Even though premium rates for the primary liability coverage are decreasing 4%, an individual city's primary liability coverage premium could still increase for any of several reasons: if the city's exposures (gross expenditures, number of employees, number of police officers, number of households, number of sewer connections) have increased; if the city's experience rating has increased; or if the city's liability premium is still increasing because of the transition to the new rating system. If the city's primary liability premium increases for any of these reasons, it's possible the excess liability premium could increase as well.

LMCIT Liability Coverage Options
Coverage Written or Renewed On or After November 15, 2014

Coverage structure if the city:	On a liability claim to which the statutory limits apply:		On a liability claim to which the statutory limits do not apply:
	This is the maximum amount a single claimant could recover on an occurrence.	This is the maximum total amount that all claimants could recover on a single occurrence.	This is the maximum amount of damages which LMCIT would pay on the city's behalf for a single occurrence, regardless of the number of claimants.
Does not have excess coverage & Does not waive the statutory limits	\$500,000	\$1,500,000	\$2,000,000
Does not have excess coverage & Waives the statutory limits	\$2,000,000	\$2,000,000	\$2,000,000
Has \$1,000,000 of excess coverage & Does not waive the statutory limits	\$500,000	\$1,500,000	\$3,000,000
Has \$1,000,000 of excess coverage & Waives the statutory limits	\$3,000,000	\$3,000,000	\$3,000,000