



**TO:** SOUTHERN NEVADA DISTRICT BOARD OF HEALTH      **DATE:** May 27, 2010

**RE:** *Amended Clark County Liability Pool Cooperative Agreement*

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**PETITION # 12-10**

**That the Southern Nevada District Board of Health** *approve and adopt the amendment to the resolution adopting cooperative agreement for coverage of liability claims and related expenses to allow the Regional Transportation Commission of Southern Nevada (RTC) to withdraw effective December 31, 2009.*

**PETITIONERS:**

**Jacob L. Snow, General Manager - RTC**

A handwritten signature in black ink, appearing to be 'JL Snow', is written over the name 'Jacob L. Snow'.

**DISCUSSION:**

The RTC has been participating in the Clark County Insurance Pool for Liability Coverage (the cooperative agreement for the maintenance of a pooling arrangement to provide insurance and self-insurance coverage) as amended on January 3, 2005. The RTC sent notification to Clark County Commissioner Chairman Rory Reid on October 22, 2009 to terminate its participation in the liability pool as well as its participation in the County's coverage for workers' compensation.

On December 10, 2009 the RTC submitted an agenda item, which was approved by the RTC's Board of Commissioners, to procure its own insurance for property, equipment, general liability, automobiles, excess liability (umbrella), employment practices liability insurance and workers' compensation with Traveler's Insurance. The RTC's new coverage coincided with the termination of participation in the County programs effective January 1, 2010. The RTC agrees they will be responsible for any claims and related expenses from July 1, 2009 through December 31, 2009.

Staff has reviewed the amendment to the resolution and recommends approval.

### **FUNDING:**

With inclusion in the Clark County Insurance Pool for Liability Coverage, the Regional Transportation Commission of Southern Nevada (RTC) was billed by Clark County approximately \$140,000 annually. Clark County also billed the RTC approximately \$360,000 annually for workers' compensation coverage and administration. Upon procurement of an all inclusive policy to provide coverage for all RTC buildings and vehicles, employment practices liability insurance and workers' compensation, the annual premium is approximately \$379,000, with a total savings of approximately \$121,000.

**AMENDMENT TO RESOLUTION ADOPTING  
COOPERATIVE AGREEMENT FOR COVERAGE  
OF LIABILITY CLAIMS AND RELATED EXPENSES**

**WHEREAS, pursuant to NRS 277.045, two or more political subdivisions of the State of Nevada may enter into a cooperative agreement for the performance of any governmental function and;**

**WHEREAS, pursuant to NRS 41.038, any local government may insure itself against any liability or related expense through the purchase of a policy of insurance or the establishment of a self-insurance fund, or any combination thereof; and**

**WHEREAS, pursuant to NRS 354.612, any local government may establish an internal service fund to account for the costs of providing a program of insurance or self-insurance; and**

**WHEREAS, the parties to this Cooperative Agreement in paragraph 13 agreed that each participating entity may withdraw from the Agreement at the end of any fiscal year by giving written notice to the other participating entities ninety (90) days prior thereof; and**

**WHEREAS, the Regional Transportation Commission of Southern Nevada ("RTC") obtained commercial insurance coverage that was less expensive than its cost to remain in the liability pool;**

**WHEREAS, the RTC desires to withdraw from the liability pool effective December 31, 2009 with less than the currently required 90 days notice. The RTC agrees that it will remain liable for the retained portion of any incurred claim; and**

**WHEREAS, a majority of the participating entities may cancel or terminate any entity's participation. Upon cancellation or termination, the FUND shall return any premiums paid during the current fiscal year pro-rated based on the number of months the entity participated in the Agreement during that fiscal year.**

**NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Clark County, Nevada, the Board of the Clark County Regional Flood Control District, the Clark County District Board of Health, and the Regional Transportation Commission of Southern Nevada, that the Regional Transportation Commission of Southern Nevada's withdraw from participation in the Cooperative**

Agreement for Coverage of Liability Claims and Related Expenses is hereby terminated effective as of December 31, 2009.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to the Cooperative Agreement for Coverage of Liability Claims and Related Expenses to be signed and intend to be legally bound thereby.

DATE: \_\_\_\_\_

COUNTY OF CLARK

By: \_\_\_\_\_  
RORY REID, Chairman  
Board of County Commissioners

ATTEST:

By: \_\_\_\_\_  
Diana Alba  
County Clerk

CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT

By: \_\_\_\_\_  
LAWRENCE L. BROWN, III, Chairman

ATTEST:

By: \_\_\_\_\_  
Carolyn Frazier  
Secretary

REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA

By: \_\_\_\_\_  
LAWRENCE L. BROWN, III, Chairman

ATTEST:

By: \_\_\_\_\_  
Lisa Magnusson  
Executive Assistant

CLARK COUNTY HEALTH DISTRICT

By: \_\_\_\_\_  
CHRIS GIUNCHIGLIANI, Chairman

ATTEST:

By: \_\_\_\_\_  
Lawrence Sands, DO, MPH  
Executive Secretary

APPROVED AS TO FORM:

DAVID ROGER, District Attorney

By: \_\_\_\_\_  
STEPHANIE BARKER  
Deputy District Attorney