

Claims proposal approved

By Alexa Zoellner azoellner@dailyunion.com | Posted: Wednesday, October 26, 2016 9:31 am

JEFFERSON — After spending more than a half-hour discussing a resolution disallowing claims against the county at the recommendation of the county’s insurance company, the Jefferson County Board of Supervisors on Tuesday passed the resolution.

Normally, such a resolution takes two minutes, at most, to pass and does not spark any discussion. It was approved on a voice vote with at least two supervisors voting against.

What started as a motion to send a resolution disallowing claims for damages against the county back to the Finance Committee so it could request Wisconsin Municipal Mutual Insurance Company (WMMIC) to take a further look at some of the claims turned into an extended discussion on how claims are handled and options available to claimants once they have been disallowed.

The initial motion to send the resolution back to Finance Committee was made by Supervisor Amy Rinard, who is a member of the committee, with the intention of a new claims resolution being brought before the county board in December.

“When the Finance Committee voted on this resolution to deny the claims, I voted in favor of (the resolution) as well,” Rinard said. “Since that time, I was made aware by our town clerk of an issue with one of the claims on Ski Slide Road. I sort of took it upon myself to launch a small investigation of my own.

“I talked to our town highway supervisor and he told me that, after the incident that is the subject of the claim, he went over to Ski Slide Road to look at it and look for proper signage,” she continued. “He drove up and down the road where the sealcoating was being done and saw no signs at all. After he got back to his office, he called the (Jefferson County) Highway Department ... and it was only after the incident that the signs were put up.”

Rinard explained that she was concerned about the resolution because, in one of the “Whereas” clauses, it states that “the Jefferson County Highway Department had signage in place to warn of roadwork on the sealcoat projects noted (in the resolution),” that there could be an issue with the denial.

“I would like to see our insurance company take another look at at least this one particular incident, if not all of the incidents, including the ones on Highway 19, just to make sure that we’re

doing the right thing and have gotten the proper recommendation from our insurance company,” Rinard said, sparking the start of the discussion.

Supervisor Greg David said that, through all his years on the county board, he has “had (his) ear bent about this issue the most.”

“I heard the same set of circumstances described to me that Supervisor Rinard just related,” he said. “That the county did not get signage up after the oil was applied and that it had rained and people drove through it and got their cars splattered full of oil, and things of that nature.”

At that point in the discussion, Jefferson County corporation counsel J. Blair Ward was consulted on his professional opinion regarding disallowance of the claims.

“All of the claims that are made against Jefferson County are referred to our insurance company and they do an analysis to determine whether or not Jefferson County has any legal liability,” Ward said. “It’s important to remember that, when conducting that analysis by our insurance company, that counties have immunity. We have discretionary immunity in this case when working on highways.

“As far as the responsibility of the county, I’m analyzing it in the context of, does the county have a legal obligation to pay these claims?” he continued. “Our insurance company says no. I agree with the analysis of our insurance company ... (and) that the county board should deny the claims as presented. They did their analysis based on an investigation working with the Highway Department, compiling as much evidence as they could before making a decision.”

Ward said his primary interest in having the claims denied is because once the claims are denied by the county board, the claimants have a statute of limitations period of six months to sue the county if they are not satisfied with the denial.

“(The insurance company) has concerns about paying out these claims,” he said. “These claims happen to every member of our insurance company every summer. They happen on a regular basis. They’re not in support of paying out the claims based on the evidence that they have.”

Ward said he specifically asked WMMIC if members of the public who suffered damages to their vehicles because of highway work are able to submit additional evidence to the company for further consideration.

“The answer is yes,” he said. “The closing paragraph of the email that I received a few days ago says, ‘I would recommend that the county officials that get contacted by their constituents refer them back to WMMIC. We are happy to review and discuss any of these claims with the claimants directly.’”

“I was happy to see that our insurance company was willing to have this open dialogue,” he added. “If the county board decides to deny the claims tonight, that doesn’t preclude any members of the public who have sustained injury from further seeking reimbursement for their claims.”

Rinard, David and a few other supervisors indicated that they felt waiting until December to deny the claims would not “hurt” the county.

Supervisors Dick Schultz and Ron Buchanan disagreed.

Schultz stated that there is an “element of personal responsibility” whenever one comes onto a road where the surface is “a little bit different.”

“I’m concerned that, if we waffle on this, that we’re going to open a can of worms for our Highway Department anytime they do a project like that,” he said. “I don’t know the specifics of any one of these (claims), so I’m not accusing anybody of anything. I just think you have to use common sense when you’re on a surface like that.”

At this point in the discussion, the question before the board still was whether to send the resolution back to the Finance Committee, Buchanan pointed out, adding that he did not believe that would solve any problems.

“The insurance company is telling us that we are not liable,” Buchanan said. “Corporation counsel has said that there is a way that claimants can react to this decision. The door’s not closed for them.”

After more commentary, the board voted 6-20 not to refer the resolution back to the Finance Committee. Supervisors Rinard, David, Kirk Lund, Laura Payne, John Kannard and Glen Borland voted to send it back to the committee.

Subsequently, the resolution was passed on a voice vote with at least two supervisors voting “no.”

“Now that the county board denied the claims, we’re going to send (claimants) a letter by certified mail saying, ‘Your claim was denied by the county. You have six months to sue the county or you’ll be forever precluded from suing the county and recovering your claim,’” Ward explained following the meeting. “What I’m going to propose is to add a sentence on that, ‘If you have additional evidence to support your claim that has not been previously provided, you may forward it to ... the county’s insurance company for further consideration.’ I think that makes the most sense so all the claimants have something in writing showing them how to submit additional information.”

In other business, the county board:

- Held a public hearing on the 2017 recommended budget. There were no comments made.

- Referred an ordinance amending the existing Historic Sites Preservation Commission and Program Ordinance back to the commission to further examine its phrasing.
- Authorized the execution of state human services contracts, consortium agreements and professional/care provider contracts for 2017 for the Jefferson County Human Services Department.

The department contracts with state agencies, consortiums and in excess of 100 professional and care providers to fulfill its statutory duties. Each year, contracts are renewed and/or updated with additional providers. The cost associated with these state contracts have been included as an appropriation in the proposed 2017 budget.

- Authorized an increase of the certified financial and compliance audit report threshold from \$25,000 to \$100,000 for providers contracting with the Human Services Department.

According to Human Services director Kathy Cauley, about 10 percent of providers contracting with the department provide \$100,000 or less in care and services in one year.

The Human Services Board recommended at its Oct. 11 meeting to increase the threshold based on its finding that the \$25,000 threshold is burdensome and reduces the efficiency and effectiveness of county operations. Increasing the audit compliance report threshold is expected to result in reduced costs for the Human Services Department because small providers no longer will need to undertake an expensive audit and build it into their cost structure, which is charged to the Human Services Department.

- Approved appointments to various boards for three-year terms.

Richard Jones, John McKenzie and Cynthia Crouse were appointed to the Human Services Board for terms ending Nov. 1, 2019. Dwayne Morris and Jeff Zaspel were appointed to the Jefferson County Library Board for terms ending Dec. 31, 2019. Morris also was appointed to the Bridges Federated Library Systems Board for a term ending Dec. 31, 2019.

- The next county board meeting will take place on Monday, Nov. 14, at 7 p.m. Adoption of the 2017 county budget is scheduled for this meeting.