

(Mayor Potter)

CITY OF KIRTLAND

ORDINANCE NO.: 22-O-83

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO ACCEPT A PROPOSAL FOR THE PURCHASE OF MULTI-PERIL PROPERTY AND LIABILITY INSURANCE, AUTO LIABILITY AND AUTO PHYSICAL DAMAGE INSURANCE, LAW ENFORCEMENT OFFICERS LIABILITY AND OTHER COVERAGE REQUIRED BY THE CITY, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance for the City of Kirtland has solicited proposals for various insurance policy coverages on behalf of the City; and

WHEREAS, the Director of Finance has recommended that the City accept the proposal from Jackson, Dieken & Associates, Inc. using HCC Public Risk, Ohio for various insurance coverages.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

SECTION I: That the Director of Finance be and hereby is authorized to take all reasonable and necessary steps to accept the proposal from Jackson, Dieken & Associates, Inc. utilizing HCC Public Risk for insurance coverage on behalf of the City commencing January 1, 2023 for calendar year 2023. Said proposal is attached hereto and incorporated herein as Exhibit A.

SECTION II:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to provide insurance coverage to the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2022.

ATTEST:

Approved by the Mayor, this
_____ day of _____,
2022.

Clerk of Council
Liability Insurance Coverage from HCC – 2023

Mayor Kevin F. Potter

Tokio Marine HCC Public Risk

Coverage Proposal
City of Kirtland
Effective January 1, 2023

PRESENTED BY:

JACKSON • DIEKEN
& ASSOCIATES
Complete Insurance Services

27893 CLEMENS ROAD
WESTLAKE, OHIO 44145
440.250.6873 Phone
440.250.6874 Fax
www.jacksondieken.com

TOKIO MARINE HCC PUBLIC RISK

SUPPORT / SERVICE COMPANIES

Marketing and Service Team

**Mr. Kelly M. McKeon
Mrs. Carly Knapp
JACKSON, DIEKEN & ASSOCIATES, INC.
27893 Clemens Road
Westlake, Ohio 44145
440.250.6873 Phone
440.250.6874 Fax**

Risk Control Administration

**TMHCC Public Risk
Risk Control
Michael Jagodzinski
614.204.5785 Phone**

Claims Administration

**TMHCC Public Risk Claim Service
1700 Opdyke Court
Auburn Hills, Michigan 48326
800.225.6561 Phone
248.371.3091 Fax**

Local Counsel

**Mazanec, Raskin, Ryder & Keller Co., LPA
James Climer
34305 Solon Road
100 Franklin's Row
Cleveland, Ohio 44139
440.248.7906 Phone**

Marshall, Dennehey, Warner, Coleman & Goggin

**127 Public Square #3510
Cleveland, Ohio 44114
216.912.3800 Phone**

**Walter Haverfield
1301 E 9th Street #3500
Cleveland, Ohio 44114
216-781-1212 Phone**

General Liability Coverage

Coverage	Limit
General Liability	
-Per Occurrence	\$1,000,000
-Aggregate	\$3,000,000
Damage to Premises Rented to You Sublimit	\$1,000,000
Premises Medical Payments Sublimit	Excluded
Pesticide or Herbicide Sublimit	
-Per Occurrence	\$50,000
-Aggregate	\$50,000
Ohio Stop Gap Liability Endorsement	\$1,000,000
Sexual Abuse Endorsement	
-Per Occurrence	\$1,000,000
-Aggregate	\$1,000,000
Emergency Response Operations	Included
-Mutual Aid Property Damage	\$10,000
Deductible	No Deductible
Including Loss And Loss Adjustment Expense	

Additional Coverage:

- Host Liquor Liability
- Owned & Non-Owned Watercraft Liability under 51 Feet
- Sewer Backup Liability
- Cemetery Professional

Employee Benefits Liability Coverage

Coverage	Limit
Employee Benefits Liability -Per Occurrence -Aggregate	\$1,000,000 \$3,000,000
Deductible Including Loss And Loss Adjustment Expense	\$1,000

Public Officials Liability Coverage

Coverage	Limit
Wrongful Acts -Per Occurrence -Aggregate	\$1,000,000 \$1,000,000
Non-Monetary Suit Defense Cost Sublimit -Per Suit -Aggregate	\$25,000 \$50,000
Private Property Use Restriction Sublimit -Per Occurrence -Aggregate Defense Costs Inside Limits	\$1,000,000 \$1,000,000
Deductible Including Loss And Loss Adjustment Expense	\$5,000

Claims Made Policy Form- Full Prior Acts

Employment Practices Liability Coverage

Coverage	Limit
Employment Practices Liability	
-Per Occurrence	\$1,000,000
-Aggregate	\$1,000,000
Compensatory Damages	Included
Wage & Hour Defense Sublimit	\$25,000
Non-Employment Related Harassment	Included
Deductible	\$5,000
Including Loss And Loss Adjustment Expense	

Claims Made Policy Form- Full Prior Acts

Regulatory Investigations/EEOC Incidents Must Be Reported to TMHCC Immediately Upon Receipt

Law Enforcement Liability Coverage

Coverage	Limit
Law Enforcement Liability	
-Per Occurrence	\$1,000,000
-Aggregate	\$1,000,000
Deductible	\$5,000
Including Loss & Loss Adjustment Expense	

Automobile Liability & Physical Damage Coverage

Coverage	Limit
Combined Bodily Injury & Property Damage	\$1,000,000
Automobile Liability Deductible	No Deductible
Comprehensive/Collision Deductible	\$1,000/\$1,000
Hired & Non-Owned Auto Liability	Included
Hired Auto Physical Damage -Comprehensive/Collision Deductible	Actual Cash Value \$1,000/\$1,000
Uninsured Motorists	\$50,000
Underinsured Motorists	\$75,000
Uninsured Motorists Property Damage	\$7,500; Subject to \$250 Deductible
Fellow Employee Coverage	Included
Emergency Vehicle Endorsement - Broad Form	Included
Towing and Labor -Private Passenger Vehicles Only (Code 1)	\$50 Each Disablement
Rental Reimbursement -Private Passenger Vehicles Only (Code 1)	\$30 Per Day/ 30 Days/ \$900 Any One Period)
Employee Hired Auto Physical Damage	\$35,000 Each Covered Auto \$500 Deductible Applies

Other:

- No fleet automatic. USSIC offers Limited Endorsement Auto Process (LEAP); this endorsement process allows up to 10 vehicles to be added/deleted/amended at any one time with no premium change; up to 30 days to report.
- Vehicles individually valued at \$100,000 and above are subject to additional/return premium charge.

See Accompanying Auto Schedule For List Of Vehicles

Excess Coverage

Coverage	Limit
Excess	
-Occurrence	\$10,000,000
-Aggregate	\$10,000,000

Silo Limits Apply

Coverage applies to General Liability, including Sexual Abuse, Employee Benefits, Public Officials, Employment Practices, Law Enforcement, Auto Liability and Stop Gap Liability

Excludes Zoning, Regulation, Permissive Use of Property, Uninsured Motorist and Underinsured Motorist Coverage

Property (Building & Contents) Coverage

Coverage	Limit
Building & Contents All Risk, Replacement Cost Coverage on Blanket Basis with Agreed Amount Endorsement	\$14,076,164
Deductible	\$2,500

Special Municipal Endorsement:

Accounts Receivable	\$250,000 Any One Occurrence
Animal Mortality	\$10,000 Any One Occurrence
Building Ordinance or Law	\$500,000 Undamaged Portion / or Demolition 10% of Reported Values (Increased Cost of Construction)
Business Income	\$100,000 Any One Occurrence
Extra Expense	\$500,000 Any One Occurrence
Communication Towers	\$100,000 Any One Occurrence
Debris Removal	25% of Loss + \$10,000 Any One Occurrence
Electrical Utility Service Interruption	\$25,000 Any One Occurrence
EDP Coverage	No Coverage- See EDP Section Below
Fairs and Festivals	\$50,000 Any One Occurrence
Fine Arts	\$5,000 Any One Item, \$25,000 Any One Occurrence
Fire Department Service Charge	\$5,000 for Your Liability
Foundations of Machinery	\$1,000,000 Any One Occurrence
Fire Equipment Recharge	\$5,000 for Each Separate 12 Month Period
Golf Course Greens	\$100,000 Any One Occurrence
Ground Maintenance Equipment	\$100,000 Any One Occurrence
Inventory or Appraisal	\$10,000 Any One Claim
Newly Acquired or Constructed Prop – Building	\$1,000,000 at Each Building
Newly Acquired or Constructed Prop – Contents	\$250,000 at Each Building
Paved Surfaces	\$100,000 Any One Occurrence
Personal Effects – Property of Others	\$64,772 Any One Employee or Volunteer
Property In Transit	\$50,000 Any One Occurrence
Property Off Premises	\$100,000 Any One Occurrence
Underground Pipes, Flues or Drains	\$1,000,000 Any One Occurrence
Valuable Papers & Records – Cost To Research	\$250,000 Any One Occurrence
Water Back Up – Sewer or Drain	\$100,000 for Direct Physical Loss or Damage
Unnamed Locations	\$100,000 Any Location Not On File with Company
Expediting Expense	\$25,000 Any One Occurrence
Earthquake Coverage	\$1,000,000 Subject To \$50,000 Deductible
Flood Coverage	\$1,000,000 subject to \$50,000 Deductible

Property – continued

Coverage	Limit
Equipment & Mechanical Breakdown	Property Damage Limit Included in Blanket Building & Contents
Deductible	\$2,500

Special Municipal Endorsement continued:

Spoilage (includes refrigeration, contamination & service interruption)	\$250,000
Expediting Expenses	\$250,000
Pollution Clean Up & Removal	\$250,000
Data and Media	\$250,000
Business Income	\$100,000
Extra Expense	\$500,000
Law or Ordinance	\$500,000

Note:

- Locations in the following flood zones are *excluded*:
 - Flood Zones A, A1 - A30, A99, AE, AH, AO, AR, AR/AE, AR/AO, AR/A1 – A30, AR/A, V, V1 – V30, VE. Additionally, we will not cover FEMA zones designated as B or X (shaded). Any areas later designated by FEMA as a high-risk area at the time of a Covered Cause of Loss is also subject to this limitation.)
- Entity should determine if any owned properties are located in flood zone

See Accompanying Property Schedule for List of Locations

Other:

- Limited Endorsement Process: this allows up to 10 property locations to be added/deleted/amended at any one time with no premium change; up to 30 days to report.
- Property individually valued at \$100,000 and above is subject to additional/return premium charge

Inland Marine Coverage

Coverage	Limit
Scheduled Equipment	\$1,619,755
Miscellaneous Property & Equipment Replacement Cost	\$150,000 No Single Item To Exceed \$10,000 In Value
Contractors Equipment Rented From Others Less Than 90 Days	\$250,000
Emergency Portable Equipment Replacement Cost	\$200,000
Rental Reimbursement	\$2,500
Deductible	\$1,000
80% Coinsurance Applies	
Flood Coverage	\$500,000
Flood Deductible	\$25,000
Earth Movement Coverage	\$500,000
Earth Movement Deductible	\$25,000

Other:

- Limited Endorsement Process: this allows up to 10 items to be added/deleted/amended at any one time with no premium change; up to 30 days to report.
- Equipment individually valued at \$100,000 and above is subject to additional/return premium charge

See Accompanying Inland Marine Schedule for List of Equipment

Broad Form Crime Coverage

Coverage	Limit
Forgery & Alteration -Deductible	\$25,000 \$500
Computer Fraud -Deductible	\$25,000 \$500
Theft, Disappearance & Destruction -Inside/Outside -Deductible	\$25,000 \$500
Public Employee Dishonesty with Faithful Performance of Duty- Per Employee -Deductible	\$100,000 \$1,000

Electronic Data Processing

Coverage	Limit
Hardware	\$200,000
Loss of Business Income	\$50,000
Extra Expense	\$50,000
Media Coverage	\$50,000
Deductible	\$500
Flood Coverage	\$200,000
Flood Deductible	\$25,000
Earth Movement Coverage	\$200,000
Earth Movement Deductible	\$25,000
System Breakdown	Included

Insurance Proposal

City of Kirtland

<u>Coverage</u>	<u>Company</u>	<u>Premium</u>
Package	U.S. Specialty Insurance Co	\$76,836

NOTES:

- Property and Casualty Limited Terrorism Coverage (Act of 2015): \$515 Additional Premium
- Premiums quoted do not include liability for fireworks display. Quote will be provided upon receipt of completed fireworks application.

Insurance Disclaimer

This proposal is not to be construed as a complete disclosure of all coverage and/or exclusions that are contained in your insurance policy.

As with all insurance, please refer to the actual contracts, documents, and policies for complete wording of terms, conditions and exclusions.