

Mississippi Tort Claims Board Meeting

March 9, 2023

1. Approval of January 12, 2023 Minutes – Ms. Kim Turner, Acting Chairman
2. 2023 Legislative Update – Mr. Bruce Donaldson, Tort Claims Board Administrator
3. City of Jackson Update – Mr. Bruce Donaldson, Tort Claims Board Administrator
4. Claims Performance Audit Contract Update – Mr. Bruce Donaldson, Tort Claims Board Administrator
5. Certificates of Coverage – Mr. Bruce Donaldson, Tort Claims Board Administrator
6. Financial Report – Mr. Jim Logan, Accounting Director
7. Investment Report – Mr. Jeff Wilson, Trinity Capital Investors
8. Loss Control – Mr. Steve Milner, Risk Manager
9. Defense Attorney Approval – Mr. Bruce Donaldson, Tort Claims Board Administrator
10. Claims: McDowell vs. MDOT – Ms. Amanda Rayburn, Claims Manager
11. Old Business
12. New Business

Next Meeting: May 11, 2023

Agenda Item 1

Minutes of January 12, 2023 Board Meeting

Ms. Kim Turner, Acting Chairman

Description:

The minutes of the standing board meeting held on January 12, 2023.

Action Requested:

Approval of minutes is requested.

MISSISSIPPI TORT CLAIMS BOARD
MINUTES
January 12, 2023

The Mississippi Tort Claims Board (Board) meeting was held in Room 138, Woolfolk State Office Building; 501 North West Street, Jackson, Mississippi at 1:30 p.m.

The following members were present, constituting a quorum:

Phillip Buffington, Chairman
Kim Turner, Representing MS Attorney General Lynn Fitch
Christina Kelsey, Representing MS Insurance Department Commissioner Mike Chaney
Denita Smith Griffith, Representing MS Department of Public Safety Commissioner Sean Tindell
David McRae, MS State Treasurer
Liz Welch, Executive Director, MS Department of Finance and Administration
Ted Lampton, Representing Chris Wells, MS Department of Environmental Quality

Also present were:

Bruce Donaldson, Tort Claims Board Administrator
Jim Logan, Tort Claims Board
Karen McKlemurry, Tort Claims Board
Steve Milner, Tort Claims Board
Amanda Rayburn, Tort Claims Board
Dan Smith, Attorney General's Office
Liz Bolin, MS Department of Finance and Administration
Cindy Bradshaw, MS Department of Finance and Administration, Office of Insurance
Lisa Wells, Cannon Cochran Management Services Inc.
Jeff Wilson, Trinity Capital
Payton Acy, MS Attorney General's Office

The Chairman called the meeting to order.

Motion was made by Ms. Liz Welch to approve the minutes of the November 10, 2022 meeting. Mr. David McRae seconded the motion, which passed unanimously.

Mr. Bruce Donaldson provided an overview of any potential legislation relative to the Tort Claims Board introduced to date.

Ms. Cindy Bradshaw requested the Board's approval to issue a Request for Proposals to procure a Third-Party Administrator for claims administration and litigation management. Ms. Welch made the motion to approve the request. Ms. Kim Turner seconded the motion, which passed unanimously.

Mr. Donaldson advised the TCB that the City of Jackson's tort fund was under-funded in the sum of \$1 Million according to the current TCB rules. Following discussions with city officials the city deposited \$400K into their fund in a good faith effort to bring their fund closer to compliance requirements with the TCB rules. The remaining \$700K will be deposited after the start of the city's new fiscal year starting October 1, 2023. The city will approve this plan and record it in their minutes at their upcoming meeting set for Tuesday January 17, 2023. The TCB voted to approve with a motion made by Mr. David McRae and seconded by Ms. Liz Welch.

Mr. Donaldson presented a list of 29 political subdivisions with the recommendation of Board approval for renewal of Certificates of Coverage. Ms. Turner made a motion to approve and Ms. Welch seconded. The motion passed unanimously.

Ms. Bradshaw asked the board to approve the procurement of an independent financial auditor to perform annual audits. Motion was made by Ms. Kelsey and seconded by Mr. McRae, then was passed by unanimous vote.

Mr. Logan presented the financial report.

Mr. Jeff Wilson provided an overview of the current investments reports.

Mr. Milner provided an overview of the recent risk management services provided.

Mr. Donaldson announced that he will be retiring Mach 31, 2023. Chairman Buffington congratulated him on his years of service.

There being no further business to come before the Board, Mrs. Welch made the motion to adjourn. Ms. Christina Kelsey seconded the motion, which passed by unanimous vote. The meeting was adjourned.

PHILLIP BUFFINGTON, CHAIRMAN

Agenda Item 2

2023 Legislative Update

Mr. Bruce Donaldson, Tort Claims Board Administrator

Description:

Mr. Donaldson will provide an overview of any potential legislation relative to the Tort Claims Board introduced to date.

Action Requested:

Information only.

Tort Claims Act Legislation Summary
2023 Legislative Session

Bill No.	Introduced By	Last Action	MTCA Reference	Description	Notes
HB989	Felsher	1/16 (H) Referred to Public Health and Human Services 1/26 (H) Title Suff Do Pass Comm Sub 2/1 (H) Committee Substitute Adopted 2/1 (H) Passed 2/2 (H) Transmitted to Senate 2/15 (S) Referred to Accountability, Efficiency, Transparency	11-46-1 11-46-8	An act to provide that the Department of Child Protection Services shall be a state agency separate and apart from the Department of Human Services from and after July 1, 2023	To amend 11-46-1 and 11-46-8
HB1125	Newman	1/16 (H) Referred to Public Health and Human Services 1/19 (H) Title Suff Do Pass 1/19 (H) Point of Order Raised 1/19 (H) Point of Order – Well Taken 1/19 (H) Passed 1/20 (H) Transmitted to Senate 1/27 (S) Referred to Judiciary, Division B 1/31 (S) Title Suff Do Pass 2/21 (S) Amendment Failed 2/21 (S) Passed 2/22 (S) Returned for Enrolling 2/23 (H) Enrolled Bill Signed 2/23 (S) Enrolled Bill Signed 2/28 Approved by Governor	11-46-5	An act to create the “Regulate Experimental Adolescent Procedures (REAP)” to exclude the performance gender transition procedures from the “practice of medicine” meaning; to amend section 11-46-5	To amend 11-46-5
HB34	Ladner	Introduced and referred to JudB 1/31 Died in Committee	11-46-9	To amend Section 11-46-9 MS Code of 1972 to provide an exception for tort immunity when a governmental entity fails to provide proper law enforcement protection during a violent and disorderly assembly	
HB300	Rushing	Introduced and referred to JudB 1/31 Died in Committee	11-46-9	An act to amend Section 11-46-9 MS Code of 1972 to provide immunity for law enforcement officers when the person filing the claim against the officer was	

HB576	Hobgood-Wilkes	Introduced and referred to JudB 1/31 Died in Committee	11-46-5	<p>convicted for resisting arrest and the incident was clearly recorded by the officer, and for related purposes the officer, and for related purposes</p> <p>An act to be known as the Mississippi Help Not Harm Act. To amend Section 11-46-5 Mississippi Code of 1972 to provide that under the Tort Claims Act an employee shall not be considered as acting within the course and scope of his or her employment and a governmental entity may be liable or be considered to have waived immunity for any conduct of its employee if the employee's conduct violated the provisions of this act.</p>	
HB616	Anderson	Introduced and referred to JudB 1/31 Died in Committee	11-46-1 et seq.	<p>An act to create the review board for officer-involved deaths. Any law enforcement agency that fails to adopt the written policy required by this sub-section (2) shall not be eligible to claim any immunity protections provided by the Mississippi Tort Claims Act.</p>	
SB2678	Wiggins, Hopson, Boyd, Branning, McCaughn	1/16 (S) Referred to Accountability, Efficiency, Transparency 1/26 (S) Title Suff Do Pass 2/2 (S) Passed 2/3 (S) Transmitted to House 2/7 (H) Referred to Public Health and Human Services 2/8 (H) Died in Committee	11-46-1 11-46-8	<p>An act to provide that the Department of Child Protection Services shall be a state agency separate and apart from the Department of Human Services from and after July 1, 2023</p>	Companion to HB989

By: Representative Felsher

To: Public Health and Human
Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 989

1 AN ACT TO PROVIDE THAT FROM AND AFTER JULY 1, 2023, THE
2 DEPARTMENT OF CHILD PROTECTION SERVICES SHALL BE A STATE AGENCY
3 SEPARATE AND APART FROM THE DEPARTMENT OF HUMAN SERVICES AND NOT A
4 SUBAGENCY HOUSED WITHIN THE DEPARTMENT OF HUMAN SERVICES, AND
5 SHALL HAVE SUCH POWERS AND DUTIES AND PERFORM SUCH FUNCTIONS THAT
6 ARE ASSIGNED TO THE DEPARTMENT OF CHILD PROTECTION SERVICES BY
7 STATE LAW; TO AMEND SECTION 43-26-1, MISSISSIPPI CODE OF 1972, AND
8 TO CREATE NEW SECTIONS 43-26-5, 43-26-7, 43-26-9, 43-26-11,
9 43-26-13, 43-26-15, 43-26-17, 43-26-19, 43-26-21 AND 43-26-23,
10 MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE POWERS AND DUTIES OF
11 THE DEPARTMENT OF CHILD PROTECTION SERVICES AND THE COMMISSIONER
12 OF CHILD PROTECTION SERVICES; TO CREATE NEW SECTION 43-26-25,
13 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A REPEALER ON THE
14 STATUTES PRESCRIBING THE POWERS AND DUTIES OF THE DEPARTMENT AND
15 THE COMMISSIONER; TO AMEND SECTIONS 11-46-1, 11-46-8, 25-1-109,
16 27-104-203, 37-31-107, 37-106-69, 37-115-43, 41-3-18, 41-67-12,
17 41-87-5, 41-101-1, 43-1-9, 43-1-101, 43-14-1, 43-14-5, 43-15-3,
18 43-15-5, 43-15-6, 43-15-7, 43-15-11, 43-15-15, 43-15-19, 43-15-21,
19 43-15-23, 43-15-103, 43-15-105, 43-15-107, 43-15-109, 43-15-113,
20 43-15-115, 43-15-117, 43-15-119, 43-15-121, 43-15-125, 43-15-201,
21 43-15-203, 43-15-207, 43-16-3, 43-16-7, 43-18-3, 43-18-5,
22 43-21-351, 43-21-354, 43-21-357, 43-21-405, 43-21-603, 43-21-609,
23 43-21-701, 43-21-801, 43-27-101, 43-27-103, 43-27-109, 43-27-113,
24 43-27-115, 43-27-117, 43-27-119, 43-43-5, 43-43-7, 43-51-3,
25 43-51-5, 43-51-7, 45-33-36, 57-13-23, 93-5-23, 93-17-3, 93-17-5,
26 93-17-8, 93-17-11, 93-17-12, 93-17-53, 93-17-57, 93-17-59,
27 93-17-61, 93-17-63, 93-17-65, 93-17-101, 93-17-103, 93-17-107,
28 93-17-109, 93-17-203, 93-17-209, 93-21-305, 93-21-307, 93-21-309,
29 93-21-311, 93-31-3, 97-5-24, 97-5-39 AND 99-41-17, MISSISSIPPI
30 CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; TO REPEAL
31 SECTIONS 43-1-51, 43-1-53, 43-1-57, 43-1-59, 43-1-63, 43-51-1 AND
32 43-51-9, MISSISSIPPI CODE OF 1972, WHICH CREATED THE DIVISION OF
33 FAMILY AND CHILDREN'S SERVICES WITHIN THE DEPARTMENT OF HUMAN
34 SERVICES, PROVIDES THE TITLE FOR THE FAMILY PRESERVATION ACT, AND



358 (3) Repayment of the assistance improperly obtained pursuant
359 to this section shall not constitute a defense to or ground of
360 dismissal of criminal charges brought under Section 97-19-71.

361 **SECTION 13.** The following shall be codified as Section
362 43-26-25, Mississippi Code of 1972:

363 43-26-25. This chapter shall stand repealed on July 1, 2026.

364 **SECTION 14.** Section 11-46-1, Mississippi Code of 1972, is
365 amended as follows:

366 11-46-1. As used in this chapter, the following terms shall
367 have the meanings ascribed unless the context otherwise requires:

368 (a) "Claim" means any demand to recover damages from a
369 governmental entity as compensation for injuries.

370 (b) "Claimant" means any person seeking compensation
371 under the provisions of this chapter, whether by administrative
372 remedy or through the courts.

373 (c) "Board" means the Mississippi Tort Claims Board.

374 (d) "Department" means the Department of Finance and
375 Administration.

376 (e) "Director" means the executive director of the
377 department who is also the executive director of the board.

378 (f) "Employee" means any officer, employee or servant
379 of the State of Mississippi or a political subdivision of the
380 state, including elected or appointed officials and persons acting
381 on behalf of the state or a political subdivision in any official
382 capacity, temporarily or permanently, in the service of the state



383 or a political subdivision whether with or without compensation,
384 including firefighters who are members of a volunteer fire
385 department that is a political subdivision. The term "employee"
386 shall not mean a person or other legal entity while acting in the
387 capacity of an independent contractor under contract to the state
388 or a political subdivision; and

389 (i) For purposes of the limits of liability
390 provided for in Section 11-46-15, the term "employee" shall
391 include:

392 1. Physicians under contract to provide
393 health services with the State Board of Health, the State Board of
394 Mental Health or any county or municipal jail facility while
395 rendering services under the contract;

396 2. Any physician, dentist or other health
397 care practitioner employed by the University of Mississippi
398 Medical Center (UMMC) and its departmental practice plans who is a
399 faculty member and provides health care services only for patients
400 at UMMC or its affiliated practice sites, including any physician
401 or other health care practitioner employed by UMMC under an
402 arrangement with a public or private health-related organization;

403 3. Any physician, dentist or other health
404 care practitioner employed by any university under the control of
405 the Board of Trustees of State Institutions of Higher Learning who
406 practices only on the campus of any university under the control
407 of the Board of Trustees of State Institutions of Higher Learning;



408 4. Any physician, dentist or other health
409 care practitioner employed by the State Veterans Affairs Board and
410 who provides health care services for patients for the State
411 Veterans Affairs Board;

412 (ii) The term "employee" shall also include
413 Mississippi Department of * * * Child Protection Services licensed
414 foster parents for the limited purposes of coverage under the Tort
415 Claims Act as provided in Section 11-46-8; and

416 (iii) The term "employee" also shall include any
417 employee or member of the governing board of a charter school but
418 shall not include any person or entity acting in the capacity of
419 an independent contractor to provide goods or services under a
420 contract with a charter school.

421 (g) "Governmental entity" means the state and political
422 subdivisions.

423 (h) "Injury" means death, injury to a person, damage to
424 or loss of property or any other injury that a person may suffer
425 that is actionable at law or in equity.

426 (i) "Political subdivision" means any body politic or
427 body corporate other than the state responsible for governmental
428 activities only in geographic areas smaller than that of the
429 state, including, but not limited to, any county, municipality,
430 school district, charter school, volunteer fire department that is
431 a chartered nonprofit corporation providing emergency services
432 under contract with a county or municipality, community hospital



By: Representatives Newman, Gunn, Eubanks,
Tullos, Brown (20th), Williamson, Hopkins,
Arnold, Kinkade, Ford (73rd), Bain, Patterson

To: Public Health and Human
Services

HOUSE BILL NO. 1125

1 AN ACT TO CREATE THE "REGULATE EXPERIMENTAL ADOLESCENT
2 PROCEDURES (REAP)" ACT FOR ANY PERSON UNDER EIGHTEEN YEARS OF AGE;
3 TO PROVIDE DEFINITIONS FOR THE ACT; TO PROHIBIT THE DIRECT OR
4 INDIRECT USE, GRANT, PAYMENT OR DISTRIBUTION OF PUBLIC FUNDS TO
5 ANY ENTITY, ORGANIZATION OR INDIVIDUAL THAT PROVIDES GENDER
6 TRANSITION PROCEDURES TO A PERSON UNDER EIGHTEEN YEARS OF AGE; TO
7 PROVIDE THAT HEALTH CARE SERVICES FURNISHED IN A STATE OR
8 LOCALLY-OWNED HEALTH CARE FACILITY OR BY A PHYSICIAN OR OTHER
9 HEALTH CARE PROFESSIONAL EMPLOYED BY THE STATE OR LOCAL GOVERNMENT
10 SHALL NOT INCLUDE GENDER TRANSITION PROCEDURES FOR A PERSON UNDER
11 EIGHTEEN YEARS OF AGE; TO PROVIDE THAT AMOUNTS PAID DURING A
12 TAXABLE YEAR FOR PROVISION OF GENDER TRANSITION PROCEDURES OR AS
13 PREMIUMS FOR HEALTH CARE COVERAGE THAT INCLUDES COVERAGE FOR
14 GENDER TRANSITION PROCEDURES ARE NOT DEDUCTIBLE UNDER THE STATE
15 INCOME TAX LAWS; TO AUTHORIZE THE ATTORNEY GENERAL TO BRING AN
16 ACTION TO ENFORCE COMPLIANCE WITH THIS ACT; TO CREATE NEW SECTION
17 43-13-117.7, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE DIVISION OF
18 MEDICAID FROM REIMBURSING OR PROVIDING COVERAGE FOR GENDER
19 TRANSITION PROCEDURES FOR A PERSON UNDER EIGHTEEN YEARS OF AGE; TO
20 AMEND SECTION 83-9-22, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
21 HEALTH COVERAGE PLANS ARE NOT REQUIRED TO INCLUDE GENDER
22 TRANSITION PROCEDURES; TO CREATE NEW SECTION 83-9-37, MISSISSIPPI
23 CODE OF 1972, TO PROVIDE THAT A HEALTH BENEFIT PLAN UNDER AN
24 INSURANCE POLICY OR OTHER PLAN PROVIDING HEALTH CARE COVERAGE
25 SHALL NOT INCLUDE REIMBURSEMENT FOR GENDER TRANSITION PROCEDURES
26 FOR A PERSON UNDER EIGHTEEN YEARS OF AGE; TO AMEND SECTIONS
27 27-7-17, 73-15-29 AND 73-25-29, MISSISSIPPI CODE OF 1972, TO
28 CONFORM TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION 73-25-33,
29 MISSISSIPPI CODE OF 1972, TO EXCLUDE THE PERFORMANCE GENDER
30 TRANSITION PROCEDURES FROM THE "PRACTICE OF MEDICINE" MEANING; TO
31 AMEND SECTION 11-46-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE FROM
32 TORT IMMUNITY VIOLATIONS OF THIS ACT; TO AMEND SECTION 41-41-219,
33 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO



920 term "gender transition procedures" means the same as defined in
921 Section 2 of this act.

922 **SECTION 12.** The following shall be codified as Section
923 83-9-37, Mississippi Code of 1972:

924 83-9-37. (1) As used in this section, the term "gender
925 transition procedures" means the same as defined in Section 2 of
926 this act.

927 (2) A health benefit plan under an insurance policy or other
928 plan providing health care coverage in this state shall not
929 include reimbursement for gender transition procedures for a
930 person under eighteen (18) years of age.

931 (3) A health benefit plan under an insurance policy or other
932 plan providing health care coverage in this state is not required
933 to provide coverage for gender transition procedures for a person
934 under eighteen (18) years of age.

935 **SECTION 13.** Section 11-46-5, Mississippi Code of 1972, is
936 amended as follows:

937 11-46-5. (1) Notwithstanding the immunity granted in
938 Section 11-46-3, or the provisions of any other law to the
939 contrary, the immunity of the state and its political subdivisions
940 from claims for money damages arising out of the torts of such
941 governmental entities and the torts of their employees while
942 acting within the course and scope of their employment is hereby
943 waived from and after July 1, 1993, as to the state, and from and
944 after October 1, 1993, as to political subdivisions; provided,



945 however, immunity of a governmental entity in any such case shall
946 be waived only to the extent of the maximum amount of liability
947 provided for in Section 11-46-15.

948 (2) For the purposes of this chapter an employee shall not
949 be considered as acting within the course and scope of his
950 employment and a governmental entity shall not be liable or be
951 considered to have waived immunity for any conduct of its employee
952 if the employee's conduct constituted fraud, malice, libel,
953 slander, defamation or any criminal offense other than traffic
954 violations.

955 (3) For the purposes of this chapter and not otherwise, it
956 shall be a rebuttable presumption that any act or omission of an
957 employee within the time and at the place of his employment is
958 within the course and scope of his employment, except for actions
959 described in subsection (2) of Section 73-25-33 and subsection (5)
960 of this section.

961 (4) Nothing contained in this chapter shall be construed to
962 waive the immunity of the state from suit in federal courts
963 guaranteed by the Eleventh Amendment to the Constitution of the
964 United States.

965 (5) For purposes of this chapter, an employee shall not be
966 considered as acting within the course and scope of his or her
967 employment and a governmental entity shall be liable or be
968 considered to have waived immunity for any conduct of its employee
969 if the employee's conduct constituted a violation of this act.



Agenda Item 3

City of Jackson Update

Mr. Bruce Donaldson, Tort Claims Board Administrator

Description:

Update City of Jackson's tort fund shortage. See attachment.

Action Requested:

For information only

ORDER MODIFYING THE ORDER AMENDING THE FISCAL YEAR 2022-2023 BUDGET OF THE CITY OF JACKSON TO PROVIDE FOR THE TRANSFER OF FUNDS TO THE TORT CLAIMS FUND

WHEREAS, pursuant to Miss. Code Ann. § 11-46-17(2) each governmental entity other than political subdivisions shall participate in a comprehensive plan of self-insurance or one or more policies of liability insurance or combination of the two (2), all to be administered by the Department of Finance and Administration; and

WHEREAS, pursuant to Miss. Code Ann. § 11-46-17(2), each governmental entity participating in the plan shall make payments to the board in such amounts, times and manner determined by the board as the board deems necessary to provide sufficient funds to be available for payment by the board of the costs it incurs in providing coverage for the governmental entity; and

WHEREAS, pursuant to Miss. Code Ann. § 11-46-17(2) each governmental entity of the state other than the political subdivisions thereof participating in the plan procured by the board shall be issued by the board a certificate of coverage whose form and content shall be determined by the board but which shall have the effect of certifying that, in the opinion of the board, each of such governmental entities is adequately insured; and

WHEREAS, on or about December 12, 2022, the Tort Claims Board confirmed the City of Jackson Tort Fund was underfunded in the amount of \$1,140,929.00 for Fiscal Year 2022-2023; and

WHEREAS, the City of Jackson Budget needs to be amended to provide funding for these unbudgeted needs by moving funds from fund balance where they are needed to fund additional, unfunded needs of the Tort Fund; and

WHEREAS, the City of Jackson has worked with the Tort Claims Board to develop a payment plan to pay the underfunded balance in installments; and

WHEREAS, on January 17, 2023, the Jackson City Council approved an Order amending the budget of the City of Jackson to transfer funds in the amount of \$400,000.00 from the General Fund; and

WHEREAS, the City of Jackson and the Tort Claims Board have agreed that after transfer of the first installment, the remaining balance will be budgeted for payment in Fiscal Year 2023-2024 beginning October 1, 2023; and

WHEREAS, it is in the best interest of the City of Jackson to modify the prior Order transferring funds to cover the first installment to the Tort Claims Board; and

IT IS THEREFORE ORDERED that the Fiscal Year 2022-2023 Budget of the City of Jackson be amended as follows:

<u>To/From</u>	<u>Fund/Account Number</u>	<u>Amount</u>
From:	001-5899 General Fund 1	\$400,000.00

To:	001-40792-6765	\$400,000.00
From:	018-5911	\$400,000.00
To:	018-51820-6722	\$400,000.00

Council Member Lindsay moved adoption; **Council Member Hartley** seconded.

Yeas – Banks, Foote, Grizzell, Hartley, Lee and Lindsay.

Nays – None.

Absent – Stokes.

STATEMENT OF VOTES

The foregoing is a true and exact copy of an Order stating the action taken by the City Council at its Regular Council Meeting on January 31, 2023. However, upon the completion of the minutes, signed by the Mayor and attested by the City Clerk, a certified attested copy can be provided upon request.

Agenda Item 4

Claim Performance Audit Contract Update

Mr. Bruce Donaldson, Tort Claims Board Administrator

Description:

Approval of Tort Claims Performance Audit Service Contract

Action Requested:

Requesting board approval

Agenda Item 5

Certificates of Coverage

Mr. Bruce Donaldson, Tort Claims Board Administrator

Description:

Review of political subdivisions requesting Certificate of Coverage.

Action Requested:

Staff request approval to issue Certificates of Coverage.



STATE OF MISSISSIPPI
GOVERNOR TATE REEVES

MISSISSIPPI TORT CLAIMS BOARD
C. PHILLIP BUFFINGTON, CHAIRMAN

MIKE CHANEY, Commissioner
Insurance Department
LYNN FITCH, Attorney General
Office of Attorney General
DAVID McRAE, Treasurer
Department of Treasury

SEAN TINDELL, Commissioner
Department of Public Safety
LIZ WELCH, Executive Director
Department of Finance and Administration
CHRIS WELLS, Executive Director
Department of Environmental Quality

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Bruce Donaldson
DATE: March 9, 2023
RE: Political Subdivisions – Certificates of Coverage

RECOMMENDATION: Staff recommends approval of 26 political subdivisions shown on attached list.

MISSISSIPPI TORT CLAIMS BOARD

Thursday, March 9, 2023

Political Subdivisions Recommended for Renewal of Certificate of Coverage

Belden Volunteer Fire Department, Inc.
Benton County Soil and Water Conservation District
District 1 Volunteer Fire Department, Inc.
Field Health System
Fulton City Clerk
Gulfport School District
Kemper County Economic Development Authority
LSR Volunteer Fire Department
Leake County Soil & Water Conservation District
Magnolia Regional Health Center
Mars Hill Volunteer Fire Department
Mississippi Gulf Coast Regional Convention & Visitors Bureau
Monroe County Soil & Water Conservation District
Neshoba County General Hospital and Nursing Home
Noxubee County Soil and Water Conservation District
Rankin County Fire Services
Singing River Health System
Southeast Mississippi Air Ambulance
Southwest Mississippi Regional Medical Center
Sunny Hill Volunteer Rural Fire Department
Tupelo City Clerk
Valley View Volunteer Fire Department
Walthall County Soil & Water Conservation District
West Covington Volunteer Fire Department
West Hancock Fire Protection District
Yalobusha County Soil & Water Conservation District

TOTAL 26

Agenda Item 6

Financial Report

Mr. Jim Logan, Accounting Director

Description:

Mr. Logan will provide an overview of the current financial reports.

Action Requested:

Informational – no action required.

Agenda Item 7

Investment Report

Mr. Jeff Wilson, Trinity Capital Investors

Description:

Mr. Wilson will provide an overview of the current investment reports.

Action Requested:

Informational – no action required.

TRINITY

TRINITY CAPITAL INVESTORS

March 1, 2023

Mr. Bruce Donaldson
Mississippi Tort Claims Board
P O Box 267
Jackson, MS 39205-0267

Re: February 2023 Portfolio Highlights

Total Portfolio	Book Value	\$13,089,954
FY 2023 Internal Rate of Return		1.33%
Current Portfolio Book Yield		2.62%
Market Yield		3.81%
Weighted Average Life		Approximately 3 years
FY 2023 Earnings		147,838
Accrued Interest		49,300

1675 Lakeland Drive Suite 400 Jackson, MS 39216
Telephone 601-956-3511
Fax 601-956-3513

Security Inventory
 Booking Report
 February 2023
MISSISSIPPI TORT CLAIMS FUND

Security Group	Type	Par Value	Book Value/ Cost
AGEN	FFCB	3,000,000	3,001,078.15
	FHLB	4,699,616	4,698,352.38
CMO	GNMA		1,313,825.29
	FHR		1,047,003.56
	FNR		588,533.84
US TREAS			2,229,804.69
INTEREST			21,634.54
CASH			211,356.41
			13,089,954.32

Agenda Item 8

Loss Control

Mr. Steve Milner, Risk Manager

Description:

Mr. Milner will provide an overview of the recent risk management services provided.

Action Requested:

Informational – no action required.



STATE OF MISSISSIPPI
GOVERNOR TATE REEVES

MISSISSIPPI TORT CLAIMS BOARD
C. PHILLIP BUFFINGTON, CHAIRMAN

MIKE CHANEY, Commissioner
Insurance Department
LYNN FITCH, Attorney General
Office of Attorney General
DAVID McRAE, Treasurer
Department of Treasury

SEAN TINDELL, Commissioner
Department of Public Safety
LIZ WELCH, Executive Director
Department of Finance and Administration
CHRIS WELLS, Executive Director
Department of Environmental Quality

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Steve Milner
DATE: March 9, 2023

4 Ride A Longs
62 Site Visits - State Property/Leased Property Inspections
15 State Trooper Accident Investigations/Reviews
1 State Trooper Injury Investigation
4 Risk Management Consultations
1 MEMA Activation
1 Risk Management Presentation - MHP Cadet Class 66
1 State Vehicle Accident Investigation

LOSS CONTROL REPORT

STEVE MILNER

4 RIDE A LONGS

These were new state trooper ride alongs from Class 66. Two were in Troop H (Meridian) and two were in Troop J (Hattiesburg). All four troopers had prior law enforcement experience. Safe driving techniques are observed with particular attention given to emergency response. I observed nothing that concerned me relative to risk management.

62 Site Visits - State Property/Leased Property Inspections

Agencies included were WIN Job Centers, Department of Health, welcome centers (Greenville and Woodville), Medicaid Regional Offices, Child Protection Services and Human Services. Most of the aforementioned offices are owned and maintained by county municipalities (Board of Supervisors) with the exception of the Medicaid regional offices which are privately owned. The Greenville Welcome Center is owned and maintained by the City of Greenville and the Woodville Welcome Center is maintained by MDOT. Any area that affects the general public such as parking lots, walkways and interior flooring are inspected. Any issue requiring corrective action is documented in a confirmation of risk management services report. Pictures are taken and attached to the report.

15 STATE TROOPER ACCIDENT INVESTIGATIONS

These are vehicular accidents. NOT ALL INVOLVE PROPERTY DAMAGE OR LIABILITY. Some involve wildlife (deer) and some involve the trooper being hit by a vehicle. The following are the number of accidents with respective Troops:

1 Troop E
3 Troop D
3 Troop F
3 Troop H
2 Troop C
2 Troop J
1 Troop M

If I identify any trends that are developing, I will present them at district meetings. Any accident involving liability is forwarded to the claims manager.

1 STATE TROOPER INJURY INVESTIGATION

This involved a rollover crash in Troop D. The trooper was responding to a vehicle accident.

4 RISK MANAGEMENT CONSULTATIONS

These reflect discussions relative to specific risk management issues. The first consultation was with a regional manager for the Department of Rehab Services in relation to accident reporting procedures for their respective field offices. Another consultation involved a discussion with a Regional Director with the Department of Human Services regarding specific risk management issues at a satellite office in Bolivar County (Rosedale). Another consultation was with a Regional Director for the Department of Human Services regarding corrective action specific risk management issues in Lowndes County. The last discussion was with a Director of Administrative Services for the Department of Human Services regarding that agency hiring a dedicated individual to address risk management issues and subsequent corrective action at statewide county offices.

1 MEMA ACTIVATION

The State EOC was activated in February to support a weather event. As Safety Officer it is my responsibility to promote safe work practices and manage risks associated with response procedures.

1 RISK MANAGEMENT PRESENTATION

A presentation was made at to the MHP Cadet Class 66 on February 23, 2023. There were 56 cadets in attendance. I explained my duties as the dedicated risk manager for MHP and informed them that after completion of their field training program I would be conducting a ride along with each of them.

1 STATE VEHICLE ACCIDENT INVESTIGATION

This involved a Department of Rehab services van which rear ended another vehicle. The state employee driving the van was distracted by a passenger.