

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

Mississippi Tort Claims Board
January 12, 2023 - 1:30pm
Conference Center North, Room 138
First Floor, Woolfolk Building
Jackson, Mississippi

ATTENDANCE LIST

<u>NAME</u>	<u>DEPARTMENT/COMPANY</u>
Wilson	Trinity Capital
Steven Milroy	TCB
Samuel	TCB
Jim Logan	TCB
LISA WELLS	CCMSI
Kim W	AGO
Dan Smith	AG
Payton Ay	AGO
Ananda Rayburn	TCB
Diana S. Griffin	DPS
Del M	Treasury
Ted Lampton	MDEQ
Cindy Bradshaw	DFA
RBA	Chair
Co	MFD
Hyobin	DFA
Liz Welch	DFA
Ken McIllemey	DFA

Mississippi Tort Claims Board Meeting

January 12, 2023

1. Approval of November 10, 2022 Minutes – Mr. Phil Buffington, Chairman
2. 2023 Legislative Update – Mr. Bruce Donaldson, Tort Claims Board Administrator
3. Request for Proposal – Claims Administration – Ms. Cindy Bradshaw, State Insurance Administrator
4. Certificates of Coverage – Mr. Bruce Donaldson, Tort Claims Administrator
5. Independent Financial Audit – Ms. Cindy Bradshaw, State Insurance 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. Old Business
10. New Business

Next Meeting: March 9, 2023

Agenda Item 1

Minutes of November 10, 2022 Board Meeting

Mr. Phil Buffington, Chairman

Description:

The minutes of the standing board meeting held on November 10, 2022.

Action Requested:

Approval of minutes is requested.

**MISSISSIPPI TORT CLAIMS BOARD
MINUTES
NOVEMBER 10, 2022**

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
Tabatha Baum, Representing MS Attorney General Lynn Fitch
Commissioner Mike Chaney, MS Insurance Department
Mac May, Representing MS Department of Public Safety Commissioner Sean Tindell
David McRae, MS State Treasurer
Liz Welch, Executive Director, MS Department of Finance & Administration

Also present were:

Bruce Donaldson, Tort Claims Board Administrator
Tom Henderson, Tort Claims Board
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 & Administration
Cindy Bradshaw, MS Department of Finance and Administration, Office of Insurance
Lisa Wells, Cannon Cochran Management Services Inc.
Jeff Wilson, Trinity Capital
Chris Burkhalter, The Burkhalter Group
Williams R. Collins, MS Attorney General's Office
Christina Kelsey, MS Insurance Department
Kaara Lind, Copeland, Cook, Taylor & Bush, P.A

The Chairman called the meeting to order.

The Chairman announced that the Board had a legal matter to discuss. Commissioner Chaney motioned for the Board to close the meeting to consider entering into an executive session for the purpose of discussing ongoing litigation. The motion was seconded by Ms. Welch. The motion passed unanimously.

A motion was made by Ms. Welch to close executive session and seconded by Ms. Kelsey. The motion passed unanimously. No action was taken by the Board.

Motion was made by Ms. Baum to approve the minutes of the September 8, 2022 meeting. Mr. May seconded the motion, which passed unanimously.

In Old Business, Mr. Donaldson advised that certificates of coverage were issued to both Memorial Hospital at Gulfport and Harrison County. Both entities have supplied minutes from meetings and funding deposits from trust funds to meet requirements of the Board. They plan to be fully funded within the next two years.

In New Business, Ms. Welch recognized Ms. Cindy Bradshaw, and spoke about consolidating divisions in the Department of Finance and Administration. All insurance related offices will be consolidated under Office of Insurance.

Mr. Donaldson called the Board's attention to the list of meetings dates for 2023.

Mr. Logan presented the financial report.

Mr. Logan then briefly presented the investment report to the Board, since Mr. Wilson had to leave during the executive session.

Mr. Milner stated that he has started ride-alongs with new state troopers, and that there was one claim at the State Fair this year, a trip and fall.

Mr. Donaldson told the Board we had no new attorneys requesting to be added to the list.

Mr. Donaldson presented a list of 52 political subdivisions with the recommendation of Board approval for renewal of Certificates of Coverage. Ms. Baum made a motion to approve and Mr. McRae seconded. The motion passed unanimously.

There being no further business to come before the Board, Mrs. Welch made the motion to adjourn. Mr. McRae 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 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
HB34	Ladner	Introduced and referred to JudB	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	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 convicted for resisting arrest and the incident was clearly recorded by the officer; and for related purposes.	

Agenda Item 3

Request for Proposal – Claims Administration

Ms. Cindy Bradshaw, State Insurance Administrator

Description:

The Board's current contract with the Third-Party Administrator, Cannon Cochran Management Services, Inc., will expire on September 30, 2023. In order to have a new contractor in place for October 1, 2023, staff will need to begin the procurement process. In anticipation of this process, staff requested an exemption from the bid requirement from the Personal Service Contract Review Board. The request was approved, and the Tort Claims Board was given permission to issue a Request for Proposals.

Action Requested:

Staff request the Board's approval to issue a Request for Proposals to procure a Third-Party Administrator for claims administration and litigation management.

Agenda Item 4

Certificates of Coverage

Mr. Bruce Donaldson, Tort Claims 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: January 12, 2023
RE: Political Subdivisions – Certificates of Coverage

RECOMMENDATION: Staff recommends approval of 29 political subdivisions shown on attached list.

MISSISSIPPI TORT CLAIMS BOARD

Thursday, January 12, 2023

Political Subdivisions Recommended for Renewal of Certificate of Coverage

Alcorn County Soil & Water Conservation District
Bayside Fire District
Biloxi City Clerk
Birmingham Ridge Volunteer Fire Department
Copiah County Soil & Water Conservation District
Golden Triangle Regional Solid Waste Management Authority
Independence Volunteer Fire Department, Inc.
Itawamba Community College
City of Jackson -- conditional
Lafayette County Soil & Water Conservation District
Lamar County Board of Supervisors (Volunteer Fire Departments)
Lauderdale County Soil & Water Conservation District
Lee County Soil & Water Conservation District
Lincoln County Soil & Water Conservation District
Mississippi Housing Authorities Risk Management, Inc.
Mount Olive Volunteer Fire and Rescue, Inc.
New Albany City Clerk
Northeast Lamar Fire Protection District
Oktoberfest County Hospital
Panola County Firefighters Association
Panola County Soil & Water Conservation District
Pearl River County Soil & Water Conservation District
Rankin County Board of Supervisors
Region VI Community Mental Health Commission
Smith County Soil & Water Conservation District
South Madison County Fire Protection District
South Sunflower County Hospital
Tallahatchie County Soil & Water Conservation District
Wayne County Soil & Water Conservation District

TOTAL 29

Agenda Item 5

Independent Financial Audit

Ms. Cindy Bradshaw, State Insurance Administrator

Description:

Tort Claims Board does not currently have a financial and performance review auditor under contract.

Action Requested:

Staff request permission is procure an independent financial auditor to perform annual audits for the Board.

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.

MISSISSIPPI TORT CLAIMS BOARD
Combined Financial Report - Fiscal Year 2023
Fund 3308100000

-----CASH FLOW ANALYSIS-----

	November	December	FY 2023 Total	FY 2022 Total
REVENUE:				
Assessments Received	\$ 29,346.00	\$ 81,752.00	\$ 3,578,372.00	\$ 4,105,936.90
Interest	5,596.54	13,261.14	\$ 35,912.79	12,218.65
Investment Interest	6,917.42	38,895.37	\$ 108,094.32	34,618.08
Sale of Scrap	0.00	0.00	\$ 1,300.00	0.00
Transfer In Funds	0.00	250,000.00	\$ 750,000.00	750,000.00
Total Revenue	\$ 41,859.96	\$ 383,908.51	\$ 4,473,679.11	\$ 4,902,773.63
EXPENSES:				
Claim Losses - TPA and TCB	54,400.55	99,739.22	\$ 596,097.26	615,723.04
Legal Expenses - TPA and TCB	17,141.49	107,582.55	\$ 249,594.37	310,340.93
Other Expenses - TPA and TCB	309.00	180.00	\$ 3,514.00	4,365.30
Administrative Expenses Paid	58,232.08	121,634.94	\$ 462,440.20	572,695.15
Transfer of Funds - Out	0.00	250,000.00	\$ 750,000.00	750,000.00
Total Expenses	\$ 130,083.12	\$ 579,136.71	\$ 2,061,645.83	\$ 2,253,124.42
CASH ON HAND:				
Beginning Balance	\$ 21,653,940.09	\$ 21,565,716.93		
Revenue	41,859.96	383,908.51		
Expenses	(130,083.12)	(579,136.71)		
Adjustments	0.00	0.00		
Total Cash	\$ 21,565,716.93	\$ 21,370,488.73		
Cash in Treasury	\$ 8,333,231.36	\$ 7,936,789.10		
Investments in Treasury	\$ 12,981,515.66	\$ 13,020,411.03		
TPA Trustmark Bank Balance	250,969.91	413,288.60		
Sub-Total Cash By Accounts	\$ 21,565,716.93	\$ 21,370,488.73		
Less Reserves	7,893,140.69	8,119,440.64		
Unencumbered Cash Available	\$ 13,672,576.24	\$ 13,251,048.09		

-----CLAIMS/RESERVES DETAIL (Year-To-Date)-----

	Tort Board	CCMSI	TOTAL	FY 2022 TOTAL
Claims - Payments	\$ 118,952.02	\$ 477,145.24	\$ 596,097.26	\$ 615,723.04
Claims - Legal Expenses	249,594.37	-	\$ 249,594.37	\$ 310,340.93
Claims - Other Expenses	-	3,514.00	\$ 3,514.00	\$ 4,365.30
Total Paid Out to Date	\$ 368,546.39	\$ 480,659.24	\$ 849,205.63	\$ 930,429.27
OUTSTANDING RESERVES	696,622.69	7,422,817.95	\$ 8,119,440.64	\$ 7,653,511.48
Total Claims & Reserves	\$ 1,065,169.08	\$ 7,903,477.19	\$ 8,968,646.27	\$ 8,583,940.75
Number of Claims Reported	325	151	476	659
Number of Claims Paid	173	52	225	249
Total Open Claims	2,697	294	2,991	1,254
AVERAGE CLAIM PAID	\$687.58	\$9,175.87	\$ 2,649.32	\$ 2,472.78
AVERAGE RESERVE/OPEN CLAIM	\$258.30	\$25,247.68	\$ 2,714.62	\$ 6,103.28

NOTE: Information represents combined operations for Treasury Fund 3081 and the Trustmark account (utilized by CCMSI).

MISSISSIPPI TORT CLAIMS BOARD
Budget Comparison Report - Fiscal Year 2023
Treasury Fund 3308100000

Expenses:	Total Budget	November 2022	December 2022	Year To Date Expenditures	Ending Balance	Percent Expended
A1-Salaries	\$ 604,964.00	\$ 46,200.71	\$ 45,837.45	\$ 287,667.61	\$ 317,296.39	47.55%
A2-Travel	5,000.00	0.00	0.00	4,477.84	522.16	89.56%
B-Contractual	1,628,910.00	28,464.16	182,972.28	415,976.71	1,212,933.29	25.54%
C-Commodities	9,000.00	706.30	396.51	3,873.86	5,126.14	43.04%
D2-Capital Outlay	2,000.00	0.00	0.00	0.00	2,000.00	0.00%
E-Subsidies	4,300,000.00	19,983.86	262,239.22	868,952.02	3,431,047.98	20.21%
SUBTOTAL	\$ 6,549,874.00	\$ 95,355.03	\$ 491,445.46	\$ 1,580,948.04	\$ 4,968,925.96	24.14%
TPA Expended		<u>34,728.09</u>	<u>87,691.25</u>	<u>480,697.79</u>		
TOTAL Expended		\$ 130,083.12	\$ 579,136.71	\$ 2,061,645.83		

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

January 3, 2023

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

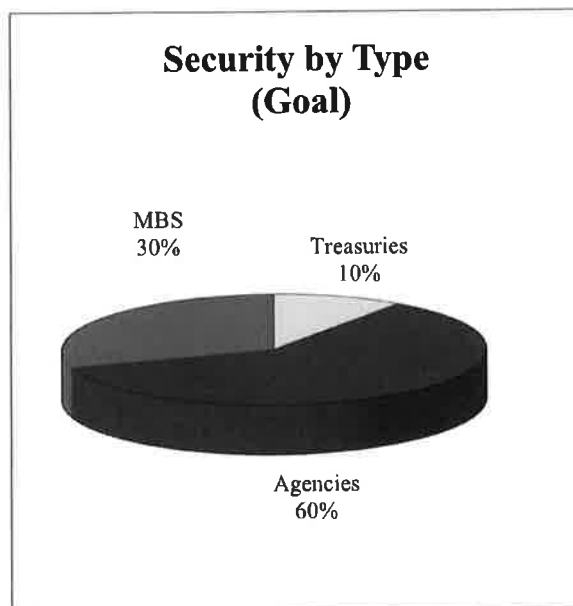
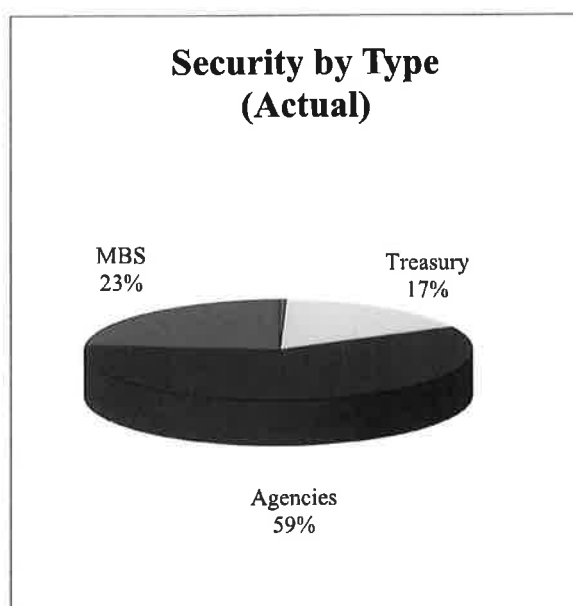
Re: December 2022 Portfolio Highlights

Total Portfolio	Book Value	\$13,050,211
	Market Value	\$12,151,574
YTD 2022 Internal Rate of Return		2.12%
Current Portfolio Book Yield		2.50%
Market Yield		3.40%
Weighted Average Life		Approximately 3 years
YTD 2022 Earnings		194,745
Accrued Interest		37,192

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

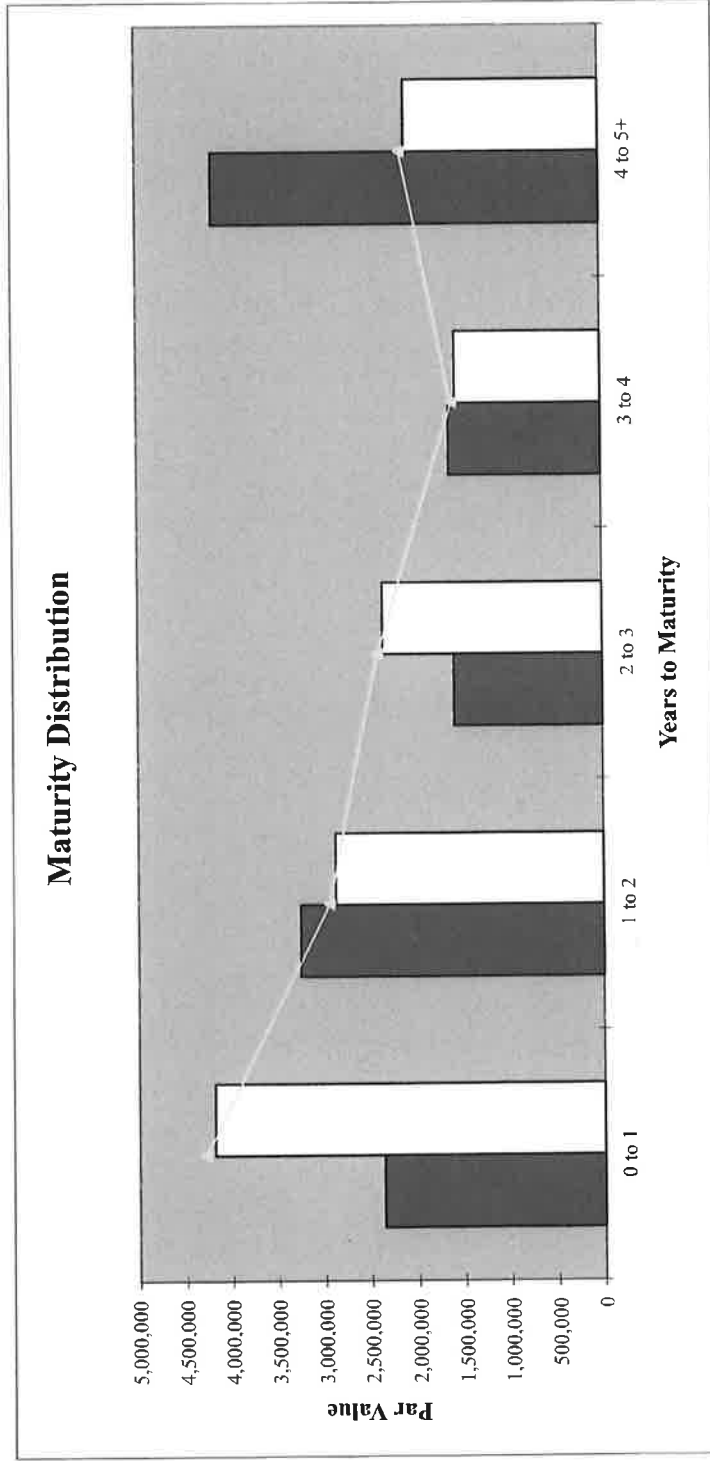
Portfolio Composition
December 2022

Security Type	Current 12/31/2022	Current Mix	Goal 6/30/2023	Goal Mix
Cash/ Liquidity	67	1%	0	0%
US Treasury	2,250	17%	1,315	10%
Agencies	7,700	59%	7,890	60%
Bullet Maturities	0	0%	3,945	50%
Callables	5,900	77%	3,945	50%
Floater	1,800	23%	0	0%
MBS	3,042	23%	3,945	30%
Floater	1,173	39%	1,973	50%
CMO	1,869	61%	1,973	50%
Pass Through	0	0%	0	0%
Municipals	0	0%	0	0%
Taxable		0%	0	100%
Tax Free		0%	0	0%
TOTAL	13,059	100%	13,150	100%



**Maturity Distribution
December 2022**

Years to Maturity	0 to 1	1 to 2	2 to 3	3 to 4	4 to 5+	TOTAL	WAL
Actual Par Value	2,366,818	3,258,704	1,600,000	1,643,963	4,190,490	13,059,975	2.82
Target Value June '2023	4,192,000	2,882,000	2,358,000	1,572,000	2,096,000	13,100,000	2.16
Claims & IBNR a/o June '22	4,288,000	2,948,000	2,412,000	1,608,000	2,144,000	13,400,000	2.16



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: January 12, 2023
RE: Loss Control Report

Since the last Board meeting, loss control services for the Tort Claims Board include:

- 12 State trooper ride alongs
- 2 Defensive Driving classes
- 4 vehicle accident investigations
- 3 Risk Management Consultations
- 4 State trooper accident investigations
- 31 State Property/leased property inspections

LOSS CONTROL REPORT

STEVE MILNER

12 STATE RIDE ALONGS:

Recent new state trooper ride alongs conducted recently for class 66 were an important risk management tool. When in the patrol car I pay close attention to speed. The Kaelin Kersh Act requires any operator of an emergency vehicle with blinking, rotating or oscillating lights to have these lights on if they are traveling at a speed in excess of 30 mph over the posted speed. Any unsafe driving practices are observed will be noted and forwarded to the troop commander for counseling.

2 DEFENSIVE DRIVING CLASSES

Defensive driving classes were provided for Rehab Services. The agency has a large number of multi passenger vans for clients. The training is a good opportunity to stress the importance of adherence to course and scope of employment rules and the importance of not having unauthorized passengers. The training utilizes PowerPoint and covers topics relative to safely operating state vehicles.

4 VEHICLE ACCIDENT INVESTIGATIONS

These reflect 2 accidents within DPS Troop F, 1 accident in troop K and 1 in troop E. The DPS Director of Collision Reconstruction sends me all Uniform Crash Reports related to DPS vehicles. They are reviewed for potential liability exposures and are forwarded to the claims manager, Ms. Amanda Rayburn.

3 RISK MANAGEMENT CONSULTATIONS

These reflect a situation at the MS Fairgrounds involving course and scope of employment following a recent incident regarding a mechanical bull booth at the upcoming Dixie National Rodeo and the potential subsequent liability exposures for MS Dept. of Ag & Comm. Recommendations were made to have the vendor add the agency as an additional insured on their liability policy.

31 COUNTIES-STATE PROPERTIES & LEASED PROPERTIES INSPECTIONS

These 31 inspections reflect 31 counties that were visited wherein multiple buildings and facilities were inspected including the Department of Health, Human Services, Mental Health, Employment Security. Any area that affects the visiting public (parking lots, walkways, lobbies, bathrooms, etc.) are visually inspected and any areas of improvement are submitted in the form of recommendations.