



McCleary City Council Workshop Meeting

Wednesday, October 14, 2026 – 5:30 AM

Zoom Virtual Meeting

Agenda

Join Zoom Meeting

<https://us06web.zoom.us/j/6852278879?pwd=fdm5PkXtxX4LxTwClpoCNUXuR2TujT.1&omn=89707801687>

Meeting ID: 685 227 8879

Passcode: 605597

(253) 215-8782

Special Presentations

- [1.](#) WCIA Presentation - Council Do's and Don'ts

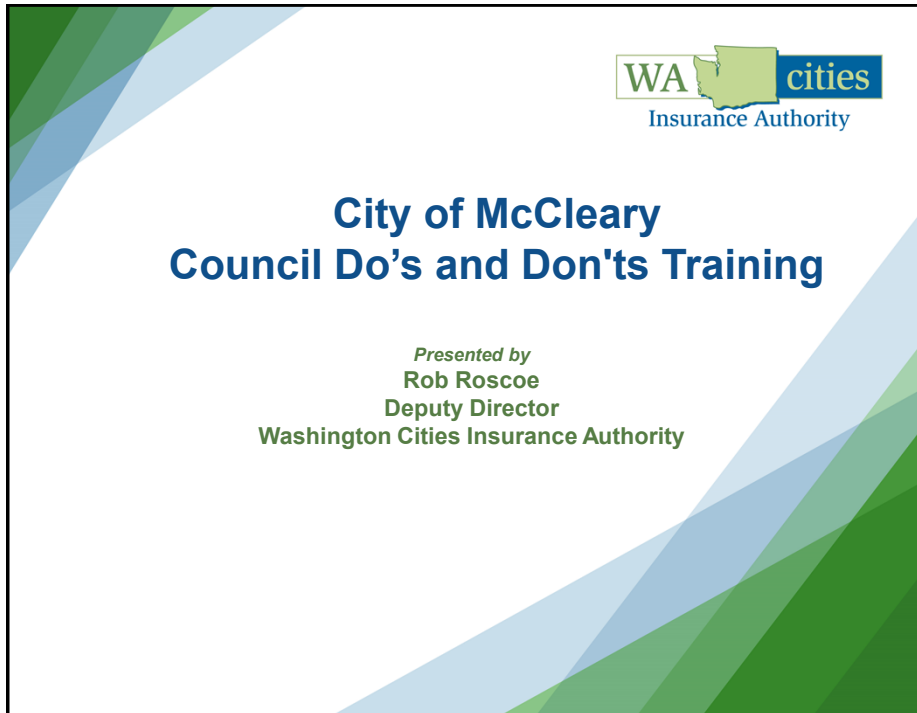
Adjourn

Please turn off Cell Phones- Thank you

Americans with Disabilities Act (ADA) Accommodation is Provided Upon Request.

The City of McCleary is an equal opportunity provider and employer.

La ciudad de McCleary es un proveedor de igualdad de oportunidades y el empleador.



1

Washington Cities Insurance Authority

- A municipal non-profit organization of Washington public entities joined to share risk
 - Over 165 members and \$222 million in assets
- Advantages of WCIA Membership
 - Run by a board of directors composed entirely of members
 - Assist members in avoiding and reducing losses through risk management, training, and claim handling
 - Stability and transparency in rates
 - Coverage decisions made by the Executive Director with appealable rights to the Executive Committee

WA cities Insurance Authority

2

Washington Cities Insurance Authority

- Provides Self-Insurance Liability Coverage
 - Auto Liability, General Liability, Employment Practices, Errors & Omission
 - \$20,000,000 per Occurrence
 - Look for coverage not exclusions
- Additional Insurance Coverage
 - Member Property, Auto & Boiler Machinery
 - Crime Fidelity purchased by members
 - Cyber and Pollution Premises Liability purchased for all members



3

Insurance Market Update

- Insurance is a cyclical industry prone to large pricing deviations from year to year
 - WCIA's overall reinsurance rate has increased 700% from 2015 – 2025
 - WCIA's 2026 renewal mixed results
 - Liability reinsurers requiring WCIA to increase our SIR from \$4M to \$5M while reducing their available capacity and charging more for less coverage = hard market
 - Property rate decreased while also increasing Members earthquake coverage; pay less for more = soft market
 - 2026 WCIA's overall liability rate increased by 3%



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NEWS WEATHER SPORTS SCHEDULE CONTACTS WATCH LIVE

Washington state appeals court reinstates jury's \$98.5M verdict for Susan Powell's parents

By KJZZ News Staff | Tue, April 18th 2023, 3:22 PM PST

TACOMA, Wash. — A Washington state appeals court has reinstated the \$98.5 million verdict awarded to the parents of Susan Cox Powell in 2020, according to court documents released Tuesday.

Chuck and Judy Cox sued the state of Washington's Department of Social and Health Services (DSHS) in 2013 following the murder-suicide involving their son-in-law, Josh Powell, and their two grandchildren, Charlie and Braden Powell, in February 2012.

Spokane, Washington Est. Star in 1877

Washington Education Business Idaho Health Marijuana Photos Further Review COVID

Spokane County jury awards \$19.5 million to former sheriff's deputy and his wife in defamation case

By The Spokesman-Review Staff | Tue, April 18th 2023, 3:22 PM PST

Spokane County jury awards \$19.5 million to former sheriff's deputy and his wife in defamation case

LOCAL 512 NATION SPORTS ENTERTAINMENT LIFE HOMES OPINION THE TICKET JAZZ EXPLORE All Sections

Public Law & Justice Workplace Mental Health Education Lab Project/Nonprofit Traffic Lab Extra! CrimeLab Obituaries

UW to pay cyclist \$16 million after crash at notorious speed bump

By The Seattle Times Staff | Tue, April 18th 2023, 3:22 PM PST

UW to pay cyclist \$16 million after crash at notorious speed bump

ROOT SPORTS

Seattle OKs record \$65.7 million settlement for attorney injured in crash with Fire Department ambulance

By Asia Fields and Lewis Kamb | Seattle Times Staff reporters

The income history of the victim Brooke Taylor — a nationally renowned commercial litigator — was "a significant factor" in determining the amount of the settlement, according to the city.

The city of Seattle and its insurers have paid a record \$65.75 million to the family of a lawyer who suffered a severe brain injury when a Seattle Fire Department ambulance collided with her car in 2016.

The settlement of accident victim Brooke Taylor's claim represents "the largest personal injury settlement in the city's history," according to a spokeswoman for Seattle's Finance and Administrative Services (FAS) Department.

The income history of Taylor — a nationally renowned commercial litigator — was "a significant factor" in determining the amount of the settlement, according to an emailed statement from the city. The settlement was first reported Wednesday by the nonprofit news site Coconet.

The high amount of the settlement "is really because how remarkable Brooke Taylor was as an individual and as an attorney," said her lawyer.

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Cle Elum to pay City Heights \$22 million for breaching development agreement

By The Daily Record Staff | Tue, April 18th 2023, 3:22 PM PST

Cle Elum will have to pay more than \$22 million to a land developer after a King County judge ruled the city breached its development agreement with the company.

This arbitration is the latest of three in favor of City Heights residents in an ongoing dispute with the city of Cle Elum.

City Heights and Cle Elum entered into a development agreement in 2011, with plans to eventually build up to 400 residential units ranging from apartments, townhomes, cottages, duplexes and detached single-family homes.

5

WCIA – Market Update (Liability)

- Proliferation of nuclear verdicts (National)
 - U.S. Chamber of Commerce Institute for Legal Reform
 - Rising trend nationwide
 - Washington #3 per capita and rising
 - Tort reforms – 3rd party funding, non-economic damages, phantom damages, sound science in courtroom

Top 10 States by Cumulative Nuclear Verdicts 2013-2022

State	Cumulative Nuclear Verdicts (2013-2022)
California	199
Florida	197
New York	131
Texas	130
Illinois	64
Georgia	64
Pennsylvania	58
Washington	47
Missouri	30
Ohio	27

State	Per Capita Rank	Nuclear Verdicts per 100K Population
Florida	1	0.939
New York	2	0.664
Washington	3	0.633
Georgia	4	0.612
New Mexico	5	0.572

WA cities Insurance Authority

6

Avoiding Liability

Individuals can receive absolute immunity for legislative activities

- Adoption of budgets, ordinances, and resolutions

Only within context of council meeting as a whole and not acting as an individual



7

Avoiding Liability

Land Use

- Use of Hearing Examiners
 - Less issues with appearance of fairness doctrine
 - Eliminates many arbitrary and capricious decision allegations
- Do not insert yourself in the process
 - Westmark v. Burien, Mission Springs v. Spokane
- Development Agreements
 - Held to contractual law and remedies which may not be covered by WCIA
 - You thought you had an expiration date...



8

Avoiding Liability

Personnel

- Stay in legislative role
 - Set policies, budgets, municipal codes
 - Do not to stray into Executive role
 - Management of employees, hiring/firing, discipline
- Harassment and Discrimination
 - Held to same standard as City employees
 - Can be sued individually
 - Know the law and your policies
 - Report to Executive
 - If you witness behavior or are made aware of problem by employee



9

Avoiding Liability

Negligent Misrepresentation

- Do not make specific promises or assurances
- Refer specific questions to staff
- Do not take matters into your own hands



10

Avoiding Liability

Defamation

- If the statement/opinion is regarding a legislative concern you have immunity
- Careful discussing or naming individuals
 - Are they a public official, staff or private individual?
 - Any untruth gives rise to liability



11

Avoiding Liability

Public Works

- Do not “politically engineer”
 - Crosswalks, Signs, Speed Limits, Traffic Control Devices
 - Ask for staff input off the record
 - Have staff respond to public requests
 - Joint and Several Liability
- Avoid promises, assurances and inflammatory statements



12

Avoiding Liability

Do not leak Executive Session information

- Resist the temptation to share
- Disclose conflicts prior to session and recuse yourself
- Claims and Litigation
 - Can jeopardize defense
 - Possible sanctions imposed



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Avoiding Liability

Be mindful of written communications

- Email/Social Media
 - Always use City email address, not personal
 - Public record and discoverable in litigation
 - Is your social media account personal? For election activity? To discuss City business?
 - Do you allow comments and discussions?
 - » Possible Public Forum creation with First Amendment Protections



14

