

1st Reading:
2nd Reading:

SPONSOR: CRUTS

ORDINANCE NO. ____

BILL NO. 22-56

**AN ORDINANCE APPROVING A PUBLIC OFFICIALS
MANAGEMENT AND EMPLOYMENT PRACTICES
LIABILITY INSURANCE PLAN FOR THE CITY OF
FENTON WITH GREENWICH INSURANCE COMPANY.**

WHEREAS, competitive bids were obtained for Public Officials Management and Employment Practices Liability Insurance; and

WHEREAS, at the June 9, 2022 Committee Meeting, the Finance Committee discussed the recommendation to continue with Greenwich Insurance Company to provide a Public Officials Management and Employment Practices Liability Insurance Plan for the City of Fenton and a recommendation was made to accept the proposal provided by Greenwich Insurance Company as the City of Fenton’s Public Officials Management and Employment Practices Liability Insurance Plan; and

WHEREAS, the Board of Aldermen finds it in the best interest of the City to approve and accept the proposal provided by Greenwich Insurance Company as the City of Fenton’s Public Officials Management and Employment Practices Liability Insurance Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FENTON, MISSOURI, AS FOLLOWS:

Section 1. The Public Officials Management and Employment Practices Liability Insurance Plan provided by Greenwich Insurance Company for the City of Fenton, under the terms set forth in Exhibit 1 attached hereto and incorporated herein (the “Plan”), is hereby approved, with such Plan effective from July 1, 2022 through July 1, 2023 for the City of Fenton.

Section 2. The Mayor is hereby authorized to execute all documents required for the City to institute the approved Plan coverage and to carry out the intent and purpose of this ordinance.

Section 3. Nothing herein or the purchase of such Plan is a waiver including, under Sections 537.610 or 71.185 RSMo. or any amendments to those sections, of any of the City’s sovereign or governmental immunity.

Section 4. This ordinance shall be in full force and effect after the date of its passage and approval.

ORD. NO. ____

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PASSED this 23rd day of June, 2022.

JOE MAURATH, MAYOR

APPROVED this 23rd day of June, 2022.

JOE MAURATH, MAYOR

ATTEST:

Jane Hungler, City Clerk

Motion to approve. Roll Call vote:

Ayes:

Abstain:

Nays:

Absent:

ORD. NO. ____

EXHIBIT 1

The Plan

City Of Fenton

Public Officials Management & Employment Practices Liability – Claims Made

Insurance Company: Greenwich Insurance Company
Policy Term: July 1, 2022 - July 1, 2023

Coverage Detail

Limits	Description	Retention – Each Claim including LAE
\$4,000,000	Public Officials Management	\$15,000*
\$4,000,000	Employment Practices Liability	\$10,000
\$4,000,000	Policy Aggregate	
\$250,000	Non-Monetary Coverage Defense Only	\$15,000*
\$250,000	Non-Monetary Coverage Defense Only Aggregate	
\$25,000	Crisis Management	\$5,000
Included	Punitive Damages	\$10,000
Included	Personal Injury	\$10,000
Included	Third Party Wrongful Acts	\$10,000
Included	Back Pay/Front Pay	\$10,000
Included	Loss of Earnings	\$10,000

*Expiring Retention: \$10,000

Form: Claims Made

Retro Date: None - Full Prior Acts

Forms and Endorsements

Endorsements/Conditions Include, But Are Not Limited To:

- Claims Made Basis
- Minimum Earned Premium is the GREATER of \$1,500 or 25% of annual premium
- Defense in addition to limit
- Covers D&O, E&O and EPL
- Sublimit for Defense for non-monetary claims
- Modified Consent to Settle Clause with only 40% co-insurance requirement for insured
- Business Invitee (Third Party) Liability covering Harassment, Discrimination and Invasion of Privacy
- Broad definition of Loss including Back and Front Pay and Punitive Damages with a most favorable venue
- Broad definition of Wrongful Act including Personal Injury
- Broad definition of Claim including coverage for regulatory proceedings, arbitration hearings and EEOC hearings, subject to exclusions
- Severability of the Application for all individual insureds for all exclusions (not just personal profit and fraud exclusions)
- 75-day free mini-tail
- Bi-Lateral ERP options of 1, 2 and 3 years
- Policy Non-Cancelable mid-term by carrier, except for non-payment of premium
- True Worldwide Coverage
- Sub-limit for Crisis Management
- EPL Loss Prevention Hotline and EPL Risk Management website for employment law and HR support.
- Cyber Act, Cyber Incident, and Data Breach Exclusion - ADDED