

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20060452**

**1. ACTION REQUESTED/PURPOSE:** Approve replacement of Administrative Code 7-4, Safety and Loss Prevention Manual, adopted by the BoCC on April 8, 1981, with an updated Risk Plan. Adopt Resolution in order to authorize this update of AC 7-4.

**2. WHAT ACTION ACCOMPLISHES:** The purpose of the Risk Plan is to provide an overall written guideline on how risk is managed by BoCC. Ensure that a safe and healthy working environment exists which will safeguard the general public, county employees, equipment, property and assets.

**3. MANAGEMENT RECOMMENDATION:** Approve.

<b>4. Departmental Category:</b>   <u>CIC</u>		<b>5. Meeting Date:</b> <u>04-18-2006</u>
<b>6. Agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>7. Requirement/Purpose: (specify)</b>	
	<input type="checkbox"/> Statute	<input type="checkbox"/>
	<input type="checkbox"/> Ordinance	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Admin. Code	<input type="checkbox"/>
	<input type="checkbox"/> Other	<input type="checkbox"/>
<b>8. Request Initiated:</b>		<b>Commissioner</b> _____
<b>Department</b>		<u>Budget Services</u>
<b>Division</b>		<u>Risk Management</u>
<b>By:</b> <u>Antonio B. Majul</u> <i>[Signature]</i>		

**Background:** The existing AC 7-4 Safety Admin Code is outdated and not congruent with current laws and County procedures. The proposed Risk Plan replaces the Loss Prevention, Safety and Health Plan in its entirety. Once the "Risk Plan" has been approved by BoCC, Risk Management will work with all departments in order to develop detailed procedures for an effective safety and loss control program.

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>[Signature]</i>				<i>[Signature]</i>	Analyst	Risk	Grants	Mgr.	<i>[Signature]</i>
					<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<u>4-7-de</u>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty \_\_\_\_\_

Date: 4/6/06

Time: 4:30pm

Forwarded To: Admin/4604

*4-7-06  
P.R. 8:30*

LEE COUNTY RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE AS ADOPTED BY LEE COUNTY ORDINANCE NO. 97-23; PROVIDING FOR APPROVAL OF CERTAIN AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

**WHEREAS**, the Board of County Commissioners has previously enacted Lee County Ordinance No. 96-01, creating a charter form of government for Lee County pursuant to Section 125.80 and ff., Florida Statutes, and which was approved and ratified by the Electorate of Lee County on November 5, 1996; and,

**WHEREAS**, the Board of County Commissioners has previously enacted Lee County Ordinance No. 97-23, which adopted the Lee County Administrative Code pursuant to Section 2.2.E. of Ordinance No. 96-01, the Lee County Charter; and,

**WHEREAS**, Lee County Ordinance No. 97-23 at Section III allows and provides for amendments to the Lee County Administrative Code to be made by Resolution of the Board of County Commissioners at a regularly scheduled Board of County Commissioners' meeting; and,

**WHEREAS**, certain amendments to the Lee County Administrative Code are now being proposed, and the Board of County Commissioners finds that such proposed amendments are acceptable, serve a public purpose and are consistent with the terms and conditions of Lee County Ordinance No. 96-01, the Lee County Charter.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY**

**COMMISSIONERS THAT:**

1. The above preamble is hereby accepted and approved as being true and accurate, and is adopted and incorporated herein as if set out further at length.
2. The proposed amendment(s) to the Lee County Administrative Code AC 7-4 (attached hereto as Exhibit A), is (are) approved, and are hereby directed to be incorporated into the Lee County Administrative Code as indicated in the amendment(s).
3. The provisions of this Resolution are severable, and it is the intention to confer to the whole or any part of this Resolution, the powers herein provided for. If any of the provisions of this Resolution shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other remaining provisions of this Resolution. It is hereby declared to be the Board's legislative intent that this Resolution would have been adopted had such an unconstitutional provision not been included herein.
4. This Resolution shall become effective immediately upon its adoption by the Board of County Commissioners.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, being put to a vote, the vote was as follows:

ROBERT P. JANES \_\_\_\_\_  
DOUGLAS ST. CERNY \_\_\_\_\_  
RAY JUDAH \_\_\_\_\_  
TAMMARA HALL \_\_\_\_\_  
JOHN E. ALBION \_\_\_\_\_

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairwoman

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Office of the County Attorney

## LEE COUNTY RISK PLAN

This document establishes a comprehensive risk plan to ensure a safe and healthy working environment to safeguard its employees, equipment, property, and assets. This plan encompasses both financial and operational risk management practices – essential to minimize legal liabilities and personal injuries.

The plan systematically analyzes the services offered and facilities and areas managed for personal injury and financial loss potential; it also selects approaches to handle such losses. It sets forth basic policies and operational practices and procedures that will be utilized to manage the identified risks of loss.

Implementation of this plan provides for an “umbrella” approach with general County-wide policies and procedures. In cases where the standard operating procedures are unique to only a single department or entity, the affected department is expected to take the lead, with Risk Management assistance if necessary, in formulating appropriate options, solutions, and operating procedures.

Further, implementation of these policies and their integration into daily work activities is dependent on management within each department or division. Safety Coordinators or another designee may be appointed by the department director where no permanent Safety position exists to assist management with daily tasks and will coordinate Safety and Loss Control with Risk Management.

Overall monitoring and enforcement of these policies is accomplished through the recommendations from the office of Risk Management under Budget Services Department.

Lee County has chosen to adopt certain guidelines that would enhance the County’s safety programs, policies and procedures in an effort to help Lee County Government maintain a safe workplace for its employees.

**Department Directors** may issue safety policies to be effective within their respective department as necessary to ensure the safety and well-being of their employees, provided there is no conflict with other policies or directives.

## **RESPONSIBILITIES**

**The County Manager** is the approving authority (upon adoption of the plan by the Board of County Commissioners) for the implementation of Risk Management policies and policy revisions when deemed necessary.

General oversight and day-to-day issue resolution is delegated to the County Risk Program Manager. The County Manager is authorized to approve the implementation of interim changes between policy revisions, as recommended by staff.

**The County Risk Program Manager's** primary responsibility is to administrate the Self Insurance Program and monitor the effectiveness of safety and health programs within Lee County. Specific activities include but are not limited to the following:

- 1) Develop and administer a comprehensive insurance program which includes but not limited to property, casualty, liability, workers' compensation.
- 2) Assist the Third Party Administrator in the administration of claims processed by Lee County and its Elected Officials who participate in the Risk Program.
- 3) Coordinate with County's Agent of Record when purchasing insurance, as necessary or retention of risk.
- 4) Maintain a central depository for all accident records, claims, liability torts, first report of injury, property damage, and investigatory record.
- 5) Assist Departments in analyzing proposed programs and projects for potential liabilities and suggest action that might reduce the County's exposure to loss.
- 6) Maintain and evaluate departmental programs and policies including conducting safety audits of Department's safety procedures and programs.
- 7) Act as a consultant for department directors and or their appointed representative in the development and management of their departmental safety programs.

**Department Directors** are responsible for the actions of the employees within their department. They have full authority and responsibility to maintain safe and healthy working conditions for their employees. They are responsible for the compliance by their employees with all applicable federal, state, or local laws, standards and policies.

Directors also oversee development and maintenance of Standard Operating Procedures (SOP's) applicable within their department. All critical tasks necessary to the safe and/or continued operation of the department should be detailed in departmental procedures.

As noted above, Risk Management will assist department directors in meeting these objectives.

Among other safety responsibilities, Directors should:

- 1) Designate an employee (preferably a supervisor or higher level) from within their department who will be the point of contact for Risk Management issues and assist the Department Director with formulation and implementation of safety policies and programs. This employee may be the department's liaison with Risk Management representing their department at Safety Coordinators meetings.
- 2) Establish a program of safety inspections of their department facilities and operations, taking positive corrective actions when necessary.
- 3) Ensure new employees are properly oriented and trained before assuming duties within the department. Orientation and training will be documented, with records available upon request.
- 4) Employees who sustain an on-the-job work-related injury or illness related to work have an opportunity for personal Temporary Duty (Return to Work) program.
- 5) Provide necessary safety and protective equipment for department employees and require mandatory usage when performing hazardous tasks.
- 6) Hold safety meetings at a frequency appropriate for that department's exposures; departments should maintain a record of attendees and topics discussed; these records would be available upon request.
- 7) Following any accidents or incidents, ensure that prompt action is taken to correct any known hazards or dangerous conditions.

- 8) Take prompt corrective or disciplinary action toward any employee or Supervisor who intentionally fails to report an accident or incident.
- 9) Maintain training records on each employee including all training and qualifications relative to their employment.

## **RISK TRANSFER AND FINANCING**

Lee County is self-insured for its property, liability and workers' compensation exposures. Its exposures include general, personal injury, automobile, public official (including errors and omissions), incidental medical malpractice, workers' compensation, and miscellaneous liabilities.

The County's property exposures include real estate, business personal, vehicle physical damage, contractor's equipment physical damage, fine arts, money and security, stock, and fidelity and forgery.

Lee County Risk Management annually conducts an actuarial analysis with the specific objective of determining the estimated total reserve for that fiscal accident year and prior. In addition, the analysis provides an estimated ultimate loss, as of September 30, and for the next three fiscal years. Using the analysis, Risk Management determines and establishes an appropriate loss fund to pay expected losses for the accident year.

The County Risk Manager determines the appropriate amount of risk retained and if necessary, purchases excess insurance that limits the County's exposure to specific and aggregate losses.

In addition to purchasing commercial insurance products, the County, as a government entity, has protection under Florida's sovereign immunity statutes for large liability losses. Under these statutes, liability claims in excess of \$100,000 per person or \$200,000 per occurrence requires that a claim bill be passed by the Florida legislature before the excess judgment can be collected.



## **DETECTION OF UNSAFE CONDITIONS**

Timely detection and prompt correction of unsafe or unhealthful working conditions are essential elements of the County's Safety Program.

All county employees shall be encouraged to orally report unsafe or unhealthful working conditions in the workplace to their immediate Supervisor. The Supervisor, in turn, must promptly investigate the situation and take appropriate corrective action. If assistance is necessary, Risk Management is readily available.

Any county employee may submit a written report of an unsafe or unhealthful working condition directly to Risk Management. Upon receipt of the report, Risk Management will investigate the situation. All alleged imminent danger situations must be investigated within 24 hours. Potentially serious situations must be investigated within three days. All other situations must be investigated within seven days.

## **SAFETY ENFORCEMENT**

Provisions for disciplinary action against employees for safety violations are outlined in the Lee County Policy & Procedures Manual. Employees in violation of established safety rules may be subject to disciplinary action up to and including termination from County employment.

All employees, particularly those in a supervisory capacity, will report safety violations committed or observed in their areas to their immediate Supervisor. If the violation is of an extremely serious nature, the Supervisor is to abate the hazard to the greatest extent possible and then report the violation to the Department Director immediately.

## **INVESTIGATION OF CLAIMS**

Bodily injury or property damage that results from an unsafe practice or condition, can lead – if not corrected – to repeated injuries or property damage. In this context, good investigation becomes an effective prevention tool. All instances of property damage and/or bodily injury must therefore be investigated to a factual conclusion. Risk Management will provide the lead in all investigations with each department providing the necessary information of the incident.

Investigations should include the departmental person in authority (supervisor) most directly involved. That person is probably the one who: (1) is most responsible for controlling the problem that caused the injury (or damage), and (2) should initiate the corrective action, if necessary.