

# E-Board Meeting Minutes

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Date: February 4, 2019 7:00 PM  
Attendees: Christine Lustik, Joe Lustik, Paul Janzen, Frank , Neil Majerrison, Stan Sneath, Jordan Rice  
Location: Babs  
Typed up: 2/5/2019 by Christine Lustik, Secretary  
Called to order: 7:05

- 350 clinic was successful. Brad paid for passes and provided sandwiches for lunch. Joe went over \$50 on the budget and asked if we would approve paying. It was approved.
- YAP (Young Adult Program) – Joe provided Neil the binder of info and Neil said after reading it he'd call Vicki. The Northern Division YAP supervisor. Joe encouraged him to lean on Jasmine also. Neil asked if the YAP's could come in early to the general meeting and he'd meet with them. Joe will include that in the email.
- Lifeflight – Joe needs to follow up with Ty to find out where this is in the process.
- SOS Fair – \$7,000 coming in. To be issued at next general meeting.
- Lavelle gifs still to be done by Paul by OET testing of new candidates.

**Secretary** – nothing specific to report

**Treasurer Report** – Paul has checks to write for clinic reimbursement. We have a little less than \$29,000. DA Davidson at \$39,946. Joe questioned, should we continue investing \$2,000 this month. Stan said that makes sense. Nobody disagreed. Neil submitted receipt for putting name plaques on toboggans.

Joe put together a report on the demographics of our patrol. He'll present at the meeting.

## Hill Specific

- **Inventory** – Jordan, talked to Art. Art, says we own ½ of the toboggans and the radios on the mountain. The mountain has 7 - edges, 5 - 100's, 2 - 350. The patrol owns 3 Edges, 2 of the 100s and 1 of the 350s.
- **Chair loading:** Chair Loaders – we talked about that and tabled it. But Joe did talk to John-John about having the new default be slowing the chair. John-John would like everyone to aspire to run at speed. But Joe expressed concern that the reality is most volunteers don't get enough practice. Only so many accidents per person.
- **Opening Sweeps** – Art says there's been a lackness, especially in the mornings, eboard agreed. Team leaders are encouraged to reinforce in the morning meeting what is required.
  - On sweeps we should be checking and fixing anything manmade like groomers, ropes, tower pads, fences. Signs covered in snow should be fixed. Etc.
  - Also, always check in at the top. In the morning volunteers should be 1) Checking themselves in and marking down if they are covering for someone. 2) Sign in for your bottom bump. 3) Sign into the book on the table for the top sweep you are going to do

and after top sweeps are done, bottom sweep. It is the responsibility of patrol to sweep every open run every day.

**Insurance:** Jack and Stan have been amazingly helpful with the insurance work Joe has been doing.

- **General Liability for off mountain events.** Joe found a policy and put a proposal together. He identified only three events on the calendar for summer 2019 that are off mountain events. Cost for 50 shifts, \$272.02 for the year for those three events. Would be owned by the volunteer patrol. Joe would like to assess a \$100 service fee per day to the events to cover the cost of the policy and the hassle. Variable question – what if they offer to add us as additional insureds? But we will have our policy anyway. Joe asks for a vote to move forward by April and try it for a year. Strictly accidental, ex: we fall and hurt someone. Not professional liability. Frank so moved that we try it for one year. Jordan seconded. All in favor, except Neil he wants to listen to all of the insurance discussions.
- **Workers Compensation.** Some members of the patrol complain about how we aren't appreciated by the mountain. Joe has been talking to Brad and learned that the Discovery Basin issue was nationwide and set a precedent that places a real risk on the hill. It revealed the fact that every state handles these situations differently and that's why NSP can't provide guidance. The risk that Brad faces in Montana is if we are patrolling and one of us gets injured. If somewhere it gets mentioned that the person who was hurt was patrolling, his insurance, or that individual could decide to go after Brad. The way he tries to protect himself is to benefit us without it being monetized. He has a special non-revenue ticket that we get. They don't have to pay forest service or anyone else for the number of those tickets used. He actually has a preference to do season passes as it reduces vouchers being used by public. Two ideas that have been talked about.
  - 1) Purchase a comprehensive gap insurance policy for the whole patrol. But that employee's health insurance could still come back to SnowBowl and fight them.
  - 2) Every patroller signs an agreement with the mountain that they are a volunteer worker and understands they are a volunteer worker and won't come back to the mountain. Less expensive solutions, doesn't fix the problem that the insurance company could come back.
- Joe talked to Brad and he liked the ideas, but he said these ideas haven't been tested in the courts in Montana and he's not willing to be the test dummy after the precedent set by Discovery.
  - Workers compensation info:
    - For most employers in Montana, they buy into the state fund. It's a nonprofit entity that is managed by the state statute. Brad has current workers comp thru the state fund. Joe reached out and has been working with both Brad and the state fund people. They would write us our own policy, but we would be high risk (tier 5) as an unknown entity. Snowbowl is at tier 3, which is 50% less than tier 5, if we wanted our own. We would pay top tier premium at least 3 years.
    - Also, we can ride on Snowbowl's policy and be added as an additional insured. Joe questioned can we legally do that as a nonprofit, can we partner with a profit? The answer seems to be yes. The state has agreed we could be on

Snowbowl's policy and they will take a check directly from us, even though we won't be invoiced separately. Joe asked Brad if that would make him more flexible and he said totally. He could be flexible with season passes. He wants to not worry about this risk. So, Joe pursued it to find about cost. Brad shared everything with the state and told them to work with Joe. The price varies by year, but right now it would be \$5,000. The cost is determined by schedule shift hours. We predict 15 people per day next year. They assign a wage value to us, which is the estimated average for what he's paying pros currently. No extra cost if we are there beyond the scheduled duty day. The math is for scheduled duty days, but it's all inclusive, everyone is covered. Also, it gives us a lost wage benefit. Calculated by state average weekly wage and one gets 2/3 of weekly max, \$528.23 max. If you suffered an injury that kept you from working your own job, you would get this. Coverage begins July 1. A challenge is that year to year premium can swing significantly. Dividends also pay back so if they over collect and have fewer claims they redistribute back to policy holders. Joe didn't want to get into situation where we were trying to chase different numbers and chase dividends. Joe asked Brad and said we are medium high. Joe said we have to sell this to patrol and get everyone to buy in and we don't have a cash flow that can accommodate volatility. Is there enough value to you to have this risk go away that you would partner with us so this can be predictable for our members. He agreed that for now, if we came up with \$50 per person he would cover the rest, no matter the swing. So if the policy goes up, he covers the extra. Joe expects resistance, as most are content with the voucher system.

- Stan, this is a bargain. Anyone can have a major injury. Getting compensation and medical expenses covered is huge for young people. One way to sell, this seems to make sense for everyone for all reasons. We say that every year we will pay so much for patroller for dues and insurance.
  - Joe said vouchers are a stack of \$50 bills and he's worried about parking and a bunch of vouchers on powder days. Good thing about a pass is they are often with patrollers.
- Joe it's all new he proposes we have people pay own dues and with that we are going to cover workers comp for everyone. What if Brad decides he needs \$60. So the number doesn't change.
- Paul said us paying dues started when we were going to pay money per patroller and dues. Paul thought that's what the reimbursement would go towards, but it was never specific.
- Frank it might encourage people to do more fundraisers in the future. Frank feels like others have left due to liability issue.
- Neil – thanked Joe for effort. He is worried we are putting out more to get less. Worried we are getting less. Go back to magic number of tickets we needed. Separates vouchers from workers comp. Worried that someone will screw that system because it's human nature. Not against idea but feels cautious. Neil

feels maybe those people that had left before because of liability would have left anyway. Just because we have workers comp doesn't mean a lawyer doesn't go after Brad for more and Stan says suing usually is not possible, if workers comp is being paid.

- **On Mountain general liability policy** – Jack and Joe have gone thru it carefully. Good policy and underwritten by AIG. Lacking a “work product” exclusion gives us a degree of professional liability exclusion. Any liability, we are named insureds, and protected. Covers all employees and volunteer workers. Joe has reached out to confirm that work product is not exempt to being covered. That will address on mountain first aid services if we made a mistake doing our work – it is believed this would cover us for professional liability (medical malpractice on the mountain).
  - Stan - is this why the mountain requires that the candidates do a full scenario. No, everyone else felt it was national or just what our patrol requires to make sure the person can do their job.
- Professional liability (our own) Joe wasn't sure that the Snowbowl policy covered us for errors. So, he checked this also. Got one quote for good coverage and 55 patrollers was \$67/patroller. But if he gets confirmation that the mountains policy covers us on the mountain are we willing to do off mountain work with just general liability and Good Samaritan act. Joe says there's no exclusion for what we do as an organized body, but the reference to good samaritan is as an unwitting passerby. So many feel it is too open to interpretation against us.
  - Jordan - Duty to act notwithstanding, Jordan can't imagine a judge that doesn't throw out a fight against a good samaritan act. He feels like maybe we need an attorney.
  - Joe agrees if people want to move forward, but he feels like if the mountain policy protects us on-mountain he's willing to work within his scope of training and live with general off mountain and work with good sam and it's legacy.
  - Frank asked doesn't NSP cover us somehow. Joe confirms only general liability if membership is up to date and we are participating, leading, or taking a training event.
  - Jordan based on what we've discussed it sounds like we've realized we are under covered as far as personal/professional/workers insurance feels like we need to rectify and seems like we are circling how we pay for coverage. Doesn't think we need duplicating coverage on mountain. Price of professional - \$50-70/ person for all year. And it would cover people individually even off mountain. If professional is really only covering us off-mountain we are really only covering those doing those events. Seems individual might be the way to go with reimbursement along with a fee to the event.
  - Stan wonders if outfit doing EMT coverage does OEC coverage.
  - Frank can we require events to do general and we pay for professional. Joe met with Ben H for the mountain bike event and said we would need to be named on US Cycling policy and they didn't come thru till week of last time, it caused a hassle around sign up for duty shifts and for the planners.

- General discussion about general and professional. Stan would like to find out if anyone at national has explored individual policies.
  - Action point: Joe need to decide on 2 things.
    - Joe does more work on professional liability to see if individuals can sign up with.
    - We need to decide: Paul overview:
      - Workman's comp – on the mountain good to have and will improve relationship with mountain. Proposal pay own dues.
      - Liability on mountain we are covered.
      - Summer event general liability – Paul sounds reasonable if the events will cover cost.
      - Everyone agrees we can take it to the general meeting. Most feel workers comp is good. And
    - Joe would like to do general liability for summer and workers comp to buy in for one year to try it to see what's easier.
    - Neil – general liability is fine and not expensive. As far as workers comp, what do other areas do? Across the country each state is different. Montana favors the plaintiff. Great Divide gives vouchers and passes and doesn't worry, but Brad comes from healthcare and doesn't want the risk. Red Lodge pays workers comp. But others don't. It's all different. Jordan, vouchers aside, what are others doing as far as workers – Joe only knows of Red Lodge. If we don't want to continue how do we get out of it, with mountain and patrol. Lots of risk and we've gone from good patrollers to managing risk. Joe we vote on a majority, but ... Jordan is there a scenario where Snowbowl would cover workers comp, we are saving Brad as that is less than what it would cost to hire one full time patroller. Joe feels like there's not ambivalence, Jordan, then to reduce his risk and maintain his relationship with us why wouldn't he pay for it.
    - Stan start with what we have and suggest maybe if this goes well you can pay for it and knock it back every year.
    - Joe do we present to patrol. Stan says put on agenda but don't put to a vote. We'd want to give him an answer for May. Rate assessment happens around then. Encourage conversation. Frank agrees. Neil feels like we provide a lot of benefits and Brad doesn't give back.
    - Neil feels we are giving and not getting.
    - Christine feels like it's a partnership. We are giving, but so is Brad.
  - CASA auction Friday
  - Art and Joe not buying parkas.
  - Nobody has reached out to help pay for vacuum splints.

Adjourned 9:17 Paul moves to adjourn Neil seconded.