

City of Scottsbluff, Nebraska

Monday, November 18, 2019

Regular Meeting

Item Resolut.1

Council to discuss and consider action on a Resolution for Participating Members of the League Association of Risk Management (LARM) to Ratify the Elections of Members of the LARM Board of Directors.

Staff Contact: Nathan Johnson, City Manager

**RESOLUTION FOR “PARTICIPATING MEMBERS” OF LARM
TO RATIFY THE ELECTIONS OF
MEMBERS OF THE LARM BOARD OF DIRECTORS**

WHEREAS, The City of Scottsbluff is a “participating member” of the League Association of Risk Management (“LARM”); and

WHEREAS, the Interlocal Agreement that formed and continues to govern LARM provides in 8.1.4.2. that “Each participating member may cast one vote for each of the open Board positions.”; and

WHEREAS, the following 15 individuals were elected by LARM members at a Members Meeting on March 21, 2018, which terms commenced effective January 1, 2018:

Name	Term	Member
Mayor Doug Hanson	3	Hickman
James (Jim) Hawks	3	North Platte
Melissa Harrell	3	Wahoo
Jo Leyland	3	Imperial
Lanette Doane	3	Ansley
Nathan Johnson	2	Scottsbluff
Mayor Scott Getzschman	2	Fremont
Teresa Bartlett	2	Beaver City
Mayor Josh Moenning	2	Norfolk
LeAnn Brown	2	Oshkosh
Tom Ourada	1	Crete
Sandra Schendt	1	Nelson
Mayor Deb Van Matre	1	Gibbon
Douglas Schultz	1	Curtis
Pamela Buethe	1	Sarpy SID #29

WHEREAS, at a LARM Members Meeting on September 19, 2018, the five individuals listed above who were initially elected to one-year terms—Tom Ourada, Sandra Schendt, Mayor Deb Van Matre, Douglas Schultz, and Pamela Buethe—were re-elected to three-year terms commencing effective January 1, 2019.

WHEREAS, at a LARM Members Meeting on September 18, 2019, the five individuals listed above who were initially elected to two-year terms—Nathan Johnson, Mayor Scott Getzschman, Teresa Bartlett (now Teresa Youngquist), Mayor Josh Moenning, and LeAnn Brown—were re-elected to three-year terms commencing effective January 1, 2020.

WHEREAS, the remaining five individuals listed above who were initially elected to three-year terms—Mayor Doug Hanson, James (Jim) Hawks, Melissa Harrell, Jo Leyland, and Lanette Doane—continue to serve on the LARM Board of Directors, and their terms will expire on December 31, 2020, unless they are re-elected to a second term at a LARM Members Meeting to take place in 2020.

WHEREAS, in order to avoid any doubt as to its assent to the election and re-election of the members of the LARM Board of Directors as stated above, **The City of Scottsbluff** wishes to ratify the election and re-election of the LARM Board of Directors.

NOW, THEREFORE, BE IT RESOLVED that **The City of Scottsbluff** hereby ratifies and confirms its assent to the election and re-election of the LARM Board of Directors as stated above.

Signed by Mayor, Chair of the Village Board,
or other official representative of your municipality
or entity

Date passed by governing body

4851-6739-0123, v. 1



LARM moves forward with 100% retention of members plus new public entities joining LARM; all litigation is over confirming governance by the Duly Elected LARM Board!

BY L. LYNN REX, EXECUTIVE DIRECTOR, LNM

On Sept. 18, at the League Association of Risk Management (LARM) Annual Members Meeting, five board members were reelected to a three-year term. The Members Meeting was held in conjunction with the League Annual Conference.

A few days earlier, thanks to years of outstanding work by **Andy Barry of Cline Williams Law Firm**, the League's Legal Counsel on LARM-related issues, and his dedicated associate, **John Zimmer**, the Duly Elected LARM Board prevailed and all LARM-related litigation is over! This is a tremendous victory for LARM and all LARM Members!

Andy Barry was notified on Sept. 12, 2019, that the Lancaster County District Court issued an order on Sept. 11, 2019, in Case No. CI 19-418 dismissing the action against the individual members of the Duly Elected LARM Board of Directors. The court order in Case No. CI 19-418 refers to the court's previous order on Aug. 15, 2019, in the quo warranto action (Case No. CI 18-1446) which ousted former members of the "Purported LARM Board" rendering as moot this challenge to the service of the individuals serving on the Duly Elected LARM Board. **Andy also was notified that the Lancaster County District Court issued an order on**

Sept. 11, 2019, in Case No. CI 18-1989 in acceptance of the joint motion and stipulation agreed to by the parties, ending all LARM-related litigation.

BACKGROUND

A memo from **LARM Board Chair Doug Hanson**, Mayor of Hickman, was sent on Sept. 4, 2019, to all League and LARM members that included excerpts from **the quo warranto action (Case No. CI 18-1446), which ousted the former members of the "Purported LARM Board" and set the stage for negotiations to resolve other pending litigation.** On Sept. 9, 2019, the Duly Elected LARM Board held a special meeting by telephone conference call and voted to approve the **"Joint Motion, Stipulation and Consent Order"** in Case No. CI 18-1989 and authorize **Jason W. Grams of Lamson, Dugan and Murray** to enter an appearance on behalf of LARM to effectuate the "Joint Motion, Stipulation and Consent Order." Andy Barry, (representing Anstey, Hickman, North Platte and me, as LARM's Administrator) explained the legal significance of his negotiations primarily with David Domina of Domina Law Group, the attorney representing the former individual members of the "Purported LARM Board." Stephen Bruckner of Fraser

Stryker and Jerry Pigsley of Woods & Aitken, both representing the former "Purported LARM Board," also agreed to the terms of the negotiated agreement reflected in the "Joint Motion, Stipulation and Consent Order." **This negotiated agreement brought all litigation to a close and confirmed the LARM Board's governance of LARM since the former individual members of the "Purported LARM Board" agreed NOT to appeal the decision rendered on Aug. 15, 2019, by the Lancaster County District Court in the quo warranto action, which ousted them from office (Case No. CI 18-1446).**

The District Court ordered, in part: "Each of the Respondents (members of the "Purported LARM Board") is, or was previously, unlawfully holding and exercising office as a member of the Board of Directors of the League Association of Risk Management and is therefore subject to immediate ouster from the same;

"Each of the Respondents (members of the "Purported LARM Board") is hereby immediately ousted, removed, and excluded from office on the Board of Directors of the League Association of Risk Management, and has no actual or apparent

Continued on page 9

LARM Board of Directors 2019-2020



*Doug Hanson, Chair
Mayor of Hickman*



*Jim Hawks, Vice Chair
City Administrator,
North Platte*



*LeAnn Brown
Clerk/Treasurer
Oshkosh*



*Pamela Buethe
Board Member, Sarpy
County SID #29*



*Lanette Doane
Clerk/Treasurer
Ansley*



*Scott Getzschman
Mayor of Fremont*



*Melissa Harrell
Administrator/Treasurer
Wahoo*



*Nathan Johnson
City Manager
Scottsbluff*



*Jo Leyland
Administrator/Clerk/
Treasurer, Imperial*



*Josh Moenning
Mayor of Norfolk*



*Tom Ourada
City Administrator
Crete*



*Sandra Schendt
Clerk/Treasurer
Nelson*



*Douglas Schultz
Administrator/Clerk/
Treasurer, Curtis*



*Deb VanMatre
Mayor of Gibbon*



*Teresa Youngquist
Clerk/Treasurer
Beaver City*



*Dwight Livingston
League President
Mayor of North Platte
Ex-Officio Board Member*



*L. Lynn Rex
League Executive Director
Ex-Officio Board Member*

LARM moves forward with 100% retention of members plus new public entities joining LARM; all litigation is over confirming governance by the Duly Elected LARM Board!

Continued from page 4

authority over the same;

“... those acting in concert with them are hereby ordered to deliver over all books, papers, and any other assets under the custody or control of the LARM Board of Directors, to the Administrator of LARM.”

Pursuant to LARM’s Interlocal Agreement, the Administrator of LARM is the Executive Director of the League of Nebraska Municipalities.

It should be noted that **LARM Board Member Sandra Schendt**, Clerk/Treasurer of Nelson, voted in favor of the negotiated agreement, but

International trade grows exports and creates jobs

Continued from page 8

Days in Grand Island. This year, for the first time ever, Husker Harvest Days had an International Visitors Center. The center gives international guests an up-close look at Nebraska’s global leadership in agriculture. The center also provides Nebraskans an opportunity to promote farm equipment, machinery and technologies that are made here and used all over the world. In addition, it will serve as a connection point for international businesses considering an investment in our state.

Both at home and abroad, my team is working tirelessly to grow Nebraska through international trade. We will continue to lead trade missions, open new markets and attract new investments to our state. ■

stated the following: *“I have talked to my Mayor and another Community’s Mayor about the ‘Joint Motion, Stipulation and Consent Order’ agreement that has been made. We are not happy with the added expenses the Former Purported Board has created for the LARM members. That being said, we all agree that it is now time to move forward and bring all of the members together and make LARM stronger than ever. But, we will remember how the Former Purported Board acted, and how it was all for nothing.”*

Special thanks to **Sen. Matt Williams**, Chair of the Legislature’s Banking and Insurance Committee, for his leadership to indefinitely postpone **LB 573** in the 2019 session with a unanimous vote of the committee immediately following the hearing. (LB 573 was introduced at the request of Mike Nolan, LARM’s Executive

Director, and subsequently supported by members of the “Purported LARM Board” and would have resulted in significant changes to LARM’s Interlocal Agreement.)

Thanks to **Andy Barry** and **John Zimmer** for their extraordinary dedication, guidance and legal work! Thanks to the **Ansley Village Board**, **Hickman City Council** and **North Platte City Council** for their willingness to join me as plaintiffs in the quo warranto case, resulting in the ouster of the “Purported LARM Board by the Lancaster County District Court.”

Last, but not least, thanks to members of the **Duly Elected LARM Board**, the **League Executive Board**, and most importantly, the **LARM members** across the state for their long-standing support and commitment to restore LARM to a membership-driven organization! ■



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