



# Reserve fund covers costs

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COLUMBIA — A slip, a fall, a fight, a wreck.

If it involves public property, taxpayers pay to keep the lawsuit that springs up from wiping out local governments.

When a little girl fell off the monkey bars two years ago, the city of Hardeeville could have felt the impact much harder. But the city, like most, pays into the Insurance Reserve Fund.

Compensating the child's fall this year cost \$27,000, and the case was closed in January.

"The city did not have adequate depth of a rubber material on the playground," said city manager Bob Nanni on Thursday.

"Of course, it was not known to us there was such a violation."

He said he was uncertain where exactly the child's fall occurred. But the complaint held up with an arbitrator, and the Insurance Reserve Fund paid the amount.

"Maybe we shouldn't have playgrounds either," added Nanni. But he said the city's premiums have remained steady over the years.

"We are not out of the ordinary regarding claims."

The incident was among dozens in the Beaufort-Jasper region from a nine-month period ending March 31, according to a list of compensations claims paid by the IRF and released by the S.C. Comptroller General.

The overall picture: Government takes its lumps. And that means taxpayers are paying to prevent any hits from devastating local communities.

But the fund is not a piggy bank for the aggrieved. In February a woman tripped and fell on a rug while on county property, filed a claim, but received nothing.

The fund provides property and liability coverage to more than 1,000 state and local government entities in South Carolina and is part of the S.C. Budget and Control Board.

Details about pending cases and claims are confidential until they are concluded, and then only certain portions become public. Documents made public by the Comptroller General's office show an array of mishaps, ranging from a government vehicle backing into a tree to a private resident suing York County after police officers allegedly killed her dog.

The IRF covers nearly \$30 billion in property values, state and local government entities that employ at least 177,000 people, 35,600 vehicles, and 17 hospitals with nearly 2,000 governmentally employed physicians and dentists.

Beaufort Memorial Hospital has also leaned on the fund.

A wrongful termination suit brought in 2009 by Patti Garmon ended in a settlement in the Beaufort County Court of Common Pleas in February. The IRF issued a payout of \$40,000 for damages.

In 2009, an inmate at the Beaufort County Detention Center said a guard had bitten him.

Clinton Atkins, representing himself, filed criminal charges against the detention officer, who was later found not guilty for reason of self defense, said county spokeswoman Joy Nelson. The IRF spent nearly \$3,250 in a category that includes court filing fees, attorneys' fees, deposition expenses and possible expert witness fees.

But the former inmate pocketed no monetary damages from the fund.

Another case that yielded no damages closed in January, when the town of Bluffton was sued in 2011 by Wilbert Roller, a restaurateur and businessman who has a contentious history with town officials.

He had alleged the town violated his civil rights through a zoning change that infringed on his ability to use his property. The fund spent \$5,600 on the dispute but awarded nothing to Roller.

The town of Bluffton had a couple of other minor claims for a few hundred dollars for automobile damages, which did not involve litigation.

"The Insurance Reserve Fund usually doesn't get a lot of public or media attention," said Comptroller General Richard Eckstrom in a statement announcing his office's posting of the claims information.

"But it plays a vital role in state government by providing a service that most people — whether in government or the private sector — might need to rely on at some point."

#### ADDITIONAL CASES

- The Beaufort-Jasper Economic Opportunity Commission: An insured vehicle failed to yield and struck a claimant. The fund paid \$31,000. Case closed: March 13
- The Beaufort-Jasper Academy for Career Excellence: An employee alleged termination because of discrimination. Damages: \$30,000. Case closed: February 2013.
- Jasper County: An insured vehicle struck a tree. The fund paid \$6,300. Case closed: February 2013.
- Jasper County School District: A middle school student was allegedly assaulted by a teacher on March 9, 2012. Damages: None. Case closed: March 2013.
- Beaufort County: There was an allegation that negligent supervision allowed for the sexual assault of a 10-year-old child at a public library on Aug. 1, 1998. Damages: \$1,500. Case closed: January 2013.
- Beaufort County: A man brought a civil suit when weights fell on him while using the county's parks and playground amenities. Damages: None. Case closed: January 2013.
- Beaufort County: Lightning struck the Hilton Head Airport in August of 2012. The fund paid out \$54,000. Case closed: March 2013.
- Beaufort-Jasper Water and Sewer Authority: A water line broke and flooded an area in January. The fund paid \$6,000. Case closed: February 2013.
- Beaufort County: Equipment in a police cruiser caught on fire in April of 2012. The fund paid \$7,000. Case closed: February 2013.