

# SHARE

**MARCH 2024 ISSUE #32** 

SAFETY HEALTH AND RISK E-CONNECT NEWSLETTER



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Cover photo: Concourse at Landmark Center by Kelly Common

The opinions expressed in this newsletter are those of the authors and do not reflect the views of LGRMS, ACCG, or GMA.



3500 Parkway Lane, Suite 110 Peachtree Corners, GA 30092









# **UPCOMING WEBINARS AND TRAINING**

# **Safety Coordinator III**

HALF DAY | 8:30AM-12:30PM

Apr. 9 - Tifton, GA

Apr. 10 - Statesboro, GA

Apr. 11 - Macon, GA

Apr. 16 - Cartersville, GA

Apr. 17 - Gainesville, GA

# **Advanced Workers' Compensation**

HALF DAY | 8:30AM-12:30PM

Mar. 26 - Tifton, GA

Apr. 23 - Statesboro, GA

May 14 - Macon, GA

July 16 - Gainesville, GA

Aug. 6 - Cartersville, GA

# **Law Enforcement Risk Specialist**

HALF DAY | 8:30AM-12:30PM

Apr. 9 - Tifton, GA

Apr. 11 - Brunswick, GA

Apr. 23 - Rome, GA

Apr. 25 - Athens, GA

Events subject to change. Check website for updates. lgrms.com/training-event-calendar





Welcome to the March edition of SHARE, the monthly publication of Local Government Risk Management Services (LGRMS). SHARE is sent to all GIRMA/IRMA, and WC, members 10 times per year.

SHARE has two sections: (1) a general safety, risk, section, and (2) a worker safety-focused section.

We cover those topics and issues most relevant to Local Governments in Georgia, plus some new features. We look forward to your feedback. The LGRMS SHARE is published on or around the 20th of each month. If you are not currently on the distribution list to receive our monthly newsletter, it can be downloaded for free from the LGRMS website (www.lgrms.com).

# In this issue

In this issue, we have a variety of articles focusing on current topics affecting local governments. Workers and worker safety is always our number one focus. As part of that, our focus for workers is work zone safety and defensive driving.

Our roads are being worked on all the time. Our workers need to be proficient in proper set up of work zones and practice good defensive driving at the same time. We have provided some facts on work zone safety from Georgia DOT and from the Roadway Consortium.

David Trotter has an article on keys to defensive driving.

Vincent Scott discusses how certificates of insurance are in your best interest. In another article, he talks about mower safety.

Benjamin Perkins of Oliver Maner LLP enlightens us on a recent Georgia Supreme Court ruling. The court clarified the statute of limitations for permanent nuisances, ruling that it varies based on when harm becomes observable to the plaintiff. This ruling impacts how local governments handle claims related to infrastructure, emphasizing the need for ongoing maintenance to prevent liability.

From the staff of Local Government Risk Management Services, we wish you all a great spring. For questions or issues on training, or any other services provided by LGRMS, contact Shamilla Jordan at sjordan@lgrms.com or Cortney Steptor at csteptor@lgrms.com.

Be safe.

Dennis

SHARE Contacts: Dennis Watts, dwatts@lgrms.com or Shamilla Jordan, sjordan@lgrms.com



Continuing our exploration of essential components within an effective incident investigation program, today's focus will be on the incident investigation form.

A comprehensive incident investigation form should address key questions to ensure a thorough examination of the incident. These questions include:

- When and where did the accident occur?
- What was the sequence of events leading up to the incident?
- Who was involved in the incident?
- What injuries were sustained or what equipment was damaged?
- How were the employees injured?
- What were the immediate causes and contributing factors leading to the incident?
- List suspected causes and human actions.
- Utilize information obtained from sketches, photographs, physical evidence, and witness statements.

It's imperative to ensure that the investigation report is grounded in factual information. All recommendations should stem from accurately documented findings, and these findings, along with recommendations, should be substantiated by verifiable sources.

The conclusions of the report should address the following:

- What preventive measures should be implemented to avoid future accidents?
- What resources are necessary to implement these measures?
- Who holds responsibility for implementing changes?
- Who will oversee the implementation process and ensure changes are enacted?
- What long-term procedures should be established to prevent similar incidents in the future?

For those seeking a template, I've provided a link to an incident investigation report that I developed previously, which can be customized as needed.

# Download Template

Additionally, Igrms.com offers members a variety of incident investigation forms in the <u>Sample Forms</u> <u>Section</u>, including templates for employee injuries, property damage, property/liability, and auto collisions.

In the upcoming article, we will delve into developing a corrective action plan based on the findings of the incident investigation.

# NOTES from the ROAD

SHINING A SPOTLIGHT ON OUR MEMBERS

# SUWANEE REDUCES RISK WITH REAR DISCHARGE MOWERS

Mowing highways and medians can pose various safety risks. Commercial mowing equipment, including lawn mowers and trimmers, may inadvertently cause damage to vehicles, structures, and personal property in the serviced areas. Moreover, bystanders such as pedestrians or residents nearby are at risk of injury during mowing activities. Objects like rocks or debris thrown by the mower can cause bodily harm or property damage if they accidentally hit someone or something nearby.

The City of Suwanee recognizes that negligence in mowing operations can lead to property damage, bodily injury, or financial losses, prompting claimants to seek compensation for damages. It is crucial for members to comprehend the risks associated with improper equipment maintenance, insufficient employee training, or failure to adhere to industry safety standards.

Public Works Superintendent William Manigault encourages the use of rear discharge mowers, which offer several advantages over other types of mowers like side discharge or mulching mowers. Rear discharge mowers are designed to expel grass clippings out of the back of the mower, away from the operator and bystanders. This significantly reduces the risk of debris being thrown in unintended directions, thereby mitigating serious safety hazards.

Overall, rear discharge mowers offer safety, efficiency, and improved lawn appearance, making them a popular choice for local government mowing operations.



By Vincent Scott LGRMS Risk Control Consultant



# ×□ - FIND MORE ONLINE

LGRMS offers Commercial Mower Safety through Local Gov U web-based training. Contact your Risk Control Consultant for more information.

lgrms.com

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# RISK-CONNECTION REDUCING RISK FOR YOU AND YOUR EMPLOYER



# CERTIFICATE OF INSURANCE

Why this simple document is so important



By Vincent Scott LGRMS Risk Control Consultant

A certificate of insurance (COI) is a document issued by an insurance company used to verify the current proof of an insurance policy. Requiring vendors to provide a certificate of insurance protects the interests of the local government, its constituents and vendors by managing risk, ensuring legal compliance, and promoting financial responsibility.

When reviewing the COI, be sure that your organization is listed as the certificate holder. The certificate holder is the local government entity that has requested proof of insurance coverage from the vendor. Also, the COI shows that the vendor does maintain insurance and names the local government entity as the certificate holder.

The COI lists coverages for basic policies includes:

- Automobile Liability
- Commercial General Liability
- Cyber Security
- Errors and Omissions
- Professional Liability
- Workers' Compensation
- Umbrella & Excess Insurance

As Town Clerk, Annette Waters is responsible for records management, documentation of town council meetings, and many public-facing service roles for the Town of Register. She plays a hand in helping create, distribute, and coordinate communication related to contact bidding and purchasing process.

# 1. Collection & Storage

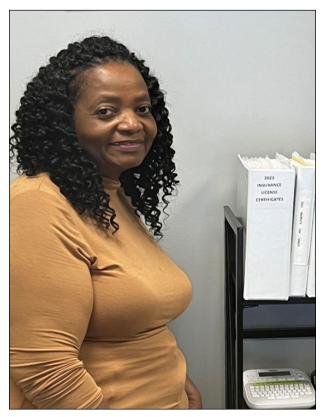
Collect certificates from every vendor used and safely store them in a secure database or other location.

# 2. Examine

Assess whether the terms and conditions meet your requirements, and monitor documents for any changes. If any information is inaccurate, contact the insurer to request an updated COI.

# 3. Follow Up

As policies may expire or vendors may switch insurers. Also, follow up routinely to prevent lapses in coverage. Also, it is a good idea to hold onto a COI as a record of when your vendors were insured by a specific policy. While the period of coverage may end on a particular



Annette Waters, Town Clerk, Register, GA

date, the liability for incidents that occurred during that period can remain long after the project is completed, or services are no longer needed.

LGRMS routinely offers a six-hour contracts class for local governments focused on local government contracting, practice pointers, risk transfer, risk mitigation, indemnity, and technical compliance. This course is geared toward city and county managers, administrators, elected officials, constitutional officers, city/county attorneys, and anyone who develops contracts or oversees contract compliance or contractor activities.

Please visit our LGRMS website Training and Events calendar for future offerings.



# ADVANCED WORKERS' COMPENSATION

This workshop offers local government participants a deeper look at the claims and adjudication process involved with the Workers' Compensation Programs of ACCG and GMA. Attorneys will be there to discuss workers' compensation procedures with audience participation.

This program is designed for elected officials, managers, supervisors, and the workers' compensation contact person within your organization. This program goes beyond the fundamentals and is geared to address your concerns.

Mar. 26 | Tifton
Apr. 23 | Statesboro
Igrms.com

REGISTER NOW







A lesson from this change in the law is that if you have stormwater infrastructure, you need to make sure it remains adequately sized.

By Benjamin M. Perkins, Partner at Oliver Maner LLP

This communication is to apprise you of the Georgia Supreme Court's recent clarification of the law regarding permanent nuisances. Prior to September of 2023, the law seemed to be clear that the statute of limitations for permanent nuisances began to run at the time of installation of the thing causing the nuisance (for cities, typically infrastructure) whereas abatable nuisances (such as failure to perform maintenance) give rise to a new cause of action each time a new harm occurs. Under that regime, many local governments were granted summary judgment on statute of limitations grounds for permanent nuisance claims involving harms allegedly caused by infrastructure installed at least 4 years before the plaintiff suffered damages.

In September of 2023, the Georgia Supreme Court issued Wise Bus. Forms, Inc. v. Forsyth Cnty., 317 Ga. 636, 893 S.E.2d 32 (2023) in which it clarified the application of

the statute of limitations to permanent nuisances. The Supreme Court held that the accrual of the statute of limitations varies among permanent nuisance cases depending on "when the alleged harm to a plaintiff's property caused by the nuisance becomes 'observable' to the plaintiff." If the harm "to the plaintiff's property is immediately observable upon the creation of the nuisance," a single cause of action arises, and the statute of limitations accrues when the offending structure is completed. In contrast, if "the harm [caused by the permanent nuisance] to the plaintiff's property is not observable to the plaintiff until later—sometimes years later," then "a separate action lies for each injury thus occasioned, and the statute begins to run from the time when the special injury is occasioned." As an example, the Supreme Court explained that properly constructed infrastructure may not be "injurious in and of itself" but nonetheless may become "a permanent and continuing nuisance because of some supervening cause, like heavy rains, which produce[s] special injury at different periods." The Supreme Court's conclusion that a new cause of action for permanent nuisance arises following each instance of harm if the injury is not immediately observable upon installation of the infrastructure is a significant departure from how the Georgia Court of Appeals previously framed the issue. The Court of Appeals followed Wise in Columbia Cnty. v. Satcher, 369 Ga. App. 608, 608, 894 S.E.2d 181, 184 (2023).

In summary, the appellate courts ruled that the permanent/abatable distinction is no longer determinative for statute of limitation purposes; the question for nuisances is whether the harm arising from the condition/action/inaction is immediately observable upon creation of the alleged nuisance or rather intermittently causes special injury at different occasions. If a condition is intermittently causing harm, then the statute of limitations accrues upon each instance of harm, irrespective of whether the nuisance is permanent (like an undersized pipe) or abatable (like maintenance).

A lesson from this change in the law is that if you have stormwater infrastructure, you need to make sure it remains adequately sized. Your city may have installed stormwater infrastructure 40 years ago that was adequately sized but is no longer adequate today because of changes in conditions (such as more development and impermeable surfaces in the area than were anticipated when the infrastructure was installed). If your city has been placed on notice of such an inadequacy, then you will no longer be able to defeat a claim on the basis that the infrastructure was installed more than four years ago. Please note that this area of law is not limited to utility infrastructure, but we focus on it in this message because we often see nuisance claims that arise from utility infrastructure.

Ben Perkins is a partner in the Litigation section of Oliver Maner LLP law firm in Savannah. Mr. Perkins, who holds a preeminent AV peer review rating from Martindale-Hubbell, concentrates his practice in the areas of municipal and county liability, zoning and land use litigation, professional negligence, business and employment litigation, products liability and personal injury.





# KNOW THE KEYS TO DEFENSIVE DRIVING



Most everyone drives a vehicle every day. Often drivers forget the fundamentals of driving safely and using sound techniques. It is common to take driving for granted as it has become a routine task. Drivers can become distracted or get in a hurry to get to their destination and overlook the dangers of the roadway.

The six most unsafe driving behaviors are

- Improper speed
- Violating the right of way
- Driving left of center
- Turning improperly
- Passing improperly
- Following too closely

These behaviors lead to collisions, injuries, and death.

There are six keys to defensive driving that can reduce the likelihood you will be in a collision. Let's examine each one in detail, along with other tips for staying safe on the road.

Practicing safe driving techniques every time you are behind the wheel can keep you, your passengers and everyone on the roadway safe. Be a safe driver and not a statistic. By David Trotter
Law Enforcement Risk Consultant



Look ahead for hazards.



Use your mirrors.



Signal your intentions.



Have a way out.



Take decisive action.



Make yourself visible.

Photo credit Atlanta Traffic by Sean Davis, Getty Images

# **6 KEYS TO DEFENSIVE DRIVING**

# 1. Aim high.

Look down the road for at least 12 seconds. Find an object ahead you think is about 12 seconds away and start counting—1,001, 1,002, etc. By the time you reach the object, you should be at or close to 1,012. This takes practice and discipline but will enable you to identify possible hazards to which you may need to respond. Scan the sides of the road, upcoming intersections, other driver's actions, brake lights and turn signals, roadway defects and hazards. Be aware other drivers may not be paying attention and you may have to take evasive action. If passing or changing lanes make sure it is safe to do so.

# 2. Get the big picture.

Change your gaze every 3 to 5 seconds including checking your mirrors. We only see clearly about 5 % of all visual stimuli and the rest is peripheral vision. By keeping your eyes moving you increase your chances of being able to react to a hazard.

# 3. Signal your intentions early.

Develop a habit of using turn signals before turning or changing lanes. This lets other drivers know what your intentions are and use your side view and rear-view mirrors to verify other drivers are cooperating with your decision.

# 4. Plan an escape route.

Always leave yourself a way out. Look for a path you can drive to avoid a collision. You may have to drive off the roadway to avoid hitting another vehicle.

# 5. Take decisive action.

Using the first four keys, this becomes the payoff point! Having the information beforehand makes your decision much faster.

# 6. Make sure others see you.

Use your turn-signals, honk the horn, flash your headlights to get other drivers' attention. Make eye contact with the other driver to make sure they see you.

Other techniques for safe driving include the following:

- ► Steering method imagine the steering wheel is the face of a watch or clock. Analog not digital. Your left hand should be at 9 o'clock and your right hand should be at 3 o'clock. When you turn the steering wheel, you should shuffle the wheel through your hands and never cross your arms. This gives you more stability and control of the vehicle.
- ► Accelerator and brake use only the right foot to control the accelerator and brake. This eliminates the possibility of pushing the accelerator and brake pedal at the same time in a panic situation.
- ► Following distance you should have 3 seconds + of following distance between you and the vehicle ahead of you. Use the same method of calculation as the 12 second rule. This allows you to react to the driver ahead of you.
- ▶ Distractions -Be aware that distractions can increase your reaction time. Mobile electronic devices, in car electronic systems, having a conversation and even eating while driving can lead to a collision. Minimize or eliminate those distractions to improve your attention to the driving task.
- ▶ Buckle up fasten your seatbelt and make sure your passengers are buckled up too. Most states have mandatory seatbelt use laws but, nationwide nearly 50% of all motor vehicle fatalities were not seat belted in. The seat belt is the only safety device that can keep you from being ejected in a collision.





Take a moment to exercise your brain and relieve stress by solving this fun safety puzzle! Answer on page 17.

# **HIDDEN MESSAGE**

This puzzle is a word search puzzle that has a hidden message in it.

First find all the words in the list. Words can go in any direction and share letters as well as cross over each other.

Once you find all the words, start at the top left corner and copy the unused letters into the blanks to reveal the hidden message.

Alligator	Goat	Penguin	
Bear	Lion	PolarBear	
Elephant	Meerkat	Stork	
Frog	Monkey	Tiger	
Giraffe	Panda	Toad	

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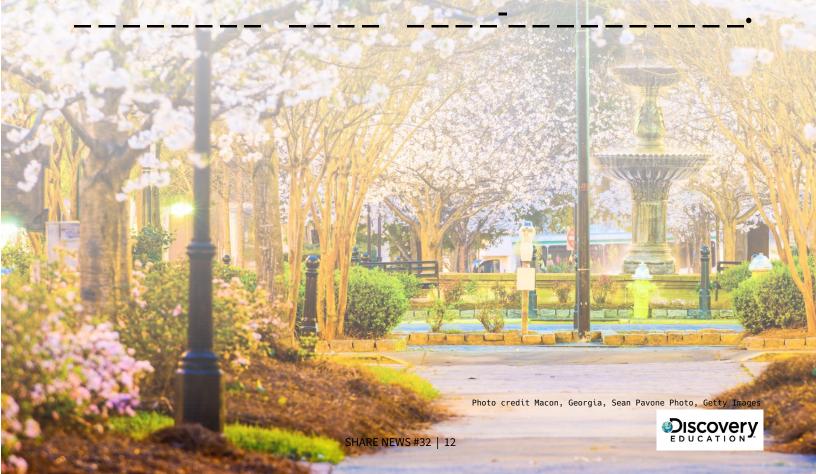
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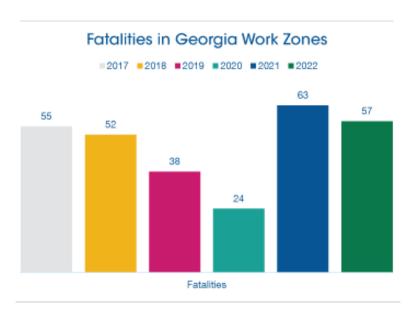
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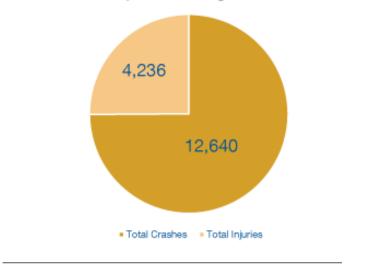


# WORK ZONE SAFETY

Ensuring Safety on Georgia's Roadways



Total Crashes/Injuries in Georgia Work Zones 2022



Charts: Ga. Dept. of Transportation, Work Zone Safety Fact Sheet 2023  $\,$ 

Some of our LGRMS members work in roadside construction zones to maintain and improve our infrastructure, but all of us are motorists driving in those zones. Navigating through these zones requires caution and adherence to safety protocols to prevent accidents and protect both workers and motorists.

The Georgia Department of Transportation annually highlights work zone safety in April. GDOT reported that departure and rear-end crashes accounted for 52% of work zone crashes in 2022, caused by distraction, impairment and speed. Drivers are encouraged to put down the phone, move over for stopped vehicles and buckle up to prevent more injuries and fatalities on Georgia's roads.

For more info from the DOT, visit dot.ga.gov.



# WORK ZONE SAFETY TOOLBOX



# **Worker Hazards:**

- Struck by motorist
- Struck by construction vehicle
- Fall from vehicle
- Angry motorist

# **Motorist Hazards:**

- Merging due to lane closure
- Entering work zone while traffic control devices are being installed or removed
- Traffic congestion

# **Best Practices:**

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- Use platforms, fall restraints, guardrails, seat belts, and all proper safety devices.
- Provide shadow vehicles.
- Establish procedure for contacting law enforcement or supervisors in case of emergencies or to report aggressive motorists.

#### **Resources:**

- LGRMS LocalGovU Training
- American Traffic Safety Services Association
- National Highway Traffic Safety Administration
- <u>Georgia Department of Transportation</u>

# Gear Up for Safety:

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- Class III, for high speed traffic or poor visibility.
- Class II, for inclement weather or busy areas, any federal aid highway project.

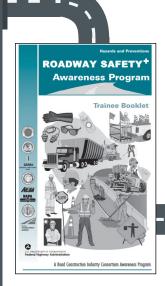


# **Installing TTCDs:**

Place, relocate, remove temporary traffic control devices during times of light traffic. Install TTCDs closest to the motorist first, then work in the opposite direction to remove TTCDs.

# Working with the Public:

- Keep calm.
- Remain highly visible.
- Keep open lines of visual and audio communication with supervisor and coworkers.
- Report public violence immediately including tag number and event details.





5. Keep a safe distance.

8. Expect the unexpected.9. Stay calm and patient.10. Don't earn yourself a fin

7. Use turn signals.

6. Look for workers and equipment.

# SAFETY THEME POSTER

MARCH 2024 ISSUE #32

# TOTIPS FOR DRIVING IN A WORK ZONE 1. Stay alert. 2. Obey the speed limit. 3. Merge early. 4. Follow flaggers' instructions.



# HOW TO USE THE MONTHLY SAFETY THEME

Here are some hints to help you get the safety message across to all employees each month.

# **Theme Poster**

Make copies and post wherever you will get the most impact or email to your departments.

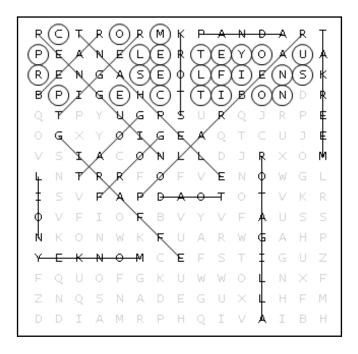
# **Theme Page**

Repeats the poster message with the safety theme topic of the month.

# **Safety Meeting Agenda**

- Assemble participants.
- Hand out copy of theme page.
- Pass around Participant Sign-in Sheet.
- Read theme out loud and discuss aspects of the theme in the department. Give examples. Ask for ideas, etc.
- Discuss accidents/incidents/near misses over the last month.
- Issue safety Self-inspection Checklists for each department inspection team.
- Discuss inspection items noted from last reports and the status of completion of reported items.

# **HIDDEN MESSAGE ANSWER**



<u>COMPLETE YOUR</u> <u>SELF-INSPECTION.</u>





# General Self Inspection Program

Location, Area, or Department: Date:						
Surveyor:						
General Evaluation	Needs Action	Needs Improvement	Good	Very Good		
A. Property/Liability						
<ul><li>a. Fire protection</li><li>b. Housekeeping</li></ul>	<del></del>	<del></del>	<del></del>	<del></del>		
c. Slip/trip/fall						
d. Public safety						
B. Employee Safety						
a. Safety meetings						
<ul><li>b. Safety rules</li><li>c. Work conditions</li></ul>	<del></del>	<del></del>	<del></del>	<del></del>		
d. Auto/equipment		<del></del>				
Property/Liability					Yes	No
Fire protection						
Emergency numbers posted						
Fire extinguishers available/serviced						
Fire alarm panel showing system is o						
Automatic sprinkler system control va Automatic sprinkler heads clear of sto		•				
Flammable, combustible liquids store						
Flammable, combustible liquid contain		n proper cabinet o	or container.			
Smoking, No Smoking areas designated Any cigarette butts noticed in No Smoking areas designated and signature.						
Comments:	_					
Housekeeping						
Stairwells clear of combustible items. Furnace, hot water heater, and electric Work and public areas are clear of ext	cal panel areatension cords	s, boxes, equipme		ipping hazards.		
Floor surfaces kept clear of oils, other Stored items are not leaning or impro			are not up hic	ıh.		
Comments:		-	_			
Slip/Trip/Fall						
Stair treads are in good condition; no	t worn, dama	aged or loose.				
Handrails for all stairs/steps. Guardrails for all elevated platforms.						
Stair handrails are in good condition;	not loose or	broken.				
Floor surfaces are even, with non-slip	wax if applic					
All rugs are held down or have non-sl						
Any holes, pits or depressions are ma Wet floor signs are available and used		pe, barricades, or	guardrails.			
•					Ш	
Comments:						



# General Self Inspection Program

Public Safety	Yes	No
Public areas kept clear of storage and supplies.		
Emergency lighting for public assembly areas in buildings.		
Evacuation plans posted for public assembly areas in buildings.		
Public areas have necessary warning or directional signs.		
Construction work has barriers, covers, and markings.		
Street and road signs noted in good condition, clear of obstructions.		
Sidewalks smooth and even; no holes, no raised or broken areas.  Comments:		
Comments.		
Employee Safety		
Safety Meetings		
Held in the department.		
Meetings held monthly quarterly other; documented		
Different topic each time.		
Covers department safety rules.		
Safety Rules		
Rules specific for this department.		
Rules are written, posted in the department.		
Reviewed with new employees.		
Work Conditions		
Employees exposed to: Heat Cold Rain/sleet/snow Use of chemicals		
Noise Work in confined spaces Work in trenches		
Traffic Blood/body fluids Other		
Proper personal protective equipment available		
Respirators, goggles, face shields, chemical gloves, traffic vests, appropriate clothing		
Trench boxes/shoring for trenching, ear plugs/muffs, body armor (law enforcement) Confined space equipment, harness, air testing equipment, ventilation equipment, tripod		
Fire department turn-out gear, blood-borne pathogens kits		
Personal protective equipment required to be worn.		
Employees trained on proper use.		
Equipment properly maintained.		
Shop equipment has proper guards to protect from pinch or caught-between type injuries.		
Chemicals used in the department.		
MSDS sheets available; employees trained on hazards, proper use, proper PPE to use.		
Comments:		
Auto and Equipment		
Auto and Equipment		
Seat belts provided. Seat belts required to be used.		
Drivers noted wearing seat belts.		
All lights working including strobe lights, turn signals.		
Tires in good condition, tread, sidewalls.		
Glass in good condition; not cracked, broken.		
Reflective tape, signs in good condition.		
Any periodic, documented, self-inspection of the vehicles/equipment.		
Proper guards on mowers, other equipment.		
Comments:		



# Safety Meeting Attendance Sign Up Sheet

City/County:	
Date:	
Department:	
Topic:	
торіс	
Attendees:	
Next meeting scheduled for	
Safety Coordinator	



# **LGRMS HOME OFFICE**

#### **Dan Beck**

LGRMS Director

dbeck@lgrms.com

O: 678-686-6280

C: 404.558-1874

## Shamilla Jordan

Office Manager

sjordan@lgrms.com

O: 678-686-6283

C: 404.623-8055

# **Cortney Stepter**

Administrative Coordinator

cstepter@lgrms.com

O: 678-686-6282

# LAW ENFORCEMENT RISK CONTROL

## **Dennis Watts**

Training, Communication, and Public Safety

Risk Manager

dwatts@lgrms.com

404.821.3974

# **David Trotter**

Law Enforcement Risk Consultant

dtrotter@lgrms.com

404.295.4979

# **Griffin Attaberry**

Public Safety Risk Consultant

gattaberry@lgrms.com

404.313.8853

#### **Natalie Sellers**

Sr. Law Enforcement Risk Consultant

nsellers@lgrms.com

404.904.0074

#### Kaitlyn Wasner

Public Safety Risk Consultant

kwasners@lgrms.com

770-686-4782

# **RISK CONTROL**

#### **Steve Shields**

Risk Control Manager

sshields@lgrms.com

404.416.3920

## Chris Ryan

Sr. Risk Control Representative W. Region

cryan@lgrms.com

229.942.2241

# **Vincent Scott**

Risk Control Representative E Region

vscott@lgrms.com

404.698.9614

#### **Weston Cox**

Risk Control Representative S Region

wcox@lgrms.com

404.520.6646