



State of Utah

GARY R. HERBERT  
*Governor*

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*Lieutenant Governor*

## Department of Administrative Services

TANI PACK DOWNING  
*Executive Director*

Division of Risk Management  
BRIAN NELSON, *Director*

March 19, 2019

Superintendent Keith Rittel  
Provo City School District  
280 West 940 North  
Provo, UT 84004

### RE: TIMPVIEW HIGH SCHOOL CONCERNS

Dear Superintendent Rittel:

Thanks for the privilege of attending the District's Board Meeting on January 24, 2018. It was a pleasure to meet the remarkable members of your Board and discuss our concerns with respect to the structural issues of Timpview High School. The purpose of this letter is to confirm those concerns and offer some recommendations.

As you know, we have received and reviewed the reports from Dynamic Structures and Calder Richards. Both reports have been forwarded to our excess property carrier, AIG, whose Earthquake Specialist, Steve Shekerlian, P.E., provided the following comments:

**I read the reports by both structural engineers and the architectural condition survey presentation. Obviously, they have significant settlement issues that are affecting the structure as well as seismic deficiencies with some of the structural components because of original design considerations. Based on vintage and construction (1975 precast double tees without topping slab supported by masonry walls), I would expect a significant earthquake risk. Roof-to-wall anchorage of this type has been deficient in past earthquakes and can result in localized collapse of the double tees as they slide off of their bearings (indicated in structural report).**

I will now address the issues and concerns of our office. First, as discussed during our your January 24, 2018, Board Meeting, both the Risk Management Property Policy and our Excess Property Policy exclude coverage for losses caused by structural settlement, which is clearly occurring on the situs of Timpview High School. That means the Risk Fund and our Excess Property carriers will not pay to repair or replace the High School for defects caused by earth settlement.

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Second, there is no exclusion in the Liability Policy for claims arising out of earth settlement. Consequently, if a section of the building were to fail and injure anyone, the Risk Fund would likely cover the damages suffered by any injured party up to the current governmental immunity limitations, which are \$745,200 per person and \$2,552,000 aggregate, per occurrence. During the 2019 Legislative Session, the aggregate limits were increased to \$3,000,000 by HB 311, effective May 6, 2019, assuming it is signed by the Governor. Those limits are further adjusted in even-numbered years. Obviously, injured employees would have the benefit of workers' compensation coverage. But we would clearly prefer to avoid these foreseeable consequences.

Third, the District clearly has notice that Timpview High School is unstable, both from experts and experience, namely, the fall of a section of concrete ceiling in the media room.

Given what the District knows, it should make every effort to eliminate promptly the structural threats that are present at Timpview High School for the safety of the students, faculty, staff, and the community. I know those are your paramount concerns, which we fully support. Obviously, the failure to undertake these measures may result in significant financial and reputational consequences that will take years to repair.

Lastly, a caveat. The coverage opinions mentioned above are limited to the facts as we currently understand them and the existing provisions of our coverage forms. Ultimately, all coverage decisions as to future events will be dependent upon the specific causative factors of such events and the applicable provisions of the coverage forms then in effect.

**PURSUANT TO SECTION 63A-4-206 UCA, THIS LETTER AND ITS RECOMMENDATIONS MAY NOT BE ADMITTED INTO EVIDENCE IN ANY COURT, OR USED FOR ANY OTHER PURPOSE IN ANY ACTION FOR DAMAGES ARISING FROM ANY OCCURRENCE AT TIMPVIEW HIGH SCHOOL.**

Sincerely,



BRIAN NELSON  
State Risk Manager