

Parks Risk Management: Keeping Parks Safe and Limiting Organizations' Liability

PRESENTED BY

Robin Aronson, Risk Services Manager

Kim Dennis, Sr. Risk Management Representative

Farah Derosier, Sr. Risk Management Representative

Roadmap for Today

- Basic Definitions of Risk Management
- Specifics of Risk Management in a Park Setting
- Your Role in Managing Risk



WHAT IS RISK MANAGEMENT

The process of making and carrying out decisions that will minimize the adverse affects of accidental loss upon the organization

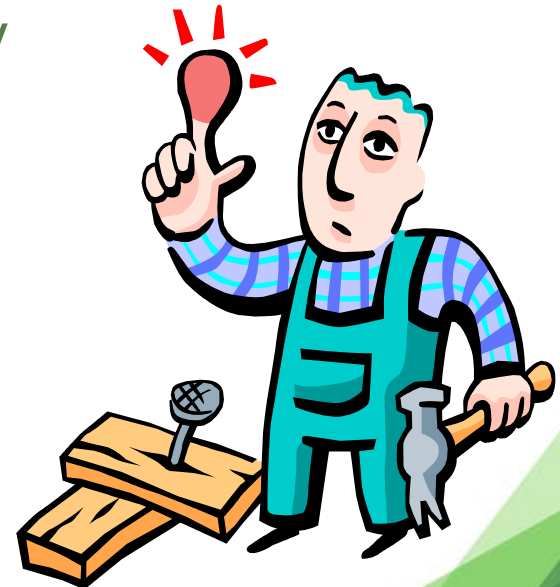


In other words....it's all fun and games at the park until it isn't!



MANAGING RISK

- Risk **A**voidance - Eliminate Risk
- Risk **R**etention:
 - Loss Prevention - Frequency
 - Loss Reduction - Severity
- Risk **T**ransfer



TYPES OF LOSS

- Loss to your property
- Liability loss (bodily injury or property damage to third parties)
- Loss to employees



LIABILITY COVERAGE

Coverage that protects an entity from losses arising from its responsibility to others (3rd party) either imposed by law or assumed by contract.



INCIDENTS AND CLAIMS



- Incident: An event that may result in a person alleging that the agency, or an employee was negligent in some way.
- Liability Claim: A person asks for payment of monetary damages based on allegations of negligence on the part of the entity or the entity's employee or volunteer.

LAWSUITS

If a claim is not resolved, a lawsuit may be initiated asking a judge or jury to resolve the dispute.



NEGLIGENCE

ELEMENTS

- Duty Owed
- Breach of Duty
- Proximate Cause
- Damages as a Direct Result of Breach of Duty

DEFENSES



NEGLIGENT MAINTENANCE

- Notice of defect
 - Actual
 - Constructive
- Reasonable opportunity to fix
- Wright vs. Kennewick



RECREATIONAL IMMUNITY STATUTE

- RCW 4.24.210 Recreational Immunity Statute
- Purpose is outdoor recreation
- No fee of any kind...(except)
- Must place warning sign for all “known dangerous artificial latent conditions.”
- Each element must be present.



PREMISES LIABILITY

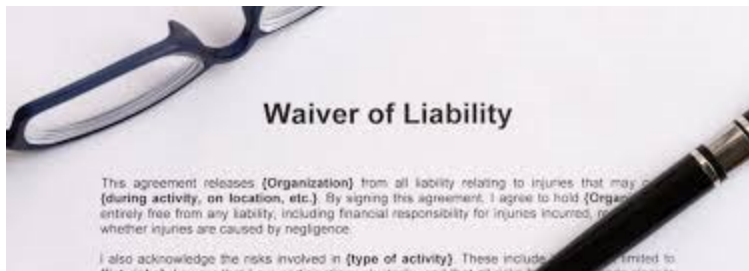
- Duty of care owed
- Will depend on the user's common law status
 - Invitee
 - Licensee
 - Recreational user
 - Trespasser



WAIVERS



- Must not be inconspicuous
- Releases cannot limit liability for the acts falling “greatly below the standard established by law for the protection of others”



DOCUMENTATION

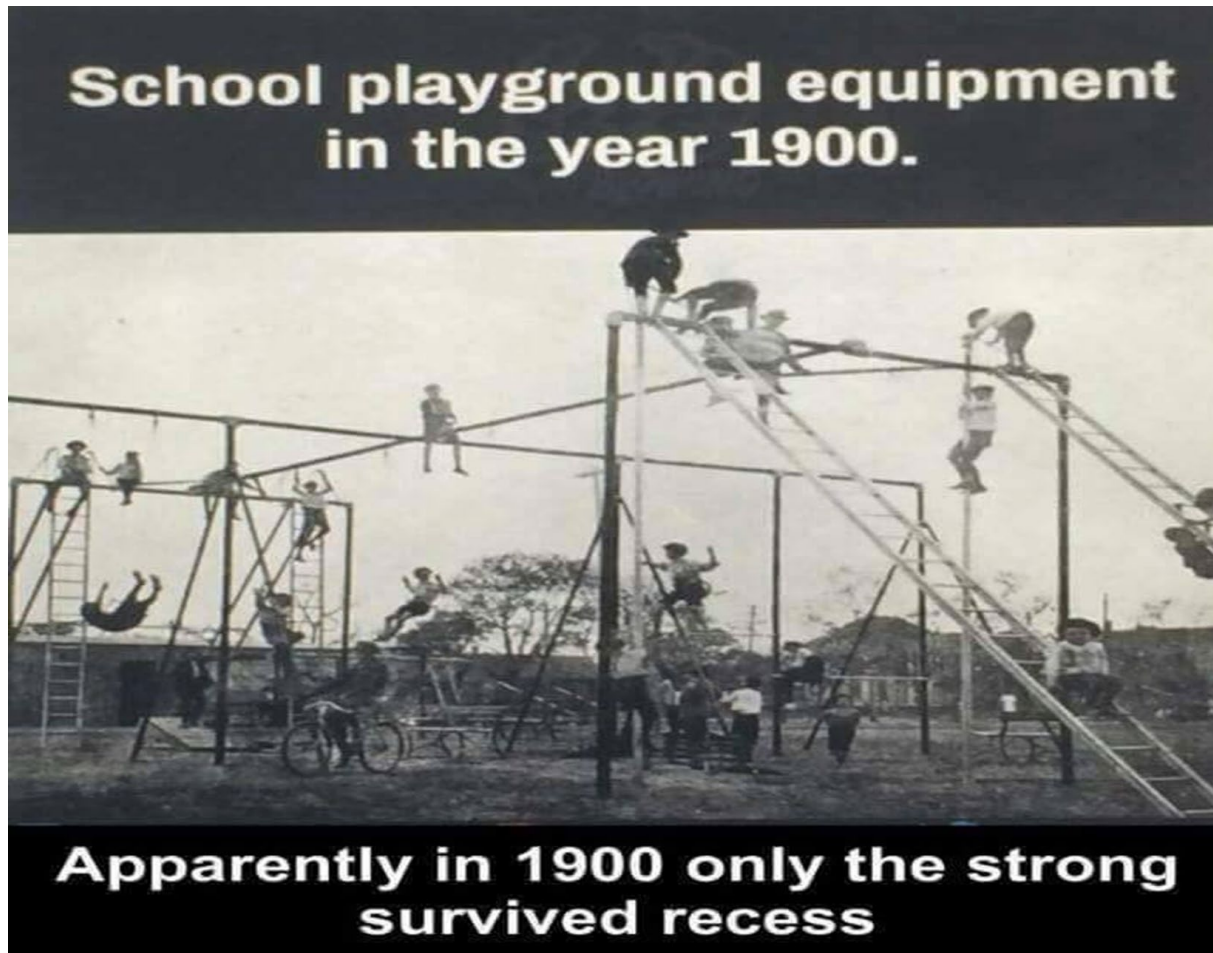
- Documentation
 - Maintain file
 - Preserve file per record retention schedules
 - Not documented...didn't happen!
- Name, date and time
- Action taken
- Further follow up needed



PLAYGROUNDS



When you know better, do better.



INVENTORY

- Pieces
- Manufacturer
- Approximate age
- Physical location
- Surfacing data



AUDITS

- Audits
 - Detailed comprehensive review designed to assist the agency in identifying a wide range of known playground hazards based on the CPSC Handbook for Public Playground Safety and the ASTM.
 - NPSI – CPSI Certification



AUDITS

- Head entrapments
- Sharp points, corners, and edges
- Protrusions or projections
- Crush and shearing points
- Surfacing material
- Use and fall zones
- Platforms (guardrails, ladders, etc.)



PLAYGROUND INSPECTIONS

- Hands-on
- Routine
- Immediate repair or work order/repair procedure.
- Remove or take equipment out of service





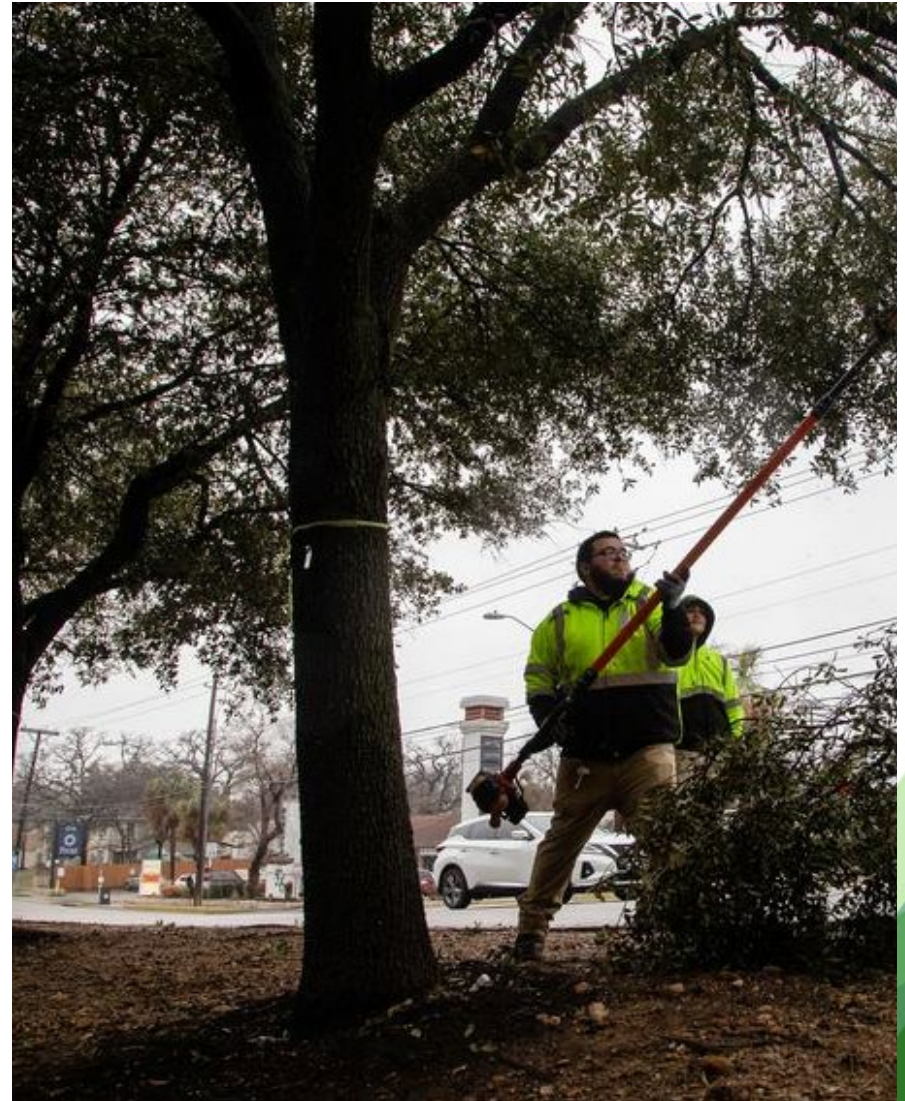
GENERAL OPERATIONS

- Proper training
- Inspect machinery and property
- Mowing
- Tree trimming
- Debris removal
- Clean up



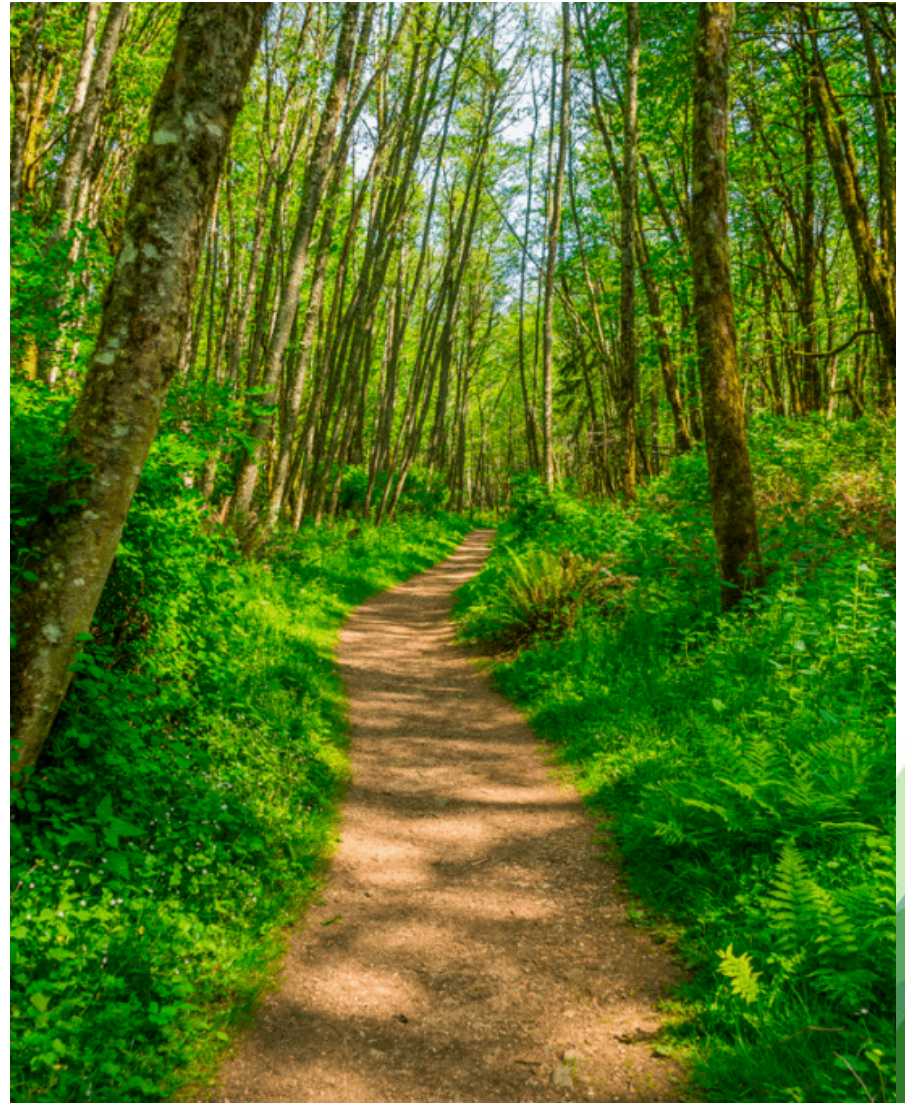
TREES OR LIMBS FALLING

- Inspections
- Hazard evaluation
- Trimming & pruning
- Use of certified arborist
- Acts of nature
- Documentation



TRAILS

- Design and Maintenance Standards
 - AASHTO
 - Who is going to use?
 - Bicyclists
 - Walkers/Joggers
 - Horses
- Post signage at trail entrances
- Maintenance of your trails
- ADA considerations



ATHLETIC FIELDS

- Design concerns
- Lighting
- Signage
- Warning tracks
- Goal fixtures
- Fencing
- Routine inspections



ATHLETIC FIELDS

- Gender equality-it's the law
RCW 49.60.505



YOUTH SPORTS CONCUSSIONS, HEAD INJURIES, AND SUDDEN CARDIAC ARREST

- [RCW 4.24.660, RCW 28A.600.190, RCW 28A.600.195](#)
- Educate coaches, youth athletes and parents
- Adopt a policy
- Develop a procedure regarding criteria for returning youth athletes to play

AQUATICS

- Safety policies
- Certified lifeguards
- Compliance with all local, state and federal laws
- Frequent inspections
- Documentation



BEACH SWIMMING AREAS

- Designated swim areas
- Don't charge a fee
- Lifeguards
- Water quality
- Signage and rules



COMMUNITY/SENIOR CENTERS

- Who is operating the center
- Premises inspections
- Recreational classes
- Emergency evacuation procedures
- Food services
- Medical services



Day Camps

- Good application process
- Staff training
- Facility inspections
- Field trips
- Medical considerations
- ADA



TRANSPORTATION

- Transfer Risk
 - Contract/Agreement
 - Indemnification language
 - Insurance requirements
- Retaining Risk
 - Operator selection
 - Operator orientation and training



FACILITY USE



- Facility Use Agreement
- Include a hold harmless, waiver, and indemnification clause.
- Insurance?
 - Evaluate the use and possible loss exposure in the activity.
 - Commercial benefit?
 - Alcohol or food being served?

FACILITY USE

- Inspection
- Signage / notice to the public
- Lighting
- Snow & ice removal
- Non-skid surfacing



WILL MY AGENCY GET SUED?

- Sooner or later. But you might just win.
 - Recreational immunity
 - Assumption of risk
 - Standard of care
 - Waiver and release forms



FUTURE CONCERNS

- Continuing erosion of recreational immunity
- Initiatives and budget cuts
- Staffing shortages
- Expanding requests for services































QUESTIONS?



www.wciapool.org

Washington Cities Insurance Authority
P.O. Box 88030
Tukwila, WA 98138
Phone: 206.575.6046
Fax: 206.575.7426