

RISK & OPPORTUNITY AT PUBLIC POOLS

Know the safety issues to prevent harm and avoid liability



EXECUTIVE SUMMARY

- › Risk management issues have a definite impact on the planning of an aquatic facility.
- › Local government managers can use risk management as a reliable decision-making tool.
- › Loss control reports are vital to the management concerns of an aquatic facility.

A safe and well-run aquatic facility can be a source of pride as well as a revenue generator for a community. As the visible face of local government, a manager deals with the high expectations for service that citizens demand and works hard to enhance the quality of life for citizens who are served. Risk management is a discipline that affects every single department within an entity—whether it is safety, insurance coverage, workers' compensation, or special events.

Risk management, however, is about more than just safety and insurance. Managers can use it as a tool for setting goals and responding to the various wants and needs of a community. This article examines some of the safety and liability issues to consider when building, renovating, or maintaining swimming pools and other aquatic facilities.

Safety, Liability, and Insurance Issues

Risk management: a strategy developed to reduce or control the chance of harm or loss; the process of identifying, evaluating, selecting, and implementing actions to eliminate or reduce harm.

—Definition from the Public Risk Management Association (PRIMA) glossary

Swimming is one of the most popular sports in America. Such athletes as Michael Phelps have raised the profile of aquatics even higher with record-breaking Olympic wins and greater attention paid to issues like swimsuit aerody-

namics. Facilities have also undergone tremendous changes—gone are the days when a community could dig a hole, put in a pool, and call it a job well done.

of an issue, more data become available and better choices can be made. This is by no means asking managers to become risk managers per se—unless it is part of their job description—but it does imply that a manager should learn to think like a risk manager and add this element to a professional skill set.

Many managers confront this typical scenario: A city's pool is crumbling and needs upgrading, so a renovation project is announced. Input from the community indicates that some citizens want diving platforms. Other citizens would like to see wading pools for young children. Some want the facility to have features similar

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In today's world, constituents want variety. Age-appropriate components and equipment that accommodates people with various levels of ability must be considered when designing, building, or renovating a pool or aquatic facility. In any given community, one may find shallow water and beach areas for youngsters, therapy pools for seniors, competition swimming for the future Olympians, and such features as water slides and special areas for inner tubes and floating. Entities can also include pavilions for social events and attractive aesthetics as drawing cards for customers.

With all these potential needs and demands to consider, the key is to think of risk management in terms of a *strategy*. By using a strategy of consciously understanding inherent risks

to the water park in a neighboring city.

As the renovation project moves along, the finance staff makes everyone aware of what the city can afford. Other staff members review the contracts and bids. Still others are involved with the construction. It is decided that diving platforms, a waterslide, and a wading beach will be a part of the newly renovated facility.

The plans are ready to be drawn, but—hold on a second!—is there anything that could pose a potential problem for the local government in the future, even with all the good planning that was put into this process? This is where risk management comes in: by providing an additional level of discernment. Here are some potential issues:

Compliance with laws and codes. Over the years, requirements for such items as pool depths, diving boards, and safety equipment have changed dramatically.

Most architects and contractors are aware of these changes, but it never hurts to ask questions about pool specifications. The Association of Pool and Spa Professionals has a standard (*ANSI/NSPI-1 2003 Standard for Public Swimming Pools*) that is viewed as a benchmark, but it is not the only one.

Several organizations, including the Fédération Internationale de Natation Amateur (FINA), USA Swim Team, and the American Public Health Association, have operating and design standards for pools and aquatic facilities. These standards are voluntary, but if a community is compliant with the provisions of these groups, it carries a great deal of weight when defending against claims and lawsuits.

Although most of these standards are voluntary, federal, state, and local laws and codes are not. Lawsuits are a known occupational hazard for city and county managers, and noncompliance can put an entity in the position of defending against accusations of negligence.

One important example of federal legislation related to pool safety that passed recently is the Virginia Graeme Baker Pool and Spa Safety Act. The law is named for the granddaughter of former secretary of state James A. Baker III, who died in a spa after the suction of a drain trapped her under water. Under the law, all public pools and spas must have proper drain covers (compliant with the ASME/ANSI A112.19.8-2007 standard) installed and a second anti-entrapment system installed where a single main drain exists.

Public pools and spas that operate year around were to comply by December 19, 2008, and seasonal public pools and spas that are currently closed must be in compliance with the law on the day they reopen. As is the case with many laws and regulations, state-specific codes may call for more stringent safety requirements. A comprehensive resource that contains information on all 50 states is provided by the National Swimming Pool Foundation at www.nspf.com/Codes_Links.html#USState.

Calendar of Events

For information about ICMA events

Visit icma.org/calendar

UPCOMING EVENTS

January 20 Web Workshop:
Ethics and Human Resources

February 17 Web Workshop:
Leadership 101

March 17 Web Workshop:
Ethics for All Staff

May 1-8 ICMA SEI Leadership Institute
(Application deadline: February 27)

May 12 Web Workshop:
Ethics and Public Safety

May 19-22 ICMA Gettysburg
Leadership Institute
(Registration deadline: February 27)

June 2-4 Transforming Local
Government Conference: *The Future of
Service in Local Government*

ICMA 2010 Regional Summits

March 11-12 Mountain Plains/West
Coast, (San Diego, CA)

March 25-26 Northeast Region,
(Baltimore, MD)

April 8-9 Midwest Region,
(Oak Brook, IL)

April 15-16 Southeast Region,
(Nashville, TN)

ICMA 2010 Young Professionals Leadership Institute

March 10-11 Mountain Plains / West
Coast Region: San Diego, CA

March 24-25 Northeast Region:
Baltimore, MD

April 7-8 Midwest Region:
Oak Brook, IL

April 14-15 Southeast Region:
Nashville, TN

In addition to compliance with safety laws and regulations are concerns about accessibility. The Americans with Disabilities Act (ADA) requires newly constructed or renovated government facilities, places of public accommodation, and commercial facilities to be accessible to and usable by individuals with disabilities. Swimming pools, wading pools, and spas are some of the facilities that fall under ADA, and the ADA Accessibility Guidelines standard applies. Access routes to and from such supporting elements of the facility as toilets and parking and bathing areas are also required.

Loss control. The operation of a safe aquatic facility takes many well-trained and conscientious people. Risk managers, safety specialists, and pool personnel have the responsibility of making sure the facility is maintained, inspected, and operated according to the laws and regulations that apply. A manager needs a global view of what is happening. This can be done through an annual report that summarizes how the facility fared during the fiscal year.

In many jurisdictions, these reports focus (and rightfully so) on the revenues and expenses that occurred during the period. To get a more comprehensive look at what happened, ask for a report that includes:

- Data on claims filed.
- Vandalism expenses.
- Training costs for lifeguards and pool personnel.
- Emergency equipment needs and costs.

The report should also include a review of the facility's emergency plan and its components. Proactive risk management plans show the local government's intentions when it comes to reducing potential liability. These plans can also provide effective defenses as well as deterrents to litigation. Components of the plan should include:

- Safety rules and regulations for the facility.
- Emergency procedures.
- Description of supervision and how supervision is maintained.
- Safety inspection records.
- Security.
- Potential problems in areas with high safety risks such as the pool deck, locker rooms, ladders, and parking lots.
- Safety and rescue equipment available.

Safety and loss control are not just the province of the risk manager and the safety specialist. As the local government manager, your words and actions can have an unmatched impact. You have the power to set a positive tone of safety that reaches all citizens. When promoting new or renovated aquatic facilities, remember to discuss the safety-related aspects of the facility in news interviews, panels, and forums.

In a Nutshell

"Professional local government managers seek continually to improve their capabilities. Renewing themselves through lifelong learning, managers acquire new expertise and develop their leadership skills to build better communities. . . ."

—Excerpt from ICMA 2008 Strategic Plan

Risk management is probably not the number one issue that crosses a manager's desk every day, but it does provide a problem-solving tool, especially for aquatics. A good risk management program is not a cost center; it helps save money, time, and lives.

In these times when managers are being asked to perform miracles and then some, a solid knowledge of risk management techniques can provide managers with a powerful edge. **RM**



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