

RISK MANAGEMENT

GLOOM, DESPAIR...GOALS

- Share the Pain
- Prevent the Pain
- Tools and Techniques
- Protect Yourself

4 RISK MANAGEMENT



MANAGING RISK

WHAT WE'LL COVER:

- Steps to identify and control risk
- How do we open ourselves to liability?
- How do we avoid liability?
- Best practices...
- Lots of examples...



MANAGING RISK

STEP 1: KNOW YOUR ENEMY

- Name your risks
- Prioritize



MANAGING RISK

YOUR RISK TEAM

- Management
- Counsel
- Everyone!



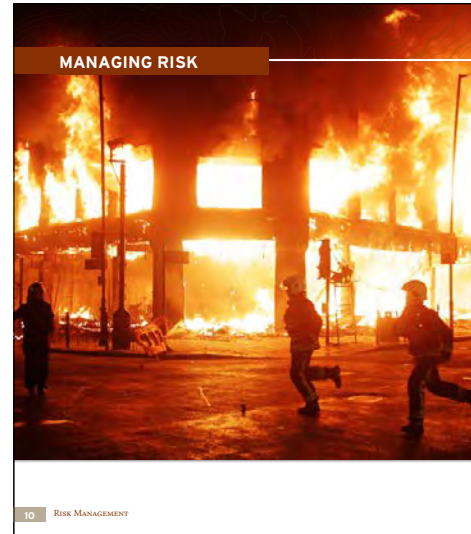
		Consequence				
		Trivial	Minor	Moderate	Major	Severe
Likelihood	Almost certain	L	H	H	E	E
	Likely	L	M	H	H	E
	Possible	L	M	M	H	E
	Unlikely	L	M	M	H	H
	Rare	L	L	M	M	H

E - Extreme risk, requiring immediate action.
 H - High risk issue requiring additional research or some immediate action
 M - Moderate risk issue that are likely to benefit from adaptation measures
 L - Low risk issues that can be dealt with as and when they happen or they are considered acceptable should they happen

STEP 1: KNOW YOUR ENEMY

- How bad is it?
- How likely is it?





RISK CATEGORIES

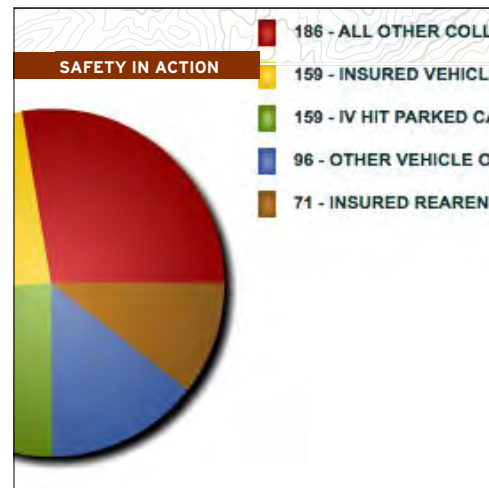
General Liability
Property
Workers Compensation
Financial

10 RISK MANAGEMENT



SHARE THE PAIN

~1700 Claims Annually
~\$10M+ in Losses Annually
Constant erosion of immunity




SHARE THE PAIN

8 Figure Auto Accidents
Worker fatalities
Trench collapses
Constitutional claims

12 GLOOM, DESPAIR, AGONY



LOSS PREVENTION




MOST COMMON LOSSES

What are the most common (and most expensive) claims in Utah's local governments?

13

RISK MANAGEMENT




LOSS PREVENTION

What is most common and costly liability claim?

14

RISK MANAGEMENT






LOSS PREVENTION


MOST COMMON LOSSES

What is the most common type of Auto Liability claim?

16

RISK MANAGEMENT





LOSS PREVENTION



- 149 - INSURED VEHICLE BACKED INTO OTHER VEHICLE
- 133 - IV HIT PARKED CAR OR OTHER OBJECT
- 131 - ALL OTHER COLLISION/LIABILITY LOSS
- 68 - OTHER VEHICLE OR OBJECT HIT IV
- 65 - INSURED REARENDED OTHER VEHICLE

AUTO LIABILITY

Backing!!!
Parked Cars!!!
Rear Enders!!!
But Intersections Kill...



LOSS PREVENTION



AUTO BEST PRACTICES

Qualify Drivers
Train Drivers
Supervise!!!
Vehicle Inspections
EVO



LOSS PREVENTION

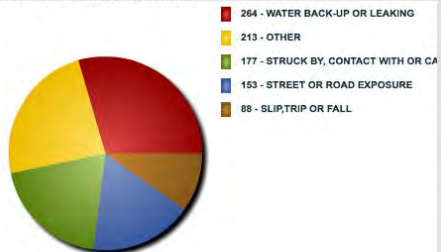
Aside from auto, what is the biggest cause of liability claims?



LOSS REVIEW

Liability (Excl Auto) Top 5 Accident Causes (Claim Count)

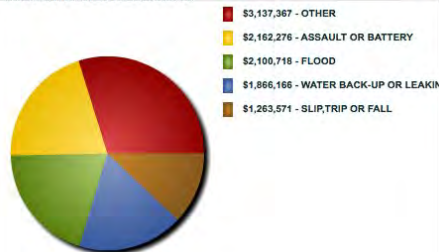
Losses: 01/01/2013 to 03/21/2016



WATER!!!!

Liability (Excl Auto) Top 5 Accident Causes (Total Incurred)

Losses: 01/01/2013 to 03/21/2016



LOSS REVIEW



WATER CLAIMS (2011 - 2015)

- 149 Sewer Backups
- 112 Primary Water
- 43 Storm Water
- 21 Irrigation Water



PERFORMANCE!

SEWER CLAIM CONTROL

Certified operators

SSMP

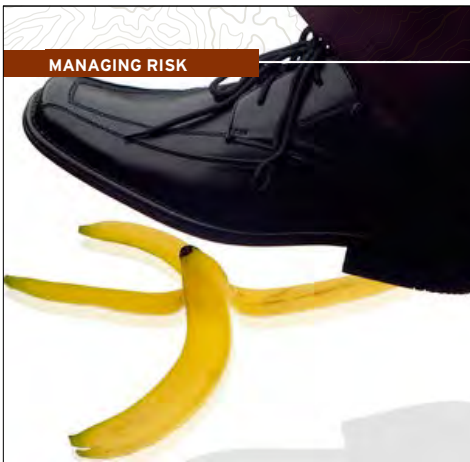
Maintenance = \$

INSPECTIONS!

26 DIRTY LITTLE SECRETS



MANAGING RISK



LIABILITY

“The state of being responsible for something, esp. by law.”

Must be found negligent:

Duty, Breach, Injury

27 RISK MANAGEMENT



QUIZ!

Finish the phrase:

“If you build it,

They will SUE!!!”



28 RISK MANAGEMENT

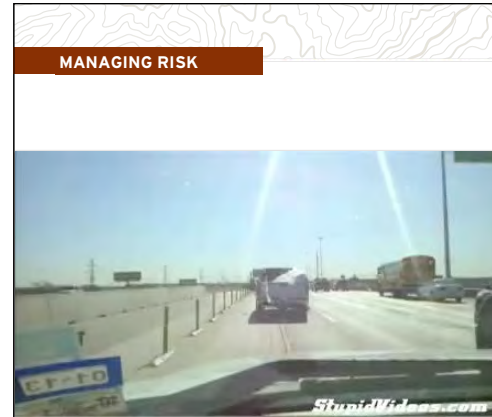




MANAGING RISK

WHAT IS A DUTY?

Legal Obligation
Standard of Reasonable Care
To whom?
Invitees
Licensees
Trespassers—Attractive Nuisance



MANAGING RISK

STANDARD OF CARE

Have you met the expected standard of care?



MANAGING RISK

WHAT STANDARD OF CARE?

Must:

Evaluate facilities/activities
Write it down
Communicate it
Act on it!

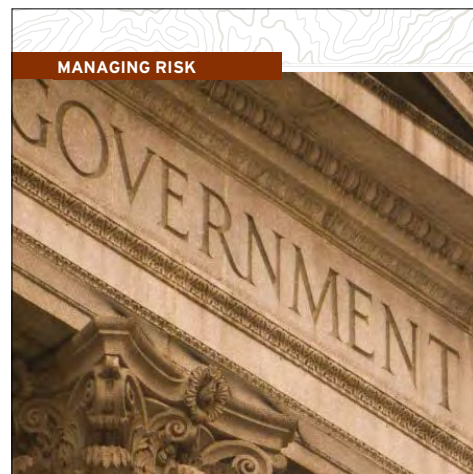




ACCOUNTABILITY

WHAT IS YOUR STANDARD?

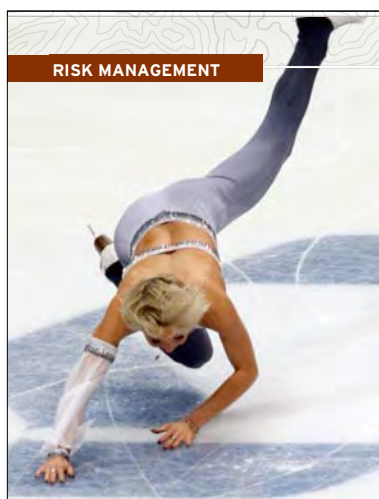
- Legal Requirements
- Consensus Standards
 - ASTM, ANSI, etc.
- Manufacturer's Requirements
- Others?
 - PDGA, etc.



MANAGING RISK

BUT WAIT!

You can't sue the government!



RISK MANAGEMENT

INHERENT RISKS 78B-4-509

“no person may make a claim against or recover from any of the following entities for personal injury or property damage resulting from any of the inherent risks of participating in a recreational activity: a county, municipality, local district...”



RISK MANAGEMENT

INHERENT RISKS 78B-4-509

“an integral and natural part of participating in a recreational activity”

= ...rodeo/equestrian, skateboarding, skydiving, paragliding, roller skating, ice skating, fishing, hiking, walking, running, jogging, bike riding, in-line skating
(Skiing is included in 78B-4-401, “ski operator”)





"GOVERNMENTAL IMMUNITY"

63G-7-201. Immunity of governmental entities from suit.
(1) Except as may be otherwise provided in this chapter, each governmental entity and each employee of a governmental entity are immune from suit for any injury that results from the exercise of a governmental function.



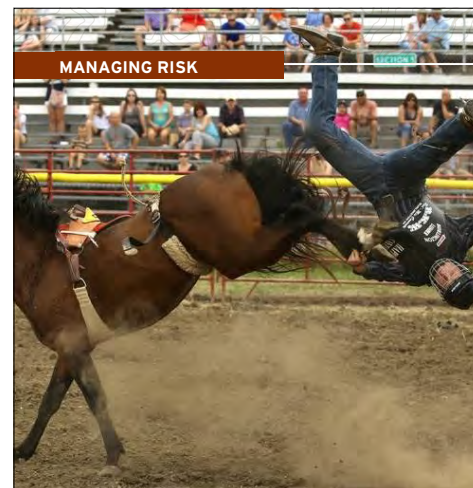
WHEN IS GOVERNMENTAL IMMUNITY WAIVED?

Governmental Immunity is waived when:

injury is caused by:

a defective, unsafe, or dangerous condition of a public improvement

injury proximately caused by a negligent act or omission of an employee committed within the scope of employment.



AVOIDING LOSSES (NOT LAWSUITS)

Reasonable and Prudent

Be able to prove it!



“HELLO, MY NAME
~~BUT I CAN PREVENT THEM!!~~
 IS ~~BAD~~ THINGS CAN HAPPEN TO ME
 AND MY ORGANIZATION.”



STEP 2: MINIMIZING RISK

- Risk Avoidance
- Risk Retention?
- Risk Transference
- Risk Limitation
- Own it, but do something



RISK AVOIDANCE

- Don't do the activity, no risk!
- Not very fun!



MANAGING RISK

RISK RETENTION

Do nothing,
YOU OWN IT!



MANAGING RISK

RISK TRANSFERENCE

Who owns this event?
Let someone else own it!

Contractors
Event promoters

How?

Indemnification agreements
Certificates of Insurance



MANAGING RISK

RISK TRANSFERENCE

Contract language

Limits

Cover Governmental Immunity

\$2.41M, more for big risk!

Certificates of Insurance

“Additional Insured”





MANAGING RISK

RISK TRANSFERENCE

TULIP Coverage

[https://
tulip.onebeaconentertainment.com/e/
tulip/apply.aspx](https://tulip.onebeaconentertainment.com/e/tulip/apply.aspx)

Covering others, like vendors

[FASTCOV.com](https://www.fastcov.com)



MANAGING RISK

RISK WORRIES

Stock at rodeos

What are people doing in our facilities?



MANAGING RISK

DEALING WITH CONTRACTORS

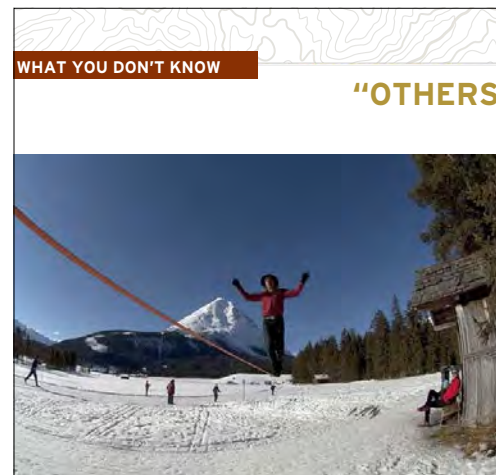
NLRB decision/OSHA

Start at the RFP

Indemnification

Certificate of Insurance

Additional Insured



WHAT YOU DON'T KNOW

"OTHERS" USING OUR FACILITIES

Awareness

Rental agreements

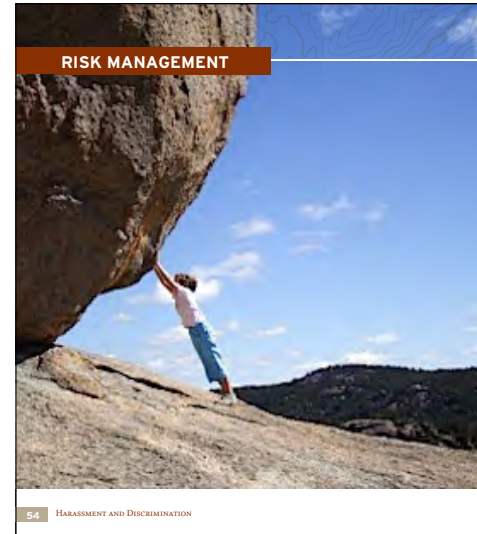
Ask questions!

Set limits!

Be aware of new trends

Slacklines, ziplines, etc.





RISK MANAGEMENT

EVERYTHING ELSE...

New, bigger, better, riskier

Splash pads

Skate parks

Bike parks/BMX

Disc Golf

Parkour

54 HARASSMENT AND DISCRIMINATION



LOSS PREVENTION

EVENTS ARE AWESOME!

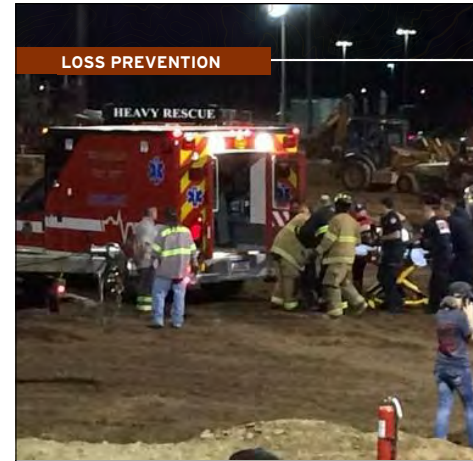
Unify community

Great entertainment

Positive perception

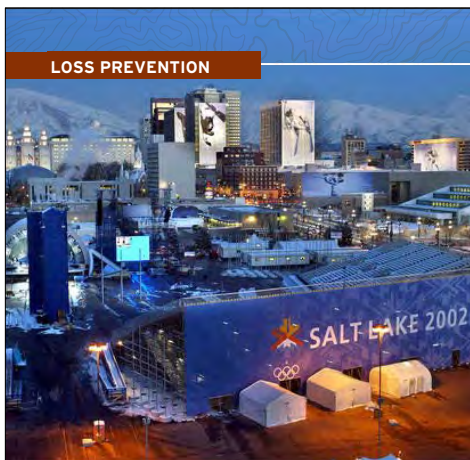
56 SPECIAL EVENTS





BUT!!!

If we haven't prepared,
Events can be disastrous!



WE CAN PUT TOGETHER GREAT EVENTS IN UTAH!

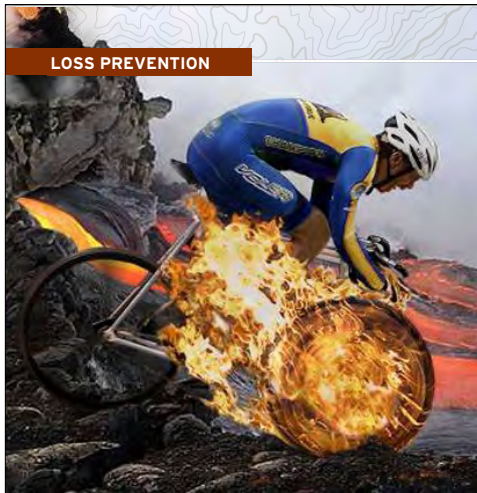
What is the secret?
It's no secret, PLAN!



MANAGING EVENT RISK

So, how do we have great events, and:

- Avoid the pain of injury?
- Avoid lawsuits?
- Protect our organizations?



LOSS PREVENTION

EVENT PLANNING

“You know what would be awesome?!!!

Decide acceptable risk for events and stick to it!



Special Events		Yes	No
Does the agency host or support any special events (e.g. rodeos, concerts, carnivals, fairs, etc.)?		<input type="checkbox"/>	<input type="checkbox"/>
Please describe each special event that the agency is involved in. Please include dates of the event.	1.		
	2.		
	3.		
	4.		
	5.		
Please list the event number from above to the following questions. For example, list "1" if event number 1 above applies to the questions below.			
Will the special event generate more than \$5,000 in revenue?			
Will more than 500 people attend the event?			
Does the agency need to provide additional insured status to any other parties?			
Are you informing vendors that they should provide their own insurance?			
Will liquor be served?			
Fireworks display provided by contractor/vendor:			
Fireworks display provided by agency employees:			
Events utilizing inflatables from a contractor/vendor:			
Events utilizing agency owned inflatables:			
The Trust's policy specifically excludes coverage for rebound devices, such as inflatables. We can get coverage for your owned equipment and events, but it is recommended to have the vendor provide coverage for rented inflatables.			



EVENT PLANNING

Start early

Let carrier (the Trust!) know what you are up to...

Liability application



Special Events		Yes	No
Does the agency host or support any special events (e.g. rodeos, concerts, carnivals, fairs, etc.)?		<input type="checkbox"/>	<input type="checkbox"/>
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The Trust's policy specifically excludes coverage for rebound devices, such as inflatables. We can get coverage for your owned equipment and events, but it is recommended to have the vendor provide coverage for rented inflatables.			



LOSS PREVENTION



IS IT CRAZY?

There are some things governmental entities just shouldn't do!

65 SPECIAL EVENTS



LOSS PREVENTION



IS IT COVERED?

Excluded activities:

- Aircraft
- Rebound devices
- Mechanical amusement rides

Additional coverage:

- Event cancellation, etc.

66 SPECIAL EVENTS



abc NEWS
.com

LOSS PREVENTION



CAN YOU DO IT?

Can you realistically do it?

Can you legally do it?

- Fireworks
- Mass gatherings

68 SPECIAL EVENTS





LOSS PREVENTION

FIREWORKS

Contractor?

Contract, Certificate of Insurance

Your employees?

Certified shooters

Training and experience

70 SPECIAL EVENTS

EVENT RISK

MASS GATHERINGS

>500 attendees

State law governs:

Rule R392-400

Health department permits:

Sanitation

First aid

Etc.

71 RISK MANAGEMENT





EVENT RISK

RISKY EVENTS

Adequate coverage
Event Safety Plan



EVENT RISK

RUNNING THE EVENT

Who's responsible
Incident Command System
Communication
Prepare for the worst



Amateur video of Shrine parade
Chattanooga, Aug 11



EVENT RISK

ACCOUNTABILITY

Designate Event Safety Officer, etc
Inspections
How do things get fixed?
What if something bad happens?
Crowd control, security

- Regular inspections
 - Front of house
 - Back of house
- Patron and Employee safety

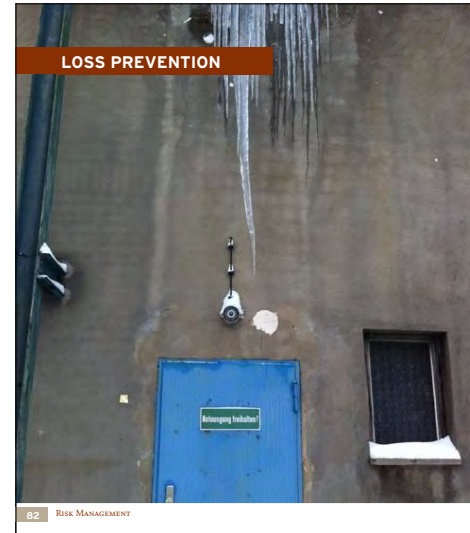


Don't happen
from the truck!

[illegible]

Football/Soccer Field Safety and Maintenance Checklist	
Playing Surface – Synthetic Turf	Goals and Goal Post
<p>No. <i>Insufficient Area</i></p> <p><input type="checkbox"/> <input type="checkbox"/> There are no worn areas on the synthetic material.</p> <p><input type="checkbox"/> <input type="checkbox"/> There are no rips or tears on the synthetic material.</p> <p><input type="checkbox"/> <input type="checkbox"/> Seams are secure.</p> <p><input type="checkbox"/> <input type="checkbox"/> The synthetic material is not buckling or heaving.</p> <p><input type="checkbox"/> <input type="checkbox"/> If subsist, there are no standing upright.</p> <p><input type="checkbox"/> <input type="checkbox"/> There is adequate soft material that is evenly spread.</p> <p><input type="checkbox"/> <input type="checkbox"/> Water is readily available for washing away undesirable fluids.</p> <p><input type="checkbox"/> <input type="checkbox"/> The footwear that is being worn by players is acceptable.</p> <p><i>Comments:</i></p>	<p>No. <i>Insufficient Area</i></p> <p><input type="checkbox"/> <input type="checkbox"/> Goalposts are straight and securely anchored.</p> <p><input type="checkbox"/> <input type="checkbox"/> Goals posts are adequately padded.</p> <p><input type="checkbox"/> <input type="checkbox"/> Crossbar of goal posts is below 7' surface.</p> <p><input type="checkbox"/> <input type="checkbox"/> There are no sharp edges, protrusions or fractures on the pad.</p> <p><input type="checkbox"/> <input type="checkbox"/> Goals are anchored securely.</p> <p><input type="checkbox"/> <input type="checkbox"/> All bolts, screws, and connections for the pad are intact and securely tightened.</p> <p><i>Comments:</i></p>
<p><i>Comments:</i></p>	
<p>Field Markings</p> <p>No. <i>Insufficient Area</i></p> <p><input type="checkbox"/> <input type="checkbox"/> If exists, one field, lines are discontinuous/broken between spaces.</p> <p><input type="checkbox"/> <input type="checkbox"/> Lines are bright.</p> <p><input type="checkbox"/> <input type="checkbox"/> Lines are correctly marked per the appropriate governing body.</p> <p><i>Comments:</i></p>	<p>Out-of-Bounds/Transition Areas</p> <p>No. <i>Insufficient Area</i></p> <p><input type="checkbox"/> <input type="checkbox"/> There is a minimum of 25 ft. around the field for players to run safely out of bounds.</p> <p><input type="checkbox"/> <input type="checkbox"/> There is a minimum of 30 ft. between fields (if multiple field complex).</p> <p><input type="checkbox"/> <input type="checkbox"/> All catch basins are adequately covered.</p> <p><input type="checkbox"/> <input type="checkbox"/> The transition area to the track is easily identifiable and level.</p> <p><i>Comments:</i></p>





CORRECT PROBLEMS

Identifying hazards is great,
Fixing them is critical.

Fix issues as you inspect

Daily awareness

MANAGING RISK

DOCUMENTATION

IF IT ISN'T WRITTEN DOWN,
IT NEVER HAPPENED...

UNLESS IT'S BAD!

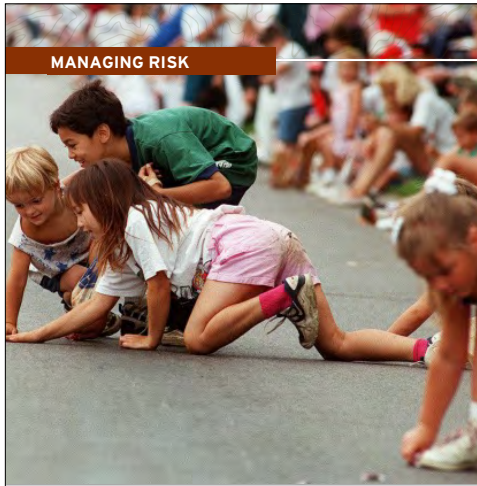
 A person in a blue jacket and dark pants is walking on a snowy path. There are trees and a building in the background.

MANAGING RISK

WHAT DO WE DOCUMENT?

- Good and Bad
- Training
- Incidents
- Response to Complaints
- Actions Taken (police)

 Two children are playing on a playground structure. One child is wearing an orange shirt and the other is wearing a blue shirt. They are both smiling and looking at the camera.



85 Risk Management

WHAT DO WE DOCUMENT?

- Inspections
- Repairs
- Preventative Maintenance
- Policies and Procedures
- Liability Waivers?



86 Risk Management

LIABILITY WAIVERS?

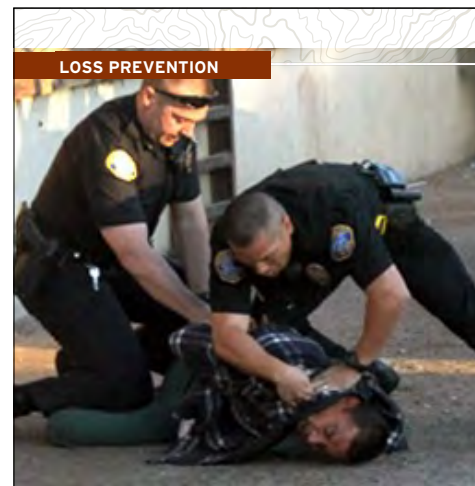
- Limited protection
- But its something!
- Transfer risk



87 Special Events

EVENT SPECIFICS

- Security
- Communication
- Response plan



88 Special Events

SECURITY

“We are a quiet town. Nothing like that ever happens here...”

OWN IT!





RISK MANAGEMENT

CONTROL ACCESS

Establish when and why facility will be open or closed

Means to control access



MANAGING RISK

COMMUNICATE

What is expected?

What is forbidden?

What to do if things go wrong?



FRONT LINE SAFETY

RESPONSE PLAN

What could happen?

What do we do if it does?

Example: Lightning

Lightning Hold Policy

Don't recreate the wheel



RISK MANAGEMENT

WHAT IF THERE IS AN ACCIDENT?

Have a plan and train on it BEFORE!

Who can speak to the press? PIO!

Collect information—have a form!

Don't admit fault

Make repairs

Prepare response

Start a claim





MANAGING RISK

PEOPLE

Employees
Volunteers

94 RISK MANAGEMENT

SAFETY IN ACTION

WORKER SAFETY

YOU NEED A SAFETY COMMITTEE!!!

- Identify hazards
- Training
- Proper tools, protective equipment

95 GLOOM, DESPAIR, AGONY

www.officeclips.com

96



SAFETY IN ACTION

WHAT ARE YOUR HAZARDS?

Do you have:

- Confined spaces?
- Trenches?
- Anything that scares you?



ACCOUNTABILITY

WHO ARE YOUR VOLUNTEERS?

APPROVED?

Adults

Minors (16 & 17)

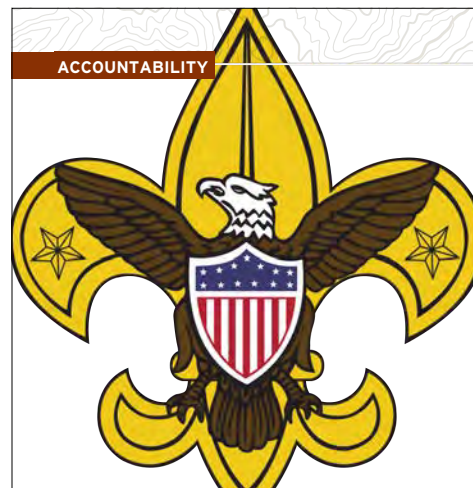
Minors (Under 16) ?



ACCOUNTABILITY

VOLUNTEER LIABILITY

- Qualify volunteers
- Background check
- Minors/Vulnerable
- MVR
- Train
- Supervise
- Cover Them!



ACCOUNTABILITY

SERVICE PROJECTS

Know the details

Project plan: design, materials, staffing

Protect your interests

Verify coverage

Certificate of Insurance

Additional Insured



MANAGING RISK



WHEN ALL BETS ARE OFF!

- Share information
- Build a plan
- Take action



WRAPPING UP...



SUMMARY

PLAN FOR SUCCESS!!!

Know the hazards

Know your facilities

Think outside the box

Inspect to identify problems

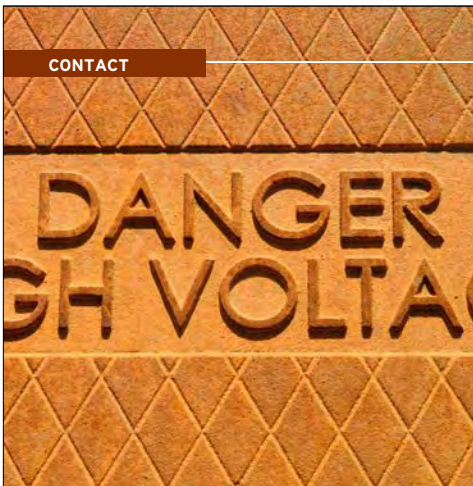
Fix what you identify

DOCUMENT, DOCUMENT!!!

THINK!!!



CONTACT



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