

Beautifying of Pomona – Risk/Liability

In follow up to our discussion, the following is Risk Management's take on this proposed event:

As I see it, there are two ways in which this event could be organized. One would be that the particular Commission plan, identify a property, or properties that would receive the work, plan the event, arrange for volunteers and carry out the work. In my mind as the Risk Manager, this becomes a City sponsored event as it is being arranged under the auspices of the appropriate Commission. If that is the case, the City then becomes liable for any and all damages to the property that could result from this activity. As you know, the City is self-insured for the first \$1 million of any loss and for losses that exceed this amount, the City purchases excess liability coverage. As such, the City would be responsible for payment for any damages that could arise from this activity as it is unlikely that the damages would exceed \$1 million. If this was a City sponsored event, I would recommend that the following be obtained"

- 1) A Special Event Application;
- 2) Identification of property to be painted;
- 3) Volunteers be obtained and if they have not gone through the Volunteer application process, they would need to do that which includes fingerprinting. Also, the Volunteer application includes a Hold Harmless Agreement. The Volunteer would have to sign that;
- 4) Hold Harmless agreements signed by the property owner
- 5) Photographs of the subject property be obtained to document any pre-existing damage;
- 6) In the event that an incident occurs, completion of City of Pomona Incident Report would have to be completed;
- 7) In the prep work for the painting (sanding/scraping woodwork etc.), if decay or rot is discovered, that should be documented, preferably via photographs, and a decision made as how to proceed. Under no circumstances should any representation be made that the City will fix this decay or rot.
- 8) Prior to painting, precautions should be taken to protect the area surrounding the house and if there is any vegetation around the house (planters etc.) drop cloths should be used to protect it.

I think it goes without saying that once the painting is complete, the area should be put back to the condition it was in prior to the painting (removal of drop cloths, removal of masking tape, cleaning of windows if splattered by paint etc.)

The other way to approach this project would be if the Commission members decided to do this in their individual capacities and not as City of Pomona Commission members. That way, there would be no exposure to the City of Pomona. But no City personnel could be used or City supplies used for the painting. If this path was taken, any damage that would occur as a result of this activity would fall on the shoulders of the individual Commission member(s) that organized the event.

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