

## ARE YOUR AGENCY VEHICLES READY FOR WINTER?

According to the National Safety Council (NSC), motor vehicle crashes are the leading cause of workplace death. For your safety and for the safety of your agency, consider the checklists below when getting behind the wheel this winter.



### EVERYDAY DRIVING SAFETY:

- If weather conditions are bad, consider postponing the drive
- If weather conditions could become questionable, share your travel plans and routes with someone before you leave
- Refrain from driving if you are impaired, exhausted, or otherwise unfit
- Leave enough time to safely reach your destination
- Clean external camera lenses and sensors to allow all assistive-driving features to work correctly
- Position and clean mirrors for clear visibility
- Program your navigation system before you start driving
- Adjust your seat so you can easily reach all knobs, dials, and switches
- Put your cellphone or any other distracting devices away
- Make sure everyone in the vehicle has their seatbelt securely fastened

### DRIVING SAFETY FOR WINTRY CONDITIONS:

- Use appropriate signals and lights when driving
- Observe and obey all traffic signs and posted speed limits
- Drive slowly and cautiously in populated areas and parking lots



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### OUR PROMISE

Your IPARKS membership makes it easy for you to provide safe places to play, relax and enjoy. By making safety a priority, we empower you to improve upon best practices and work in collaboration with your fellow members to protect your district, assets and those you serve.

# ARE YOUR AGENCY VEHICLES READY FOR WINTER?

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- Accelerate and decelerate slowly; if possible, refrain from stopping uphill
- If visibility is severely limited, pull off the road to a safe place; do not drive until conditions improve
- Avoid using cruise control in wintry conditions
- Plan breaks for long driving trips
- Steer in the direction of a skid, to avoid the need for overcorrection when your wheels regain traction
- The Anti-lock Braking System (ABS) helps steer in emergencies by restoring traction; ABS may vibrate or pulse when engaged; continue to press and hold pressure to the brake pedal until the vehicle has come to a stop

## VEHICLE SUPPLIES

In most cases, if you become stranded in an unfamiliar area, do not abandon your vehicle. Make sure the vehicle's exhaust pipe is not blocked. Light flares in front of and behind the vehicle.

Every vehicle should have an emergency supply kit. Kits should be checked every six months, and expired items should be replaced regularly. Vehicle emergency supply kits should include:

- A properly inflated spare tire, wheel wrench, and tripod jack
- Jumper cables
- Tool kit and/or a multipurpose utility tool
- Flashlight and extra batteries
- Car charger for your cellphone
- Fire extinguisher



- Duct tape
- Reflective triangles and brightly colored cloth to make your vehicle more visible
- First-aid kit with gauze, tape, bandages, antibiotic ointment, aspirin, a blanket, nonlatex gloves, scissors, hydrocortisone, thermometer, tweezers, and instant cold compress
- Nonperishable, high-energy foods such as unsalted nuts, dried fruits, and hard candy
- Drinking water

- Reflective vest (for visibility in the event you need to leave your vehicle and walk for help)
- Rain poncho
- Additional items for cold weather include: a snow brush, shovel, windshield washer fluid, warm clothing, cat litter (for traction), and blankets

## WINTER VEHICLE MAINTENANCE:

- Keep the gas tank at least half full to avoid gas line freeze
- Use winter tires with a deeper, more flexible tread; if using all-season tires, check the tread and replace if less than 2/32 of an inch
- Check tire pressure (tire pressure drops as the temperature declines)
- Add wiper fluid rated for -30 degrees
- Check wiper blades and replace if needed
- Become familiar with the vehicle and any built-in safety features



# ILLINOIS OUTDOOR HALL OF FAME WELCOMES PETER MURPHY

It is with great pride and enthusiasm that we celebrate the induction of Peter Murphy into the prestigious Illinois Outdoor Hall of Fame.



Peter Murphy

Peter Murphy has devoted his life's work to the betterment of Illinois' natural landscapes and recreational opportunities.

Peter Murphy's visionary leadership, which began in 1980 when he joined the IAPD as General Counsel, has left an indelible mark on the landscape of outdoor amenities in Illinois. His pivotal role in the establishment of IPARKS, a response to the insurance challenges faced by IAPD's membership, has been a cornerstone in fortifying the state's commitment to preserving its open spaces.

Throughout his impressive career, Peter Murphy's tireless efforts have propelled Illinois' parks, recreation and conservation to unprecedented heights of success. His passion for safeguarding open spaces

and enhancing recreational opportunities has been nothing short of contagious, inspiring leaders within park districts, forest preserves and conservation agencies to champion these vital causes.

Peter Murphy's commitment goes beyond his professional duties; he is a prolific writer and presenter, sharing his profound insights into outdoor recreation and tirelessly advocating for the significance and value of parks, recreation and conservation.



Photo courtesy of Rock Island County Forest Preserve

As Peter Murphy is honored with this well-deserved induction into the Illinois Outdoor Hall of Fame, we commend his extraordinary dedication and enduring impact on the great outdoors of Illinois. His legacy is one that will continue to thrive and inspire generations to come.

Congratulations, Peter!

Peter Murphy's passion for safeguarding open spaces and enhancing recreational opportunities has been nothing short of contagious, inspiring leaders within park districts, forest preserves and conservation agencies to champion these vital causes.

## GRANT OPPORTUNITIES ARE STILL AVAILABLE!



With IPARKS, your entity has a variety of exclusive benefits all aimed at providing safety to your community. Don't miss out on these end-of-year grant opportunities. Act fast, the clock is ticking!

**Swing Modification Program:** Upgrade your swing sets to meet safety standards and get up to \$350 in annual reimbursement for approved replacement parts. Apply now on [iparks.org](http://iparks.org).

**IPARKS Power Grant:** Choose how to use grant funds for risk management efforts, including safety items, training, equipment repair, and more. Award amounts vary based on your annual contribution. Visit [iparks.org](http://iparks.org) for details. Contact an IPARKS representative for inquiries.

**The Aquatics Reimbursement Program:** Under this program, IPARKS reimburses members up to \$500 annually for training and auditing services provided by the following approved aquatic training vendors: Jeff Ellis and Associates, Starfish Aquatics Institute and American Red Cross. Visit [iparks.org](http://iparks.org) for details.





# PARK DISTRICT IMMUNITY CONSIDERATIONS FOR THE FALL AND WINTER SEASONS

By K. Austin Zimmer, Senior Partner, Del Galdo Law Group, LLC

*Attorney K. Austin Zimmer's full webinar entitled Park District Immunity Considerations for the Fall & Winter Seasons can be viewed in the IPARKS eLibrary. A summary of the discussion is provided below.*

## What is the expectation for how a park district should protect and maintain its property?

To understand this, we'll start with a review of the **General Duty of Care**. It states, "a local public entity has the duty to exercise ordinary care to maintain its property in a reasonably safe condition for the use in the exercise of ordinary care of people whom the entity intended and permitted to use the property in a manner in which and at such times as it was reasonably foreseeable that it would be used, and shall not be liable for injury unless it is proven that it has actual or constructive notice of the existence of such a condition that is not reasonably safe in reasonably adequate time prior to an injury to have taken measures to remedy or protect against such condition." Thus, it is important to maintain the park district in a proper manner to ensure the community is safe from harm. However, it only needs to be maintained in this manner for an intended and permitted user.

There is an important difference between actual notice and constructive notice. **Active notice** is when a person has notified the district of an unsafe situation. **Constructive notice** would be a situation where there has not been a formal complaint or warning, but rather is an unsafe condition that the park district should be aware of and needs to remedy. The law states, "A public entity does not have constructive notice



of a condition of its property that is not reasonably safe within the meaning of Section 3-102(a) if it establishes either:

- (1) The existence of the condition and its character of not being reasonably safe would not have been discovered by an inspection system that was reasonably adequate considering the practicability and cost of inspection weighed against the likelihood and magnitude of the potential danger to which failure to inspect would give rise to inform the public entity whether the property was safe for the use or uses for which the public entity used or intended others to use the public property and for uses that the public entity actually knew others were making of the public property or adjacent property; or
- (2) The public entity maintained and operated such an inspection system with due care and did not discover the condition."

This is important as some districts are quite large and although an inspection system has been implemented, an unsafe condition could still be present. Ensure an inspection process is in place, is completed regularly and documented. If done properly, "discretionary immunity" could come into play if there is a list of documented items that need to be addressed, but only a certain amount of funds. From there, agencies have discretion regarding what the most

important safety items are to be completed, putting your agency in a better situation if confronted with a future lawsuit.

In addition to discretionary immunity, there are other immunities that can be used in defending a lawsuit. These immunities are set forth in the **Illinois Tort Immunity Act**. A very important and powerful law for park districts is section 3-106, which provides:

Neither a local public entity nor a public employee is liable for an injury where the liability is based on the existence of a condition of any public property intended or permitted to be used for recreational purposes, including but not limited to parks, playgrounds, open areas, buildings or other enclosed recreational facilities, unless such local entity or public employee is guilty of willful and wanton conduct proximately causing such injury.

The exception for this is willful and wanton conduct.

Another immunity is based on weather conditions. Section 3-105 provides:

Neither a local public entity nor a public employee is liable for an injury caused by the effect of weather conditions as such on the use of streets, highways, alleys, sidewalks or other public ways, or places, or the ways adjoining any of the foregoing, or the signals, signs, markings, traffic or pedestrian control devices, equipment or structures on or near any of the foregoing or the ways adjoining any of the foregoing. For the purpose of this section, the effect of weather conditions as such includes but is not limited to the effect of wind, rain, flood, hail, ice or snow but does not include physical damage to or

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# IPARKS RECEIVES AAA, UNSURPASSED FINANCIAL STABILITY RATING

It is a privilege to report that Demotech, Inc., has awarded IPARKS a 2023 financial rating of **AAA, UNSURPASSED**. Regardless of the severity of a general economic downturn or deterioration in the insurance cycle, insurers earning a Financial Stability Rating® of AAA possess Unsurpassed



financial stability related to maintaining surplus as regards policyholders at an acceptable level.

AAA UNSURPASSED is the highest rating issued by Demotech, Inc. **IPARKS is proud to have earned the highest AAA rating for 33 consecutive years.**

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deterioration of streets, highways, alleys, sidewalks, or other public ways or place or the ways adjoining any of the foregoing, or the signals, signs, markings, traffic or pedestrian control devices, equipment or structures on or near any of the foregoing or the ways adjoining any of the foregoing resulting from weather conditions.



Section 3-109 provides another powerful immunity that can defend park districts – immunity from hazardous recreational activities. Section 3-109 states, “neither a local public entity nor a public employee is liable to any person who participates in a hazardous recreational activity, including any person who assists the participant, or to any spectator who knew or reasonably should have known that the hazardous recreational activity created a substantial risk of injury to himself or herself and was voluntarily in the place of risk, or having the ability to do so failed to leave, for any damage or injury to property or

persons arising out of that hazardous recreational activity.” This can apply to sledding hills, ice fishing, cross country or downhill skiing, etc.

The last immunity is regarding supervision. Section 3-108 provides:

**(a)** Except as otherwise provided in this Act, neither a local public entity nor a public employee who undertakes to supervise an activity on or the use of any public property is liable for an injury unless the local public entity or public employee is guilty of willful and wanton conduct in its supervision proximately causing such injury.

**(b)** Except as otherwise provided in this Act, neither a local public entity nor a public employee is liable for an injury caused by a failure to supervise an activity on or the use of any public property unless the employee or the local public entity has a duty to provide supervision imposed by common law,

statute, ordinance, code or regulation and the local public entity or public employee is guilty of willful and wanton conduct in its failure to provide supervision proximately causing such injury.

It is important to note that the plaintiff needs to allege willful and wanton conduct by the park district, and ultimately prove it. This can be shown by either a deliberate intention to harm, or utter indifference to or conscious disregard for the safety of others.

A few recommendations to protect your district: take a common-sense approach, shovel snow, salt, post signs, take immediate action to resolve complaints and have an inspection system in place.

To view case studies and more examples, please see the webinar version of this topic in the “Seminars” section of the IPARKS eLibrary.



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\* This article is for general educational purposes only and does not constitute legal advice. Please work directly with your legal counsel with respect to your fall and winter activities.

# MITIGATING RISKS THROUGH EVENT LOG MONITORING, SYSTEM REPLACEMENT AND SUPPLY CHAIN MANAGEMENT

In today's interconnected world, cybersecurity is paramount.

Park Districts face a myriad of threats that can compromise their sensitive data, disrupt operations, and damage their reputation. To counter these threats, cybersecurity professionals deploy

a range of mitigation controls. We will explore three critical aspects of cyber mitigation: **monitoring event logs, replacing end-of-life systems and managing supply chain risks.**



## 1 MONITORING EVENT LOGS

Event log monitoring is a cornerstone of cybersecurity. It involves the systematic tracking and analysis of events on a network or system. This process enables the early detection of anomalies, which could indicate a security breach or other issues. Effective event log monitoring can save an organization from devastating cyberattacks and data breaches.

**Key steps in event log monitoring include:**

- 1. Collection:** Logs from various sources such as servers, firewalls, and endpoints are collected and centralized in a secure location.
- 2. Analysis:** Advanced tools and algorithms analyze these logs in real-time, searching for patterns or irregularities.
- 3. Alert:** When suspicious activities are detected, automated alerts are triggered enabling swift responses.
- 4. Response:** Security teams investigate alerts, identify the root cause and take necessary action to mitigate the threat.

## 2 REPLACING END-OF-LIFE SYSTEMS

Outdated or end-of-life systems are major cybersecurity vulnerabilities. Unsupported systems no longer receive security patches and updates, leaving them exposed to known vulnerabilities. Hackers often exploit these weaknesses, making system replacement a critical mitigation control.

**Key considerations for replacing end-of-life systems:**

- 1. Inventory:** Entities should maintain an up-to-date inventory of their systems, including information about their life cycles.
- 2. Budgeting:** Allocate funds for system replacement in advance to ensure a smooth transition.
- 3. Planning:** Develop a migration plan that includes testing, data transfer and user training.
- 4. Security:** Prioritize security by configuring the new systems with the latest security features and best practices.

## 3 MANAGING SUPPLY CHAIN RISKS

Supply chain risks have gained prominence in recent years due to the increasing complexity of global business operations. Cyberattacks on suppliers can cascade through the supply chain, affecting organizations far removed from the initial breach. To mitigate these risks, a proactive approach is essential.

**Key strategies for managing supply chain risks:**

- 1. Vendor Assessment:** Assess the cybersecurity practices of all suppliers and ensure they adhere to industry standards and best practices.
- 2. Contractual Obligations:** Embed cybersecurity requirements in contracts, including reporting breaches and maintaining a certain level of security.
- 3. Continuous Monitoring:** Continuously monitor supplier security and implement incident response plans for supply chain disruptions.
- 4. Diversification:** Reduce dependency on a single supplier by diversifying your supply chain sources.

Mitigating cyber risks is an ongoing process that requires vigilance and adaptability. Event log monitoring, system replacement and supply chain risk management are fundamental elements of a robust cybersecurity strategy. By implementing these controls, organizations can enhance their resilience against cyber threats and protect their valuable assets, data and reputation.

In today's digital age, these measures are not optional; they are a necessity for safeguarding the future of any public entity.



# WINTER FUN DO'S AND DON'TS

## OUTDOOR ICE SKATING

- All areas should be reviewed for safety with a documented checklist daily before opening.
- For outdoor rinks, the ice should not be slushy. Ideally, the temperature should be 15° Fahrenheit for three consecutive days, to ensure ice is properly frozen.
- For outdoor ponds/lagoons, ice should be at least 4-6" deep, and should be tested every 10 feet to make certain the ice is solid. Old ice is less stable than new ice; however, newly formed ice is porous and cannot be trusted to hold weight consistently. Many factors affect ice formation and solidity. Check ice often in changing conditions and document all ice checks.
- Whether a rink or pond/lagoon is supervised or unsupervised, signage is important. At a minimum, signs should include the following: hours of operation (daylight only), age restrictions, rules, and warnings. Rules should include the following: ice skates required while on the ice; no eating/drinking on the ice; no bottles or glass on the ice; no chain skating. Warnings should include advising users that all skaters skate at their own risk, and that the park district is not responsible for injuries or lost or stolen items.
- If skate rental or lessons are provided by the park district, participants should be required to sign a waiver.



## SLEDDING HILLS

- All areas should be reviewed for safety with a documented inspection checklist daily before opening.
- Orange safety netting should be placed along the sides of the hills and at the bottom to create safe boundaries for sledders. Make certain the hill does not empty sledders onto streets or other dangerous locations.
- Ensure the sledding hill is free from all obstructions such as trees, buildings, streets, bridges, etc.
- Maintain the hill slope at 30 degrees or less based on Consumer Product Safety Commission recommendations.
- Signage is important. At a minimum, signs should include the following: hours of operation, age restrictions, areas where sledding is allowed, and rules and warnings. Rules should include the following: be aware of and courteous to other sledders; no eating/drinking on the hill; no bottles or glass on the hill. Warnings should include advising users that all sledders sled at their own risk, and that the park district is not responsible for injuries or lost or stolen items.
- If sleds or toboggans are provided for rent, participants should be required to sign a waiver.





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Newsletters are available for viewing and printing at [www.iparks.org](http://www.iparks.org).

## UPDATES AND IMPROVEMENTS TO YOUR ONLINE RESOURCES

Earlier this year, IPARKS upgraded two platforms within the Resource eLibrary.

These two new platforms offer IPARKS members a cleaner, easier-to-use interface filled with useful documents, articles, training tools and more.

**Public Entity University (PEU)**, a favorite resource among IPARKS members, has been upgraded to a new platform called **NeoGov LEARN**. Topics and tools included within the platform are: Employment Liability, Streets and Roads, Internet

Security/Social Media, Fire Departments, Law Enforcement, General Safety and many more!

Also newly upgraded for IPARKS members are the HR and Cyber portals. The updated platform, **Zywave**, still includes all of the great HR and Cyber resources including information on state and federal employment laws, interviewing, background check guidelines, applications, the handbook builder, cyber security training, cyber tips, IT audit kits, checklists and more.



### NeoGov LEARN

Hundreds of in-depth, interactive training courses and resources.

**Topics include:**

- Employment Liability
- Stress Management at Work
- Harassment Prevention
- Accident and Incident Investigation
- Managing Stress in Uncertain Times
- Opioid Safety



### Zywave Cyber Portal

Cyber tools are available to minimize costly cyber risks to public entities.

**Resources include:**

- IT Security Audit Kit and Risk Assessment
- Online Cyber Training and Seminars
- Cyber Best Practices
- Regulations and State Law Resources
- Cyber Tip of the Day



### Zywave HR Portal

Tools to help navigate through employment issues.

**Resources include:**

- Disaster and Emergency Center
- Customizable Forms and Policies
- Employee Handbook Generator
- Background Check Guidelines
- Drug and Alcohol Policies
- State and Federal Employment Laws

It pays to be part of IPARKS, a financially sound and successful program.



IPARKS is the risk management affinity partner of Illinois Association of Park Districts (IAPD), working to provide affordable, specialized coverage programs and valuable loss control resources for park districts, recreation and conservation districts, river conservancy districts, forest preserves and special recreation agencies.