

HOW DOES GOOD RECORD KEEPING HELP A PUBLIC ENTITY MINIMIZE LITIGATION EXPOSURE?

BY: CHLOE SCHELHAAS, ASSOCIATE AT REMINGER CO.

Good record keeping is a cornerstone of any effective public entity risk management program. Records serve as the factual backbone of nearly every lawsuit. The proper maintenance of public records and good record keeping provides many benefits in litigation to bolster defenses in the following

ESTABLISHES A CLEAR TIMELINE OF EVENTS

- Detailed records can help create a chronological timeline of events, decisions, and detail communications to clarify the circumstances that gave rise to the litigation.

PROVIDE CLARITY WHEN CONFLICTING ACCOUNTS OF THE INCIDENT ARISE

- In litigation there can be multiple sides of a story. Record preservation can help clarify when certain actions occurred, who was involved, and build a compelling narrative to dispel conflicting stories from the parties involved.

ENHANCES CREDIBILITY

- Organized and consistent record keeping shows due diligence bolstering credibility. Good record keeping supplies tangible evidence that can substantiate a party's actions.

DEMONSTRATES COMPLIANCE WITH POLICIES AND PROCEDURES

- Records can often reflect that all actions taken were in line with applicable laws, regulations, or industry standards. Comprehensive records such as audits, training logs, personnel files, disciplinary records, safety protocols, etc. can help ensure compliance with policies and procedures.

REDUCES RISK OF PROLONGED DISCOVERY

- In litigation, parties must disclose and exchange certain relevant documents. Comprehensive records ensure that document production can occur smoothly and quickly. Moreover, it minimizes employee time searching for relevant records when public records are well-organized.

MITIGATES RISK OF SPOILIATION.

- Properly preserved records prevent accusations of destroying or altering evidence. Spoliation of evidence can prevent a public entity from raising certain defenses and/or cause a court to make an adverse inference at trial.

PROTECTS AGAINST FRIVOLOUS CLAIMS

- When records are routinely maintained and preserved, it is easier to address claims that lack merit. In these instances, good record keeping can help easily identify documents that demonstrate why the claims lack merit.

Public entities that establish good record-keeping measures preserve defenses, minimize risks, and promote resolution of litigation. In addition to complying with legal obligations, a public entity's proper maintenance of public records and good record keeping will allow legal counsel to put the public entity's best foot forward in defending claims and possibly even discourage other litigants from filing future lawsuits.

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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.

TIME TO TAKE CARE OF THE PIPES

By: IPARKS Risk Services Team

This article is a great reminder if you work for a public entity and are tasked with winterizing and de-winterizing; don't forget the pipes. First, identify all the entity's buildings, facilities, parks, camps, and restrooms with plumbing. Make sure every pipe is accounted for and take the time to winterize those pipes.

WINTERIZING PIPES

According to Klaus Reichardt, CEO and founder of Waterless Company Inc., when water is left in fixtures and pipes, it expands with wintry weather and may turn to ice. This puts stress and pressure on the fixture, the pipe, and the pipe connections, often causing damage, even rupturing the pipe and fixture. Expect a hefty plumbing bill should this happen.

Reichardt says to prevent this, the typical procedure to winterize fixtures and pipes starts with turning the water off at the pump or the water source. Next, open all the taps and leave them open. A closed tap can create a vacuum in the pipe if closed for a prolonged period. Conversely, the open tap allows any water in the pipe to drain out. Also, he recommends to flush toilets and urinals. This helps remove excess water from pipes as well. And the last step, depending on the plumbing in your facility, is to turn off the water heater and drain it.



DE-WINTERIZING PIPES

What happens when building, facilities and recreational areas reopen in the spring? According to Reichardt, many forget there is an entirely distinct set of plumbing procedures to follow to de-winterize the pipes. He says the process is in many ways the opposite of the former and usually looks like this:

- Turn on the water supply to the facility.
- Turn the water heater on; make sure the water-heater drain is closed.
- Turn on faucets and flush toilets and urinals. The water may sputter a bit; this is normal as the pipes become filled and express the air in the system.
- Check the plumbing air vents on top of the facility for leaves and debris. Known as vent stacks, they regulate air pressure, allow fresh air into the plumbing system, and release foul air. If leaves and debris are present, the vents must be cleaned to ensure they work properly.
- Look, and listen, for leaks throughout the facility. Pipe fittings may need to be tightened after months of non-use.

Further, Reichardt recommends checking for odors in locker rooms, changing rooms, kitchen areas, and restrooms. A water leak in a basement or in a crawl space under a building may be causing these odors. In addition, a loose or broken pipe seal, a cracked pipe, or a U-trap that has dried up may cause the odors. The U-trap is the pipe under the sink. It is found under all drains connected to all fixtures that use water.

Although foul odors might just seem like a nuisance, these odors can be a warning. Reichardt warns that the odors can be fumes coming from a sewer/drain line. Typically, they contain a variety of pathogens, germs, and bacteria that can harm human health when inhaled, especially if those inhaling these fumes are children or seniors. If the fumes are left unchecked, asthma, headaches, nausea, and other ill-health effects can result. The key is to remove the source of the odors to protect the health of building users.

ADDRESSING FOUL ODORS

Reichardt recommends that if the odors result from cracked or broken seals or pipes, a building engineer or plumber should repair them. If your facility does not have an engineer on staff, it is time to call a plumber. A plumber may go further than making the necessary repairs. A plumber may also inspect all visible pipes and connection areas, looking for potential trouble spots and repairing them to prevent problems in the future.

As for the U-trap drying out, Reichardt suggests a plumber may not be needed to fix the problem, but it is imperative to **not** do the following:

- Do not use bleach, chemicals, or products made to unclog drains. These products contain ingredients that may interact with substances in the pipes, causing more fumes to be released.
- Do not ignore the problem. Opening windows or installing odor-killing products are just cover-ups. **The root cause of the odor must be addressed.**

Instead, he recommends the following:

- Make sure the vent stack is open, clear, and operating correctly. The only way to accomplish this is to get on the roof and check it out.
- Pour about two cups of water down all drains as soon as possible. While this is a temporary fix, it will fill the dried U-traps, blocking sewer odors from being released.
- Pour a liquid primer in each drain. Different manufacturers market these products. They are sometimes called an "ever prime" or "ever primer." These liquids not only fill the U-trap to prevent the release of odors but also are not affected by hot or cold weather and evaporate very slowly, if at all, making them effective for several months. **Note: Add this step to your winterizing procedure. Adding a liquid primer to all drains right before closing for the winter can help prevent this problem entirely.**

If the odors continue from U-traps after these measures are taken, a plumber may be necessary. The odors may indicate pipes and fittings have become corroded. If that happens, there may be a leak in the U-trap, so even if it is filled with water or a liquid primer, it empties quickly. In such cases, the plumber will likely replace the entire U-trap. What is most important is not to ignore these odors. View them as a health risk because that's precisely what they are.



SAFE DRIVING PRACTICES

IN ICY CONDITIONS

By: IPARKS Risk Services Team

Navigating icy roads and poor visibility can make winter driving particularly hazardous. Safety during these months relies not only on careful driving, but also on thorough preparation.

CREATE AN EMERGENCY KIT

An emergency kit is vital for winter driving safety. It should include supplies to keep you safe, warm, fed, and hydrated if you become stranded due to severe weather or an accident.

Essential items for your kit:

- First aid kit
- Non-perishable food and water
- Extra warm clothing and blankets
- Flashlights with extra batteries
- Jumper cables
- Traction aids (sand, kitty litter, road salt, or cardboard)
- Seat belt cutter
- Portable phone charger

RESEARCH THE ROUTE

Before hitting the road, take time to plan your route thoroughly. Familiarizing yourself with your journey minimizes distractions while driving on icy roads, where your full attention is crucial. Review your directions while your vehicle warms up, allowing you to focus entirely on driving once you're on the road.

WINTER DRIVING TIPS

Drive Slowly: Reduce your speed to match poor road conditions. Accelerate and decelerate gently to maintain traction.

Drive Defensively: Stay alert and be prepared for unexpected obstacles, controlling all aspects of your driving environment.

Increase Following Distance: Maintain a following distance of 8-10 seconds to give yourself ample time to react.

Avoid Cruise Control: Refrain from using cruise control on icy or snowy roads, as it can lead to loss of vehicle control.

Avoid Sudden Stops: Gradually decelerate to prevent skidding; try to avoid hard stops whenever possible.

Don't Stop on Hills: Gain some momentum on flat ground before tackling steep, icy inclines.

Combat Fatigue: Shorter days and weaker sunlight can cause you to feel more tired. Take regular breaks to prevent fatigue.

WHAT TO DO IF YOU GET STUCK

If you find yourself stranded in winter weather, adhere to your agency's safety protocols to seek assistance. While waiting for help:

Stay with Your Vehicle: Don't leave your car to seek help; it provides shelter and is easier for rescuers to locate.

Turn on Your Hazards: Activate your hazard lights to increase visibility for other drivers and use bright markers on your vehicle if available.

Driving in icy conditions requires extra caution and preparation. Ensure your vehicle is ready, take your time, and prioritize safety on the road.



SEXUAL HARASSMENT PREVENTION

TRAINING REQUIREMENT

By: IPARKS Risk Services Team

IPARKS provides our members with access to online sexual harassment prevention training for both employees and supervisors, compliant with Section 2-109, in our Resource eLibrary through **Zywave**. Once completed, this training will produce a certificate of completion, which is required to be kept on file. There are multiple compliance training courses available in both English and Spanish versions.

The **Illinois Human Rights Act** requires employers with at least one employee to train all employees on sexual harassment prevention each calendar year before **December 31** and continue annually thereafter.

For questions on the above resources or for assistance with enrolling in the training, please contact your IPARKS representative.



CREATING A COLD WEATHER PLAN

By: IPARKS Risk Services Team

As temperatures begin to fall, it's essential for public entities to proactively safeguard their staff, infrastructure, and community services from the challenges posed by cold weather. A comprehensive cold weather plan not only ensures operational continuity, but also reduces safety risks and supports vulnerable populations during extreme conditions.

The first step is to assess risks and vulnerabilities. This involves identifying how cold weather could disrupt operations, including potential issues with heating systems, plumbing, fire protection systems, vehicle fleets, staff exposure, and emergency communications. Reviewing past incidents and analyzing local climate data can help guide this assessment, while monitoring weather through trusted sources like the National Weather Service ensures timely response. Staff should be trained on emergency procedures, and plans should anticipate power failures during ice storms, including extended outages.

Facilities and infrastructure must be winter-ready. Buildings should be inspected to confirm heating systems are functioning, pipes are insulated, and snow/ice removal tools are accessible. Backup generators and emergency lighting must be tested and outdoor equipment secured. Roofs should be checked for deformities, pooling, and structural weaknesses, with proper drainage and snow removal plans in place. Fire protection systems require insulation, heat tracing, and low-temperature alarms, especially in unheated areas. **Wet and dry sprinkler systems must be maintained per NFPA 25, and hydrants kept clear. In the event of power failure, sprinkler systems should be shut off and drained, the fire department and alarm company notified, and a constant fire watch maintained.** Domestic water and heating systems should be drained if heat is lost, and only UL/FM-approved portable heaters and generators used. Water-sensitive stock should be stored off the floor to prevent damage.

Fleet and process equipment also need winterization. Vehicles should be equipped with winter fluids, tire checks, and emergency kits. Boilers and process equipment must be protected with insulation, heat tracing, and wind screens. Water flow should be maintained in cooling systems and unused equipment drained.



Protecting employees is critical. Cold exposure risks such as hypothermia and frostbite must be addressed. Symptoms of hypothermia range from shivering and pale skin to slurred speech and irregular heartbeat, while frostbite affects extremities with numbness, stiffness, and blisters. Treatment includes warming the body, avoiding rubbing affected areas, and seeking medical care. Preventive measures include dressing in layers (moisture-wicking inner, insulating middle, and weatherproof outer); staying dry; avoiding smoking, caffeine, and alcohol; and maintaining nutrition and hydration.



Continuity of services and support for vulnerable populations must be prioritized. Staff should receive cold-weather gear and training and flexible scheduling or remote work options considered. Essential services like public safety and utilities must remain operational. Coordination with agencies can help provide warming centers, supplies, and wellness checks, with equity-focused strategies embedded to ensure inclusive support.

Communication is vital throughout the season. Alerts, closures, and safety tips should be disseminated via email, social media, websites, and local media to ensure broad reach and accessibility.

After cold weather events, recovery efforts should include inspection and repair of fire sprinkler, domestic water, and heating systems before restoring service. Surveillance for delayed pipe damage after thawing is important, and open flames should never be used to thaw pipes. Normal operations should resume only once systems are confirmed safe.

Finally, the cold weather plan should be reviewed and updated annually. Post-season evaluations, updated contact lists, revised procedures, and staff feedback ensure continuous improvement. Staying current with local codes and federal guidelines such as the Federal Emergency Management Agency (FEMA) and the National Fire Protection Association (NFPA) helps maintain a resilient and responsive plan.

In conclusion, cold weather preparedness is a shared responsibility that spans departments and teams. By planning ahead, public entities can protect their people, maintain critical operations, and continue serving their communities, even in the harshest winter conditions.





IPARKS Service Center
315 S. Kalamazoo Mall
Kalamazoo, MI 49007

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REMINDER

IPARKS MEMBER APPRECIATION RECEPTION AT THE 2026 IAPD/IPRA "SOARING TO NEW HEIGHTS" CONFERENCE

Heading to the IAPD/IPRA "Soaring to New Heights" Conference in January? Don't miss our IPARKS Member Appreciation Reception! It's your chance to connect with the IPARKS Board and Service Team, celebrate your dedication, and enjoy an evening of appreciation and networking. We can't wait to see you there—details coming soon!



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.