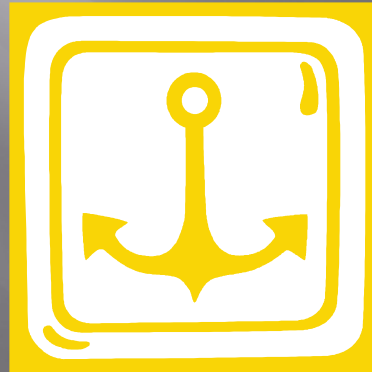


# PACIFIC COAST CONGRESS OF HARBORMASTERS & PORT MANAGERS, INC. RISK MANAGEMENT FOR MARINAS



PRESENTED BY  
LISA ROBERTS, ALCM, ARM-P,  
RISK SERVICES MANAGER

WASHINGTON CITIES  
INSURANCE AUTHORITY

# WHAT IS WCIA?

- ❑ WCIA is Washington Cities Insurance Authority
- ❑ Formed in 1981
- ❑ Interlocal Agency
- ❑ 153 Members...  
AND GROWING!



# WCIA MEMBER MARINAS



- ▣ Total of 9  
Municipal Marinas
- ▣ 7 Marinas in  
Property Program
  - Total Insured  
Property Values:  
\$27,481,260

# WHAT IS RISK MANAGEMENT



- ▣ The process of making and carrying out decisions that will minimize the adverse affects of accidental loss upon the organization

# HANDLING RISK

- ▣ Risk **A**voidance - Eliminate Risk
- ▣ Risk **R**etention:
  - Loss Prevention - Frequency
  - Loss Reduction - Severity
- ▣ Risk **T**ransfer





# TYPES OF LOSS

- ▣ Loss to your property
- ▣ Liability loss  
(bodily injury or property damage to third parties)
- ▣ Loss to employees



# LIABILITY INSURANCE

- ▣ Coverage that protects the Entity from losses arising from their responsibility to others (3<sup>rd</sup> party) either imposed by law or assumed by contract.



# PROPERTY INSURANCE

- ▣ **First Party** coverage that indemnifies the owner or user of property for its loss, or the loss of its income-producing ability, when the loss or damage is caused by a covered peril, such as fire or explosion.





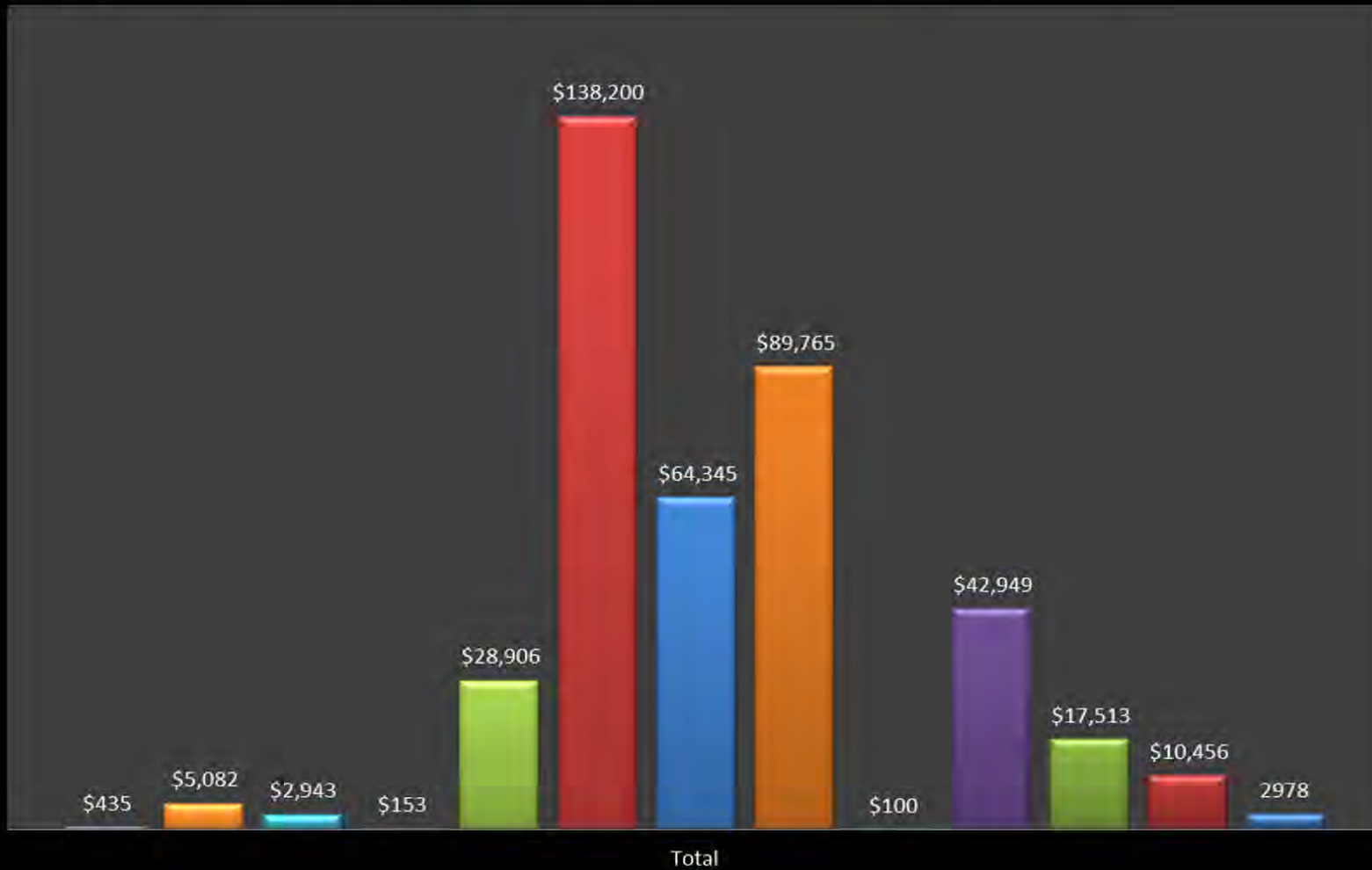
# MARINA EXPOSURES

- ▣ Negligent Maintenance
- ▣ Premise Liability
- ▣ Facility Use
- ▣ Special Events
- ▣ Volunteers



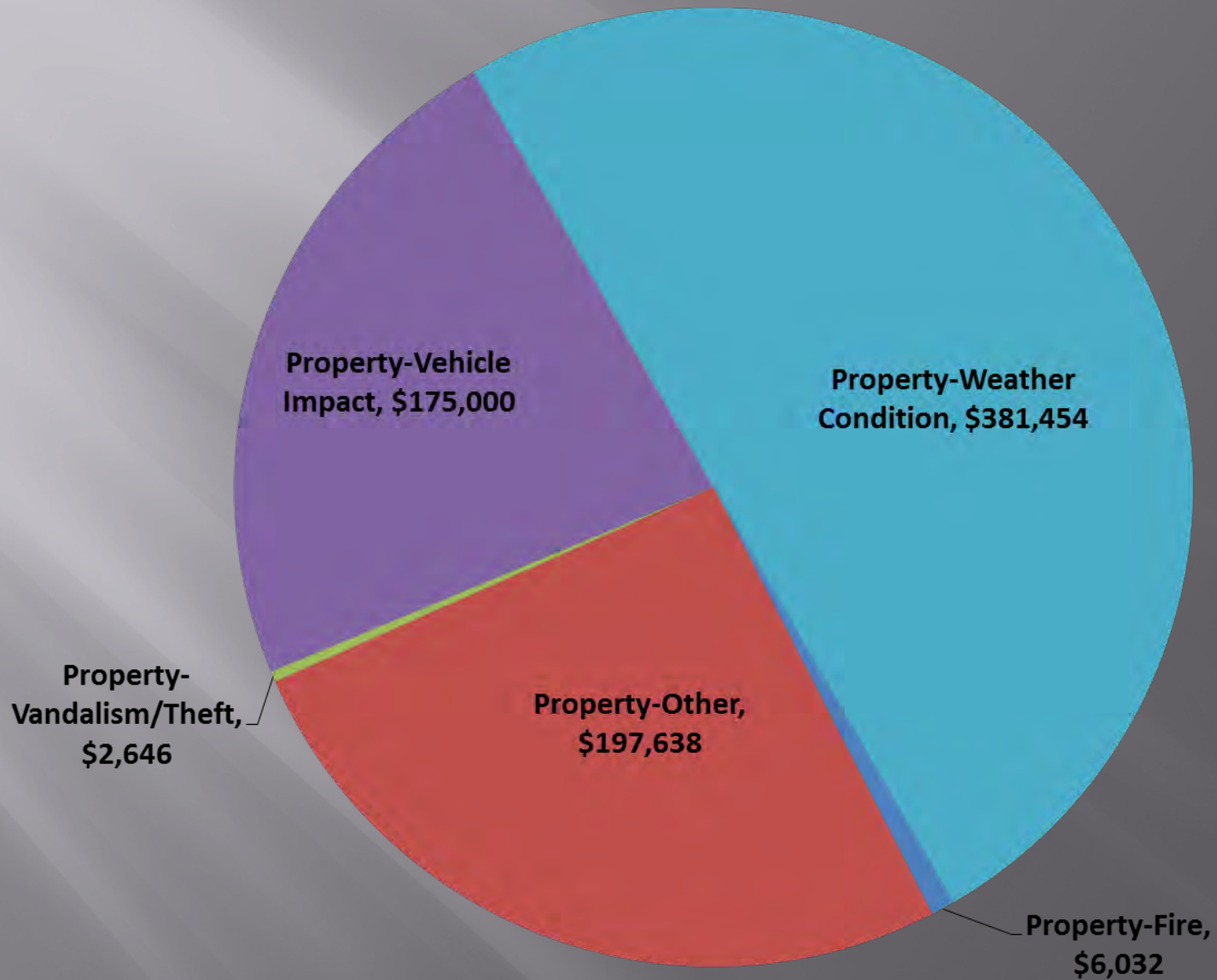
# WCIA MARINA LIABILITY LOSSES

- AL - AL Stationary Object
- EOP - EP Wrongful Termination
- GL - Premise Care/Custody/Control
- EO - E&O Code Enforcement
- GL - OP Construction
- GL - Premise Defect
- EO - E&O Other
- GL - OP Marina Operations
- GL - Premise Maintenance



## WCIA ALL YEARS PROPERTY LOSSES

Total: \$762,770



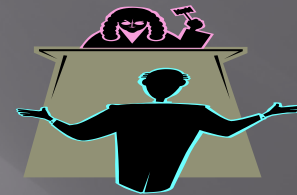
# WHAT IS A CLAIM?



- ▣ Claim: Where a person asks for payment of damages based on allegations of negligence on the part of the Entity or their employee.

# WHAT IS A LAWSUIT?

- ▣ If a claim is not resolved a lawsuit may be initiated asking a judge or jury to resolve the dispute.





# NEGLIGENCE

## ELEMENTS

- ▣ Duty Owed
- ▣ Breach of Duty
- ▣ Proximate Cause
- ▣ Damages as a Direct Result



# RECREATIONAL IMMUNITY STATUTE

- ▣ RCW 4.24.210 Recreational Immunity Statute
- ▣ Purpose of outdoor recreation
- ▣ No fee of **ANY KIND...**  
**(except)**
- ▣ Must place warning sign for all  
“known, dangerous, artificial,  
latent conditions.”
- ▣ Each element must be present.



# Plano vs. City of Renton, Court of Appeals of Washington, Division 1

- ▣ Washington's statute does not say that a landowner can have immunity so long as the lands or water areas are available free of charge some of the time. The statute simply states that there is no immunity if the owner charges a “fee of any kind”. A landowner must only show that it charges no fee for using the land or water area where the injury occurred.

# NEGLIGENT MAINTENANCE

- ▣ Notice of defect
    - Actual
    - Constructive
  - ▣ Reasonable opportunity to fix
- Wright vs.  
Kennewick





# GENERAL OPERATIONS



- ▣ Proper training
- ▣ Inspect machinery and property
- ▣ Debris/snow/ice removal
- ▣ Mowing & tree trimming
- ▣ Playgrounds?



# PREMISES INSPECTIONS

- ▣ Hands-on
- ▣ Routine
- ▣ Immediate repair or work order/  
repair procedure.
- ▣ Remove or take equipment out of  
service



# DOCUMENTATION

- ▣ Document
  - Maintain file
  - Government records retention
  - Not documented not done!
- ▣ Name, date, & time
- ▣ Action taken
- ▣ Further follow-up needed



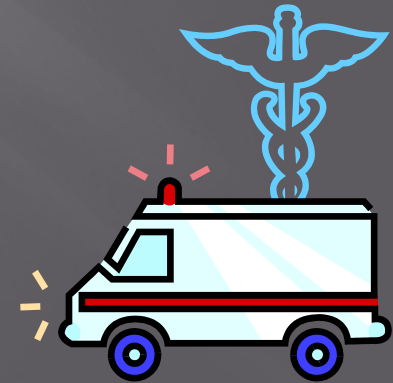
# SPECIAL EVENTS

- ▣ Whose event is it?
- ▣ City permit process
- ▣ Evidence of insurance coverage



# Coordination of Services

- ▣ Site Preparation
- ▣ Traffic Control & Parking
- ▣ Emergency Planning
- ▣ Sanitation



# VOLUNTEERS

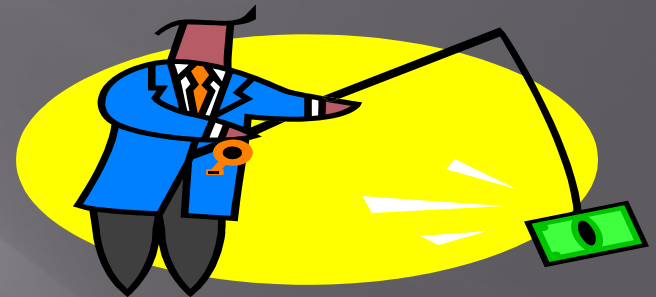
- ▣ Training (PPE)
- ▣ Supervision
- ▣ Hold harmless
- ▣ Equipment/vehicles





# WILL MY AGENCY GET SUED?

- ▣ Sooner or later. But you might just win!
  - Recreational immunity
  - Assumption of risk
  - Standard of care
  - Waiver and release forms



# Liability Claims Examples

- ▣ City employee using weed-eater clearing vegetation behind boats in marina accidentally nicked a propeller blade on claimants boat. \$101.84
- ▣ While marina employee was lifting claimants boat with hoist, the anchor light was broken: \$250
- ▣ Boat damaged due to corrosion and an incorrect circuit breaker that was 30 amps and should have been 20 amps. \$516.62
- ▣ Claimant was approaching the dock closest to the swimming area with his 1999 Yamaha 700 Xl Wave runner boat. The rear of the jet ski swung around to the dock side where it struck a large piece of sharp steel mounted on the side of the dock that punctured the hull of the jet ski. City failed to remove metal when they removed log boom. \$1334.25
- ▣ Strong winds, boat got loose. Dock cleats are typically "through-bolted". A lag bolt operates like a wood screw; it is secured when the threads are in direct contact with the wood fibers. Through wind and wave action upon a vessel, a cleat is subjected to erratic pulling pressure on it over long periods of time. A cleat fastened with lag-bolts is bound to fail; the bolt is simply stripped from the hole. \$1682.51.

Boat was damaged lifting it from the water at the marina. A seasonal worker was lifting the claimant's boat on the elevator and was instructed by the claimant to stop at the first floor level which is where his boat is stored; however, the worker continued to lift the elevator to the second floor. There is a concrete beam at the top of the lift on the second floor level and if a vessel is being lifted to that level the boat owner's vessel must be completely inside the elevator lift or the vessel will strike the concrete beam which can cause damage to the boat. Although the motor and a portion of the claimant's vessel were not completely inside the elevator lift, the claimant did not anticipate being lifted to the second floor level. \$2,087.84

Boat damaged by hydraulic post at boat launch. Although there was a time limit before the hydraulic post at the boat launch would rise, that information was not posted at the time of this incident. Claimant had difficulty loading his boat onto his trailer and took more time than usual to accomplish that task. The post raised without warning to him. \$2,579.25

Harbor patrol pulled alongside boat to check registration, when pulling away made contact with the boat damaging the port side sheet metal and decal. Part only available from mfg: \$3,098.15

The city employee inadvertently hit the ground switch which caused the power system to burn up as result of this mistake.  
\$6032.98

Boat damage and lost revenues when a City boat collided with the clmt boat while it was stopped. Repairs \$347.50; lost income from charter \$7,002.56;

Automated system that collects payments for use of the boat ramp consists of a steel post that blocks access to the boat ramp until payment is inserted in a nearby machine. Once payment is inserted, the post drops down into the pavement so that a vehicle can back down the ramp and launch a boat. There are sensors in the pavement that keep the post in the down position while boat launching or boat retrieval is in process. When the lake level was significantly lower than anticipated by the parks department the vehicle was damaged when the sensor in the pavement failed to detect the continued presence of the vehicle and the post began to rise out of the pavement as the car drove forward up the ramp after launching the boat. The post struck the vehicle's oil pan and pushed it into other vehicle parts making the vehicle a constructive total loss. \$8900.00



Claimant lost boat & equipment when elevator lift motor failed at marina. Boat had been placed on the boat lift elevator platform and he and a friend were also on the platform being lowered into the water. When the platform reached the water level, the platform did not come to a stop but kept lowering into the water. The claimant and his friend then grabbed onto some metal fencing located around the sides of the platform to keep from being lowered into the water. After approximately 15 minutes the claimant and his friend were rescued by the marina staff via another boat and taken ashore. As the elevator platform continued to lower into the water, the claimant's boat capsized and the boat and personal property aboard his boat was submerged. \$15,500



