



## RISK POOL OFFERS AMBITIOUS 2008-09 TRAINING SCHEDULE

In the Staff Work Plan for Py2009 that was adopted by the Board of Directors at the Fall Meeting, a Strategic Management Objective (SMO) directs staff to “implement a training program that supports the mission and objectives of WCRP and provides member counties with timely, relevant and

comprehensive training opportunities.” This SMO reflects the formal acknowledgement of an ongoing effort by the Pool to provide needed training.

A few of the training opportunities that will be offered by the Pool during the year are listed below. You can register for classes at [www.wcrp.info](http://www.wcrp.info).



### **PUBLIC RECORDS ACT and E-RECORDS**

**Presented by Ramsey Ramerman**

#### Dates & Locations:

Wednesday, February 4, 2009, Olympia  
Thursday, February 5, 2009, Mt. Vernon  
Wednesday, February 18, 2009, Ellensburg  
Thursday, February 19, 2009, Spokane  
Wednesday, March 4, 2009, Vancouver

**About the Training:** Washington’s Public Records Act imposes strict liability on counties and other local governments—fail to produce a requested record, however hard you search, and your agency will have to pay mandatory daily penalties and attorney fees. Electronic records, or “E-Records,” pose a particular challenge. This class will begin with a short overview of the requirements of the Public Records Act, but will

focus on responding to public records requests for E-Records and managing your E-Records. Attendees will receive sample municipal Public Records Act Policies including policies governing how internal emails and other E-Records should be managed. The class will also review model policies and will include information about the AG’s Model Rules and alternate model rules you can adopt.



### **LEGAL CONCEPTS TRAINING: RISKS AND ROAD WORKSHOP**

**Presented by Dale Kamerrer  
of Law, Lyman, Kamerrer & Bogdanovich**

#### Dates & Locations:

Tuesday, April 14, 2009, Tacoma  
Wednesday, April 22, 2009, Moses Lake

**About the Training:** Governmental owners of roads face an inherent dilemma. On one hand, they must design, build and maintain their roads for use by traffic. On the other hand, as soon as traffic begins to use roads, the risk of accidents arises and increases as traffic volumes grow. After accidents happen, it is all too common for injured persons and their lawyers to consider whether the condition of the road caused or contributed to the accident. Therefore, increasingly, the owners of roads must prepare their roads in anticipation of accidents and lawsuits, and

guard against resulting liability. Fortunately, most of the practices that reduce these risks also increase the safety of roads—at least in the perception of citizens who serve on juries.

This course will provide information on how liability for the condition of a road may arise, the most common conditions that are the basis of lawsuits against road owners, effective ways to reduce the risk of accidents and resulting lawsuits, and will discuss administrative functions that help in the defense of lawsuits when they occur.

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# TRAINING & EVENTS



(Continued from page 1)



## **LAW ENFORCEMENT LIABILITY TRAINING**

**Presented by Gordon Graham**

### Dates & Locations:

Tuesday, May 5, 2009: Big Bend Community College, Moses Lake

Wednesday, May 6, 2009: Washington State Criminal Justice Training Center, Burien

**About the Training:** Law enforcement personnel often have only seconds to make a decision. That split second decision is then second guessed for months and even years. Like it or not, officers and corrections personnel are in a position where their work must be conducted without blemish. Gordon Graham will emphasize tools, tips and suggestions to follow in your daily work and at the beginning of each case that may save hours, days and months of your life.

*"I try to give every attendee a primer on the value of Risk Management as they truly are the best managers of*

*risk you have in your workplace. Secondly, I give them information regarding systems, as well designed systems, kept up to date and fully implemented will never let you or your organization down. Third, I believe that each and every incident they encounter is an opportunity to maximize Customer Service, both internal and external. Fourth, I stress "accountability" particularly with respect to systems implementation, i.e. following the rules. Finally, every thing we do is an opportunity to manifest integrity through ethical behavior. These concurrent themes pop up throughout each presentation." ~ Gordon Graham*



## **LEGAL CONCEPTS TRAINING: AVOIDING COUNTY LIABILITY IN LAND USE DISPUTES**

**Presented by Mark Johnsen  
of Karr Tuttle Campbell**

### Dates & Locations:

Tuesday, May 19, 2009, Tacoma

Wednesday, May 20, 2009,  
Moses Lake

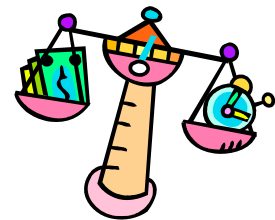
**About the Training:** This class will explore the circumstances in which counties are frequently exposed to liability arising from land use decisions, permitting and enforcement actions. We will cover liability theories including constitutional takings, procedural and substantive due process, as well as claims under state and federal statutes. The course

will discuss defenses which are available to local governments in land use disputes, and strategies for obtaining dismissals of claims for damages. We will also discuss potential liability theories and defenses where a county's culverts and drains are alleged to have caused flooding or landslide damage to private property.



## **MANAGEMENT & SUPERVISORY TRAINING**

**Presented by Connie Poulsen  
and Stan Bastian**



### Course Dates and Locations:

January 27-29, Kittitas County

February 24-26, Columbia County

March 24-26, Cowlitz County

**About the Training:** This two and a half day course emphasizes management and employment law-related topics including managing change, delegating skills, resolving workplace conflicts, practicing ethics in the public sector, managing employee performance, and provided information related to hiring, illness, record-keeping, harassment, discrimination, and FMLA.



# DIRECTORS PAGE



Mark Abernathy,  
Kitsap County Risk  
Manager and  
Py2009 President

I'm honored to serve as President of the Washington Counties Risk Pool (WCRP) for the 2008-09 fiscal year. My term marks the 21<sup>st</sup> year of the Risk Pool. I'm happy to

report that the WCRP is in its strongest financial condition ever, a tribute to the current Pool staff and the current Executive Director, Vyrle Hill.

We face many challenges in the near future. Many of our members are facing budget cuts because of revenue shortfalls. Nonetheless, we are expected to provide efficient, accountable, and transparent services to the citizens we serve.

There has been a fundamental shift in the financial risks that public entities face. In the past we worried primarily about real and personal property, boiler and machinery, automobile/mobile equipment, general liability, special events, and crime. Nowadays, we confront multi-million dollar lawsuits from our own employees, fines and sanctions from requests for public documents, and claims for errors and omissions associated with the critical services that we provide.

WCRP's programs are built with the members' goals and these changing risk fundamentals in mind. Beyond the traditional insurance cover-

age that we've come to expect, we also receive the following services:

- A stable risk financing and database system
- Education for members about avoiding and reducing risks
- Loss control through effective legal defense and claims handling
- An expert source of information on risk management for counties

My limited observations indicate that our premium rates are driven more by our internal service needs and pool member loss experiences than by commercial market swings or unrelated catastrophes. My goal is to maintain premium stability in these tough times. Rate stability should be the linchpin of the WCRP goals for the near future. This can best be achieved through effective use of the Pool resources in order to prevent losses.

I appreciate your confidence in me and I look forward to the continued success of the Washington Counties Risk Pool.

## Executive Committee

### President

**Mark Abernathy**, Kitsap County

### Secretary/Treasurer

**Jay Winter**, Walla Walla County

### Other Members

**Tammy Devlin**, Thurston County

**F. Lee Grose**, Lewis County

**Rose Elway**, Grays Harbor County

**Steve Clem**, Douglas County

**Randy Watts**, Whatcom County

**Neva Corkrum**, Franklin County

**Keith Goehner**, Chelan County

**Marilyn Butler**, Skamania County

**Steve Bartel**, Spokane County

## Risk Pool Staff

### Administration

**Vyrle Hill**, Executive Director

**Sue Colbo**, Auditing/Accounting Officer

### Claims

**Susan Looker**, Manager

**Mike Cook**, Analyst

**Candy Drews**, Analyst

**Tammy Cahill**, Representative

**Claire Thompson**, Assistant/Editor

**Lisa Daly**, Assistant

### Member Services

**David Goldsmith**, Manager

**Jill Lowe**, Loss Control Coordinator

To access *County Connection's* e-version, go to [www.wcrp.info](http://www.wcrp.info)

Help us save on postage! Send your email address to [claire@wcrp.wa.gov](mailto:claire@wcrp.wa.gov) or call (360) 292-4480. Got story/photo ideas? Please submit them to the email address above.



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**WASHINGTON COUNTIES  
RISK POOL**

Created by Counties for Counties

## EXECUTIVE COMMITTEE VACANCY

Franklin County Commissioner Neva Corkrum will be leaving office at the end of this term (December 31, 2008). Her departure will leave vacant a position on the Risk Pool's Executive Committee that will expire September 30, 2010. According to the Pool's Bylaws, a vacancy on the Executive Committee must be filled by the Board at either the meeting during which notification of a vacancy is received or the meeting next following receipt of notification of a vacancy. This vacancy will be addressed during the March 27, 2009 Board Meeting.

The Pool's Bylaws also provide that the Nominating Committee shall nominate at least one Director or Alternate Director to fill each new term and any vacancy in the Executive Committee. Executive Committee members are to be chosen from Directors and Alternate Directors, but limited to one committee member per county, and fairly represent the diversity and interests of member counties.

The other Executive Committee members are: Mark Abernathy (Kitsap), Jay Winter (Walla Walla), Steve Clem (Douglas), Randy Watts (Whatcom), Marilyn Butler (Skamania), Steve Bartel (Spokane), Rose Elway (Grays Harbor), Keith Goehner (Chelan), Lee Grose (Lewis) and Tammy Devlin (Thurston). They consist of three elected and seven appointed officials, five from western counties and five from eastern counties, and four from counties with large deductibles, three with medium deductibles and three with small deductibles. Since more than half of the Member Counties carry small deductibles, the ideal candidate would be a Director or Alternate Director that is an elected official from a county with a small deductible.

Directors and Alternate Directors that may be interested in filling this unexpired term on the Executive Committee are asked to contact Nominating Committee Chair Mark Abernathy at [mabernat@co.kitsap.wa.us](mailto:mabernat@co.kitsap.wa.us) or 360-337-4408 by the end of February 2009.



# POOL NEWS



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## SPRING SESSION PLANNED FOR SKAMANIA LODGE

The Spring Conference will be held March 25-27, 2009 at the Skamania Lodge in the beautiful Columbia River Gorge. The following represents the “preliminary” conference plans:

### **Wednesday, March 25th**

8:30 am—2:45 pm	CPO Risk Management Course (with lunch)
1:15 pm—2:45 pm	Intro to Insurance (and maybe Intro to Claims) course review (s)
3:00 pm—5:00 pm	Proctored exam (s) for Intro course (s)
6:00 pm—8:30 pm	WCRP new member orientation (with dinner)
Evening	There's a rumor floating around there may be a reception at Marilyn's home, with poker competition.

### **Thursday, March 26th**

8:30 am—Noon	Roundtable for Claims Administrators and Risk Managers
1:00 pm—2:30 pm	Presentations . . . PERI and RMX/BI report generating options; and web-based 1st-Party Property Management System
2:30 pm—5:00 pm	Breakout Meetings: Finance, Personnel, Risk Management, and Underwriting Committees
6:00 pm—8:30 pm	Executive (and Nominating) Committee (dinner) Meeting

### **Friday, March 27th**

8:30 am—Noon (??)	WCRP Spring 2009 Board Meeting
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To register, simply logon to the WCRP home-page (<http://www.wcrp.info>) and click on the “Events & Training Calendar” link in the (upper) left column, then onto the “Online Registration Form” in the middle. From the “Events” drop-down, select “Spring Conference” and fill in the applicable boxes. Driving directions and other details will be provided after completing your online registration.

A block of overnight rooms has been set aside for Tuesday (CPO *Risk Management*

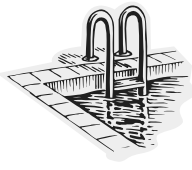
*Course* instructors and participants), Wednesday and Thursday nights for the \$120 per diem rate (\$106 room and \$14 resort fee) plus taxes. Phone Skamania Lodge at 800-221-7117, identify yourself as part of the “Washington Counties Risk Pool Group” and be prepared to provide your name, home/office address, e-address (if any), requested room type, and check-in and check-out dates. This block will remain available until Wednesday, February 25, 2009.

### **The Pool's Mission:**

- To provide comprehensive and economical risk coverage,
- To reduce the frequency and severity of losses, and
- To decrease costs incurred in the managing and litigation of claims.



Vyrle Hill



## Poolside

with Executive Director  
**Vyrle Hill**

*This column is intended to inform our readers of a few Pool-related tidbits. Please take time, however, to read about many other worthy Pool happenings reported elsewhere in this newsletter.*

Here we go again... the 2008 calendar is about to be replaced with 2009's! Furthermore, the Washington Counties Risk Pool's first twenty years are now "in the books" as we recently began year number twenty one. We have much to be proud of and likely even more to be thankful for.

**Operational:** Fifteen Washington counties were recognized during the organizing meeting held August 18, 1988 as the initial Pool members. That membership grew to nineteen during the Pool's first year of operation, and has continued to grow; reaching the present twenty eight member counties five years ago. We're hopeful that our recent marketing efforts will result in even more counties becoming members of the Washington Counties Risk Pool over the course of the next couple of years.

The Risk Pool's success has resulted in part from its highly professional and dedicated staff and the combined efforts of the professionals – actuaries, auditors, brokers and insurers – that the Board of Directors decided upon. However, it's the contributions and involvement of the Member Counties' elected and appointed officials and employees serving as directors and alternate directors, officers and committeepersons that have been the keys to the Pool's success and sets the Washington Counties Risk Pool apart from most other pools.

We would like to take this opportunity to extend our special thanks to several of the Pool's board members. Their (pending) departures from their respective counties force us to say goodbye. They will be missed... still, we wish them the very best that life has to offer!

- County Commissioner Neva Corkrum served twenty years as the director from Franklin County. She also served 6 years on the Executive Com-

mittee and was elected the Pool's President (PY1994), following terms as Secretary-Treasurer (PY1993) and Executive Vice President (PY1992).

- County Commissioner Bob Beerbower served the past nine years as the director from Grays Harbor County.
- County Commissioner Phil Bakke served the past year as the director from Island County.
- County Commissioner Ken Oliver served three years as the director and one year as an alternate director from Pend Oreille County.
- County Administrator Gary Rowe served the past four years as the director from Skagit County and earlier served six years as the alternate director from Jefferson County.
- County Commissioner Diane Oberquell served eight years as the director from Thurston County. She also served three years on the Executive Committee.
- County Prosecuting Attorney Ron Zirkle served thirteen years as the director from Yakima County. He also served nine years on the Executive Committee and was elected the Pool's President (PY2000) following a term as Secretary-Treasurer (PY1999).

**Financial:** The Risk Pool continues to enjoy the strongest financial position in its 20-year history. The following constitute the more significant highlights from PY2008:

Operating Income of \$0.8 million was experienced and represented a significant increase from the \$0.2 million Operating Loss experienced the prior year. A 7% reduction in the estimates by the independent actuaries for claims reserves (\$8.2 vs. \$8.8 million) substantially contributed to this positive change.

Interest Income slipped \$0.13 million (17%) even with greater surpluses (funds not needed for current operations) for investing. This resulted from the lowering of interest rates to address the declining economy.

Total Assets grew another \$3.3 million (12%) to nearly \$31.1 million. Specifically, current assets increased \$2.9 million (11%) while non-current assets increased \$0.4 million (54%).

Net Assets, referred to sometimes as Members' Eq-

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uity, grew \$1.5 million (28%) to nearly \$6.8 million on September 30, 2008. Much of this (\$5.7 million) is held as "Restricted Net Assets" to substantially address provisions in the Underwriting Policy. The remaining \$1.1 million is invested in Capital Assets (net of debt).

Claims Reserves total \$12.0 million. This includes \$7.3 million for losses within the Pool's retained layer, \$3.8 million for losses within the automobile/general liability "corridor" program's aggregated stop loss, and \$0.9 million for unallocated loss adjustment expenses.

The Pool's Confidence Level Factor has grown steadily over the past several years. The September 30<sup>th</sup> factor of 1.93 approximates a Confidence Level of 97%, which is only slightly lower than the Board of Directors' 98% goal.

The "Asset to Liability Ratio" reported to Washington State's Risk Manager is 2.1 and well above the "watch" level.

The State Auditor's Office plans to conduct its field examination of PY2008 in March 2009. SAO audit reports should be available by mid- to late-spring 2009.

**Claims:** First, please join us in acknowledging Candy Drews' December 1<sup>st</sup> passage of the final test required for an Associate in Claims ("AIC") certification, as well as Tammy Cahill's earlier passage of the first of the four tests (courses) required for the AIC certification... congratulations to both Candy and Tammy on their significant achievements!

Now, for a brief claims summary... The Pool's claims-related database reflects a total of 15,506 third-party liability claims and lawsuits having been reported during the twenty years the Risk Pool has operated (October 1988 through September 2008), but only 457 remained "open" at year's end. The independent actuaries estimate that another 578 claims will be filed for occurrences from the past twenty years bringing the ultimate estimated claim total to 16,084.

Nearly \$145 million has been paid by the Pool to address these cases, and yet 40% of the cases filed were resolved without any payments. Included are member reimbursements for their deductibles totaling \$55 million and insurance recoveries of \$43 million. Pooled funds paid-to-date for the Risk Pool's share of the cases filed total \$47 million. Another \$2.9 million is reserved for the Pool's share of the cases that remain in "open" status. And in following the recommendations of the

independent actuaries, an additional \$4.4 million has been reserved for the yet-to-be-filed cases that may stem from occurrences over the past twenty years.

**Executive Director Contact:** Please share your comments, suggestions and criticisms... direct these to Vyrle Hill – WCRP Executive Director, 2558 R.W. Johnson Road S.W., Suite 106, Tumwater, WA 98512-6103; OR phone: 360/292-4500 extension 101, 360/292-4495 direct, 360/292-4501 facsimile, or 360/480-2116 mobile.

### ~ Lisa Daly - Claims Assistant ~

Lisa Daly, the Pool's newest employee, was born in Aberdeen and raised in Montesano. She has two younger brothers, one of whom will be joining the Air Force in January. After graduating from Montesano High School, she attended WSU (go Cougs!) where she studied Business Administration and graduated with a degree in Management and Operations. After college, she worked for Grays Harbor County in the Emergency and Risk Management department, providing administrative assistance to Anne Sullivan and the Program Assistants in the office. From July 2008 through September 2008, Lisa worked as a Customer Service Representative at Timberland Bank.

While working for Grays Harbor County, Lisa heard WCRP would be recruiting for a new Claims Assistant. She was very interested because she had gained experience in risk management while working for the county. During her subsequent time at the bank, she added to her experience in dealing with finances. She interviewed when the position was open in September and was hired. She reports she is enjoying this challenging position and plans to be at the Pool for a long time.

During her off hours, Lisa enjoys "spinning" (not the wheel kind, but "cycling," a form of exercise), scrap booking, snowmobiling, traveling, and reading.

We are happy to welcome Lisa to the staff of the Washington Counties Risk Pool!





## WCRP STAFF NEWS

### Loss Control

Last summer my daughter and I were rear-ended while stopped at a red light. You can imagine my reaction when I looked in the rear view mirror and saw a young lady animatedly talking on her cell phone. As I got out of the car, I was astonished to see that she continued her phone conversation.

I learned some important claims reporting, liability and good common sense lessons from that experience, and those same lessons were recently reinforced during a presentation I attended. The presentation was provocatively titled "*How Not to Lose Your Business*".

**How Not to Lose Your Business** emphasized the importance of conducting effective accident investigations. While the presentation was geared toward the trucking industry, its basic premise is good for all of us who drive automobiles, own and manage a fleet of vehicles or might some day be called on to describe a vehicle accident.

As the risk manager or supervisor, you need to preserve and control evidence and communications. This means that you need to proactively talk to your drivers before an accident occurs. Time is short after an accident. This is the time to act and to conduct a full investigation.

As the Risk Manager or Supervisor, you should:

- Review reports before they go to law enforcement.
- Make sure that accident reconstruction investigations are accurate and thorough.
- Control follow-up reports and

conversations. Don't assume that a person calling for follow-up information is actually who they say they are. Facts need to come out the same every time. The more often a driver discusses the accident, the more chance the facts could change and witnesses could be perceived as untruthful. Drivers shouldn't talk to anyone who is not on their side.

- Make sure county policies are followed.
- Don't repair equipment until the accident reconstructionists complete their inspections.
- Preserve data so that lawyers can't make it seem like evidence was destroyed.

Keep all documents for at least three years and make sure that you have sufficient data to locate the driver should they leave the county.

Those of us involved in any way with risk management know how important it is to conduct an accident investigation, preserve evidence, etc... What I believe it comes down to is time and priorities. We have limited time and many priorities to complete. But remember, if the incident becomes a claim or a lawsuit, our time will be taken and our priorities will quickly change.



### Public Records Act and E-Records Training is Coming Your Way

The Risk Pool is offering Public Records Act and E-Records training to Member Counties in

five locations in February. In talking to our members and claims staff, it is clear that we must all be educated on this Act and aware of our internal policies for responding to public records requests. All public entities are struggling to meet the intent of this rule and many are being fined for violations of the Act. The training will provide an overview on the Public Records Act and will focus on responding to public records requests for electronic records and on managing those electronic records.

Jeffrey Myers of Law, Lyman, Daniel, Kamerrer & Bogdanovich recently presented a power point titled "Six Essential Features of an Effective Public Records Program". His list of six essential features are as follows:

1. Top-Down Policy Openness
2. Adopting Up-to-Date Rules
3. Get Organized! – Indexing and Records Retention
4. Provide Prompt and Adequate Responses
5. Effective Use of Web Sites
6. Training, Training and Training

Is your county committed to transparency as required by law? Are your written policies in place and has your staff been adequately trained in their duties related to this Act? Register online at [www.wcrp.info/training](http://www.wcrp.info/training) and attend the upcoming training presented by Ramsey Ramerman. Ramsey specializes in helping local governments meet their obligations under the Public Records Act. He also serves as the local government representative on the Governor's "Sunshine" committee.

**Jill Lowe**

Loss Control Coordinator



## Member Services

### County Visitations and Marketing:

Director Vyrle Hill and Member Services Manager David Goldsmith met with the legislative body of each of the 28 member counties over the course of this past spring and summer. During their visits, Vyrle and David explained the 20-year history of the Pool to elected leadership and staff and discussed how the Pool is structured, how it is financed, and how individual county premium rates are established. They reviewed individual county claim and loss histories and individual county rate modification factors. Also presented was information concerning the property program, particularly as it relates to premium pricing and coverage.

The discussion included the membership compact audit and compliance schedule, current and future loss control trainings, and program enhancements.

While on the road, the Pool was marketed to the elected leadership of Asotin, Klickitat, Wahkiakum and Whitman Counties. This marketing effort allowed staff to articulate the strengths of our program and the positive changes in our financial position. This effort was well received, resulting in Wahkiakum County taking a 'formal' closer look at the advantages of becoming a member of the WCRP. Unsuccessful attempts were also made to obtain audiences with the elected leaderships for the four, northeastern non-WCRP counties.

### Member Services: Property Program Appraisals and On-line Management System:

Currently a Request for Qualifications/Proposal is out 'on the street'. The RFQ/P is requesting qualified firms to provide their approach and pricing for the appraisals of property listed on the statement of values for each County. It is anticipated that up to 10% of the properties listed will receive appraisals, including all Court-houses. For properties not listed on one of the Registrars of Historic Places, a standard replacement value appraisal will be performed. For those listed as Historic, both a reproduction and replacement cost appraisal will be conducted. The successful vendor will be under contract soon after the first of the year.

An on-line management system is being developed for the property program. Central to this program is the standardization of property valuation data. From the desktop, staff at the county level will be able to add, delete and modify building and content, and vehicle and equipment information, thereby automatically updating the composite statements of values. The standardized reporting format will assist in underwriting the program and responding to claims as they arise.

In addition to the on-line property management system, an on-line property claim reporting process is also being implemented. While the WCRP does not yet adjust property claims, the Pool is often asked central questions in the claim adjudication process. By having the initial claim submitted on-line, the Pool

can monitor the adjudication process and assist both the Member County and the Insurance Company to assure accurate and timely adjustment of claims submitted.

**David Goldsmith**  
Member Services



Grays Harbor County Courthouse



Pacific County Courthouse



Douglas County Courthouse



# SAFETY NEWS



## DECISION TIME

We are approaching the time of year when most of you will be encountering winter weather conditions, if you haven't already. When the weather turns nasty, most drivers seek advice and information from others, listen to the radio and television, check the internet, etc. to help them make that important decision: "Should I continue, or should I find a safe place to stop?"

Regardless of the advice and information you receive, ultimately you are the one who has to make the decision.

The concept that the driver is in the best position to make adverse weather driving decisions is sometimes referred to as the "Captain of the Ship" doctrine. The doctrine states that the driver has both a right and a responsibility to stop driving whenever he/she believes it is unsafe to continue.

The "right" means you have the freedom to make the decision to stop without fear of retribution. It means that management will support your decision and not pressure you into taking unsafe risks. On the other hand, the "responsibility" means you will be held accountable for any accident that you are involved in that occurs as a result of a decision to continue when you should have stopped.

The Institute of Driver Behavior in Superior, Wisconsin, which has some of the best driver training programs around, has a video/CD 12 minute training program titled, Winter Driving – The 7 Deadly Sins. These "sins" are ways of thinking that can lead you into making the wrong decision, i.e., continuing on when you should have stopped. Here is a summary (6):

**Failure to Prepare** – Do you have a winter survival kit for your personal comfort? Have you prepared your vehicle for winter? If you are unprepared to sit out bad weather, you will be more inclined towards taking the risk to continue on.

**Lying to Oneself** – People vary in their level of risk taking. For example, not everyone is willing to accept the risks associated with sky diving. One

way high risk takers are able to take higher than average risks is by convincing themselves that "it won't happen to me." It is a lie that causes serious injuries and deaths every day.

**Overconfidence** – An inexperienced driver knows he/she should slow down, and he/she usually will slow down, just not enough. On the other hand, and experienced driver is more likely to over estimate his/her ability to handle adverse driving conditions. Some experienced drivers even develop a "macho" mind set of priding themselves for being the last driver on the road. You see this demonstrated each winter with some four wheel drive vehicle drivers as they speed around you. What they do not recognize is that, while their vehicles have better traction for accelerating, their vehicles are no better off than non-four wheel drive vehicles when it is time to slow and brake.

**Poor Judgment** – Wrongly assuming that you can outrun the storm, ignoring warning signs such as other vehicles in the ditch, or asking more from your vehicle than it can deliver are all signs of poor judgment.

**Lack of Knowledge** – A driver who has had little or no training or experience with skids will lack the knowledge of how skids occur and how to counter them. Skid pads at driver training schools are valuable training that every driver should have. Lack of knowledge can come in other forms too, such as not knowing that it is unsafe to use cruise control when road surfaces are slippery, or not knowing that side roads and ramps that don't see as much traffic as the main road are likely to be slippery.

**Not Seeing the Big Picture** – Everyone needs to step back from situations that are stressful and remember the important things in their lives. In the bigger scope of one's life, one trip delayed or one delivery not getting there on time pales in importance.

Here are sixteen risk factors you should consider when faced with the decision to drive or play it safe:

**Travel Distance is Greater than 25 Miles** – Minimizing the amount of travel naturally minimizes the exposure, and ultimately the amount of risk you take.

**Wind is Greater than 20 mph** – High wind speeds mean blowing snow, more difficulty in controlling your vehicle, and increased driver fatigue

*(Continued on page 10)*



# SAFETY NEWS



(Continued from page 9)

brought on by stress.

**Outside Temperature is near 32F and Roadways are Wet** – Temperatures near freezing can cause rapid changes in road conditions. Ramps and Bridges will freeze sooner than the roadway. Cold air begins collecting in valleys first. Ice on windshield wiper arms or the lack of road spray off tires means black ice is forming.

**Visibility is Poor** – Reaction time increases as visibility diminishes. At the very least, adjust vehicle speed to ensure enough time and space is available to stop or maneuver safely.

**Vehicle is Rear-Wheel Drive** – The drive wheels on rear-wheel drive vehicles lose traction sooner than front-wheel drive and four-wheel drive vehicles.

**Vehicle is Empty (pick-up, van)** – An empty vehicle has reduced traction to all wheels, but especially the drive wheels for vehicles with rear-wheel only drive. In addition, an empty vehicle, especially a boxy shaped one, is susceptible to stability and traction problems in high crosswinds.

**You See Another Vehicle in the Ditch** – Any vehicle in the ditch is a very good indicator that serious traction problems exist. Don't believe the lie that an accident won't happen to you. Be receptive to what you observe.

**Heard of Poor Conditions From Another Party** – Don't dismiss advice from another person. Keep an open mind to what you hear.

**Road Conditions Poor (ice, snow covered, not sanded)** – When roads are slippery, stopping distance increases dramatically. Furthermore, any sudden change in direction or speed will result in loss of traction and skidding.

**You've Been Driving More than 5 Hours** – You are probably already feeling the effects of fatigue if you have been driving more than five hours, especially when you are stressed out because of difficult driving conditions.

**Radio/TV/Internet is Issuing a Travel Advisory** – The electronic information available to you is often times better than the information you are seeing with your own eyes. Electronic information is very reliable as it is gathered from many sources, including other motorists, state highway patrol and DOT, and professional weather forecasters.

**Your Winter Driving Experience is Limited** –

Experience may be the best teacher for driving in poor weather conditions, but a wreck is a hard way to learn. If you want to gain experience in driving in low traction situations, find a skid pad.

**Drive Wheels Losing Traction** – Traction skids are every bit as dangerous as braking skids. It is bad news whenever any of your tires are sliding instead of rolling. At the very least, slow down and increase following distance.

**Never Driven This Vehicle in Winter Weather Conditions** – Every vehicle responds somewhat differently under low traction conditions. Lack of experience in how a vehicle will respond under these conditions can spell trouble for the driver.

**Unfamiliar with Route or Road** – Hills, curves, and other hazards can surprise drivers who are unfamiliar with the road they are traveling. Such surprises can cause drivers to slow or change directions abruptly, neither of which is a good action to take during poor weather conditions.

**Night Time Driving** – Visibility at night under good weather conditions is less than ideal. Add bad weather, and your ability to see and react is severely reduced.

Generally speaking, the more risk factors that you can answer **YES** to, the **GREATER** is the risk of an accident occurring. There is no magic number of YES answers as to when you should seriously consider stopping. Under some conditions, one YES answer may be enough. Consider the 16 factors and the seven deadly sins, then as Captain of the Ship, make a reasoned decision on whether or not to stay on the road.

This article was written for the November and December 2008 issues of *Courier Safety Topics Newsletter* by Tim White, Senior Loss Control Consultant for Gallagher Transportation Services. He has given his permission to reprint.





# SAFETY NEWS



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Here are a few tips from the Seattle Office of Emergency Management about how to prepare for and deal with POWER OUTAGES:

## Before a Power Outage

- Register life-sustaining and medical equipment with your utility company.
- Consider buying a generator. When installing a generator, follow the instructions carefully. Keep your generator outside and run a cord inside. **Don't connect your generator to main service panels—it's dangerous!**
- Make sure your disaster preparedness kit contains light sticks, flashlights, a battery-powered radio with extra batteries and a wind-up clock.
- Have a corded telephone available—cordless phones will not work when the power is out.
- Have an alternative heat source and supply of fuel.
- If you own an electric garage door opener, know how to open the door without power.

## During A Power Outage

- Turn off lights and electrical appliances except for the refrigerator and freezer. Even if it is dark, turn light switches and buttons on lamps or appliances to the "off" position.
- Unplug computers and other sensitive equipment to protect them from possible surges when the power is restored.
- Leave one lamp on so you will know when power is restored. Wait at least 15 minutes after power is restored before turning on other appliances.
- Conserve water, especially if you use well water.
- Never use gas ovens, gas ranges, barbecues or portable or propane heaters for indoor heating—they use oxygen and create carbon monoxide that can cause

suffocation.

- Candles can cause a fire. It's far better to use battery-operated flashlights or glow sticks for lighting.
- Using a kerosene heater, gas lantern or stove inside the house can be dangerous. Maintain proper ventilation at all times to avoid a build up of toxic fumes.
- Stay away from downed power lines and sagging trees with broken limbs.

## Keep Food Safe

- Use and store food carefully to prevent food-borne illness when power outages make refrigeration unavailable.
- Use foods first that can spoil most rapidly.
- Keep doors to refrigerators and freezers closed. Your refrigerator's freezer will keep food frozen for up to a day. A separate fully-loaded freezer will keep food frozen for two days.
- Use an ice chest packed with ice or snow to keep food cold. Buy dry ice to save frozen food. Do not handle dry ice with your bare hands. Use blocks or bags of ice to save refrigerator foods.
- Use caution if storing food outside during winter to keep it cold. The outside temperature varies, especially in the sun. Frozen food may thaw and refrigerator food may become warm enough to grow bacteria. Food stored outside must be secured from contamination by animals.
- **If in doubt, throw it out.** Throw out meat, seafood, dairy products and cooked food that does not feel cold.
- Never taste suspect food. Even if food looks and smells fine, illness-causing bacteria may be present.

There's lots of  
good stuff on the  
WCRP website.  
Check it out at:  
[www.wcrp.info](http://www.wcrp.info)



## **A JURY DECISION OF NOTE from**

*TheNewsTribune.com*

### **State liable in tot's death**

By ADAM LYNN

A Pierce County jury found the state negligent and awarded \$11.7 million in damages in the death of a 2-year-old boy who walked away from a state-licensed day care and drowned in Lake Tapps more than four years ago.

Jurors made the award to the parents and the estate of Gabriel M. Tobin, said Tacoma attorney Ben Barcus, who represented the family. The jury deliberated for less than two days before reaching its verdict after a three-week trial, Barcus said.

The child's parents sued the state and several employees of the Department of Social and Health Services in October 2006, alleging they were guilty of gross negligence in the boy's death.

Gabriel made his way out of the front door of the Bonney Lake day care about 9 a.m. July 13, 2004, crossed a public street, walked through another homeowner's yard and reached the lake.

Searchers found his body floating under a dock about one hour and 45 minutes later.

Day care operator Lisa Fish was breaking up an altercation between some of the other children at the facility at the time, according to court records.

DSHS should not have issued a license to the day care operated by Fish and her husband, Phillip, because their facility did not have a fence around its front yard to keep children from wandering to

the nearby lake, according to the lawsuit.

The agency's rules require such a fence, the Tobins claimed in their suit.

DSHS inspectors twice issued the facility a license – the second time four months before Gabriel's death – despite the lack of a fence in the front yard, the suit states. Such conduct "rose to the level of 'deliberate indifference,'" the Tobins contended.

In addition to violating its own rules, the state was negligent in not better training DSHS inspectors Amy Cichowski and Victor Berdecia, who signed off on the licenses, the Tobins claimed.

The suit also named as defendants Cichowski's and Berdecia's supervisors, Mary Kay Quinlan and Eavanne O'Donoghue.

In their lawsuit, the Tobins called the state's actions "beyond the pale of human decency and outrageous."

The state argued that DSHS rules did not require the front yard to be fenced, only an outdoor play area in the back yard. That area was properly fenced, according to documents filed in the case by assistant attorney general Peter Helmberger, who helped defend the state.

Helmberger also argued that the state should not be held responsible for the actions of all the "hundreds of thousands" of individuals and entities it licenses.

"To hold otherwise would mean the state could be liable every time a licensed driver, physician, nursing home, child-care facility or other licensed individual or entity acts negligently," he wrote in a motion for summary judgment filed earlier this year. "Such unprecedented notions violate common sense and would

open the state's treasury to unlimited liability contrary to public policy."

The jury felt otherwise, at least in this case. Jurors apportioned 81 percent of the blame for Gabriel's death to the state and its agents, the remaining 19 percent to the Fish family, Barcus said.

Barcus said his clients feel vindicated by the verdict and judgment.

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Excerpts from *The Olympian*,  
published 11/14/08

### **\$1.52 Million Award Against County Upheld**

By Jeremy Pawloski:

The State Court of Appeals has upheld a jury's \$1.52 million award in a sex-discrimination lawsuit against Thurston County. The jury's verdict found that three women formerly employed as Thurston County prosecutors were forced to endure a hostile work environment and suffered retaliation after they complained about their treatment.

The Seattle attorney who represented Thurston County in its appeal, Mike Patterson, said the appeals court did not adequately address the primary thrust of his argument that the county can't be held responsible for action or inactions of a person over whom the county did not have authority.

The Court of Appeals decision is being appealed to the Washington Supreme Court, and the matter is pending.



# POOL NEWS



Here are a few thoughts for reflection during this time of the year:

Follow the three R's:  
Respect for self  
Respect for others and  
Responsibility for all your actions.

Live a good, honorable life. Then when you get older and think back,  
you'll be able to enjoy it a second time.

Share your knowledge. It's a way to achieve immortality.

Approach love and cooking with reckless abandon.

From *Instructions for Life*, Dalai Lama, 1999

