

Premises Liability Issues

Reduce Your Exposure And Keep Your Citizens Happy (Maybe?)

With Your County

What Is Premises Liability?

Liability resulting from a hazardous condition on county property

- **Natural Conditions** – Tree roots, Holes, Dead & Diseased Trees / Limbs
- **Weather Related Conditions** – Potholes, Snow & Ice, Drainage Problems
- **Man-made Conditions** – Unrepaired Equipment & Property, Unattended Hazardous Equipment, Spills / Accumulated Substances, Improper Maintenance of Systems (Water, Sewer, Etc.)

How Are We Liable For That?

The primary issue is Negligence

- Different than statutory (written law) or contractual liability
- Negligence - The failure to behave with the level of care that a reasonable person would have exercised under the same circumstances
- In Other Words – Doing something you should not have done, or not doing something you should have done

But Nobody Told Us About That

(Ignorance Is Not Always Bliss)

Did You Have Notice...And Did You Act Reasonably?

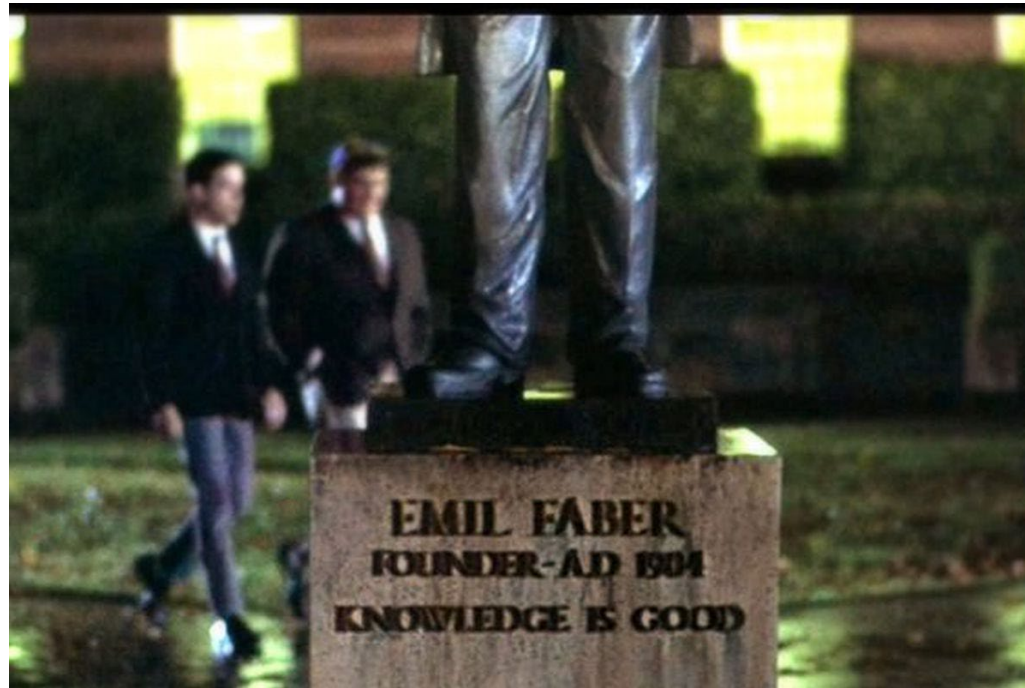
- 2 Kinds of Notice
- Actual Notice – Somebody calls, writes, comes into your office and tells you about a problem
- Constructive Notice - A legal presumption that a party has notice when it can discover certain facts by due diligence or inquiry
- In Other Words – The County Should Have Known About It
- If The County Knew, Or Should Have Known, About It, What Did The County Do About It?

So...We Had This Thing Happen

(A Claim Is Filed)

- First Question From Us – “Did the county know about the _____?”
- Next Question In Our Heads If The First Answer Is “No” – “Should the County have known about the _____?”
- What Is The Hazard?
- Where Is The Hazard?
- How Long Has The Hazard Been There? (Google Street View is my friend)
- Was Anything Done About The Hazard?

So, What's The Point?



Knowledge Is Good

If You Know About Something,
You Can Do Something About What You Know

- Does The County Have A Mechanism / System For Receiving Notice Both Internally And Externally? Does Everyone Know About It?
- Does The County Have A System For Sharing Notice And Tracking Progress & Resolution?
- Can The County Reproduce Information To Document Notice, Progress And Resolution?

That Sounds Like More Work

(It May Be, But.....)

- It's About Managing And Mitigating Risk For The County And Citizens
- It's About Saving Money (It's All Public Money)
- It's About Being Responsible Public Servants And Trying To Prevent Harm
- It's About Safety, Both For The Public And Employees