



# PEP ON POINT

Building Stronger Communities Together



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MILL CREEK METRO PARK

## 2024 NEWSLETTER THIRD QUARTER

**CITY OF MONROE FIRE DEPARTMENT**  
Ohio Public Safety EMS Agency of the Year

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# CITY OF MONROE FIRE DEPARTMENT

OHIO PUBLIC SAFETY EMS AGENCY OF THE YEAR

**THE CITY OF MONROE  
FIRE DEPARTMENT  
WAS CHOSEN AS**

**OHIO PUBLIC SAFETY  
EMS AGENCY OF THE YEAR**

They exceeded in:

- Quality Management/Data Collection
- Policies and Procedures
- Fire and EMS Training, new hire training, and EVOC
- Employment and Hiring Policies



# RISK SERVICES

## DRIVING AT NIGHT

BY PEP RISK SERVICES TEAM

Traffic death rates are three times greater at night than during the day, according to the National Safety Council. Yet many of us are unaware of night driving's special hazards or don't know effective ways to deal with them.

**Driving at night is more of a challenge than many people think. It's also more dangerous.**

Why is night driving so dangerous? One obvious answer is darkness. Ninety percent of a driver's reaction depends on vision, and vision is severely limited at night. Depth perception, color recognition, and peripheral vision are compromised after sundown.

**Older drivers have even greater difficulties seeing at night.** A 50-year-old driver may need twice as much light to see as well as a 30-year old.

Another factor adding danger to night driving is fatigue.

**Drowsiness makes driving more difficult by dulling concentration and slowing reaction time.**

Traffic crashes that include at least one driver or motorcycle operator with a blood alcohol concentration of .08 g/dl or greater, account for about 32% of total traffic fatalities. That makes weekend nights more dangerous. More fatal crashes take place on weekend nights than at any other time in the week.

Fortunately, you can take several effective measures to minimize these after-dark dangers by preparing your car and following special guidelines while you drive.

**The National Safety Council recommends the following:**

- Prepare your car for night driving. Clean headlights, taillights, signal lights, and windows (inside and out) once a week, more often if necessary.
- Have your headlights properly aimed. Misaimed headlights blind other drivers and reduce your ability to see the road.

- **Don't drink and drive.** Not only does alcohol severely impair your driving ability, it also acts as a depressant. Just one drink can induce fatigue.

- Avoid smoking when you drive. Smoke's nicotine and carbon monoxide hamper night vision.

- If there is any doubt, turn your headlights on. Lights will not help you see better in early twilight, but they'll make it easier for other drivers to see you. Being seen is as important as seeing.

- **Reduce your speed and increase your following distances.** It is more difficult to judge other vehicle's speeds and distances at night.

- Don't overdrive your headlights. You should be able to stop inside the illuminated area. If you're not, you are creating a blind crash area in front of your vehicle.

- When following another vehicle, keep your headlights on low beams, so you don't blind the driver ahead of you.

- If an oncoming vehicle doesn't lower beams from high to low, avoid glare by watching the right edge of the road and using it as a steering guide.

- **Make frequent stops for light snacks and exercise.** If you're too tired to drive, stop and get some rest.

- If you have car trouble, pull off the road as far as possible. Warn approaching traffic at once by setting up reflecting triangles near your vehicle and 300 feet behind it. Turn on flashers and the dome light. Stay off the roadway and get passengers away from the area.

**Observe night driving safety as soon as the sun goes down. Twilight is one of the most difficult times to drive, because your eyes are constantly changing to adapt to the growing darkness.**



# FEATURE ARTICLE

## DISASTER PREPAREDNESS: RISKIEST PLACES FOR SEVERE WEATHER

Climate change is impacting our planet on biological, social and economic levels, and it's becoming a more urgent topic by the day. This increase in severe weather events has caused insurance premiums to surge and left businesses more vulnerable to natural disasters. **In 2023 alone, the U.S. saw a whopping 28 separate climate events causing more than \$1 billion in damages to homes, businesses and communities.** These included 19 severe storms like tornadoes and hailstorms, four catastrophic floods, two tropical cyclones, one wildfire event, one extreme winter cold wave and one drought. Certain areas are more vulnerable to climate events than others, and some have felt the brunt of these impacts over the past decade.

### NATIONWIDE COST OF NATURAL DISASTERS

When comparing the cost of natural disasters, the price tag has increased exponentially since 1980. Back then, there were only three inflation-adjusted billion-dollar climate disaster events. However, since 2020, there have been **at least 18 separate billion-dollar disaster events per year.** In 2023, the most recent complete year on record, 28 separate events occurred, which is the most ever recorded according to NCEI. Many "billion-dollar" weather and climate disaster events grossly surpassed the billion-dollar mark – **the total cost of disaster relief in 2023 came out to \$92.9 billion collectively.**

It's just a drop in the bucket compared to what's been spent over the years. In the past decade, 180 separate billion-dollar climate disasters have cost more than \$1.25 trillion nationwide, while **the cost of all 383 events between 1980 and 2024 exceeds \$2.72 trillion.**



## KEY HIGHLIGHTS

- In 2023, there were 28 separate billion-dollar weather and climate disasters that collectively caused \$92.9 billion in damage.
- From 2014 to 2024, there have been 180 separate billion-dollar climate disasters, costing the U.S. \$1.25 trillion.
- States with the most billion-dollar disasters in the last 10 years: Texas (96), Louisiana (44), Florida (41) and California (19).



61%

**do not have an emergency plan** for severe weather events

52%

**do not have an emergency supply kit** at home for severe weather events

32%

**are considering moving** to a more climate-resilient area

## COST OF NATURAL DISASTERS BY STATE

When it comes to the cost of natural disasters, some states are shelling out hundreds of billions more than others. Disasters in Texas and Florida have been the most expensive, with both states experiencing more than \$200 billion in damages from 2014 to 2024. California and Louisiana follow close behind, with 10-year climate costs of \$100-\$200 billion. Flanking Florida, Georgia and North Carolina both spent \$20-\$50 billion on climate disaster costs. Some inlying states also bear sizable cost burdens, notably Colorado and Iowa, which both have a 10-year disaster expenditure record between \$20-\$50 billion.

New Hampshire and Maine have the lowest climate disaster expenditures. Both states have avoided the billion-dollar mark, spending between \$250-\$500 million on climate-related events over the last 10 years, according to NOAA.

## LEAST PREPARED PLACES FOR NATURAL DISASTERS

How prepared is your city in the event of a natural disaster?

FEMA determines which areas are most and least prepared for natural disasters based on three metrics: community resilience, social vulnerability, and the inherent risk of disaster events in each area.

**Community resilience** refers to the ability of a community to anticipate hazards, adapt to changing conditions and recover rapidly. Areas with high **social vulnerability**, which includes high poverty, overcrowded households, and lack of vehicle access, can experience disproportionate rates of death, injury or disruption because of a natural disaster. Overall, locations at higher risk of loss in population and dollars to infrastructure should approach preparedness differently.

**According to our nationwide survey of 1,500 Americans, 61% say they do not have an emergency plan for severe weather events.** More than half (52%) do not have an emergency supply kit in their homes if a disaster strikes.

Not only can preparedness keep you physically safe from severe weather, but it can also reduce damage to your home and potentially prevent you from filing an insurance claim. Also, it's important to take the initiative and review your public entity's insurance policy before severe weather strikes. You don't want to be caught off guard and left without coverage or face a lack of coverage if your building is damaged.

According to our survey, more than one in four (28%) have experienced a severe weather event in the last five years such as a hurricane, tornado or flooding. If your structure is damaged by severe weather, it's crucial to take responsible action after the storm has passed and it's safe to return to limit further damage.

In 2014, our nation crossed a climate cost Rubicon in terms of the number of weather events causing more than \$1 billion in damage. Since then, each year has brought at least 10 separate billion-dollar disaster events, with that number doubling or almost tripling in the most recent years on record.

This begs the question: How many billion-dollar climate events should we expect in 2034? At the current rate of escalation, **the U.S. could experience 30 or 40 of these events in a single year.** According to respondents, many are preparing to relocate to avoid severe weather.

*Sources: Federal Emergency Management Agency National Risk Index, NOAA National Centers for Environmental Information (NCEI) U.S. Billion-Dollar Weather and Climate Disasters (2024), U.S. Census Bureau American Community Survey (ACS) 2022.*

# COVERAGE CORNER

## BLEACHER SAFETY



BY PEP RISK SERVICES TEAM

As autumn brings cooler weather and more outdoor events, it's important to ensure bleachers are safe. Make sure all guardrails are secure, and there are no gaps that could pose a fall hazard, especially for children. Understanding the hazards and performing regular maintenance and inspections can help prevent accidents and keep everyone safe while enjoying the season.

### HAZARDS

Many bleachers in facilities today pose a fall hazard, especially to children. This is due, in part, because these bleachers may have been built and installed when the building codes did not require guardrails and allowed big enough openings that permitted a child to fall through them. In addition, when a jurisdiction adopts a new building code, it typically does not require the code to be applied retroactively to structures like older bleachers.

**Bleachers can pose additional hazards.** They can collapse if they are not operated or maintained properly. Falls on bleachers also can occur when there are missing or inadequate components that assist in access and egress, such as aisles, handrails, and non-skid surfaces.

### BLEACHERS GUIDELINES

To address bleacher deaths and injuries, the Consumer Product Safety Commission (CPSC) has issued voluntary guidelines that provide recommendations for retrofitting bleachers to prevent falls from bleachers. The guidelines also include information about preventing falls on bleachers.

- Guardrails should be present on the backs and portions of the open ends of bleachers where the footboard, seatboard, or aisle is 30 inches or more above the floor or ground below.

**Bleachers with the top row nominally 30 inches above the ground may be exempt from this recommendation.**

- The top surface of the guardrail should be at least 42 inches above the leading edge of the footboard, seatboard, or aisle, whichever is adjacent.

- When bleachers are used adjacent to a wall that is at least as high as the recommended guardrail height, the guardrail is not needed if a 4-inch diameter sphere fails to pass between the bleachers and the wall.

- Any opening between components of the guardrail or under the guardrail should prevent passage of a 4-inch sphere.

- Any opening between the components in the seating, such as between the footboard, seatboard, and riser, should prevent passage of a 4-inch diameter sphere where the footboard is 30 inches or more above the ground and where the opening would permit a fall of 30 inches or more.

- **The preferable guardrail design uses only vertical members as in-fill between the top and bottom rails.** If there are openings in the in-fill that could provide a foothold for climbing, the widest measurement of the opening where the foot could rest should be limited to a maximum of 1.75 inches. Opening patterns that provide a ladder effect should be avoided. If chainlink fencing is used on guardrails, it should have a mesh size of 1.25-inch square or less.

- Aisles, handrails, non-skid surfaces, and other items that assist in access and egress on bleachers should be incorporated into any retrofit project where feasible.

- **The option of replacing bleachers as opposed to retrofitting should be considered.**

- Materials and methods used for retrofitting should prevent the introduction of new hazards, such as bleacher tipover, bleacher collapse, guardrail collapse, and contact or tripping hazards.

- Bleachers should be thoroughly inspected at least quarterly by trained personnel and problems corrected immediately. Records of these actions should be retained.

- A licensed professional engineer, registered architect, or company that is qualified to provide bleacher products and services should inspect the bleachers at least every two years and provide a written certification at such time that the bleachers are fit for use.

- Records of all incidents and injuries should be retained.

**For a complete copy of Guidelines for Retrofitting Bleachers, please go to [www.cpsc.gov](http://www.cpsc.gov).**

For more information, contact PEP's Risk Services at (866) 907-3776.

# SOCIAL MEDIA POSTS - PUBLIC OR PRIVATE?

BY JOHN BAUM, SEDGWICK LITIGATION MANAGER



Are social media posts of a public official private or public? It depends. But perhaps a clearer test will now provide guidance as to which. In March of 2024, the United States Supreme Court issued its unanimous opinion in *Lindke v. Freed*, 601 U.S. (2024), where it held posts are attributable to the government only if the official:

- (1) possessed actual authority to post on behalf of the government; and**
- (2) purported to exercise that authority when posting.**

Kevin Lindke filed a federal 42 U.S.C. Section 1983 lawsuit alleging Port Huron, Michigan City Manager James Freed violated his First Amendment rights to free speech. After the COVID-19 pandemic began, Freed posted on his Facebook page about it. Some posts were personal, and some contained information related to his job. Lindke commented on some of Freed's posts, expressing his displeasure with the city's approach to the pandemic. Initially, Freed deleted Lindke's past posts and then subsequently blocked him from making future posts. Freed argued his actions were proper and were within his own First Amendment rights as the Facebook account was personal and the postings were not part of his official duties.

While the First Amendment protects freedom of speech, it generally prohibits government officials from censoring public comments or blocking access to a social media account that offers official communications. At the same time, public officials also retain First Amendment rights as private citizens, including the ability to maintain a personal social media page and to manage its content and access.

**In establishing the two-prong test, the court wrote that "(t)he distinction between private conduct and state action turns on substance, not labels: Private parties can act with the authority of the state, and state officials have private lives and their own constitutional rights."**

While the court established the two-prong test, they did not fully address how it would apply to the facts of the case before them. Instead, the case was returned to the Cincinnati, Ohio based 6th Circuit Court of Appeals for a fact-specific inquiry, which is still pending. Freed made this review difficult for the court, which may work to his detriment, as he shared both personal and job-related communications on his personal Facebook page without any clear designation of the page's purpose. His posts raised the prospect that the page was a combination of his own speech and speech on the city's behalf.

**The court also noted there must be a separate analysis between the actions of deleting posts and outright blocking posts.** With a mixed-use page, the act of blocking a citizen from any comment may also work to Freed's detriment.

To assist in trying to avoid having a court conduct a fact-specific inquiry as to whether social media posts are private or public, we make the following suggestions:

1. Governmental entities should create social media accounts for use by public officials and clearly designate them as such.
2. If the public official has their own personal accounts, they should contain a clear statement marking the page and comments as private, such as:
  - "This is the personal page of..." or
  - "The views expressed are my own."
3. Provide clear parameters on public official's speaking authority is derived from:
  - a. a statute, ordinance, or regulation; or
  - b. written department policies; or
  - c. past practices that create a permanent and well-settled recognition of the official's authority to speak on behalf of the governmental entity.
4. Avoid mixed-use accounts. The best practice would appear to be to have separate accounts, one for your business life and one for your personal life.

**In summary, the best practice would appear to be keeping your public and personal life separate if you want to avoid being drawn into First Amendment litigation.**



# 'MEMBER-FOCUSED' PEP BENEFITS

## APPLY FOR THE PEP+ GRANT

As part of PEP's loss control and risk management initiative, PEP members are able to apply for a grant of up to **\$1,000**. The 2024 PEP+ Grant deadline is **DECEMBER 31**, so be sure to get your application in today. Grants are awarded to help offset qualifying expenses covering safety items that help prevent or reduce liability claims or property losses. Funds are available for purchases or expenses incurred during the application period. Access the PEP+ Grant Program application by visiting [www.PEPOHIO.org](http://www.PEPOHIO.org).

### PEP+ GRANT DETAILS

**Members can apply anytime between now and December 31, 2024.**

The PEP+ Grant Program is only available to active PEP Members through the time of submission, to the time the grant funds are issued.

Examples of qualified expenses include, but are not limited to:

- Playground surface materials
- Safety signage
- Safety cones or other hazard warning items
- Automated External Defibrillators (AED)
- Fire extinguishers

### COMPLIMENTARY LEGAL SERVICE



Call the help line any time at **877-250-5545** to take advantage of this resourceful and complimentary legal service.

Authorized PEP member representatives seeking legal consultation services may now call the **PEP Legal Access Help Line** to request up to 90-minutes of free advice, guidance, or information on various legal subject matters.



### PUBLIC ENTITIES POOL OF OHIO 2024 FINANCIAL STABILITY RATING

In 2024, Public Entities Pool of Ohio (PEP) was once again awarded Demotech's AAA Rating. AAA means that **PEP possesses unsurpassed financial stability** related to maintaining positive surplus with regard to policyholders, liquidity of invested assets, an acceptable level of financial leverage, and reasonable loss and loss adjustment expense reserves and pricing.

## WHAT MEMBERS ARE SAYING ABOUT RISK SERVICES

“

Eric was very friendly and provided a lot of useful information. Very happy to have him visit the village and provide recommendations.  
~ Village of Perry

”

“

Ms. Woolf was professional and provided good ideas and insights.  
~ Warren County Health District

”

“

Nick provided excellent guidance & information during his visit. It was an excellent visit!  
~ City of Columbiana

”

PHOTO COURTESY OF:  
YELLOW SPRINGS, OHIO



# CYBERSECURITY BEST PRACTICES FOR BIOMETRICS AND FACIAL RECOGNITION

BY PEP CYBER RISK SERVICES TEAM

Until recently, public entities may have not utilized biometrics, facial recognition, fingerprint recognition, and iris recognition technologies on a widespread basis. However, recent years have brought steady improvements in these technologies such as better-quality digital cameras and lenses that create higher quality images from which biometric data can be more easily extracted. **As a result, biometrics and facial recognition technologies have become integral tools, providing secure authentication and access control.**

Facial recognition technologies currently operate across a spectrum ranging from facial detection to individual identification. More sophisticated technologies can distinguish a face from surrounding objects and assess various characteristics of a face. **The widespread adoption of these technologies today has raised some security concerns. To ensure the integrity and privacy of sensitive data, implementing security measures is crucial.**

**ENCRYPTION:** Employ end-to-end encryption to protect biometric data during transmission and storage. Encryption algorithms safeguard information from unauthorized access, ensuring only authenticated users can decrypt and access data.

**MULTI-FACTOR AUTHENTICATION:** Combine biometrics with additional authentication factors, such as passwords or smart cards, to create a multi-layered security approach. MFA adds an extra layer of protection, making it more challenging to compromise a system.

**SECURE STORAGE PRACTICES:** Implement secure storage practices for biometric templates and facial recognition data. Utilize secure databases with access controls, ensuring only authorized personnel can retrieve or modify the stored information.

**CONTINUOUS MONITORING:** Implement real-time monitoring to detect any suspicious activities or anomalies. This allows for an immediate response to a potential security breach, minimizing the impact of unauthorized access or a cyberattack.

**SOFTWARE UPDATES:** Stay vigilant by consistently updating biometric and facial recognition software. Software updates often include security patches that address vulnerabilities identified after the initial release, providing protection against evolving cyber threats.

**TRAINING AND AWARENESS:** Educate employees on cybersecurity best practices and the importance of safeguarding biometric data. Trained personnel can recognize and mitigate potential security risks, contributing to a more secure environment.

**VENDOR SECURITY ASSESSMENT:** Conduct thorough security assessments of third-party vendors providing biometric and facial recognition solutions. Ensure vendors adhere to robust security standards and protocols to prevent vulnerabilities.

In addition, the designers of biometric systems need to incorporate **privacy measures at every stage of product development**, limit the collection of unnecessary information, utilize transparency by clearly communicating privacy policies to end users, and ensure compliance with all data protection regulations. They also need to continue to address the drawbacks such as false acceptance, false rejection rates, environmental factors, and limitations in certain hardware or device configurations.

If you have cybersecurity questions, PEP provides members with a Cyber Risk Services Advisor, Eric Adonteng. Contact Eric at [eric.adonteng@persopool.com](mailto:eric.adonteng@persopool.com).

# COMMUNITY RISK REDUCTION

## DEVELOPING A LOCAL EMERGENCY OPERATIONS PLAN

BY PEP RISK SERVICES TEAM

Emergency planning is the process of preparing for, responding to, and recovering from emergencies that impact people, property, and the environment. Successful community engagement involves residents, businesses, and organizations led by their local government administration.

The local **Emergency Operations Plan (EOP)** is the tool developed by the local government administration with help from their local Emergency Manager (County EMA) to protect the public. The EOP will describe who will do what, with what resources, and by what authority prior to, during, and through the recovery from an emergency affecting their jurisdiction.

The elected leadership in each jurisdiction is legally responsible for ensuring necessary and appropriate actions are taken to protect the people and property from the consequences of emergencies and disasters.

**The local government is responsible for the initial preparation and actions to attend to the public's emergency needs.** State and federal assistance is then requested once all local resources and capabilities are exceeded.

There are **four phases in the emergency management process** to address the needs to protect the public.

**MITIGATION:** actions involve lasting, often permanent, reduction of exposure to, probability of, or potential loss from hazard events. They tend to focus on where and how to build. Examples include zoning and building code requirements.

**PREPAREDNESS:** involves establishing authorities and responsibilities for emergency actions and garnering the resources to support them: a jurisdiction must assign or recruit staff for emergency management duties and designate or procure facilities, equipment, and other resources for carrying out assigned duties. Testing preparedness involves drills and exercises to learn and update the plan.

**RESPONSE:** actions include notifying emergency management personnel of the crisis, warning and evacuating or sheltering the population if possible, keeping the population informed, rescuing individuals, and providing medical treatment, maintaining the rule of law, assessing damage, addressing mitigation issues that arise from response activities.

**RECOVERY:** is the effort to restore infrastructure and the social and economic life of a community to normal. Bringing necessary lifeline systems (e.g., power, communication, water and sewage, and transportation) up to an acceptable standard while providing for basic human needs (e.g., food, clothing, and shelter) and ensuring the societal needs of individuals and the community are met.

For this article, focusing on Preparedness and Emergency Operations Plan development is the goal.

**The emergency response depends on teamwork; therefore, the development of the plan should utilize the team approach.** The EOP is more likely to be used and followed if members from all roles in a response participate in the development of the plan. This approach allows all areas of public services to have input with their views considered and incorporated.

**The plan begins with a hazard analysis, which helps a planning team decide what hazards merit special attention, what actions must be planned for, and what resources are likely to be needed.** This is followed by developing consequences of the hazards found.

The next step would be to determine the resources to respond to the determined hazards.

**Any shortfalls in the local resources available should be identified through mutual aid agreements or negotiating agreements with private suppliers or other jurisdictions.**

Close geographically, located jurisdictions should discuss their EOPs to address possible resources required if both were affected by an emergency.

Components of the plan are developed based on those hazards and available resources. The plan consists of the basic plan, functional annexes, and hazard specific appendices. These components are then supplemented by Standard Operating Procedures and response checklists.

- **BASIC PLAN:** An overview of the local jurisdictions response organization and associated policies. Describes the legal authority for emergency operations and assigns responsibilities for emergency planning and operations.
- **FUNCTIONAL ANNEXES:** Annexes are plans organized around the performance of a broad task. Each annex is dedicated to one of the crucial functions the jurisdiction will perform in response to an emergency. Some annexes include direction and control, communications, evacuation, and resource management.
- **HAZARD SPECIFIC APPENDICES:** These provide more detailed information to the response planning details that apply to a single hazard. They are essential operational actions that must be accomplished.
- **SOPS AND CHECKLISTS:** Provide detailed instructions for a group or individual needs to fulfill responsibilities and perform tasks assigned in the EOP.

The Federal Emergency Agency or your local EMA can provide further details on the standard layout of the plan. Plans should be approved by all local authorities and distributed to all response participants. All completed plans should be revised annually through training and exercises.

Developing an EOP could seem to be a daunting task to those public entities who have minimal staff. However, there are many resources online through FEMA to assist with the process. Many cities and village EOPs are published online to help direct those in need of assistance with development. **The development process can improve communications within public entities and discover potential risks and needs of the community.** Ultimately, it will help your community through prior preparedness in an emergency. It is much easier to adapt a plan then to develop it through an emergency response. A plan will help build confidence within a community and lower risk for the local jurisdiction.

**Much of the information contained in this article was retrieved from the FEMA Guide for All-Hazard Emergency Operations Planning. For further questions regarding this topic, reach out to your PEP Risk Services Consultant at (866) 907-3776.**



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## MEMBER SPOTLIGHT CITY OF TIFFIN

Located in Seneca County



We are proud to have the **City of Tiffin** as a PEP member. The city is one of the first to use Lexipol for administrative purposes, which is a public safety resource program.

Lexipol helps with developing policies and policy management, online learning, grant services, etc. Lexipol was first used in Tiffin's law enforcement then spread into fire, EMS, and now administration. This program also helps ensure the well-being and effectiveness of the city's public servants.



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Every effort has been made to ensure the accuracy of the information in this newsletter. Professional counsel should be sought before any action is taken or decision is made based on this material.