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Building Stronger Communities Together



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2026 NEWSLETTER

THIRD QUARTER

FALL FESTIVALS:

PLANNING SAFE & SUCCESSFUL COMMUNITY EVENTS

BY PEP RISK SERVICES TEAM

Festivals, parades, fairs, and other seasonal gatherings bring energy, pride, and connection to our communities. These events attract residents and visitors alike, but behind the music, food, and festivities lies a critical responsibility: ensuring public safety and managing liability.

Thinking “We’ve never had a problem” or “that won’t happen here” can create blind spots. It’s easy to assume that low incident

rates mean low risk, but that mindset can be misleading. The reality is that accidents and injuries do occur, and when they do, the consequences can be costly, both financially and reputationally. Proactive planning is far more effective than damage control after the fact, and planning events and determining what risks will be transferred or assumed are important steps for everyone to have fun.

START WITH AN EVENT ACTION PLAN

The first step in hosting a successful event is recognizing the importance of planning. Every event, whether it’s a parade, street fair, or holiday celebration, comes with potential exposures. For example, does the parade route allow emergency vehicles to pass through if needed? Are there crowd control measures in place? One entity’s parade committee addressed a recurring concern about candy being thrown into crowds by implementing a “no projectile” rule. This kind of proactive planning helps prevent accidents before they happen.

CLARIFY OWNERSHIP AND RESPONSIBILITY

Many community events are collaborative efforts involving local organizations, service clubs, and entity departments. While this spirit of cooperation is valuable, it’s essential to clearly define who is responsible for what. If the entity is the primary sponsor, the path forward is more straightforward. For broader community events, a designated planning team or coordinator should be identified to lead and organize the effort.

All participating groups should carry appropriate insurance, general liability, workers’ compensation, and any other coverage relevant to their role. Service clubs are

often covered under their national organizations, but verification is key. In some cases, incorporating the event and securing separate insurance may help protect the entity’s coverage from being diluted.

IDENTIFY AND MANAGE RISKS

Once potential risks are identified, create a written plan and checklist to ensure all areas are addressed. Assign clear roles and responsibilities and provide training for staff and volunteers, so everyone understands what’s expected. Share plans and checklists with key partners such as fire, EMS, and law enforcement to ensure coordination and readiness.

Entities should also be selective about the types of events they support. Activities with a high risk of injury, such as vehicle races, amusement rides, fireworks, or alcohol sales, should be carefully evaluated. If these elements are included, risk should be transferred through contracts with insured vendors or by purchasing event-specific insurance.



For a
SPECIAL EVENT CHECKLIST,
scan the QR code



INVOLVE THE RIGHT PARTNERS

Events often require collaboration with outside vendors and contractors. Permits, licenses, and insurance requirements should be part of the planning process. For example, a vendor lacking the proper license to operate under local ordinances puts the entity at risk. To avoid this, require all vendors and contractors to provide proof of insurance and name the entity as an additional insured. Insurance limits should be appropriate for the level of risk involved.

USE RISK TRANSFER TOOLS

Risk management doesn't stop at planning. Use contracts, indemnification agreements, and insurance to transfer risk where appropriate. If the entity hires an independent contractor to manage the event, it's important to give them the freedom to execute the plan without micromanagement, while still holding them accountable for outcomes.

Even with risk transfer, entities remain responsible for the condition of public property. To reduce liability, any known hazards should be addressed before the event begins.

SUPPORT NON-ENTITY EVENTS WITH CLEAR GUIDELINES

When outside groups host events on entity property, a special event policy can help guide organizers and protect the entity. This policy should outline expectations, insurance requirements, and the entity's role in supporting or approving the event.

ENHANCE SAFETY WITH WAIVERS AND RELEASES

For high-risk activities like races or obstacle courses, waivers and pre-event releases can help participants understand the risks involved. While not always upheld in court, these documents can strengthen the entity's legal defense by showing that participants were informed.

With thoughtful planning, clear communication, and strong risk management practices, entities can host safe, successful events that bring communities together, without unnecessary exposure to liability. **By working collaboratively and proactively, public entities can ensure that festivals, parades, and special events remain a source of pride and joy for everyone involved.**



Need help reviewing special event risks? PEP members can contact Risk Services for guidance on event planning, vendor requirements, and more before their event takes place. Call 866-907-3776.

RISK SERVICES

SAFE E-BIKE OPERATIONS

FOR OHIO PUBLIC ENTITIES

BY MIKE BOYD, DIRECTOR RISK SERVICES - POOLING

Electric bicycles, or e-bikes, are becoming increasingly common across Ohio communities, showing up in downtown areas, parks and trail systems, lakefront properties, and even rural regions. Public entities such as cities, villages, park districts, and campus-style operations are beginning to see both the benefits and the challenges associated with this growing trend. While e-bikes offer improved mobility, visibility, and operational efficiency, they also introduce new safety concerns and liability exposures that differ from traditional bicycles.

Ohio law generally treats e-bikes as bicycles rather than motor vehicles, provided they meet certain criteria under the Ohio Revised Code, including operable pedals, a motor of no more than 750 watts, and speed limitations of 20 mph (or up to 28 mph for certain pedal-assist models). Operators are expected to follow standard traffic laws applicable to bicycles, and while helmets are required for riders under 18, many communities are evaluating whether additional local controls or policies are needed based on increasing usage and observed risks. Importantly, local jurisdictions retain authority to regulate where e-bikes may be used, including sidewalks, shared-use paths, and park trails.

Across many Ohio public entity members, several emerging patterns are becoming more noticeable. In some communities, particularly villages and small cities, officials are seeing increased issues with youth operating e-bikes in groups, often riding aggressively on streets and sidewalks or disregarding traffic controls. **These situations can create significant safety hazards for pedestrians and motorists and raise concerns about municipal liability, especially in cases where warnings have been issued but behaviors persist.** In more recreational or lakefront areas, e-bikes are contributing to conflicts on shared-use paths where speed differentials between riders and pedestrians are leading to near-misses and complaints. These environments can quickly become problematic if expectations are not clearly communicated or enforced.



Considering e-bikes in your operations or park system? Contact PEP Risk Services at 866-907-3776 for policy review, operational guidance, and risk assessment support.

Another unique trend in parts of Ohio, particularly in Amish country and surrounding regions, is the growing adoption of e-bikes within Amish communities. What was once primarily horse-and-buggy and traditional bicycle travel, now increasingly includes e-bikes, introducing a new dynamic on both rural roadways and local routes. This creates mixed-use traffic conditions involving motor vehicles, buggies, bicycles, and e-bikes, all operating with different speeds and visibility profiles. For public entities, this adds complexity to roadway safety planning and public outreach efforts, especially where cultural considerations and communication approaches need to be thoughtfully managed.

To address these risks, public entities should take a proactive approach that balances operational benefits with safety and risk management. Establishing clear expectations, evaluating infrastructure, and reinforcing safe behaviors are critical steps in reducing exposure.

Safe operation remains essential regardless of setting. Riders should wear appropriate protective equipment, maintain their equipment in good condition, and operate in a predictable and controlled manner. This is particularly important in congested environments such as downtown districts, events, and trail systems, where interactions with pedestrians are frequent. Riders should always yield to pedestrians, provide clear warnings when passing, and reduce speed or dismount in crowded conditions.

Battery safety is another important consideration that is often overlooked. Lithium-ion batteries used in e-bikes can pose fire risks if damaged or improperly charged. Public entities using e-bikes for operations should ensure that only manufacturer-approved equipment is used and that charging occurs in safe, well-ventilated areas away from combustible materials. Establishing basic protocols for battery handling and storage can help prevent preventable incidents.

KEY AREAS OF FOCUS SHOULD INCLUDE:

- Adoption of internal policies governing employee use of e-bikes in municipal operations
- Evaluation of local ordinances or park rules regarding where e-bikes are permitted
- Installation of clear signage in high-use areas, including speed limits and pedestrian priority reminders
- Targeted outreach to youth, parents, and community groups regarding safe and lawful operation
- Consideration of unique local factors, including tourism areas, lakefront properties, and Amish community presence

As with any emerging exposure, incident response and documentation are critical. Public entities should ensure that any accidents or near misses involving e-bikes are reported, investigated, and incorporated into broader risk management and claims processes. Understanding contributing factors such as speed, environment, rider behavior, and infrastructure conditions can help prevent future incidents and strengthen defensibility if claims arise.

E-bikes present a clear opportunity for Ohio public entities to enhance operations and meet evolving community needs, but they also require thoughtful oversight. With increased usage across parks, downtown areas, and rural regions, including unique considerations like youth activity and Amish adoption, this exposure is likely to continue growing. Proactive planning, clear communication, and consistent enforcement will be key to managing the risks while preserving the benefits of this rapidly expanding mode of transportation.





5 COMPONENTS OF AN EFFECTIVE FLEET SAFETY POLICY

BY MIKE BOYD, DIRECTOR RISK SERVICES - POOLING

Public entity fleets operate in highly visible environments where employees interact daily with the public. Whether responding to service calls, conducting inspections, or maintaining infrastructure, these operations create significant exposure to third-party injury, property damage, and liability claims. A fleet safety policy is a critical tool for managing this exposure. More than an internal document, it demonstrates that the entity has taken reasonable and consistent steps to protect the public, which is essential in reducing liability and defending claims.

1. DRIVER QUALIFICATION AND SCREENING PROCEDURES



Ensuring that only qualified drivers operate public vehicles is one of the most effective ways to reduce risk.

Entities should verify that drivers hold valid Ohio licenses, review motor vehicle records (MVRs) during hiring and on an ongoing basis, and confirm that employees have the appropriate experience for the vehicles they operate.

Stronger programs go beyond minimum requirements by establishing defined MVR standards, clear disqualification criteria for serious violations such as impaired driving, and annual or continuous MVR monitoring to identify risks early. These measures directly address negligent entrustment exposure, a leading cause of liability in fleet-related claims, where an entity may be held responsible for allowing an unfit driver to operate a vehicle.

2. SAFE DRIVING STANDARDS



Clearly communicating driving expectations is essential to reducing accidents involving the public. Policies should emphasize compliance with traffic laws and reinforce safe behaviors such as seatbelt use at all times, prohibition of distracted or impaired driving, and adherence to speed limits and traffic controls.

Because public entity drivers often work in challenging environments, including residential neighborhoods, school zones, and congested areas, policies should also address real-world conditions. Expectations such as maintaining safe following distances, using proper backing procedures with spotters when needed, securing equipment, and avoiding aggressive driving help minimize incidents. Particular emphasis should be placed on eliminating distracted driving, especially mobile device use.

3. TRAINING AND ONGOING EDUCATION



Training plays a critical role in reinforcing safe driving behaviors and demonstrating a proactive approach to risk management. Entities should provide initial training on fleet policies and supplement it with ongoing education focused on defensive driving and hazard recognition.

More effective programs incorporate scenario-based training, retraining following incidents or complaints, and reinforcement of high-risk situations such as backing, intersections, and pedestrian-heavy areas. Documented training not only improves driver performance but also provides strong evidence that the entity has taken reasonable steps to prevent accidents.

4. VEHICLE INSPECTION AND MAINTENANCE



Vehicle conditions are directly tied to public safety. Mechanical failures or unsecured equipment can lead to serious incidents involving third parties. **A sound policy should require pre-use inspections of critical components such as brakes, tires, and lights, routine maintenance aligned with manufacturer recommendations, and immediate reporting and correction of any defects.**

Clear accountability is essential. Employees should understand their responsibility for conducting inspections, reporting issues, and ensuring loads and equipment are properly secured. Failure to maintain vehicles can significantly increase liability, particularly if an issue was known or should have been identified before an incident occurred.

5. INCIDENT REPORTING, INVESTIGATION, AND CORRECTIVE ACTION

A consistent and well-defined incident management process strengthens both safety outcomes and claims defensibility. All vehicle-related incidents should be reported promptly, thoroughly documented, and carefully investigated to determine contributing factors.



Policies should clearly outline reporting expectations and ensure proper documentation, including photos, witness statements, and detailed descriptions. It is also important to reinforce that employees should not admit fault at the scene.

Entities should use incident data to identify trends, address recurring risks, and implement corrective actions such as retraining or operational changes. A structured approach demonstrates that the entity takes incidents seriously and is committed to preventing future occurrences.



ADDITIONAL ELEMENTS THAT STRENGTHEN LIABILITY PROTECTION

Several supporting elements can further enhance a fleet safety program. Entities should define appropriate vehicle use, restrict unauthorized drivers and passengers, and reinforce that employees represent the entity when operating vehicles. For personal vehicle use, requiring proof of insurance and establishing minimum liability limits helps ensure adequate protection.

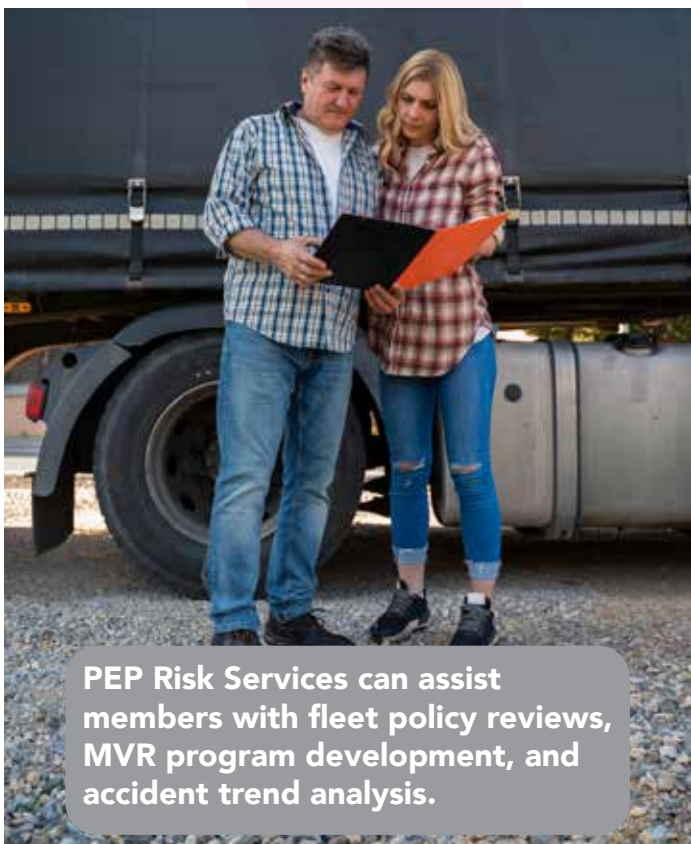


Legal and regulatory considerations should also be addressed, including the responsibility to provide safe vehicles and qualified drivers and the importance of consistent policy enforcement. Finally, vehicle security measures such as securing vehicles when unattended help protect public assets and reduce exposure to theft or misuse.

CONCLUSION

For Ohio public entities, fleet operations represent a significant source of liability exposure due to ongoing interaction with the public. A well-structured fleet safety policy serves as a key control by setting clear expectations, promoting safe behavior, and documenting preventative efforts.

By focusing on driver qualifications, safe driving practices, training, vehicle condition, and consistent incident management, entities can reduce the likelihood of accidents and strengthen their defensibility in the event of a claim. Ultimately, a proactive fleet safety program not only protects employees and assets but also demonstrates a strong commitment to public safety and responsible governance.



PEP Risk Services can assist members with fleet policy reviews, MVR program development, and accident trend analysis.

FIRST AMENDMENT AUDITS:

DE-ESCALATION TECHNIQUES

BY MARCO GUARDI, ARM, CRIS, VICE PRESIDENT RISK SERVICES - POOLING



"First Amendment audits" are an alarming recent phenomenon that has been occurring in local government agencies across the country. These "audits" typically involve private citizens videotaping or otherwise recording an interaction with their local government, such as the police or another official in performing his or her duties or the day-to-day activities inside city hall or another government building.

These "auditors" are intentionally pushing the boundaries of their First Amendment rights to see whether local government responds in a way that is consistent with what the auditors believe their rights to be. **These auditors may be belligerent or confrontational, sometimes attempting to induce a violation of their rights, which can then serve as the basis of a legal claim against the local government.**

WHAT CAN LOCAL GOVERNMENT DO?

Although citizens have broad rights to record their government, there are limits that can be imposed. The First Amendment right to record does NOT give the auditor the right to interfere in the performance of officials' duties or violate generally applicable laws.

Auditors may still face criminal prosecution or civil liability if, while recording, they:

- Interfere with an arrest
- Trespass into secure government areas or private property
- Fail to respond to legitimate measures by law enforcement to control riots or disturbances
- Otherwise interfere with official activity or violate private rights

Note that such a disruption would have to consist of more than the mere act of recording. In order to be lawfully removed, the auditor's actions must make it impossible for local government business to continue in an orderly fashion. Profane or abusive language doesn't create a sufficient disruption by itself, either. Only if such language qualifies as a physical threat or "fighting words" (words that inflict injury themselves or tend to incite an immediate breach of the peace) or if the act (not just the content) of speaking itself disrupts local government business is there cause for members of the public to be removed.

The local government entity can also act to prevent filming in areas of its facilities that are not open to the public. Auditor access to such areas would constitute trespassing.

Ultimately, if an auditor doesn't run afoul of these boundaries, the best advice for local government staff and elected officials is to ignore the auditors and not engage with them except to conduct business. Otherwise, a confrontation with an auditor may lead to a public allegation of a "violation" of their constitutional rights, both in the press and online, and perhaps even to a court challenge that the jurisdiction has attempted to violate the public's constitutional rights.

10 PRINCIPLES OF VERBAL DE-ESCALATION

Reasoning with an enraged person is not possible. The first and only objective in de-escalation is to reduce the level of client arousal so that discussion becomes possible.

The following are general guidelines for verbal de-escalation:

1. Respect the personal space of the individual; do not get uncomfortably close or block exits.
2. Do not be provocative or respond in anger; be in control and measured. Use a modulated, low, monotonous tone of voice.
3. **Establish verbal contact calmly with the individual. Do not speak loudly or try to yell over a screaming person. Wait until he or she takes a breath, then talk. Speak calmly at an average volume.**
4. Be concise and speak in short, easy-to-understand sentences or phrases. Repeat yourself often. Do not be defensive even if comments or insults are directed at you.
5. Listen closely to what the person is saying and respond selectively. Answer only informational questions no matter how rudely asked.
6. Identify the individual's wants and feelings and try to accommodate reasonable requests.
7. Agree or agree to disagree with the person's concerns, while avoiding negative statements.
8. Set clear limits with expected outcomes but do not make demands or order specific behavior. Be very respectful even when firmly setting limits or calling for help.
9. **Offer choices and optimism. Empathize with feelings but not with the behavior ("I understand that you have every right to feel angry, but it is not okay for you to threaten me or my staff.")**
10. Afterwards, review the event and look for areas of improvement.



CREDENTIAL THEFT SYSTEM INTRUSION:

A GROWING RISK FOR PUBLIC ENTITIES

BY PEP CYBER RISK SERVICES TEAM

Public entities, including townships, cities, counties, and special districts, are increasingly targeted by cybercriminals seeking access to sensitive systems and data. In 2026, credential theft and system intrusion are among the most common and damaging threats, often leading to data breaches, ransomware, and financial fraud. Managing this risk is essential to protecting public services and maintaining trust.

Credential theft occurs when attackers obtain valid login information, such as usernames, passwords, or authentication tokens, to access systems as legitimate users. This often leads to system intrusion, where attackers move through networks, escalate privileges, and access or manipulate sensitive information. These attacks are difficult to detect because they rely on trusted credentials rather than obvious technical exploits.

Public entities are particularly vulnerable due to:

- High-value data (personally identifiable information, financial, and law enforcement records)
- Dependence on uninterrupted public services
- Limited cybersecurity resources
- Complex environments combining legacy and modern systems

Most incidents begin with common tactics such as phishing emails, password reuse, Multi-Factor Authentication (MFA) bypass methods, or exploitation of unsecured remote access tools. These approaches target human behavior and identity systems rather than technology alone. Once inside, attackers may move laterally across systems, gain administrative access, exfiltrate data, or deploy ransomware, often without triggering alerts. The resulting impacts can include operational disruption, financial loss, legal exposure, and reputational damage.

To reduce risk, public entities should prioritize:

- Enforcing MFA and least-privilege access
- Training employees to recognize phishing attempts
- Monitoring for unusual login activity and privilege escalation
- Securing remote access systems and vendor connections
- Maintaining tested incident response and recovery plans

Credential-based attacks reflect a broader shift from system-focused to identity-focused risk. Strengthening identity controls, improving user awareness, and enhancing detection capabilities are critical steps for reducing exposure and ensuring continuity of public services.

For more information on cybersecurity, contact your PEP Cyber Risk Services Advisor, Eric Adonteng, at 240-808-9278 or email eric.adonteng@persopool.com.



'MEMBER-FOCUSED' PEP BENEFITS



GRANT RECIPIENT

Holmes County Agricultural Society

received the \$1000 PEP+ grant, using it towards the purchase of an AED unit.

MEMBERS ALSO HAVE ACCESS TO:

- *Risk management consultations*
 - *The Guide Online training resources*
 - *Cyber Risk Services*
 - *Grant opportunities*
-



LEGAL ACCESS HELP LINE

877-250-5545

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



**PEP MEMBER
SPOTLIGHT**

STARK-TUSCARAWAS-WAYNE SOLID WASTE MANAGEMENT DISTRICT

STARK-TUSCARAWAS-WAYNE SOLID WASTE MANAGEMENT DISTRICT trucks can weigh up to 50,000 pounds when fully loaded, making safe driving a critical operational priority. To reduce risk and improve accountability, the District implemented the Lytx DriveCam system in 2019 across its fleet. The system records both the roadway and the driver, capturing eight seconds before and four seconds after a trigger event such as a hard brake, G-force impact, or traffic violation. **Reviewing this footage helps determine whether driver behavior contributed to the incident and provides valuable opportunities for coaching and improvement.**

The results have been remarkable. Since implementing DriveCam, the District has reduced risky driving incidents by 81% and lowered incident severity by 70%. Within two years, accidents had become virtually eliminated, helping earn Stark-Tuscarawas-Wayne Solid Waste Management District recognition as **one of the safest waste management operations in the nation.** The system has also provided significant protection against liability claims. In one instance, a third-party salt truck backed into a District vehicle. DriveCam footage clearly showed that the District driver was not at fault, leading to the claim against the District being reversed. The technology has also been installed in management vehicles, reinforcing the District's commitment to safety organization-wide.

PEP Risk Services can help identify practical strategies to improve safety, reduce claims, and strengthen operations.



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