

POOL SAFETY AND THE COMMON INTEREST COMMUNITY

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This is your first venture as a member of the board of a common interest community that has the luxury of having a pool and/or spa. As scary as it sounds, you have now become one of the managing parties to a couple of the biggest liabilities your community will face.

How much do you know about a pool and/or a spa? Have you had training on what needs to be done with the chemicals? Have you had any training on maintaining a pool in your State, Nevada in this case? Do you know which local, Federal and State laws that may apply to your pool and/or spa? Unless you are in the business of maintaining public pools you most likely don't know the answers to many of the above questions.

In Clark County, the Southern Nevada Health District is responsible to regularly inspect your pool and close it if it is not in compliance with all of the above laws, including the Federal Virginia Graeme Baker Pool Act. You were not able to open your pool without proof that your pool was in compliance with "the" act. How often do they do these inspections, however? What happens in between? Does the association have a committee responsible for the pool and if so have they had any training on what to do or not do with the pool and/or spa?

When I ran a management company, one of my most valued partners in managing associations was my pool contractor. Yes, the association paid the bills, but he or she sure made my job easier when they took pride in their profession and took "ownership" of the pools. If there were any problems with "his or her" pools, a cell number had been provided to the manager and President of the association to call with any issue that may arise outside of normal service calls. They did not want a life guard or volunteer "shocking" the pool water by just dumping in gallons of chlorine should any of the water test prove problematic. They also didn't want them touching the equipment.

Life guards, which we don't have many of in Southern Nevada, were trained by the pool service regardless of who paid their salaries. The Red Cross used to train and provide the life guards for all of the pools in our management pool, but the pool service company still came out and provided individual training for the life guards on each individual pool property. This was an invaluable service that they provided to the association, but it also made their job easier since no one was messing with any of the components in between their service and inspections.

Do a couple of the members of the Board have keys to the pool equipment room? Does anyone other than the pool service have a key? Is the room being used for storage of anything other than necessary pool chemicals? We have seen gasoline and other highly flammable items stored in these equipment rooms because the landscaper had to be

provided access to change time clocks etc. that were mounted in the rooms. As no one checked on the condition of the rooms, the landscaper or other service providers who needed access found it a convenient place to store goods. The Board and Manager needs to check the condition of this room frequently.

I took over an association that had been self managed for 9 years. When asking them where all of their records were maintained, as my contract required us to be the custodian of the records, I was told that they were all in the pool equipment room. When we retrieved the records they all disintegrated as the chemicals in the room are corrosive.

Find out from your pool service what needs to be done in between their visits and if they don't give you a good answer, contact the public body responsible for regulating your pool and see if they will provide training or other education materials.

You will want to peruse the laws that apply to your State. In Nevada a review of the Statutes and Administrative codes are helpful - NRS 444 and NAC 444. The regulatory body can tell you which of the local ordinances apply as well to ensure you are compliant with all laws.

You don't want to find out that you are in violation with a death or near death experience in your community. Ultimately, it wouldn't hurt to also have a risk analyst from your insurance company come out to see if there are any attractive nuisances of which you may not be aware. **IF YOU DO THIS**, however, be prepared to make the recommended changes.

An example of this could be that the club house is too close to the pool inviting teens to climb on the roof to dive into the pool or from a railing from one of the meeting rooms.

You can't just leave the total responsibility for this major component in your community up to the pool service provider. It will only get you in trouble as someone needs to know what needs to be done or not done with one of your most valuable, but hazardous components in the community.