

**S**PRING HAS ARRIVED AT community associations throughout Orange County and boards are preparing to open swimming pools for the summer. In addition, to dealing with annual pool maintenance/repair and routine pool area cleaning, boards are faced with safety and liability concerns related to the existence and operation of their association's pools, as well as enforcing rules and regulations. A choice many boards are faced with is whether to engage a lifeguard or pool monitor for their association, and, if so, which they should choose.

A **lifeguard**, in the association context, is generally a person responsible for overseeing the safety of the users of an association's swimming pool. A lifeguard is usually an expert swimmer and certified in a senior course of instruction in life saving and water safety, including CPR certification. His/her main function is to save swimmers in trouble or near drowning. A lifeguard would typically be an employee of the association or independent contractor, and associations with multiple pools and/or extended pool hours may have more than one lifeguard. Some of the duties performed by a lifeguard include: maintaining constant surveillance of persons in the pool and around the swimming area; acting immediately and appropriately to secure the safety of persons in the

pool area in the event of emergency; providing emergency care and treatment as required until the arrival of emergency medical services; and performing various maintenance duties as directed by the association to maintain a clean and safe swimming area.

A **pool monitor**, on the other hand, is typically a person, who has been engaged by the board to monitor the pool and swimming area for dangerous conditions, unsafe activities and violations of the association's rules and regulations related to the operation and use of the swimming area. The main purpose of a pool monitor is to maintain order and protect the swimming area from vandalism and misuse, ensuring that individuals refrain from playing loud music or using profanity, wear appropriate attire, do not bring alcohol or glass containers into the pool area and use the pool area in a safe manner. Additional duties of a pool monitor can include: opening and closing the pool gates; checking identification for pool users; ensuring the pool and surrounding areas are clean; making sure the pool pumps are properly; checking pool water for water circulation and pH levels; and reporting on any damage to the pool area or association furniture/property located in the pool area. These duties may also be assigned to a lifeguard if one is engaged by the association,

but pool maintenance and water testing duties should not be performed while people are in the pool. Some associations require their pool monitors to be able to rescue swimmers in trouble using poolside rescue equipment and/or provide assistance to injured persons until the arrival of emergency medical services. If that is a requirement, such persons should be, at a minimum, certified in CPR.

The decision whether to engage a lifeguard or pool monitor is a business decision for the board. If an association has a large pool, a large number of residents, allows non-residents to use the pool for a fee and/or has encountered a drowning incident in the past, these factors may weigh in favor of the association hiring a lifeguard as a safety measure. That said, if the association engages a lifeguard, it could be creating a scenario in which users of the pool rely on the belief that a lifeguard will be present and ready to protect and save them or someone under their care from drowning or a water related injury. If an association does engage a lifeguard, it is important to clearly post signage in the pool area that notifies pool users that every user of the pool is responsible for their own safety, that children under a certain age must be accompanied by an adult at all times and that a lifeguard is only on duty for certain hours (and list

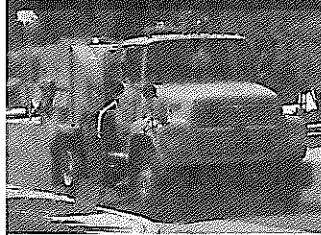
those days and hours). It will be important that the association carry worker's compensation insurance to cover any injury to the lifeguard, and that the association carry commercial general liability insurance that will protect the association in the event a lawsuit is filed against the association for personal injury, death or property damaged caused, or not prevented, by the lifeguard.

An association's board needs to ensure that someone (i.e. a pool monitor, the board, a pool safety committee or the association's maintenance technician) is monitoring the condition of the pool and the swimming area. If a pool monitor is used for this function, the duties of the pool monitor will vary from association to association, depending on each association's facilities and needs. However, all pool monitors should have set duties established by the board that are in writing. An association needs to ensure, as with lifeguards, that any pool monitors and pool monitor activities are covered under the association's insurance policies, as appropriate.

A board considering using a lifeguard or pool monitor should consult with association legal counsel and the association's insurance agent to discuss legal and insurance issues related to same and the use and monitoring of the association's pool and swimming area. ☼

*This article was written and submitted by W. Alexander Noland, Esq., of Swedelson & Gottlieb.*

[www.streetsweeper.com](http://www.streetsweeper.com)



*We take the headache out of street sweeping.*

Guaranteed show up  
Professional proposals  
Full time office staff  
More powerful sweepers

- Street Sweeping
- Catch Basin Cleaning
- Playground Maintenance
- Pressure Washing

*Bills*  
**SWEEPING**  
Service

714-637-3180  
800-438-2455  
714-998-6487 fax  
info@streetsweeper.com



FROM APCM'S PROFESSIONAL MANAGEMENT DEVELOPMENT PROGRAM

SPACE IS LIMITED—  
RESERVE YOUR PLACE NOW!

**M-100**

**The Essentials of Community Association Management | CALIFORNIA VERSION**

RUNNING MEETINGS, MANAGING FINANCES AND INSURANCE  
CLAIMS, DEVELOPING RULES, COMMUNICATING WITH  
HOMEOWNERS...

**Need a little help?** This course will give you a practical overview of critical association issues and address each of the topics required by the Manager Certification Titling Act. You'll get to take home a 300-page manual and reference materials on working with homeowners, suppliers, managers and other professionals.

**Don't wait**—one class could make the difference between long hours and unfavorable outcomes or success!

JUNE 10 - 12  
SANTA ANA, CA

OFFICIAL 2010  
PMDP SPONSORS

Associa  
SenEarthCo  
Union Bank

> FOR COURSE DATES, LOCATIONS AND DESCRIPTIONS  
CALL (888) 224-4321 OR VISIT [WWW.CAIONLINE.ORG/PMDP](http://WWW.CAIONLINE.ORG/PMDP).

ASSOCIATION  
OF PROFESSIONAL  
**community**  
MANAGERS