COVID-19 and Parks & Recreation

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#WeGotThis Series
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Minnesota Dept. of Health
Polling Question
Agenda

• General overview of where we are as a state
• Outdoor activities and impacts of COVID-19
• City immunities and liabilities
• Q & A
Criteria for Sector Opening

With the goal of preventing illness and mitigating the spread, we evaluate sectors and settings using three risk criteria:

1. How close are people to each other; highly related to size of setting
2. How long are people together
3. How predictable is the movement of people in a setting

Underlying this is the ability of people in a setting to socially distance.
Situational Update

Total MN cases: 12,917
Deaths: 638
Total tests: 122,035
Total cases requiring hospitalization: 1,851
Hospitalized as of 5/13: 494
Hospitalized in ICU: 199

Source: MDH COVID Dashboard 5/13/2020
### County of Residence for COVID Cases

<table>
<thead>
<tr>
<th>County</th>
<th>Cases</th>
<th>Deaths</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hennepin</td>
<td>4,183</td>
<td>426</td>
</tr>
<tr>
<td>Stearns</td>
<td>1,558</td>
<td>7</td>
</tr>
<tr>
<td>Nobles</td>
<td>1,290</td>
<td>2</td>
</tr>
<tr>
<td>Ramsey</td>
<td>1,124</td>
<td>55</td>
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</tbody>
</table>

![Map showing COVID cases by county](image)
Executive Order Updates

• Stay at Home order to expire on May 17th (11:59pm)

• Replaced with EO 20-56
  • Allows more businesses to reopen with a plan for keeping employees and customers safe

  • Places of public accommodation will remain closed until at least June 1st
    • This includes bars, restaurants, gyms and salons
    • DEED is working to develop reopening criteria by May 20th

• Peacetime Emergency extended until June 12th (30 day increments)
Beginning May 18

Retail stores, malls, and other main street businesses can reopen if they have a safety plan and operate at no more than 50 percent occupancy.

Restaurants, bars, salons, and gyms remain closed.

Minnesotans may gather with friends and family in groups of 10 people or less.

Social, civic, community, faith-based, leisure, or religious gatherings are prohibited for groups over 10 people.

Continue to follow these safe practices:

- Wash your hands often
- Get tested if experiencing symptoms
- Maintain social distance
- Wear a mask
- Stay home when able
Safely adjusting the dials

WORKPLACE SETTINGS

- Single Shops
- Salons, Barbershops, Tattoo Parlors
- Curbside Pickup and Delivery
- Office and Industrial
- Critical Services

Highly Predictable and Smaller-sized Settings

Less Predictable and Larger-sized Settings

SOCIAL SETTINGS

- Gatherings of 10 People or Less
- Places of Worship
- Bars, Restaurants
- Large Sporting Venues, Concerts
- Stay at Home

Highly Predictable and Smaller-sized Settings

Less Predictable and Larger-sized Settings

SCHOOL SETTINGS

In-person School Learning

Distance Learning

SAFE PRACTICES

- Wash your hands often
- Get tested if experiencing symptoms
- Maintain social distance
- Wear a mask
- Stay home when able

ON

COVID-19 RESPONSE

- Test symptomatic individuals
- Isolate positive cases and contact trace
- Protect those at heightened risk
- Build needed hospital capacity
- Procure critical care supplies

ON
General Universal Guidelines
Cleaning and Disinfecting

• Consider proper employee PPE like disposable gloves and gowns

• Clean surfaces using soap and water

• Practice routine cleaning of frequently touched surfaces: tables, doorknobs, light switches, countertops, handles, toilets, faucets, sinks, etc.

• CDC website lists EPA approved disinfectants
Parks
Polling Question
Recreational Playgrounds
Golf Course Activities
Re-opening Pools:
Things to Consider

Use Pool only for lap swims to address capacity concerns

<table>
<thead>
<tr>
<th>SUNDAY</th>
<th>MONDAY</th>
<th>TUESDAY</th>
<th>WEDNESDAY</th>
<th>THURSDAY</th>
<th>FRIDAY</th>
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<td>6:00-8:00am</td>
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Senior Only Hours

- NOON LAP 11:30-1:00
- NOON LAP 11:30-1:00
- NOON LAP 11:30-1:00
- NOON LAP 11:30-1:00
- NOON LAP 11:30-1:00

ADMISSION FEES:
- ADULT $5.00
- SENIOR $3.00
- YOUTH 15.00
- UNDER 2: FREE

1:00-4:00 pm KPBSD Programming

Kachemak Swim Club School Swim Practice
- 3:00-5:30pm
- 4:00-6:00pm
- 4:00-8:00pm
- 2:00-6:30pm
Polling Question
Splash Pads, Spas, and Beaches
Summer Recreation Programs and Special Events

CONCERTS IN THE PARK
THURSDAYS
Campgrounds
The material being provided in this presentation is for your general information, and is not a substitute for legal advice.

Consult your city attorney for advice concerning specific situations.
Tort Liability

• Minnesota Statutes, § 466.02
  • “Subject to the limitations of sections 466.01 to 466.15, every municipality is subject to liability for its torts and those of its officers, employees and agents acting within the scope of their employment or duties.”
Polling Question
Exceptions to Liability

[Image of a person with viruses surrounding them, with the word "Immunity" below]
Discretionary Immunity

- Minn. Stat. § 466,03, subd. 6
- City is immune from liability for:
  - “Any claim based upon the performance or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused.”
Discretionary Immunity

• Planning level or policy-making decisions protected
• Balance public policy objectives
  • Social factors
  • Economic factors
  • Financial factors
  • Political factors
• Document decision in writing
Official Immunity

- Protects public officials
- Discretionary duties – protected
  - Duty calls for the exercise of judgment or discretion
- Ministerial duties – not protected
  - Duty is absolute, certain and imperative, involving merely execution of a specific duty.
Park and Recreation Immunity

- Minn. Stat. § 466.03, subd. 6e
- City is immune from liability for:
  - “Any claim based upon the construction, operation, or maintenance of any property owned or leased by the municipality that is intended or permitted to be used as a park, as an open area for recreational purposes, or for the provision of recreational services…”
Polling Question
Park and Recreation Immunity Exception

• “Nothing…limits the liability of a municipality for conduct that would entitle a trespasser to damages against a private person…”
Trespasser Standard of Care

• City liable to trespassers if the condition:
  • Is created or maintained by the city
  • Is likely to cause death or serious bodily harm
  • Of such a nature that the city has reason to believe trespassers will not discover it

• City fails to exercise reasonable care to warn trespassers
Elements of a Negligence Claim

- Duty of care
- Breached duty of care
- Proximate cause
- Damage or injury
Assumption of Risk

• Affirmative defense in a negligence action
• Person is barred from recovering damages for an injury sustained when he or she voluntarily exposed him or herself to a known danger
• Burden of proof is on the city
Polling Question
Q & A

#WeGotThis
The League is here for you! #WeGotThis

View more resources and a recording of this webinar here: www.lmc.org/parksrec20

Connect with our Research team at:
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