

TO: James L. App, City Manager
FROM: Barbara Partridge, Library and Recreation Services Director
SUBJECT: Barney Schwartz Park Irrigation Reservoir
DATE: September 17, 2002

Needs: For the City Council to review Barney Schwartz Park irrigation reservoir use policies.

- Facts:**
1. In a report to the City Council, the City Attorney's office addressed safety issues at Barney Schwartz Park Lake, stating that "The reservoir is not designed to permit safe swimming or participation in other water sports". The recommendation was that the City prohibit swimming and water sports at the facility.
 2. At their March 5, 2002 meeting, Council adopted Chapter 9.42 to Title 9 of the City of Paso Robles Municipal Code prohibiting swimming and other water sports at Barney Schwartz Park Lake.
 3. Starting on June 17, 2002, use of Barney Schwartz Park Lake has been documented (by random checks of the facility). Through 8-19-02, 559 waders (permitted) and 76 swimmers (not permitted) have been documented. This is a random sampling; actual figures could be higher.
 4. Three other local agencies have similar facilities:
 - City of Atascadero (Atascadero Lake) – lake posted for no swimming or wading. The city does not provide any lake attendants or lifeguards. City offices receive periodic reports of swimming and wading, but no documentation is made, and the city does not consider this occasional use as problematic.
 - City of San Luis Obispo (Laguna Lake) – lake is posted for swimming at your own risk. The city does not provide any lake attendants or lifeguards. The city does not document usage, and has not received a claim regarding lake use in the last 20 years.
 - County of San Luis Obispo (Lopez Lake) – lake allows swimming in roped off areas, but is restricted to 25' from shoreline. Lifeguards are seasonal, and when not on duty, lake is posted for swimming at your own risk. There has been 1 documented drowning in the last 6 years, which occurred during unguarded hours.
 5. Should the use of Barney Schwartz Park Lake be amended to allow swimming, lifeguard presence would be advised. Assuming lifeguard staffing May – September (9am-8pm) and October – April (10am – 6pm), the costs would be approximately \$105,000 per year.
 6. Barney Schwartz Park Lake is currently posted for no swimming, use is being randomly documented, no accidents have been reported, nor claims filed.

7. Should the use of Barney Schwartz Park Lake be amended to prohibit all contact, a fence surrounding the perimeter could be installed. Estimates for construction of a wrought iron fence with maintenance gates is \$75,000.

**Analysis
and**

Conclusion: Barney Schwartz Park Lake was designed as an irrigation reservoir, not a swimming facility. In order to protect the public safety, the City amended the Municipal Code to prohibit swimming in areas not specifically designed for swimming. As long as the lake is properly posted to prohibit swimming, the City's liability exposure is relatively minimal - though it does not prevent the filing of claims or lawsuits.

Policy

Reference: Chapter 9.42, Title 9 of the City Municipal Code

Fiscal

Impact: \$105,132 from the General Fund annually to provide lifeguard protection if swimming is allowed. A one time expenditure of \$75,000 from the General Fund for installation of a perimeter fence if all water contact is prohibited.

Options:

- a. Continue with current City code prohibiting swimming at Barney Schwartz Park Lake.
- b. Consider amending Municipal Code to allow for swimming and modifying the budget to provide \$105,000/yr. for lifeguards.
- c. Consider amending Municipal Code to prohibit all contact with lake waters, and appropriating \$75,000 in funds to install perimeter fencing.
- d. Amend, modify or reject above options.