

Swim at Your Own Risk (“SAYOR”) Policy for the Circle C Ranch Community

The 2024 CCRHOA Board of Directors unanimously voted against SAYOR and to keep all the Circle C pools lifeguarded. These are the top considerations when discussing a SAYOR policy and ultimately why the Board is firm on its stance against SAYOR:

- Class A pools are required by State health code regulations to have lifeguards. The Swim Center is a Class A pool and the Community Center is a Class C, but has a waterslide. Waterslides are required to be lifeguarded according to State health code and our insurance policy. Therefore, the only pools that could potentially be considered for SAYOR are Avaña and Greyrock.
- Individual and unsupervised pool access and controls are not currently available at the Avaña or Greyrock pools. Changing to a SAYOR system would require facility changes to try to enhance safety, such as adding additional lighting and an installation of an automatic gate system to allow unsupervised entry/exit. There is no way to monitor entry and exit without someone on site, so there would be no way to prevent someone from propping open a pool door and allowing unauthorized non-residents or unaccompanied minors from accessing the premises.
- Beyond the facility changes, there are other factors considered such as the maintenance of the pools and pool water quality – without lifeguards present, situations will be missed that likely require immediate attention (such as feces or vomit in the water) and without that immediate attention, the pool water can become contaminated and unsafe, requiring additional maintenance and possible closures. While the pools have automatic chemical systems, a physical check is also done every hour by staff on duty to ensure safe chemical levels that can be overlooked by an automatic system alone.
- Lifeguards and staff enforce basic safety rules, max capacity limits, prevent unsafe equipment or clothing in the pool, and are qualified and trained to respond to any emergency as well as issue first aid and CPR. Incidents with lifeguards present have ranged from inappropriate behavior, vandalism, theft, break-ins, assaults, etc., and have resulted in having non-residents arrested by APD and removed from the facility. Without lifeguards and staff, these incidents could become more frequent and easily escalate resulting in injuries, damage to the premises, or worse.
- No alcohol or glass is allowed at any CCHOA pool for safety reasons and per State law. Without proper supervision, there would be no way to enforce this rule. Should glass be broken in a pool, it would need to be drained, cleaned, refilled, and have chemicals rebalanced. The pool would need to be shut down for this, which would be costly and be an inconvenience to residents. In the event that broken glass was not reported and left at an unsupervised pool, patrons of the pool could seriously be hurt.

- Drowning is the leading cause of accidental death for children under the age of 5 (<https://www.cdc.gov/drowning/index.html>). Most drownings occur in shallow water. There are an average of 11 drowning deaths per day in the U.S. and the drowning rate in Texas is 1.37 deaths for every 100,000 people. There were over 108,000 entries at Circle C Aquatics facilities in 2023. It is not a question of whether or not another drowning will occur at our facilities, but when that next drowning incident will happen and what steps were taken to help protect the community and reduce the risk of drowning.
- CCHOA facilities are audited annually by the Red Cross. The reason that certifications can be offered at such a low cost (\$65 registration fee per lifeguard) is because of the standing relationship with the Red Cross and status with them as an authorized provider. Without having all facilities lifeguarded, we would not be able to be a part of their Aquatic Examiner Service. The site-specific certifications (specific to Circle C pools) would no longer be valid, as we would not hold the same status with the Red Cross. This would result in higher lifeguard certification costs, which could be cost prohibitive in hiring lifeguards – an already difficult process.
- Insurance costs and availability related to SAYOR are not clearly defined by insurance providers. The current amenity insurance would cover an unsupervised pool, but it is not clear that they would renew that policy in future years. (Comparative insurance costs have not been made at this time.)

After considering these issues, there is an overarching concern about legal liability: to the HOA, to the Board of Directors in their capacity as Board members, and the Board of Directors in their individual capacity. The Board sought the advice of several attorneys and each one confirmed that the potential for lawsuits and legal liability to the HOA as a whole (meaning residents part of the HOA), the Board as Directors, and the Board as individuals, is a valid concern. The liability is such that there is no assurance that the HOA's insurance policies would protect against the HOA, the Board, and the Board members from suffering losses. The Board consulted with an attorney specializing in insurance and that attorney reiterated that there is no policy that could be purchased that would shield against certain potential liability claims. Therefore, the HOA and the Board members are left exposed to liability and costly claims that they have no way to protect against.

Lastly, there is the fundamental concern about injury and death of members of the CC Ranch community. The HOA has years of historical data that shows that there are events that occur at the pools that require intervention, rescue, first aid, and even life-saving measures. Ultimately, just one death at one a pool, particularly a child, with no lifeguard present and deemed gross negligence, could result in our pools being closed or even our entire aquatics program shutdown. After taking into account legal advice and the historical data on lifeguard measures taken at Circle C Pools over the years, the Board ultimately decided that based on all of these reasons, the Circle C Pools should remain lifeguarded at all times and SAYOR will be prohibited.