Leases—Who’s responsible anyway?

Understanding who is responsible when something does not go as planned is an important thing to think about when preparing to lease parish property to an outside organization. If you have plans to lease one of your facilities, please contact the Chancery Office to ensure language in the lease agreement is consistent with diocesan policy.

The following is an example of just how transferring liability in a lease agreement could save you both time and money:

• A parish leased the building to an outside organization which operated a senior center.

• The parish and the tenant signed a lease agreement that contained the necessary language mentioned above.

• The injured party tripped and fell on torn carpeting while attending a meeting at the senior center.

• The injured party alleged damages that resulted from the event for which the lease was drawn up. This lease language transfers the responsibility to provide a legal defense, pay on the diocese/parish’s behalf, and not look to the diocese/parish in any way if it was the lessee’s actions that caused the injury/damages in the first place.

A lease agreement involving Marilyn, the parish business manager, and the lessee was created to gather bank account information from about one-third of the parishioners, and had language in the lease agreement that contained the necessary language mentioned above.

In this case, Marilyn left the laptop containing sensitive information in a compromised position allowing for a breach in security. Since she had successfully gathered the needed bank account information, claims likely would have been denied.

The following are some general suggestions by the CPSC for the selection, use, and maintenance of gas, wood, kerosene and electric space heaters:

• Select a space heater with a guard around the flame area or the heating element. This will help keep children, pets, and clothing away from the heat source.

• When selecting a heater, look for one that has been tested and certified by a nationally recognized testing laboratory. These heaters have been determined to meet specific safety standards, and manufacturers are required to provide important use and care information to the consumer.

• Buy a heater that is the correct size for the area you want to heat. The wrong size heater could produce more pollutants and may not be an efficient use of energy.

• Read and follow the manufacturer’s operating instructions. Keep the owner’s manual in a convenient place for reference when needed.

• Keep children and pets away from space heaters. Some heaters have very hot surfaces. Children should not be permitted to adjust the controls or move the heater.

• NEVER leave a space heater on when you leave the area. This would include lunch breaks or at the end of the day. A policy should be implemented to ensure all space heaters are unplugged when not in use.

• Never use or store flammable liquids around a space heater. The flammable vapors can flow from one part of the room to another and be ignited by the open flame or by an electrical spark.

• Space heaters should be placed at least 3 feet away from objects such as bedding, furniture, drapes, boxes, etc. Never use space heaters to dry clothes or shoes. Do not place heaters where objects could fall on the heater and start a fire.

• Electric space heaters must be plugged directly into a properly grounded outlet. NEVER use an extension cord with a space heater.

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COPPER THEFTS ARE ON THE RISE!

All over the country, thieves are stealing metal for scrap. Copper water pipes, telephone wire, air conditioner coils, and electrical wire are some of the items sought after. Thieves are also burning enough to steal gutters and downspouts right off the buildings, even in broad daylight. Bronze outdoor sculptures have been stolen, as well as others, such as brass and bronze, a hot item for thieves. The current value of copper ranges from $3 - $4 per pound. Many of our churches, schools, and other facilities have become victims of this crime. Claim loss amounts due to metal thefts are often significantly higher than the value of the metals retrieved. The average air-conditioning unit has less than $15.00 worth of copper in it. When stripped, damage caused trying to get at the copper can cost several thousands of dollars to repair/replace the unit.

The following are some tips to assist you in reducing or preventing metal thefts at your facilities.

1. As most thefts occur in the evening, invest in additional exterior lighting. Motion lights are also a good deterrent for high-risk areas such as where air-conditioning units are located.
2. A/C units can be protected by installing a locked, gated enclosure. The enclosure should be of chain link construction in an effort not to provide cover for the thieves.
3. Keep downspouts right off the buildings, even in broad daylight. Bronze outdoor sculptures have been stolen and can be valuable at tens of thousands of dollars.
4. Copper plaques on grave stones are not immune to theft either. Metal thefts from vacant properties and construction sites are also on the increase.
5. Of the metals being stolen, copper is the top money producer. Since April 2005, copper prices have increased approximately 71% making this metal, as well as others, such as brass and bronze, a hot item for thieves.
6. For construction sites, request contractor not to bring metals to the jobsite until needed. If metals are on the jobsite, store in a secured area inside a building or trailer to avoid them from being seen/stolen by thieves that scope job sites.
7. When planning renovations or new construction, discuss these concerns with the contractor and consider budgeting for added measures to help prevent these thefts.
8. Ensure that your vacant or seldom used property is secured and ask neighbors to be vigilant with watching for suspicious activity. Check the property frequently for any signs of unusual activity.

A LIFE SAVED!

Sondra Rieder, Finance Officer for the Diocese of La Crosse, reported that a HeartStart Automated External Defibrillator (AED) purchased from LifeGuard MD was purchased to save a life. Diocesan staff learned about the equipment in a literature received from Catholic Mutual Group. The Diocese combined part of its $1,000 CUP II Safety Grant for 2006/2007 to purchase the AED device for the Chancery. In early June, a Diocesan employee suffered a heart attack while at work. A member of the Diocese’s maintenance staff used the AED to save the employee’s life. The emergency room doctor stated that the employee would not have survived had it not been for the staff member’s quick reaction and the use of the AED. Ms. Rieder encourages the use of AED’s in as many locations as possible. On behalf of the Diocese of La Crosse, Ms. Rieder expresses thanks to Catholic Mutual Group for its assistance in obtaining this life-saving equipment.

For more information on the HeartStart AED’s, please contact the Risk Management Department.

IDENTITY THEFT—CAN HAPPEN TO ANYONE!

COPPER THEFTS ARE ON THE RISE! reports that 1 in 12 people will be victims of identity theft; others feel that projection may be conservative. It’s hard to pick up the newspaper these days without reading about another victim of identity theft, or how someone breached the security at a major retailer and stole important personal information of thousands, if not hundreds of thousands of private citizens. Your identity can also be stolen by someone obtaining your bank statement or credit card application from the trash or mailbox. Since it may be weeks or months before identity theft is discovered, numerous crimes may already have been committed, and potentially could take you years to repair.

Just like you can take steps to prevent someone from breaking into your house, you can also take steps to make it more difficult to steal your identity. Some of those steps are:

Never leave your purse or wallet unattended and only carry the credit cards and I.D. that is absolutely necessary.

Limit the number of credit cards you have, and cancel any that are inactive.

Reconcile your check and credit card statements regularly.

Secure your sculptures by providing adequate lighting and reinforced mounting. If you have any questions regarding this information, please contact Catholic Mutual Group’s Risk Management Department.

For construction sites, request contractor not to bring metals to the jobsite until needed. If metals are on the jobsite, store in a secured area inside a building or trailer to avoid them from being seen/stolen by thieves that scope job sites.

When planning renovations or new construction, discuss these concerns with the contractor and consider budgeting for added measures to help prevent these thefts.

Ensure that your vacant or seldom used property is secured and ask neighbors to be vigilant with watching for suspicious activity. Check the property frequently for any signs of unusual activity.

Copper thefts are on the rise and only carry the credit cards and I.D. that is absolutely necessary.

Do you have a question, or an article you’d like to see? Let us know, by contacting the Newsletter Committee!