

FIN-001-022

Strathcona County
Municipal Policy Handbook

Claims and Damages Settlement

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Lead Role: Chief Commissioner

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Administrative Responsibility: Manager, Financial Services

Policy Statement

Investigation and settlement of all claims for financial loss or damage against the County shall be delegated to the Manager, Financial Services who shall be authorized to settle or refuse such claims based upon information provided by the applicable department and, where sought, upon advice received from the County insurers and/or solicitors.

Definitions

“Act” means the Municipal Government Act, RSA 2000, c. M-26 as amended from time to time.

Guidelines

1. All claims shall be referred immediately to the Manager, Financial Services who will coordinate the review of the claim with the County's insurers.
2. Any issue involving personal injury to a claimant shall be referred directly to the County's Insurers.
3. The claimant must submit the claim in writing which claim must contain information relating to the incident and the County's alleged liability. A minimum of two repair estimates must be provided.
4. The Manager, Financial Services shall investigate the circumstances of the claim with the Department(s) involved. The investigation shall include the Department Manager and the Supervisor responsible for the matter which allegedly caused the claim. Depending on the nature of the claim, a visual inspection of the alleged damage may be conducted by the County.
5. During the claim review, the Manager, Financial Services shall take the following factors into consideration:
 - a) Claims involving repair of public works should be investigated in accordance with Sections 532 and 533 of the Act. The claim must outline circumstances supporting allegations of the County's failure to keep the works in a reasonable state of repair.

- b) Pursuant to Section 528 of the Act, a municipality is not liable in an action based on nuisance, or on any other tort that does not require a finding of intention or negligence, if the damage arises, directly or indirectly from roads or from the operation or non-operations of a public utility or a dike, ditch or dam.
 - c) Pursuant to Section 530 of the Act, the County is not liable for damage caused by a system of inspection, or the manner in which inspections are to be performed or the frequency, infrequency or absence of inspections, or a system of maintenance, or the manner in which maintenance is to be performed, or the frequency, infrequency or absence of maintenance.
 - d) Depending on the claim circumstances, the Manager, Financial Services may wish to obtain advice and/or services from the County insurers or solicitors, and may involve the services of outside parties or other County personnel to complete the claim investigation.
 - e) Claims made to the County must meet the time and notification requirements of the Act and any notifications required by the Act must be provided to the Corporate Secretary, who shall be responsible to refer the same immediately to the Manager, Financial Services.
 - g) Each claim shall be reviewed on its own merit. Consideration should also be given to the principle involved in any particular claim and also to the impact that the settlement of a claim may have on other litigation or legal issues involving the County.
6. Upon completion of the claim investigation, the Manager, Financial Services shall make a determination as to compensation or non-payment. This decision must be communicated to the claimant in writing on a "Without Prejudice" basis. The claimant shall be advised that the communication is confidential and must not be disclosed to any other party without the express written consent of the County.
 7. The Manager, Financial Services shall process all claims in a timely manner.
 8. Claimants receiving a financial settlement shall be required to sign a release absolving the County from further claims associated with the incident. The release shall be in a format approved by the County's solicitors.
 9. The Manager, Financial Services shall recommend to the Department Manager involved in the claim, any changes in department procedure where appropriate to ensure that future claims are minimized.
 10. All claims against the County are potential matters under litigation and should be reviewed and processed in a confidential manner. Accordingly, any review by Council of an administrative decision to deny a claim shall be conducted in an in-camera session of Council. Information regarding claims shall be treated as confidential but may be subject to release pursuant to the Freedom of Information and Protection of Privacy Act, SA 1994, c. F-18.5, as amended.