

# Request for Decision City Council



Type of Decision										
Meeting Date	June 16, 2005				Report Date	June 8, 2005				
Decision Requested		Yes	<input checked="" type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High		Low	
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed	

**Report Title**

Outline of Process and Timelines for Pothole Claims

**Policy Implication + Budget Impact**

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.

N/A

Background Attached

**Recommendation**

FOR INFORMATION ONLY

Recommendation Continued

**Recommended by the Department Head**

*S. Jonasson*  
S. Jonasson  
Acting Chief Financial Officer/Treasurer

**Recommended by the C.A.O.**

*M. Mieto*  
M. Mieto  
Chief Administrative Officer

Date: June 8, 2005

**Report Prepared By**



D. Canniff  
Risk Management/Insurance Officer

**Division Review**



C. Mahaffy  
Manager of Financial Planning & Policy/Deputy Treasurer

**BACKGROUND**

The procedure and requirements for a person reporting a pothole claim to the City falls under the Municipal Act under Matters of Non-Repair. The Act states that a person or claimant must provide written Notice of Claim or Action delivered to the City within ten (10) days. The claimant then has two (2) years to proceed with such action. Previously, the Municipal Act required ten (10) days Notice and only three (3) months for action to be taken by the claimant.

The Finance Department receives many calls and queries regarding claims and property damage. There is a claims process that must be followed as filing a claim against another party is a legal matter. In Ontario, written notice must be given by one party to another. The City has developed a short form (Notice of Claim Form) to accommodate individuals in these situations. Once a Notice of Claim has been received, the Finance Department has a mandate to respond to the claimant within one business day. A form letter is sent acknowledging the City has been put on legal notice of intent to claim. The City letter also advises that such matters are submitted to a designated adjuster for investigation.

In order to complete the claim investigation, the City adjuster will require information from the City department that is directly involved in the City service that purportedly caused the damage or injury. To facilitate the investigation process, the Finance Department advises details of the claim to that specific City department at the same time as the response to the claimant.

It must be remembered that just because a municipal service is perceived to have caused injury or damage, it does not always mean negligence. It must be proven that the City was aware there was a problem, and did not take steps to remedy it. Even at that, there is the financial aspect of taking such steps or action. Council decides the budget of the municipality. Budget constraints may limit repairs to roads, sewers or other services. If Council were aware of the need for repairs, but made the reasonable judgment that there was not sufficient funds for repairs, that could deem some claims such as potholes damage and others to be nuisance and not negligent.

In the case of pothole claims, notification that an investigation is needed is sent to a designated individual of Infrastructure and Emergency Services. A process of gathering information for the adjuster is started.

With this in mind the adjuster requests specific information for the pothole claim from the Operations staff as to circumstances that caused the damage. In most pothole incidents, the Operations Department are the front line staff that receive details of the location of the pothole. The adjuster needs to know when the claimant notified the City of the location of the pothole that caused the damage and when and how the City responded to it. The adjuster also seeks information to determine if the City knew of this pothole previously but did not take reasonable action to do repairs or make the area safe. Work records are checked for the past 30 days to make that determination.

Date: June 8, 2005

The timeline for Infrastructure and Emergency Services to compile and submit the report to the City adjuster can vary. Currently it could take eight to twelve weeks to compile this information. Operations does receive by far the most number of claims of any City department. Factors that impact response time include the number of claims and lawsuits presented at any given time for Operations staff to investigate, the ease to retrieve manual records that must be checked or copied and staffing levels.

Once Infrastructure and Emergency Services submits their report to the City adjuster, the adjuster reviews the facts and circumstances and assuming the information is concise and sufficient, makes a decision on negligence. The adjuster then advises the claimant of that decision. The Finance Department requires the adjuster to notify the claimant within two business days.

If the claimant disputes the facts presented by the adjuster, a legal action can be commenced against the City (typically in Small Claims Court) within a two year period of the claim date. As mentioned previously, prior to recent changes in the Act, the claimant had only three months to take such action.

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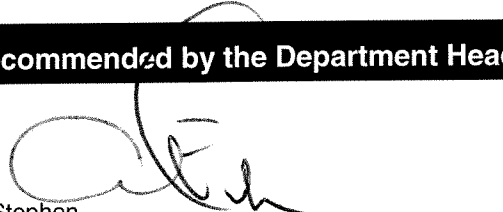


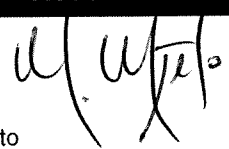
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Report Title
Cost of Road Construction by Ward from 2005 Capital Roads Budget

Policy Implication + Budget Impact	
<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
n/a	
<input checked="" type="checkbox"/>	Background Attached

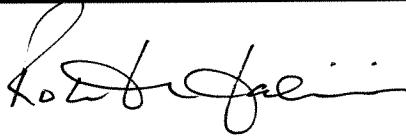
Recommendation
This report is submitted for Council information as requested by Councillor Bradley.
Recommendation Continued

Recommended by the Department Head
 Alan Stephen General Manager of Infrastructure & Emergency Services

Recommended by the C.A.O.
 Mark Mieto Chief Administrative Officer

Date: June 8<sup>th</sup>, 2005

**Report Prepared By**



Robert M. Falcioni, P. Eng.  
Director of Roads and Transportation

**Division Review**



R. G. (Greg) Clausen, P. Eng.  
City Engineer

Background:

Councillor Bradley requested a report to Council identifying a breakdown by Ward of proposed Capital Road Construction Projects and costs. The following information identifies the proposed Capital Road expenditures for each Ward as part of the 2005 program. The budgets shown include Capital Road Construction for major and minor road work including, streetlighting, traffic signals, bridges, reconstruction, resurfacing, surface treatment, sidewalk / curb, consultants, storm water management and miscellaneous / contingencies.

As part of the 2005 Budget Review Process, on November 6<sup>th</sup>, 2004, Council approved the proposed funding formula as presented in the "Criteria for Capital Road Prioritization" report, which is included in **Exhibit 'A'**.

At the same meeting, Council agreed that Capital Roads work would be carried-out on a "needs basis" City-wide and independent of Ward considerations. However, it was acknowledged that under the local roads category, funding would probably be able to be distributed equally between all Wards, as all Wards had sufficient equal roads needs.

The proposed expenditure breakdown per Ward is shown as follows:

Ward 1	\$ 2,668,000
Ward 2	\$ 3,404,000
Ward 3	\$ 2,145,000
Ward 4	\$ 1,160,000
Ward 5	\$ 4,070,000
Ward 6	\$ 2,342,000
Miscellaneous / Contingencies (Independent of Wards)	\$ 2,595,510
<b>TOTAL APPROVED BUDGET:</b>	<b>\$18,384,510</b>

Date: June 8<sup>th</sup>, 2005

The key projects by Ward are summarized as follows:

Ward 1	MR 55 (Power to Fielding)	Rehabilitation
Ward 2	MR 35 to Azilda	Financing
Ward 3	MR 80 (Highway 69N)	Reconstruction
Ward 4	Elizabella	Rehabilitation
Ward 5	Paris Street Bridge Long Lake Road Coniston Creek Bridge	Rehabilitation Upgrading Rehabilitation
Ward 6	Kingsway Rock Removal Kingsway at Second Avenue	Intersection Upgrades

# Exhibit 'A'

## 2005 Roads Capital Budget - Ward Breakdown

Location	Budget	Ward	
Lorne St - Box Culvert Replacement	400,000	1	
Southview - Robinson to Martindale	200,000	1	
Hillcrest- Polvi to Mikkola	75,000	1	
Lorne St - CPR Bridges to Fielding	1,200,000	1	
Whittaker	63,000	1	
Godfrey Dr - Park to Cliff	100,000	1	
Mikkola - Hillcrest to bridge	105,000	1	
Queen Elizabeth	35,000	1	
Black Lake Rd	60,000	1	
Garrow Rd - Serpentine to Balsam	125,000	1	
Jacob St- storm sewer	125,000	1	
Mumford - Duhamel to SW End	180,000	1	
<b>TOTAL WARD 1 :</b>	<b>2,668,000</b>		
Fraser (OF)	15,000	2	
Wahamaa - Lauier to South End	39,000	2	
Hwy 144 - Clarabelle Rd to Notre Dame	3,150,000	2	repayment
Michael -Hwy 144 to Aurore	20,000	2	
Errington	105,000	2	
Puska - St. Charles to Laurier	75,000	2	
<b>TOTAL WARD 2 :</b>	<b>3,404,000</b>		
Main St Frappier(VE)	90,000	3	
MacMillan (VE) Campeau to End	50,000	3	
Frappier -Main to Flake	70,000	3	
Guenette - Notre Dame to Hydro	50,000	3	
Cote Blvd (VE)	150,000	3	
Dominion Dr - Rose to Paquette - drainage	50,000	3	
Hwy 69N - storm outlet	400,000	3	
Hwy 69N - Valleyview to Main	900,000	3	
Maley Dr Extension - property	300,000	3	
Class EA Update - Maley	35,000	3	
Bodson - Notre Dame to Hydro	50,000	3	
<b>TOTAL WARD 3 :</b>	<b>2,145,000</b>		
Elisabella - LaSalle to South End	175,000	4	
Sunny Rd - 0.2 km (garson)	10,000	4	
East Bay - 1.2 km (shead)	85,000	4	
Barrydowne - Kingsway to Westmount	600,000	4	
Capreol Ski Hill Rd at Bridge - Vermillion River	250,000	4	
Pine Cove Rd - 0.8 km	40,000	4	
<b>TOTAL WARD 4 :</b>	<b>1,160,000</b>		
Sandy Cove	50,000	5	
Centennial - Ramsey View to Paris	50,000	5	
Garson-Coniston @ Junction Creek	500,000	5	
Norma	15,000	5	
Pine St - Second to Edward	35,000	5	
Nepahwin - drainage study	100,000	5	
Jarvis Rd	60,000	5	
Long Lake Rd Upgrading - Paris to St Charles	1,000,000	5	
Tilton Lake Rd	40,000	5	
South Lane - 1.2 km	135,000	5	
Paris St Bridge Rehabilitation	1,300,000	5	
St Raphael St	200,000	5	
Class EA Laurention U. Alternative Access	35,000	5	
Access/Field/Culver	350,000	5	
Garson-Coniston Rd	200,000	5	
<b>TOTAL WARD 5 :</b>	<b>4,070,000</b>		
Kingsway - Rock Removal	250,000	6	
Belfrey - connection to Attlee	300,000	6	
Falconbridge Rd - Kingsway at Second	600,000	6	
Kingsway - Falconbridge to By-Pass- property	200,000	6	
Bruyere	62,000	6	
LaSalle Blvd	200,000	6	
Class EA Kingsway - Brady to Laking Toyota	30,000	6	
Barrydowne - Kingsway to Westmount	600,000	6	
Fourth Ave	100,000	6	
<b>TOTAL WARD 6 :</b>	<b>2,342,000</b>		
Streetlight Pole Maintenance - All Wards	195,000		
Traffic Signal Maintenance - All Wards	175,000		
Deighton Road Management Upgrades	200,000		
Bridge Evaluations - All Wards	150,000		
Miscellaneous - Sidewall / Curb	96,000		
Miscellaneous Contingencies	1,779,510		
<b>Total All Wards :</b>	<b>\$15,789,000</b>		
<b>Total 2005 Budget :</b>	<b>\$18,384,510</b>		