
MEETING TYPE: Regular Council Meeting
MEETING DATE: Tuesday, July 19, 2022
AUTHOR: Scott Unser, Manager, Public Works
DEPARTMENT: Engineering and Environmental Services
ITEM TITLE: Risk Management Policy: Pavement Markings Inspection and Maintenance
DESCRIPTION: To adopt a Pavement Markings Inspection and Maintenance Policy

QUESTION

Does Council wish to establish levels of service with respect to the inspection and maintenance of Pavement Markings on District property, through written policy, as recommended by MIABC.

OPTIONS

- A. THAT Pavement Markings Inspection and Maintenance Policy, 198, 2022, be adopted.
- B. THAT Pavement Markings Inspection and Maintenance Policy, 198, 2022, not be adopted.
- C. THAT Pavement Markings Inspection and Maintenance Policy, 198, 2022, be referred back to staff for revisions (to be cited by Council) and brought forward to a future meeting for consideration.

EXECUTIVE SUMMARY

The District of Lake Country is a member of the Municipal Insurance Association of British Columbia (MIABC). As a Risk Management tool, MIABC strongly recommends its member municipalities have Operational Risk Management Policies in place. This policy will manage safety of the public and staff, minimize adverse liabilities and negative financial effects to the municipality. Additionally, the proposed policy will provide staff with guidance by establishing levels of service.

This policy is intended to read as a standalone document and recognize that, balanced against the nature and quality of the risk involved, the District's system of inspections is reasonable in light of all circumstances, including budgetary limits, available personnel and equipment, in the criteria of wanting to meet the standard duty of care.

KEY INFORMATION

A local government policy that articulates clear service levels is a key to creating a legally defensible position. In October of 2021, the Supreme Court of Canada decision in Nelson (City) v. Marchi, 2021 SCC 41, suggests unwritten operational policy decisions may not offer municipalities immunity from liability.

BACKGROUND/HISTORY

The Municipal Insurance Association of BC (MIABC) is a member-owned and operated organization. It provides, among other services, liability coverage for its members. The Association currently insures approximately 170 Municipalities and Regional Districts in British Columbia. This represents approximately 90% of Local Governments in the Province. The District of Lake Country has been a member of MIABC since incorporation.

The overall objective of the policy review is to build a set of Risk Management Policies that provide the municipality a measure of protection, while operating in a reasonable, safe and feasible manner, within the capacity and budget of the organization.

The methodology used to develop this type of policy includes consultation with the Managers of the respective departments that are responsible for the service delivery. The consultation focuses on the process and frequency used for inspections and maintenance of the various areas of the Municipality's operations.

The development and implementation of the Pavement Markings Inspection and Maintenance Policy is two-fold:

1. to minimize magnitude of risk and adverse financial effects to the District; and
2. to define the level of service

During 2021 and 2022, Council has adopted the following Risk Management Policies:

- Slope Stability Management Policy 191, 2021.
- Fire Hydrant (Water Systems) Inspection and Maintenance Policy 192, 2021.
- Sidewalk Inspection and Maintenance Policy 194, 2021.
- Street Light Inspection and Maintenance Policy 197, 2022 (On June 7, 2022).

The Pavement Markings Inspection and Maintenance Policy attached reflects a consistent approach to meeting the overall objective.

ANALYSIS OF OPTIONS FOR CONSIDERATION

OPTION A: If Council approves the attached policy, it will reduce the district's risk and minimize the financial effects of losses to the municipality and sets a level of service that provides clear direction for Staff.

OPTION B: If Council does not approve the attached policy, it may open the municipality to unwanted liability.

OPTION C: If Council postpones the approval of the attached policy, staff will work to ensure additional information is provided and will return for Council's consideration at the next possible meeting.

Respectfully Submitted,

Scott Unser, Manager, Public Works

This report has been prepared on consultation with the following:

(author to request inclusion of initials to show concurrence)

Tanya Garost, Chief Administrative Officer	TG
Matthew Salmon, Director of Engineering and Environmental Services	MS

Attachments

A.	Draft Pavement Markings Inspection and Maintenance Policy, 198, 2022
B.	
C.	
D.	

Pavement Markings Inspection and Maintenance Policy 198, 2022

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DATE

The following was adopted as Policy by **Resolution No. [yyyy-mm-xxx]** at the **Regular Council Meeting** held on [yyyy-mm-dd].

PURPOSE

The District of Lake Country ("District") recognizes that, balanced against the nature and quality of the risk involved, the District's system of inspections is reasonable in light of all circumstances, including budgetary limits, available personnel and equipment, in the criteria of wanting to meet the standard duty of care.

POLICY

DEFINITIONS:

District means the organization of the District of Lake Country or the area within the municipal boundaries as the context may require.

Director means the Director of Engineering and Environmental Services or designate.

Pavement Markings means visual surface markers identifying bike lanes, bus stop curbs, center lines, crosswalk lines, lane lines, stop bars and any other painted symbols or markings within a District highway, District owned land, or a District statutory right of way.

1. The **Director** shall be responsible for the implementation of this policy.
2. The **Director** shall consider the health and safety of the public in implementing this policy.
3. The **District** will refresh **pavement markings** on an annual basis based on: approved annual budget, pavement marking condition, user safety and traffic volumes.
4. The **District** will rely upon reports of observed defects by members of the public, from **District** Road Maintenance contractors or from **District** staff.
5. The **District** shall not introduce a policy of systematic and regular inspections of **pavement markings** however, will rely on a reactive inspection and maintenance system for all aspects of monitoring **pavement markings**.
6. The **District** will respond to a notification that a hazardous condition may exist within three (3) working days.
7. **District** staff, or contractors, will investigate, may take photographs as needed, assess the situation and notify the **Director**.
8. Remedial actions shall be prioritized and carried out as soon as reasonably practicable.

9. Costs associated with the maintenance of **pavement markings** shall be within the approved annual operational budgets.
10. Records related to inspection and maintenance of **pavement markings** shall be kept in the **District's** current Records Management System, and in accordance with Records Management Bylaw 1135, as amended or replaced from time to time.

ADOPTED this ____ day of _____, 2022.

Mayor

Corporate Officer