
MEETING TYPE AND DATE: REGULAR MEETING – DECEMBER 7, 2021
AUTHOR: DIRECTOR OF POLICY AND LEGAL AFFAIRS
SUBJECT: OPERATIONAL RISK MANAGEMENT POLICY REVIEW

ESSENTIAL QUESTION: Does Council think that by adopting this operational risk management policy, they are reducing the District's exposure to risk and liability?

OPTIONS:

- A. THAT Sidewalk Inspection & Maintenance Policy 194, 2021 be adopted;
- B. THAT Sidewalk Inspection & Maintenance Policy 194, 2021 not be adopted;
- C. THAT adoption of Sidewalk Inspection & Maintenance Policy 194, 2021 be postponed pending receipt of additional information as identified by Council.

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 initiative is to ensure the safety of the public and staff, and to minimize adverse financial effects to the municipality and to provide staff with direction and certainty in optimizing services to the community.

MIABC has a Grant Program to develop risk policies for its member municipalities. Lake Country was successful in receiving a grant and has worked with an MIABC consultant in developing this Operational Risk Management Policy suited to the needs of our community.

This policy is intended to read as 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.

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.

MIABC also provides Risk Management Services to its members. This includes Risk Management advice and education. The Association offers outreach programs to its members. Funding for Risk Management initiatives is part of the outreach program. The District did receive a grant from MIABC to be used in planning and developing Operational Risk Management Policies and Procedures.

The development and implementation of this policy and procedure is twofold. It is used to minimize adverse financial effects of losses to the District and also to provide District staff with certainty to optimize service levels in the community.

The methodology used to develop this policy and procedure included consultation with the District's Director of Engineering and Environmental Services and Public Works Manager. The consultation focused on the process and frequency used for inspections and maintenance of the various areas of the Municipality's operations.

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.

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.

A recent Supreme Court of Canada decision suggests unwritten operational policy decisions may not offer municipalities immunity from liability.

Respectfully Submitted,

Michael J. Mercer, P.Eng.
DIRECTOR OF POLICY AND LEGAL AFFAIRS

This report has been prepared with the collaboration of the following individuals:

| COLLABORATORS | |
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| TITLE | NAME |
| Public Works Manager | Scott Unser |

This report has been prepared in consultation with the following departments:

| CONCURRENCES | |
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| DEPARTMENT | NAME |
| Chief Administrative Officer | Tanya Garost |
| Director of Engineering & Environmental Services | |

ATTACHMENTS:

Attachment A – Sidewalk Inspection & Maintenance Policy 194, 2021