



# CITY OF CORNER BROOK

## Policy Statement

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<b>Title</b>	Claims	<b>Policy Number</b>	15-02-02	<b>Authority</b>	Council
<b>Approval Date</b>	14 Feb 01	<b>Effective Date</b>	14 Feb 01	<b>Revision Date</b>	

### ***Purpose:***

To state Council's Policy with respect to the handling, documenting and reporting of Claims.

### ***Policy Statement:***

The City of Corner Brook receives requests from individuals for payment of claims due to personal or property damage.

### ***Definitions:***

- \* Any municipal employee receiving notification of a claim must notify the Claims Officer.
- \* The Claims Officer will make an initial review of the situation and shall decide whether or not the claim should be forwarded to any outside adjuster for adjudication. All Claims involving bodily injury, damages to a municipal vehicle or attachment, damages to personal property above the applicable deductible amounts and multiple claims resulting from a single occurrence shall be referred to an external adjuster, and shall be classed as an external claim.
- \* All nuisance claims and claims under the applicable deductibles shall be classed as an internal claim and shall be dealt with by the Claims Officer.
- \* In incidents involving sewer backups and water line breaks, foreman and operating employees on the site shall be empowered to offer any assistance to mitigate damages on a without prejudice basis. **LIABILITY SHALL NOT BE DISCUSSED OR ACCEPTED.** The claimant shall be referred to the Claims Officer.
- \* Upon completion of the initial assessment of a claim by the Claims Officer and within 24 hours of receiving the claim, a Preliminary Claims report shall be forwarded to the Chief Administrative Officer. In the case of External Claims, the Preliminary Claims Report shall also be referred to the designated adjuster.

### ***Reference:***

Council Minute 01-24

### ***Detailed Action Required:***

#### **Claims Investigation:**

#### **The Claims Officer shall:**

- \* On external claims, offer assistance to the appointed adjuster in securing all relevant reports, statements and photographs;
- \* On internal claims, secure details and quantify damages, and determine the liability of municipality or employee;

in the event the City is liable, request payment of damages and secure final release,

- \* In the event the City is not liable, forward a letter of denial to the claimant and send a copy of the letter to the Chief Administrative Officer.

**APPEALS:**

- \* In the event of an appeal the entire file must be forwarded to C.A.O. Any and all enquiries concerning the claim shall be directed to the C.A.O.
- \* The C.A.O. shall review the claim and determine if the appeal shall be accepted.
- \* The C.A.O. shall advise the claimant and the Claims Officer of his/her decision on the appeal.
- \* If the appeal is successful, the Claims Officer shall secure a release from the claimant and proceed with payment of the claim.
- \* Any and all information related to the claim settlement, or denial, shall remain confidential.

**LITIGATION:**

- \* The service of a Statement of Claim shall be directed to the C.A.O. who shall appoint a solicitor and notify the City's adjuster.
- \* The Claims Officer must refer any legal documentation to the appointed solicitor, and assist the solicitor, and assist the solicitor where possible.

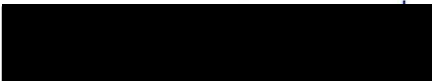
**CLAIM PAYMENT:**

- \* The Claims Officer shall investigate the claim and if determined that the claimant sustained a loss due to the negligent act on the part of a City employee or negligent failure of municipal equipment, the Claims Officer shall proceed to quantify the loss and request payment of damages.
- \* Should the Claims Officer determine that the loss was due to a nuisance beyond the control of the City, the Claims Officer shall proceed with denial.
- \* In the event the Claims Officer is unable to determine if the loss is one of negligence or nuisance, the Claims Officer shall request instruction from the C.A.O. in obtaining a legal opinion.
- \* In the event the C.A.O. directs the Claims Officer to proceed with denial, the C.A.O. must not participate in an appeals process of that particular loss.

**RESPONSIBILITIES OF MUNICIPAL DEPARTMENT:**

- \* It shall be the responsibility of the Directors of the respective departments to co-operate with the Claims Officer. Failure of any employee to co-operate in an investigation shall be referred to the respective Director.

IN WITNESS WHEREOF, this policy has been sealed with the Common Seal of the City of Corner Brook.

  
MAYOR

  
CITY CLERK