

Approved by Council: April 27, 2015

INSURANCE CLAIMS POLICY

BACKGROUND:

The Town of Redcliff receives insurance claims against the Town from residents, insurance companies or third parties. A claim may also arise from actions or incidents involving Town employees, equipment or property (internal claims).

Upon hearing of or being advised that a claim against the Town may be pending, or in the event of hearing or being advised of any injury to an individual or damage to property that may have occurred, all personnel of the Town should advise their manager/supervisor that the potential may exist for a hazard that could potentially cause further injury or damage.

Upon any manager or supervisor being made aware of any injury to an individual or damage to property that may have occurred, and that may be reflective on the Town of Redcliff, the manager or supervisor shall immediately advise the individual manager or supervisor responsible for the care and upkeep of the area in question of the alleged occurrence.

The manager or supervisor responsible for the care and upkeep of the area of the alleged occurrence shall forthwith investigate the situation/location and document the occurrence or evidence of an occurrence. If a hazard exists, the primary concern shall be over safety for individuals and for the elimination of the potential of risk for further injury or damage.

In all cases the situation shall be documented in detail, and if applicable, any hazard shall be eliminated or neutralized as soon as possible.

All information and actions shall be documented and a report filed with the Manager of Legislative and Land Services, for future reference in the event of a claim for damages against the Town.

POLICY:

1. The Manager of Legislative and Land Services shall act as liaison for all claims against the Town of Redcliff; all information (record of calls, comments, notes to file, etc) should be forwarded to the Manager of Legislative and Land Services for insertion in the claim file.
2. Any person inquiring about a claim shall be instructed to approach his own insurers prior to making a claim against the Town.
3. A claim must be in writing and must contain information relating to the incident and Town's alleged liability. A minimum of two repair estimates must be provided.
4. The Town of Redcliff will under no circumstance accept liability for any insurance claim incident, unless written instructions have been received from our Insurers or Adjusters acting on behalf of our Insurers confirming the Town of Redcliff is liable for payment of the claim or in which claims that are below the Town's deductible and have been reviewed by Town Administration and they decide to payout damages.

5. The Manager of Legislative and Land Services shall refer all claims to the Town's Insurer's alleging:
 - a) personal injury or involving a motor vehicle accident;
 - b) damage to a third party property which are above the Town's deductible

6. If a claim is submitted alleging damage to a 3rd party property and it falls below the Town's deductible the Manager of Legislative and Land Services shall:
 - a) submit the claim to the Town's Insurers for their consideration and handling, if recommended by the Town's Insurers; or
 - b) consult with the Municipal Manager and
 - i) If the claim is for a total of less than \$2,000.00, they shall decide if the claim shall be paid; conditional to claimant signing "Final Release" in a form recommended by our Insurers and similar to Schedule A of this Policy.
 - ii) If the claim is for a sum more than \$2,000.00, they will make a recommendation to Council asking for consideration to pay said claim; conditional to claimant signing "Final Release" in a form recommended by our Insurers and similar to Schedule A of this Policy.

7. When advice of disposition of a claim is received from the Town's Insurers, or the Adjusters appointed by the Town's Insurers, which indicates the Town is responsible for the claim and if such claim is above the deductible of the insurance policy the Town's Insurer's shall make the decision and effect payment of the claim.

8. When advice of disposition of a claim is received from the Town's Insurers, or the Adjusters appointed by the Town's Insurers, indicating the Town is responsible for the claim and when the claim is below the deductible, of the insurance policy, the Manager of Legislative and Land Services shall:
 - a) If the claim is against the Town of Redcliff and for a total of less than \$2,000.00 she shall consult with the Municipal Manager and they shall decide if the claim shall be paid; conditional to claimant signing "Final Release" in a form recommended by our Insurers and similar to Schedule A of this Policy.
 - b) If the claim is against the Town of Redcliff and if for a sum more than \$2,000.00 she shall consult with the Municipal Manager and they will make a recommendation to Council asking for consideration to pay said claim; knowing full well that payment of a claim includes the possibility of acceptance of liability for the incident.

9. Town vehicle, equipment or property claims, which are claims submitted by Town to the Town's Insurer's, shall be reviewed by the Manager of Legislative and Land Services and
 - a) if the claim is more than double the deductible the claim shall be referred to the Town's Insurer's for consideration and handling.

- b) if the claim is less than double the deductible the Manager of Legislative and Land Services shall consult with the Municipal Manager and they shall decide if the claim shall be submitted to the Town's Insurers for consideration and handling or costs be incurred by the Town. A factor in making this decision shall be the impact on the Town's premiums and claims history. Consulting with the Town's Insurers will assist in making this decision.
- 10. Under no circumstances will it be the policy of the Town of Redcliff to pay a claim, where the Town's Insurers have advised the Town is not responsible or liable.
 - 11. Any claim where legal action has been initiated either before or after a directive from the Town's Insurers, the following steps shall be taken forthwith:
 - a) Refer the matter to the Manager of Legislative and Land Services who shall
 - i) forward the information to the Town's Insurers;
 - ii) advise in writing to the Town's Solicitor that the matter has been forwarded to the Town's Insurers, and request the Town's Solicitor to co-ordinate any action in conjunction with the Town Insurers, the Town's Solicitors, and the Solicitors initiating the claim.
 - 12. Under no circumstances will it be policy of the Town of Redcliff to pay for the deductible on a resident's personal insurance.

**SCHEDULE A
FINAL RELEASE**

CLAIM NO. _____

IN CONSIDERATION of the payment of the sum of

_____ dollars (\$ _____)

which is directed by the undersigned to be paid as follows:

_____ \$ _____

_____ \$ _____

_____ \$ _____

THE UNDERSIGNED hereby for themselves, their heirs, executors, administrators, successors and assigns release and forever discharged the Town of Redcliff from any and all action, causes of action, claims and demands for or by reason of any damage, loss or injury, to person and property which heretofore has been or hereafter may be sustained in consequence of

on or about the _____ day of _____.

AND FOR THE SAID CONSIDERATION the undersigned agree not to make claim or take proceeds against any other person or corporation who might claim contribution or indemnity under the provisions of any statute or otherwise.

THE UNDERSIGNED AGREE that the said payment is not deemed to be an admission of liability on the part of

Town of Redcliff

AND it is hereby declared that the terms of this settlement are fully understood; that the above stated herein is the sole consideration of this release and that the said sum is accepted voluntarily for the purpose of make a full and final compromise, adjustment and settlement of all claims for injuries, losses and damages resulting or to result from the said accident.

WITNESS of hand and seal this _____ day of _____,

In the presence of:

READ BEFORE SIGNING

Witness

signature seal