

**CITY OF HAMILTON
MOTION**

Council Date: November 27, 2013

MOVED BY COUNCILLOR T. WHITEHEAD.....

SECONDED BY COUNCILLOR.....

7.1 Protection for Municipalities from Claims in Respect of Operations, Public Assets and Roads

Whereas municipalities are the owners of roads and public properties, and the provider of important services intended to benefit citizens and the economy;

And Whereas municipalities face increasing financial liabilities, claims and personal injury damage awards through ownership of assets and operations, under occupiers liability and negligence claims, through the application of the 1% rule which is without regard to the degree of fault, and uninsured/underinsured defendants, all making municipalities de facto insurers for injuries and losses;

And Whereas increasing damage awards leave municipalities with additional maintenance standards and costs, and result in even further claims and liability in the face of statutory measures meant to protect municipalities but which measures fail to carry out their purposes;

And Whereas effective protections from claims, liabilities and court imposed maintenance obligations are necessary to allow municipalities to service the economy and citizens as well as to meet critical infrastructure replacement and maintenance needs;

Now Therefore be it Resolved:

That the Province on Ontario be requested to provide municipalities with effective protections from claims, costs and damage awards, and to provide rational maintenance and service obligations to protect municipalities from claims in respect of operations, public assets and roads.