

STAFF REPORT

MULTI-USE TRAILS LIABILITY MITIGATION PLAN RECOMMENDATIONS

March 1, 2011

The City Council directed staff to institute a procedure by which liability claim settlements in a significant amount would first be reviewed by Council prior to accepting the settlement. In addition, staff was asked to develop a process for mitigating potential bodily injury claims sustained on multi-use trails. These actions were taken after a \$75,000 bodily injury claim was settled by legal council retained by the City's liability carrier, Iowa Communities Assurance Pool (ICAP). The injury occurred on one of the City's multi-use trails.

Through discussions with ICAP's Loss Control Specialist, Ron Williams, and ICAP's Claims Manager, Frank Miller, the following suggestions were made on how to comply with Council's request:

1. ICAP's Claims Manager will notify the legal defense team assigned to any liability claim against the City of Ames that the City Council has final authority to authorize settlement offers over an amount to be determined by the Council. That could \$10,000, \$25,000 or another amount. Settlements below that threshold will still be reviewed and authorized by City staff. A listing of settlements and liability claims paid over the past three years is attached.
2. A link to the Fire Incident Dispatch Detail log has been created so that the Risk Manager is now able to monitor all accidents that have occurred on City property. This process will enable the Risk Manager to document the possible claim details in a timely manner, take photographs as needed, and notify the liability carrier, ICAP, of a potential claim.
3. The Parks & Recreation Department is waiting for ICAP loss control to forward examples of defensible snow removal policies utilized by other jurisdictions. Any changes to the current snow removal guidelines will be implemented in the fall of 2011.
4. The Parks & Recreation Department will continue to maintain a log of snow removal efforts by their maintenance staff.
5. The Parks & Recreation Department has ordered signs that state "Limited Winter Trail Maintenance, Use at Your Own Risk". The signs will be placed at the entrances to the multi-use trail system within the City by fall of 2011. Additional signage may be placed within the trail system based on ICAP's loss control recommendations.

TORT CLAIM SUMMARY

2010	AMOUNT OF SETTLEMENT	CAUSE RELATED TO:
	\$95	Clogged City Main
	\$71	Raised Sidewalk at Ice Arena
	\$39	Sewer back-up
	\$375	Entry gate a Water Plant
	\$1000	Metal pole on bike path
	\$800	Wet paint on roadway
	\$10,300	Sanitary sewer connection
	\$25,000	Police arrest
	\$75,000	Park Trail Maintenance

2009	AMOUNT OF SETTLEMENT	CAUSE RELATED TO:
	\$85	Cell phone on CyRide
	\$214	Broken window from tractor
	\$263	Injury on CyRide
	\$300	Reimbursement for dog collar, chain, and food at Animal Control
	\$396	Gate at Resource Recovery
	\$397	Pothole
	\$397	Pothole
	\$1,982	Snow plow
	\$10,300	Sanitary sewer back-up

2008	AMOUNT OF SETTLEMENT	CAUSE RELATED TO:
	\$241	Pothole
	\$1,100	Damage to Vehicle
	\$1,425	Electric pole
	\$1,632	Electric truck
	\$3,750	Tree
	\$12,000	Street design