

Request for Decision United Townships of Head, Clara & Maria Council

Type of Decision									
Meeting Date	Friday, May 13, 2016				Report Date	Tuesday, May 10, 2016			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed

Auto Extrication and Report from Municipal Solicitor- Report #13/05/16/1102

Subject: Auto Extrication, municipal responsibility and liability

RECOMMENDATION:

Confirmation that Council’s decision to discontinue auto-extrication services was lawful.

BACKGROUND/EXECUTIVE SUMMARY:

The municipal solicitors, Cunningham Swan, have confirmed the position and advice previously provided to council by the municipal insurer and staff.

Provision of auto-extrication services is not mandatory. Assuming that policy decision was made considering legislation and responsibility, in good faith, there is no increased liability with not providing the service.

There is however; always increased liability through negligence when a policy is created and is not operationally compliant. This was in part the basis for the discontinuation of the wildfire service – in the municipality’s potential for exposure through negligence simply due to size and abilities. If we couldn’t provide the service as per the Fire Marshal’s/Minister’s guidelines, we were open to liability.

Please find the solicitor’s position attached.

Financial Considerations/Budget Impact:

Others Consulted:

Approved and Recommended by the Clerk
 Melinda Reith,
 Municipal Clerk *Melinda Reith*