



Committee of the Whole Report

Report Number:	RD2021-006
Meeting Date:	November 2, 2021
Title:	Winter Level of Service Review and Update
Description:	Review of Level of Service Council Policies pertaining to winter maintenance of roads and sidewalks including enhanced downtown winter service updates
Author and Title:	Oliver Vigelius, Manager of Roads Operations

Recommendation(s):

That Report RD2021-006, **Winter Level of Service Review and Update**, be received;

That the amended draft By-Law for Lindsay Business Improvement Area Sidewalk Clearing attached as Appendix B be approved;

That the amended Council Level of Service Policy C 124 EPW 010 Roadway Level of Service Policy Winter Maintenance attached as Appendix C be renumbered and approved;

That the amended Council Level of Service Policy C 125 EPW 011 Sidewalk Level of Service Policy Winter Maintenance attached as Appendix D be renumbered and approved; and

That these recommendations be brought forward to Council for consideration at the next regular Council meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Council continues to review policy to ensure efficient, effective use of municipal resources. This report reflects recent changes directed by Council as well as staff recommended changes based on internal review.

The proposed changes to snow removal levels of service and to the sidewalk winter maintenance performed in the Town of Lindsay's business improvement association area are the result of a pilot project initiated by Council in response to a memo to Council presented at the November 17, 2020 Regular Council Meeting as follows:

CR2020-363

That the October 29, 2020 correspondence from Steve Podolsky, Vice-Chair, Lindsay Downtown Business Improvement Association, regarding snow removal in Downtown Lindsay, be received.

Carried

At the same November 17, 2020 Regular Council Meeting, Council adopted the following resolutions:

CR2020-364

That a Pilot Project be put in place for Downtown Area's for the 2020/2021 winter season, waiving the current policy(cies) and By-Law one year;

That Downtown Lindsay receive the same level of sidewalk service as other Downtown Areas in the City;

That the level of service be adjusted so that the snowbank removal in all Downtown Areas be triggered at .5 meters instead of .9 meters;

That Staff be directed to apply a heightened level of service in back municipal parking lots during the winter months; and

That Staff report back to Council on the service level adjustments by the end of Q2, 2021.

Carried

Staff reported back to Council at the June 15, Regular Council meeting with report RD2021-004 Enhanced Downtown Winter Level of Service (LOS) which is appended to this report as Appendix A. At that meeting, Council adopted the following resolutions:

CW2021-173

That the Pilot Project put in place for Lindsay's Downtown BIA District for the 2020/2021 winter season, waiving the current policy(cies) and By-Law one year and allowing Lindsay's Downtown BIA District to receive the same level of sidewalk winter maintenance as other downtown areas in the City be made permanent; and

That By-Law 95-04, Clearing and Removing Snow and Ice from Sidewalks Downtown in Lindsay, be amended to reflect the maintenance responsibilities of the City of Kawartha lakes and adjacent property owners.

Carried

CW2021-174

That the trigger height detailed in Table 4 - Snow Removal Level of Service, Urban/Built Up Areas, Roadside of Council Policy C 124 EPW 010 Roadway Level of Service Policy Winter Maintenance be adjusted for all instances detailed in the table to read 0.5m in place of the existing 0.9m.

Carried

At the Council Meeting of April 20, 2021 Council adopted the following resolutions:

CW2021-095

That Report **CAO2021-003, Proposed Council Policy Review Program**, be received;

That the Council policies listed in Appendix B to report CAO2021-003, and substantially in their current form, be confirmed, renumbered and approved;

That the Council policies listed in Appendix C to report CAO2021-003, be rescinded; and

That the Council policies listed in Appendix D to report CAO2021-003, be referred to staff for review, with recommended changes brought back to Council for consideration and policy approval before end of Q4 2021.

Carried

Excerpt from Appendix D to Report CAO2021-003:

Department	Policy Name	Policy Number	Action Required
Public Works	Roadway Level of Service Policy Winter Maintenance	C 124 EPW 010	Review - Update Required
Public Works	Sidewalk Level of Service Policy Winter Maintenance	C 125 EPW 011	Review - Update Required

This report addresses the above noted direction from Council.

Rationale:

As directed by Council resolution CW2021-095, the Public Works Roads Operations Division has reviewed and updated C124EPW010 Roadway Level of Service Policy Winter Maintenance (attached as Appendix C) and C125EPW011 Sidewalk Level of Service Policy Winter Maintenance (attached as Appendix D). The revisions contained in these two Levels of Service (LOS) are primarily concerned with mitigation of liability to protect the City of Kawartha Lakes (City) from unnecessary exposure to legal action. The revisions proposed to these two LOS's are recommended as they mirror the requirements of O. Reg. 239/02 'Minimum Maintenance Standards' (MMS) of the Municipal Act, which is a municipality's primary defense against legal actions related to road and sidewalk issues. Alignment with the MMS provides a clear and unified standard which will better enable the City to protect its property taxpaying residents from legal expenses related to lawsuits against the City.

As the LOS currently stands, if a circumstance presents itself that for reasons of staffing shortages, equipment malfunction, or an extreme winter event (or any combination of these three), the City is unable to meet its LOS, but it did meet its MMS obligations, the City could still be legally held to the higher LOS standard, which places the City in an unnecessary position of liability. It should be noted that the Public Works Department has no intention of changing the level of service delivery that currently exists.

In addition to the liability control amendments being proposed the amendments contained in Council Resolutions CW2021-173 and CW2021-174 have been included for approval.

As directed by Council resolution CW2021-173, By-Law 95-04 Clearing and Removing Snow and Ice from Sidewalks Downtown in Lindsay has been amended (attached as Appendix B) to reflect the maintenance responsibilities of the City of Kawartha lakes and adjacent property owners.

Other Alternatives Considered:

If Council disagrees with the amendments proposed to the two LOS documents staff recommends the following substitution resolutions for the Roadway Level of Service Policy:

That the amended Council Level of Service Policy C 124 EPW 010 Roadway Level of Service Policy Winter Maintenance be referred back to staff to be reverted back to its previous form, save and except for amendments to snowbank removal heights as directed in Council Resolution **CW2021-174**;

And the following substitution resolution for the Sidewalk Level of Service Policy:

That the amended Council Level of Service Policy C 125 EPW 011 Sidewalk Level of Service Policy Winter Maintenance be referred back to staff to be reverted back to its previous form, save and except for amendments to sidewalk winter maintenance in the Town of Lindsay's Downtown area as directed in Council Resolution **CW2021-173**.

Alignment to Strategic Priorities

The proposed amendments to the roadway and sidewalk winter maintenance levels of service align with the strategic goal of "Good Government" by reducing the exposure to liability and risk that the Municipality and its residents face on an ongoing basis which will result in cost avoidances.

Financial/Operation Impacts:

Managing exposure to liability is an ongoing process with many components. Any component in this process may be critical depending on the lawsuit brought against the City. It is because of this that all aspects are treated as equally important. Depending on the details of a lawsuit costs can range from thousands of dollars to millions of

dollars, but all lawsuits are assessed by insurance providers when considering the premiums that the City will pay. Therefore, the better the City can do in managing its liability and reducing or avoiding the number and payouts of lawsuits the better it will be for the municipality and its residents. It is also important to consider the City's deductible amount in this process as any payouts below the deductible amount are paid out by the City (i.e., the City is self insured below the deductible amount).

Consultations:

Manager, Roads Operations (West A)
Manager, Roads Operations (East)
Insurance and Risk Management Coordinator
Manager, Municipal Law Enforcement

Attachments:

Appendix A – Report RD2021-004 Enhanced Downtown Winter Level of Service



RD2021-004
Enhanced Downtow

Appendix B – Draft By-Law 2021-xxx Lindsay Business Improvement Area Sidewalk Clearing



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Sidewalk Maintenar

Appendix C – Proposed CP2021-xxx Level of Service Policy – Road Winter Maintenance



DRAFT CP2021-xxx
Level of Service Polic

Appendix D – Proposed CP2021-xxx Level of Service Policy – Sidewalk Winter Maintenance



DRAFT CP2021-xxx
Level of Service Polic

Department Head email: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson, Director of Public Works