



The Corporation of the Town of Milton

Report To:	Council
From:	Glen Cowan, Chief Financial Officer / Treasurer
Date:	April 27, 2020
Report No:	CORS-017-20
Subject:	2019 Annual Risk Report
Recommendation:	THAT report CORS-017-20, the 2019 Annual Risk Report, be received for information

EXECUTIVE SUMMARY

The purpose of this report is to provide an overview of the Town of Milton's insurance and risk program and activity from January 1, 2019 to December 31, 2019.

REPORT

Background

The Risk Services section of the Purchasing & Risk Business Unit is responsible for administering the comprehensive insurance program for the Town of Milton and employing risk management strategies for protecting the Town's assets and reputation. The objective of effective loss prevention, claims administration and risk financing is to ensure loss exposure reduction and a high awareness for public safety.

Claims administration is a function of Risk Services and claims falling below the program deductible are investigated and adjusted internally or through the services of a third party adjuster. The circumstances of each claim are considered in conjunction with applicable legislation, regulations and insurance practices and are resolved fairly and equitably.

The Town of Milton is protected by a comprehensive insurance program covering the operations and functions of the municipality. An overview of the coverages and limits under this program is provided at Schedule A to this report.



Discussion

The primary strategies for financing the Town's risks are:

- Insurance coverage
- Appropriate contractual obligations placed on suppliers of goods and services
- Management of claims through the self-insured retention (deductible) as well as the reserve fund

With regard to insurance coverage, the premium paid by the Town for insurance is impacted by many factors including market conditions, legislative changes, inflation, claims history, the Town's growth and the nature of operations and services provided.

The comprehensive insurance program is procured using a competitive process. The Town's three year contract with Marsh (formerly Jardine Lloyd Thompson ("JLT") Canada Inc.) which began on January 1, 2017 included the option to renew the contract for additional terms, subject to satisfactory pricing and performance. The chart below provides a summary of the total premiums paid by the Town, inclusive of taxes and applicable fees, for the insurance program for the three years of 2017 - 2019. Annual pricing over the three years the Town has been in contract with Marsh has remained stable, reflecting increases commensurate with the increase in the Town's assets (increase in the total number of vehicles in fleet, new Sherwood Community Centre & rebuilding of fire station #1, and an appropriate inflation factor applied to insured building values) as well as adding coverage to the program to protect against cyber liability exposures.

3 Year Total Premium Comparison (including taxes and fees)	
2017	\$728,785.10
2018	\$771,667.08
2019	\$796,108.88



The Corporation of the Town of Milton

The claims activity from January 1, 2019 - December 31, 2019 is summarized in the chart below.

Claims Activity - January 1, 2019 - December 31, 2019						
Claim Type	Number of Open Claims at Dec. 31/18*	Number Claims Rec'd in 2019	Number of Claims Resolved in 2019	Number of Open Claims at Dec. 31/19	Number of Open Claims with external insurer	Reserve Allowance for Open Claims at Dec. 31/19
Municipal Liability	103	152	144	111	27	\$ 895,939
Automobile	5	8	10	2	2	\$ 0
Property	3	0	2	1	0	\$ 5,000
Mailbox Claims	0	12	12	0	0	\$ 0
Total	111	172	168	114	29	\$ 900,939

(* Note: New parameters were used in this Report for reporting the data as part of a migration to an enhanced software solution. This led to an adjustment of previous figures and will serve to provide consistent treatment going forward.)

As noted a number of the open claims are being handled by the Town's external insurers due to the nature of the claims and the threshold for them being reported.

As of December 31, 2019, the reserve allowance for the outstanding claims is approximately \$935,939. This represents the loss exposure to the Town based on the nature of the claims and applicable deductibles. The final amount realized for these claims has yet to be determined and will be subject to the remainder of the claims process.

Schedule B to this report provides a summary of the total costs to the Town for claims that were resolved in 2019 with comparative figures for 2018. It is important to note that these figures represent the lifetime value of these claims, including claims that have been in litigation for several years and were resolved in 2019. The values represent any amounts incurred from the time the claim was received through to its resolution and may include legal fees, expert fees and settlement costs (but excludes internal staff time). The total cost of municipal liability claims that were completed in 2019 has increased from that of 2018. However, so too has the number of claims resolved in 2019. With lengthy litigation claims, there is no way to predict when



resolution will occur. The costs to the Town upon resolution of a claim are those that fall within the deductible. Any costs incurred on a claim exceeding the Town's deductible are incurred by the external insurers.

In an effort to reduce the incidence of claims and subsequently costs, various risk management measures are in place.

Incidents involving Town vehicles or equipment are reviewed by the Milton Accident Review Committee. Recommendations are made by the Committee to the applicable Director and Manager to reduce the likelihood of recurrence of such incidents. Managers are kept aware of liability claims that are received by the Town. This information is used to assess the necessity of implementing measures to mitigate against future claims and/or losses.

Risk Services continues to act as advisory support to staff in all divisions including the development, review and recommendations provided on Town contracts, new and existing programs, projects and operations.

Risk management education and training opportunities are made available including disseminating material, seminars and workshops for staff throughout the year including topics involving current trends in the municipal environment and insurance industry.

During 2019, the Attorney General for Ontario invited municipalities to make submissions as part of a consultation regarding Joint and Several Liability (JSL). Town staff collaborated with other municipalities, the Town's legal counsel and its insurer to formulate a response to the Attorney General for Ontario outlining the information requested. The consultation and the Town's response were outlined for Council in Report CORS-051-19.

Risk Services recently initiated a review for the implementation of an Enterprise Risk Management (ERM) Program for the Town. This work is continuing and will include the development of a Risk Policy, Risk Register and related training for staff. As part of this initiative, staff are participating in an ERM working group with other municipalities, facilitated by the Town's insurance broker.

Financial Impact

Litigation impacts all departments within the Town, whether it is the actual staff time investigating and preparing to defend against claims or in potential increases to the insurance premiums which could result from a poor loss experience. Risk management strategies, including loss exposure identification, loss prevention measures and risk transfer approaches are integral to the operations of all departments. The trend of a more



The Corporation of the Town of Milton

Report #:
CORS-017-20
Page 5 of 5

litigious society drives the need for more diligent acknowledgement, documentation and enforcement of preventative measures by staff. By taking a proactive approach to managing risks, the Town's exposure to potentially costly insurance litigation and the related diversion of financial resources will be reduced.

Respectfully submitted,

Glen Cowan
Chief Financial Officer / Treasurer

For questions, please contact: Dana McLean, Senior Advisor, Phone: Ext. 2158
Risk & Insurance

Attachments

1. Overview of Insurance Program Coverages
2. Summary of Claims Completed

CAO Approval
Andrew M. Siltala
Chief Administrative Officer

Overview of Insurance Program Coverages

Milton's Comprehensive Insurance Program consists of various policies of coverage. Below provides a brief overview of the major policies:

- Municipal Liability - insurance coverage providing \$50,000,000 per occurrence (\$5,000,000 primary, \$45,000,000 umbrella) protection for liability claims for third party bodily injury, death, or property damage with a \$50,000 deductible per occurrence; coverage for wrongful acts due to errors and omissions as well as environmental liability are also included under this policy, subject to a \$50,000 deductible.
- Automobile - provides liability coverage in the amount of \$50,000,000 per occurrence (\$5,000,000 primary, \$45,000,000 umbrella) for any one occurrence for third party liability including bodily injury, death or property damage arising out of the use of all licensed vehicles owned or leased by the Town. For physical damage, the Town has all perils coverage, subject to a \$50,000 deductible, therefore any damage suffered to Town vehicles, minor in nature and cost, would be self-insured. Any damage suffered to a fleet vehicle wherein the Town is not at fault and costs are incurred, may be recoverable under the Direct Compensation Property Damage (DCPD) coverage under the Policy. In addition, this coverage includes an Endorsement to the Policy which removes any deduction for depreciation from the value of a vehicle when settling a claim for loss or damage.
- Umbrella - provides additional liability coverage which sits overtop of the underlying policies for Municipal Liability and Automobile Liability. This coverage serves as an umbrella and carries a limit per occurrence of \$45,000,000 to supplement the limits of the underlying policies (Municipal Liability \$5M & Automobile Liability \$5M) to ensure there is ample coverage limits to protect the Town.
- Property - property of every description (buildings, contents, equipment, etc.) owned or leased by the Town is protected under an all risk policy which provides blanket replacement cost coverage, including Equipment & Machinery Breakdown coverage. The total insured value for 2019 was approximately \$382 million. This coverage is subject to a \$50,000 deductible.
- Cyber - provides liability coverage in the amount of \$5,000,000 per claim for claims resulting from network security, privacy liability and cyber-crimes such as

data breach and extortion. It also provides first party coverage to the Town at various limits for impacts from cyber incidents such as system damage, post remediation and regulatory, legal and forensic costs. In addition, included in the coverage under this policy, is assistance to the Town in the event of a cyber-incident. Such assistance includes things such as providing a “breach coach” to handle various aspects of the incident. Coverage under this policy is subject to a \$25,000 deductible per claim.

- Excess Worker’s Compensation - The Town is insured under WSIB as a schedule two (2) employer. As a schedule two (2) employer, the corporation is self-insured. This means that the Town will pay all of the approved worker’s compensation claims, plus administrative charges. This policy protects the Corporation from potential costs in the event there was a claim with a high award of costs. This coverage is subject to a retention (deductible) of \$500,000 per claim and has a limit of \$10,000,000 per accident/employee. Once the retention level is met, this insurance policy covers costs exceeding that amount up to the limit.
- Facility Users’ Insurance - provides liability coverage in the amount of \$5,000,000 per occurrence for third party bodily injury, death, and property damage with a \$1,000 deductible per occurrence. Those wishing to rent Town facilities (ie. ice time, meeting rooms, parks, etc.) are required to provide proof of liability insurance. Those who do not have such insurance or are unable to obtain same for a reasonable premium, may pay a small fee to be added as an insured onto the Town’s Facility User Policy. This protects both the Town and the user for third party liability claims while ensuring the community has access to facilities at a reasonable cost.

Schedule B to Report CORS-017-20

Summary of Claims Completed

January 1, 2019 to December 31, 2019

(with comparative figures from the same period in 2018*)

Note: these figures represent the *lifetime value* of resolved claims (total costs within Milton's deductible (\$50,000) including legal fees and other professional services, and any resulting settlements from the inception of these claims to their completion)

Policy Type	2018* 2019	No. of Claims Completed	Total Costs to Milton
Municipal Liability	2018	31	\$ 167,533.04
	2019	142	\$ 416,004.80
Automobile	2018	0	\$0
	2019	9	\$ 19,349.12
Property (Town)	2018	0	\$0
	2019	2	\$0
Mailbox Program	2018	7	\$ 564.88
	2019	15	\$ 1,461.63
Totals	2018	38	\$ 168,097.92
	2019	168	\$ 436,815.55

(* Note: New parameters were used in this report for reporting the data as part of a migration to an enhanced software solution. This led to an adjustment of previous figures and will serve to provide consistent treatment going forward.)