

The Corporation of the City of Kawartha Lakes

Council Report

Report Number WM2017-006

Date: July 11, 2017

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Subject: Adopt a Roads Program

Author Name and Title: David Kerr, P. Geo., Manager of Environmental Services

Recommendation(s):

RESOLVED THAT Report WM 2017-006 **Adopt a Roads Program**, be received and

THAT Staff review the Adopt a Roads Program and report back to Council with recommendations by December 31, 2017.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

The Adopt a Road Program has been operating within this municipality for many years (i.e. before amalgamation to the present). The program facilitates individuals or groups of citizens (including various community organizations) to voluntarily clean-up litter on the side of municipal roads and within the road allowance. There are approximately 33 separate volunteers/groups signed up for this program within the City. The volunteers sign an agreement with the City to clean-up sections of a specific road and at various times of the year and bring the waste litter to any operating landfill owned by the City at no cost. This agreement is available on the City's website (a blank agreement is included as Appendix A). The City requires that the volunteers indemnify the municipality from any future claim or liability.

Once approved by the roads administrative staff a letter is sent to the volunteer contact. This letter makes the volunteer aware that Waste Management staff at the landfill scale house may inspect the waste to ensure it is within a clear bag, nonhazardous and acceptable at the site (an example letter is included as Appendix B). The benefit of this program is that it helps keep portions of the municipal roadside looking clean and free of litter. As well the program does save on Public Works staff time to cleanup litter and illegal dumping.

Some volunteers have complained that the process for approval is lengthy and onerous. As well some volunteers have indicated that the process needs to be streamlined and made less confusing in order to increase participation. This has been brought to the City's attention through various forums such as the Waste Management Task Force, Fenelon Public Review Committee and Senior Management Team. As a result, Public Works has reviewed this program.

The following rationale provides future information based on staff research with other municipalities and experiences.

Rationale:

There are positive aspects to the Adopt a Road program, such as off setting staff costs through enlisting the help of volunteers and having the public taking pride and ownership of their communities.

Based on our research with other municipalities (County of Elgin as an example) and our Insurance firm (Frank Cowan Company) there are issues and concerns with the Adopt a Road program. These issues are primarily due to our increasing litigious society and liability from risk. A staff report from Elgin County is included as Appendix C which further identifies the rationale for their recommendation to discontinue a similar program. Although there are not a lot of claims specifically as a result of an adopt a road program in Ontario, there have been incidents where Waste Management contractors working for the City have been pricked by needles or exposed to noxious and explosive substances in garbage and litter.

After reviewing the program, there are many concerns with the program that need to be considered. Those issues are summarized as follows:

- There is significant liability risk to the City in the event volunteers are injured or harmed along the roadside since volunteers do not have liability insurance for this type of activity. Even in the event they sign liability waivers with the City, the municipality is still exposed to the liability as a court may rule in favour of the volunteer(s).
- Insurance companies do not normally offer coverage or indemnification to the City or individual volunteers for this type of public activity.
- There is a significant potential health risk to volunteers such as coming into contact with hazardous materials like needles, explosives, pathogens, animals (dead and alive) and other unknowns.
- The risk of severe injury to volunteers and their groups from being hit by unsuspecting drivers or potential vehicle accidents is possible thereby exposing the City to that liability.
- The program is complicated and time consuming to manage by Staff with a number of different departments involved.
- Increasing regulations for traffic control are very difficult to implement by volunteers and enforce by the City.
- The program is not a core service offered by the City.

For these reasons Staff is concerned with the existing program and is recommending further review including the level of interest of participants, the ability to mitigate liability, alternative means of collecting the waste and how the program is managed within the City.

Other Alternatives Considered:

Alternative 1

With the known risk factors, Council could choose to terminate the Adopt a Roads Program now to eliminate the liability.

Alternative 2

Council could provide direction to Staff to continue the program recognizing the risks and potential liabilities mentioned within this report.

Financial/Operation Impacts:

There are no financial implications from the recommendations within this report.

Although the volunteer(s) under the current program do provide services that offset staff costs the savings are likely under \$10,000/ yr. This savings is minimal in comparison to a potential claim for serious harm from a member of the public.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The staff recommendation is consistent with Council's Strategic Enablers under the Strategic Plan, specifically Enabler E3.1, Service Excellence. This enabler is to review and adopt best municipal practices and review operational efficiencies.

Consultations:

Insurance Risk Management Coordinator, Corporate Services
Elgin County
Frank Cowan Insurance Company

Attachments:

Appendix A- Current Agreement



Adopt A Road
Agreement.pdf

Appendix B- Example approval letter



Approval Letter.pdf

Appendix C- Elgin County Report to Council



Elgin County
adopt-a-highway project report

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