

## REPORT TO COUNTY COUNCIL

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FROM: Clayton Watters, Director of Engineering Services

DATE: August 4, 2016

SUBJECT: Adopt-A-Highway Program Review

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### **INTRODUCTION:**

The County of Elgin has been participating in the Adopt-A-Highway Program since the late 1990's. It was created in an attempt to involve the community in keeping the County roadsides clean and debris free. Involvement by the community is on a volunteer basis and agreements are in effect for two years. In recent years, public interest in the program has decreased significantly. At the beginning of 2016, there were three groups participating. However, the contracts for two groups expired in the spring. These groups have not expressed interest in continuing their participation, leaving only one active group in the Adopt-A-Highway Program.

A recent review of the current Adopt-A-Highway Program agreement by the County Solicitor, the County Insurance provider and senior management has brought forward concerns regarding liability insurance. Currently, the County does not require groups to have liability insurance in order to participate in the program. Staff consulted two insurance firms, Frank Cowan Company and BFL Canada, who indicated that insurance would not be issued due to the amount of risk involved. As a result, staff is recommending that the Adopt-A-Highway Program be discontinued.

### **DISCUSSION:**

The Adopt-A-Highway Program has proven to be a beneficial program for Elgin County. It has been a way for environmentally conscious citizens and community organizations to contribute to a cleaner and more beautiful highway system that is appreciated by both residents and tourists. However, in recent years, enrolment has declined. Currently there is only one active group participating in the program, whose agreement expires in April 2017.

In the current Adopt-A-Highway Program agreement, the County does not require groups to have liability insurance. To decrease the risk to the County, groups should be required to hold liability insurance that covers their participation in the program. Frank Cowan Company was consulted and indicated that it is not possible for the volunteer groups to be added to the County liability policy because they are not working under the direction and control of the County. Therefore, this would leave it up to the organizations to provide their own liability insurance either through their business or homeowner policies. However, according to Frank Cowan Company, it is unlikely that insurance companies would provide this type of insurance. Staff consulted with another insurance firm, BFL Canada, who also indicated that no insurance company will provide this type of liability insurance due to the amount of risk involved.

Alternatively, the County Solicitor indicated that volunteer groups could be required to sign a liability waiver instead of providing proof of insurance. However, a liability waiver may not necessarily be accepted by the courts in the event of a lawsuit. Therefore, a waiver in place of insurance is not recommended.

**CONCLUSION:**

The Adopt-A-Highway Program is a valuable program to the County of Elgin, however, measures must be taken in order to decrease any liability risk to the County. After a careful review of the current Adopt-A-Highway agreement by the County Solicitor, Frank Cowan Company and senior management, staff agrees that the Adopt-A-Highway Program should be discontinued since no insurance firm will provide liability coverage for participants and participation in the program has been steadily declining with only one group currently active.

**RECOMMENDATION:**

THAT due to the unavailability of proper insurance coverage and due to a lack of interest in the program, the Adopt-A-Highway Program be discontinued.

All of which is Respectfully Submitted

Approved for Submission

Clayton Watters  
Director of Engineering Services

Mark G. McDonald  
Chief Administrative Officer