
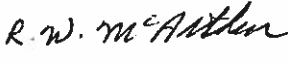




# Report to Community Services Committee

TO: COMMUNITY SERVICES COMMITTEE

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URBAN FORESTER ( EXT. 4754) 

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CHIEF ADMINISTRATIVE OFFICER

DATE: OCTOBER 23, 2012

SUBJECT: VOLUNTEER WORK GROUPS ON THE NORTH SHORE TRAIL

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## RECOMMENDED MOTION

1. That the use of volunteer work groups to assist with the maintenance of vegetation (trees and shrubs) on the North Shore Trail not be implemented.

## PURPOSE & BACKGROUND

2. On September 26, 2011, Council passed motion 11-G-275 as follows:  

“That staff investigates the feasibility of volunteer groups assisting with the maintenance of the North Shore Trail under the direction of Engineering and Parks, Roads and Fleet Department staff and report back to the Community Services Committee.”
3. Council motion 11-G-275 was a result of the public consultation process and Council approved changes to increase the level of vegetation maintenance of the North Shore Trail; specifically to include more pruning along the shoreline to facilitate views into and through the vegetation to the lake.
4. Based on public consultation comments and discussions with an Adopt-a-Park group for the North Shore Trail, staff understands that the request to assist with “maintenance” of the North Shore Trail specifically relates to vegetation management along the trail (pruning and/or removing small trees and shrubs for views).
5. The existing “Adopt-a-Park” program has been utilized and has two registered groups for the North Shore Trail. The Adopt-a-Park program includes the following:
  - Organize park or trail cleanups. Some key times include Earth Day Spring Cleanup in April and a Fall Cleanup after leaves have dropped.
  - Report hazardous litter items, such as needles, immediately to City staff.
  - Assist with the removal of glass bottles before they are broken.
  - Report community concerns.

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- Report vandalism to the Leisure, Transit and Facilities Department during business hours (705) 739-4223 or report vandalism that is in progress to the Police at (705) 725-7025.
  - Cleanup during daylight hours only.
  - Provide adequate supervision to participants 18 years or younger.
  - Coordinate efforts with City staff for garbage pickup.
  - Commit to a one year period.
  - Volunteers are NOT authorized to do any works in the park or on the trail, other than garbage collection, for their own safety and protection. All other works have to be completed by City staff.
  - Send stories and photos of the group's efforts for the web page.
6. The "Spring into Clean" program is similar to the Adopt-a-Park program. Volunteers are provided instructional training (e.g. how to deal with sharp/dangerous objects) and personal protective equipment (i.e. gloves) to pick up litter in parks and on city property during an organized event. Volunteers are not permitted to do any "work" on city assets, but are advised to report any issues they find to the event coordinator (City of Barrie staff).
  7. The Tree Protection By-law (2009-098) prohibits any person from injuring or destroying a tree on public property (e.g. North Shore Trail) without authorization from the City. Since June 28, 1999, when Council passed Motion 99-G-245 to establish a public walkway on the former CN lands, there have been numerous incidents of vegetation being destroyed along the shoreline, presumably to facilitate views from properties.
  8. On September 26, 2011, Council approved motion 11-G-274 to update the North Shore Trail Vegetation Management Plan. The enhancements approved by Council to the Vegetation Management Plan were a result of extensive public consultation and included adjustments to the maintenance of the shoreline vegetation along Kempenfelt Drive and the entire length of the trail. Enhancements were to improve views into and through the adjacent vegetation (safety) and to improve views of the water from the trail (public enjoyment). These enhancements will be implemented over a two-year period commencing in August of 2012, following the Migratory Birds Convention Act restricted period.

## **ANALYSIS**

9. Currently, all maintenance work on public property (including the North Shore Trail) is completed by City staff and/or contracted services. The delivery of city services is completed in a manner to provide customer-focused and cost-effective municipal services. Costs would include all associated expenses related to the maintenance work, including administrative, liability, risk, and management of the city asset. The most difficult costs to assess are the value of the asset and its associated liability. All vegetation maintenance work is scheduled between August and late October, which is outside of the Migratory Birds Act restricted period (bird nesting and breeding season).
10. The North Shore Trail vegetation management contract is awarded annually to the lowest compliant bidder who can furnish satisfactory evidence of possessing the ability and experience in this class of work and sufficient capital and resources to ensure acceptable performance and completion of the work. The successful bidder has to demonstrate adequate staffing and resources to complete the work as detailed in the North Shore Trail Vegetation Management Plan. The Bidder has to provide information on their staff resources (supervised by an International Society of Arboriculture Certified Arborist that is experienced in similar work and project scope) and specialized equipment (bucket truck, crane truck, wood chipper and pruning tools) to be used to complete the contract. In addition, the contractor must have minimum General Liability Insurance from an insurer licensed in the Province of Ontario, for Three (3) Million Dollars (\$3,000,000.00), per occurrence with no annual

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aggregate limit to indemnify and hold harmless the City of Barrie against any liability for property damage, personal injury, or negligence including death, which may arise from the Successful Bidder's operations under the Contract.

11. The City's existing insurance policy will provide liability insurance only for volunteers that have been recognized, trained, and supervised by City Staff. This coverage is for unintentional acts which cause bodily injury or property damage to a third party subject to a \$100,000.00 deductible. However, there is no coverage should a volunteer injure themselves or work outside the scope of the training and task description. It is clear that the only way that the city could allow volunteers to participate in any project is to require these volunteers to be trained and assure that they are properly supervised during any kind of volunteer activity performed for the city. A detailed summary of risk management considerations for volunteers (Frank Cowan Company) is included in Appendix A. The general details of a volunteer work group program would include, but not be limited to:
  - i. Volunteers must be screened and accepted, following a strict process to ensure they are qualified and capable of completing the work within the program (comparable to the pre-qualification requirements of arboriculture contractors completing the work on behalf of the City);
  - ii. Volunteers are subject to all city policies;
  - iii. Volunteers must receive orientation and training for the work being completed (in this case training would be extensive including, tree and shrub identification, proper pruning methods, safe use of tools, safe work procedures, operation of equipment, etc.);
  - iv. Work has to be sanctioned and directly supervised by city staff;
  - v. Volunteers have to sign a waiver of liability (however, a waiver is not a complete insurance against liability claims);
  - vi. The clarity of work and control of work has to be insured;
  - vii. Any equipment used has to be regularly inspected by a qualified individual and maintenance records be kept for each piece of equipment. Alternatively, City equipment could be used to ensure adequate maintenance standards;
  - viii. OSHA training for equipment use would be mandatory;
  - ix. Details of Work, including instructions, supervision, timing, etc., must be clear;
  - x. The City must have a full-time employee who is qualified to supervise the work activities on site at all times, otherwise be responsible and liable for any errors or accidents;
  - xi. The City must fix all problems (errors) or be fully liable for them;
  - xii. Work must be approved via the Right-of-Way Activity Permit system; and
  - xiii. A system of valid control of work activities must be in place prior to commencement.
12. Other municipalities have volunteer work activities; however the majority of programs are limited to activities similar to the Adopt-a-Park program (described above) or adopt-a-garden programs (involving weeding and maintenance of flower beds). Trail maintenance work completed by volunteer groups are much less common, and are limited to a few rural trail networks where the trail maintenance is limited to trimming back branches from the trail edge, and does not include detailed arboricultural pruning to meet the needs of a complex plan. British Columbia Parks suspended its volunteer work groups in 2002 due to ongoing liability and risk issues for its volunteers.
13. Payouts of liability related claims have increased substantially in recent years. Any work program would have to include appropriate training, orientation, and safety equipment to reduce the potential

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of liability claims as a result of accidents. All forms of forestry and arboriculture work are hazardous and are consistently considered one of the most dangerous professions in North America.

14. The majority of the work that takes place under the Vegetation Management Plan for the North Shore Trail is complex in nature, and requires specialized equipment and training. Activities such as the removal of hazard trees and sight-line pruning along the shoreline of Lake Simcoe require significant knowledge and adequate equipment to complete correctly and safely. Trained arboricultural companies have been used to complete this work in the past, and new activities (enhanced pruning) approved by Council on September 26, 2011, will involve even more complicated pruning standards and practices.
15. The maintenance of vegetation on the North Shore Trail is mainly contracted out due to the current forestry staff workload. The annual contracted cost of pruning saplings and/or branches directly adjacent to the trail is estimated at less than \$2,000 per year. Typically, the works are completed under the overall general maintenance contract for the Trail, however our Forestry staff have gone down the trail on several occasions and spent up to one day (one crew of two or three staff with a chipper truck) pruning back branches along the trail edge. Comparatively, if a volunteer work group was doing this activity, one staff member would have to be on site to supervise the works as well as provide all the safety and orientation training required prior to starting work. The city staff supervisor would also have to manually identify and mark all the saplings to be pruned or removed ahead of the volunteer work crew. After the work was completed, any problems would have to be corrected by the city forestry services staff. This would result in more staff time involved in completing the work with a volunteer work group than if city staff were to do the work themselves.
16. To complete the required elements of establishing a volunteer work group, staff would have to implement all of the requirements outlined in paragraph 11 and further detailed within Appendix A. Implementing a volunteer work group for this activity would result in associated staff costs to the Human Resources Department (volunteer screening procedures), Operations Department (training, supervision, equipment, inspection and correction of errors) Engineering Department (administration of the program, marking of vegetation to be pruned or removed and inspections), and the Finance Department (volunteer waivers, claims and liability issues).
17. There are also other potential issues resulting from residents doing the work of city staff or qualified contractors. Residents not involved in the volunteer work program may see "neighbours" down on the trail doing maintenance works and think that it is acceptable for them also to "assist" with maintenance. Other unauthorized activities may result from residents who are not part of the volunteer work program seeing the volunteer work taking place and doing their own "improvements". In addition, staff and city contractors have had to deal with angry residents and conflicts with trail users during maintenance work. These situations have required conflict resolution and could have resulted in serious issues had staff not been able to resolve them. Volunteers may find themselves in situations of conflict with fellow residents who are not in agreement with the work they are completing.

## **ENVIRONMENTAL MATTERS**

18. Quality of work is a significant issue with volunteer work groups. Untrained workers (non-arborists) can cause unintentional damage to target and non-target vegetation. This damage or injury results in reduced tree and ecosystem health. Comparatively, qualified arboricultural companies are required to inspect documents and standards, review the site conditions, are instructed by City staff, are inspected before, during, and after works are completed, and have to correct any deficiencies to receive payment. Ensuring the quality of work is an issue even with trained, experienced contractors.
19. Ultimately, inadequate work practices and poor vegetation care could result in shoreline issues which include destabilization, erosion and detrimental impacts to the health of the shoreline of Kempenfelt

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Bay. Healthy, natural shorelines are integral to the overall health of Kempenfelt Bay, which is one of the key features that make the City of Barrie a vibrant, healthy place to live.

## ALTERNATIVES

20. There is one key alternative available for consideration by Community Services Committee:

### Alternative #1

Community Services Committee could recommend staff organize and implement volunteer work groups to complete more than what is included in the Adopt-a-Park program.

This alternative is not recommended as there is an existing Adopt-a-Park program in place for residents to assist in the preservation of clean and safe parks and trails. The maintenance of vegetation on city parkland is clearly an activity that requires professional education and training and also includes a high risk of error and/or injury. The staff costs to implement and maintain the program as well as the associated risks/liabilities to the volunteers and the City outweigh the benefits of having volunteer work groups completing vegetation maintenance on any city lands.

## FINANCIAL

21. There are no financial implications for the Corporation resulting from the proposed recommendation.

## LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

22. The recommendation included in this Staff Report is not specifically related to the goals identified in the 2010-2014 City Council Strategic Plan.

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## Appendix "A"



Risk Management Centre of EXCELLENCE

## Risk Management Considerations for Volunteers

The Archdiocese of Milwaukee used a group as a part of its volunteers. A volunteer in the group was involved in a motor vehicle accident while performing their volunteer duties. An 84 year old was rendered a quadriplegic as a result of the accident. The volunteer group had no insurance and the driver's insurance only covered \$500,000, so the Parish was required to pay the remainder of the \$17 million settlement.

### Background Information

Volunteers can be an important part of an organization. They can provide services that may not otherwise be possible due to personnel and financial limitations and they can also be used to augment existing services.

People volunteer for a variety of reasons, including:

- To share and donate their skills.
- To help others and keep their skills alive.
- To meet new people, be a part of a team and have fun.
- To explore a career, earn academic credit and to be challenged.

### Your Volunteer Program

When deciding to implement a volunteer program, you need to have a plan. You wouldn't hire an employee without a job description, knowing what qualifications are required, or how the employee will be compensated and disciplined, so why would you accept a volunteer without knowing the above?

There are 13 steps in a volunteer plan:

1. Develop a volunteer policy and procedure.
2. Create a volunteer job description.
3. Communicate your intent to your staff.
4. Prepare screening criteria.
5. Create an advertisement and distribute it.
6. Conduct interviews.
7. Screen potential volunteers.
8. Develop a rejection procedure.
9. Perform orientation and training with new volunteers.
10. Ensure the volunteer has proper resources.
11. Evaluate the volunteer and give feedback.
12. Perform regular recognition.
13. Keep records of volunteers and projects.

### Volunteer Policies

In order for a volunteer program to be successful, the organization needs to develop a clear policy indicating its direction and control of the volunteer. Volunteer policies are used to clarify the duties of the volunteer and to



provide terms of reference for determining if the person is a volunteer under the organization's insurance policy.

They also provide your volunteers with clear direction and expectations. This increases their satisfaction with the role and their productivity within the role. When your volunteers are satisfied in their roles, your organization experiences a higher volunteer retention rate.

A volunteer policy should include:

- How and why volunteers are being used.
- Who is defined as a volunteer.
- Volunteers' access to information.
- Volunteer confidentiality.
- Recruitment practices.
- Training.
- Working conditions for volunteers.
- Support and supervision.
- Expenses.
- Insurance.

### Managing the Risk – Volunteer Procedures

When looking to include volunteers in your organization, the following procedures can help to ensure a smooth and appropriate addition.

#### 1. Role Description

- Develop a role description, including:
  - Basic responsibilities.
  - Whether it is individual work or part of a team.
  - Length of commitment.
  - Number of hours to be volunteered (per day, week, or month).
  - When and where the work is to be performed.
  - If the work is to be supervised.
  - The skills or experience required.
  - Whether the schedule is fixed or flexible.

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- Use a chart like the one below when creating a role description:

| Activity  | Never<br>(0 hours/day) | Some<br>(0-3 hours/day) | Often<br>(3-6 hours/day) | Always<br>(6+ hours/day) |
|-----------|------------------------|-------------------------|--------------------------|--------------------------|
| Sitting   |                        |                         |                          |                          |
| Walking   |                        |                         |                          |                          |
| Standing  |                        |                         |                          |                          |
| Squatting |                        |                         |                          |                          |
| Kneeling  |                        |                         |                          |                          |
| Reaching  |                        |                         |                          |                          |
| Push/Pull |                        |                         |                          |                          |
| Grasp     |                        |                         |                          |                          |
| Twist     |                        |                         |                          |                          |
| Other     |                        |                         |                          |                          |

- In addition, you could use a survey such as the one below to create a role description:

*Please indicate if the job requires (yes, no, details)*

- Driving cars, trucks, forklifts or other equipment?
- Working around equipment and machinery?
- Walking on uneven ground?
- Exposure to excessive noise?
- Exposure to extremes in temperature, humidity/wetness?
- Exposure to dust, gas, fumes or chemicals.
- Working at heights.
- Operation of foot controls or repetitive foot movement?
- Use of special visual or auditory protective equipment.
- Working with biohazards, such as blood borne pathogens, sewage, hospital waste, etc.?
- In the role description, address the cost of training, whether expenses will be reimbursed, and what sort of training is required.
- Ensure that the role description is clear and complete, and that the volunteer base reflects the diversity of your organization and community, in terms of age, sex, and race, and the inclusion of those with disabilities.

## 2. Interviews

- Conduct interviews with prospective volunteers. Ask about their skill and experiences, what their motives for volunteering are to assess their suitability for the role.
- During the interview, make sure you give them information about your organization and include details of the role, including a brief job description.
- Ensure that the interview is conducted in such a way as to avoid any possible discrimination. A rule of thumb to follow is that if information isn't allowed to be collected for paid positions, it shouldn't be

collected for volunteer positions.

- Examples of inappropriate information to ask are gender, age (minimum age requirement is acceptable), marital status, race, religion, etc.

## 3. Screening

- Perform appropriate screening for the position. Ask the person for references you can contact and screen for interests, skills, schedule, and personality – ask yourself if you would pay this person to do the same job.
- Police record checks are required if the position:
  - Visits homes unsupervised.
  - Works with children.
  - Works with frail elderly persons.
  - Works with people with disabilities.
  - Handles money and other property.
- Have a written policy in place regarding convictions on Police Record Checks and how often you will require them while a person is in a position.
- If volunteers will be using their own vehicles during their volunteer duties (such as delivering meals to peoples homes), make sure you see a Certificate of Automobile Insurance, as well as a Motor Vehicle Accident Report.

## 4. Accepting Volunteers

- When deciding whether to accept or reject a volunteer, consider:
  - The nature of the program, services, and activities.
  - The characteristics of the group to be served.
  - The duty of care your organization owes to participants, staff, and the community.
- When accepting a volunteer, always ask yourself: would you pay this person to do the same job?
- After accepting a volunteer, provide orientation to your organization and proper training for the role they will be fulfilling.