

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
NOVEMBER 9, 2010 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Change to the Adopt a Highway Program	✓ Resolution Ordinance Motion Discussion Only	Nan Newlon, P.E. Director of Public Works

SYNOPSIS

A resolution has been prepared amending the Village Council Policy regarding administration of the Adopt a Highway Program. The proposed amendment would incorporate updated requirements of DuPage County for activity within the County right-of-way.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals identified *Top Quality Village Infrastructure and Facilities*.

FISCAL IMPACT

N/A

RECOMMENDATION

Staff recommends approval on the November 9, 2010 consent agenda.

BACKGROUND

The Downers Grove Adopt-A-Highway program was established in 1995 and allows groups to adopt portions of public right-of-way to assist in litter and trash collection. The Village administers the program and works with the groups to provide training, safety equipment, trash receptacles and disposal and recognition through the placement of signs. This program has contributed significantly to the beautification of the Village through the years and is popular with local groups and individuals, which is demonstrated through long-time participation.

DuPage County recently amended its requirements regarding notice that is to be given to the County when this type of work is done within its right-of-way and requested that municipalities within the County incorporate these changes within their policies. In addition to this change, staff has proposed two changes that will provide for more flexibility for participants and better record keeping. The existing policy states that litter is to be collected a minimum of four times a year; however, the majority of groups do not have the resources for this level of participation. Staff has added revised language stating that litter shall be collected a minimum of two times per year and up to four times per year. The existing policy does not require participants to sign a waiver; however, Village practice has been to request one. A proposed change to the policy would require all group members to sign a waiver that is included with the proposed resolution.

ATTACHMENTS

Resolution



Village of Downers Grove

Official Village Policy Approved by Village Council

Description:	Adopt A Highway Program	
Res. or Ord. #:	Res. 2010-79	Effective Date: 10/12/1011-09-10
Category:	Engineering and Public Works	
	<input type="checkbox"/> New Council Policy	
	<input checked="" type="checkbox"/> Amends Previous Policy Dated:	06/05/95
	Description of Previous Policy (if different from above):	

RESOLUTION NO. 2010-79

A RESOLUTION AMENDING A VILLAGE COUNCIL POLICY REGARDING ADMINISTRATION OF THE DOWNERS GROVE ADOPT-A-HIGHWAY PROGRAM

WHEREAS, The Illinois Adopt-A-Highway Act (605 ILCS 120/1,et seq.) empowers local governmental agencies to establish and administer Adopt-A-Highway programs; and,

WHEREAS, The Village Council recognizes the mutual benefits of a litter free environment.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Downers Grove that the Downers Grove Adopt-A-Highway program allowing groups to adopt portions of public right-of-way to assist in litter and trash collection shall operate as follows:

Responsibilities of the Village:

- Administer the operation of the program, its participants and procedures.
- Accept or reject group right-of-way adoption applications (incorporated herein by reference as Exhibit A) and determine the specific section of right-of-way that will be adopted. Preference will be given to Downers Grove based groups.
- Enter into an agreement (incorporated herein by reference as Exhibit B) with the group coordinator and group leader for participation in the program. The “group coordinator” is the person selected by the group to serve as its liaison with the Village. The “group leader” is the recognized leader, president or chairman of the group.
- Erect sign(s) that conform with IDOT developed standards at the adopted right-of-way section with the name or acronym of the group.

5. Provide all garbage bags needed for the pick-up.
6. Provide appropriate safety apparel and traffic warning signs.
7. Remove filled garbage bags and large, heavy or hazardous items.
8. Provide safety training for group coordinators and appropriate safety training materials to be used by the group coordinators in their safety presentations to the groups' participants.

Group Responsibilities / Rules and Regulations:

1. Apply for participation in the program and execute a written agreement with the Village, if accepted, as required by the Illinois Adopt-A-Highway Act.
2. Each member of the group shall obey all rules, laws and regulations of the Village and the State of Illinois.
3. Provide one adult supervisor for every five (5) youths when persons under age 18 are present on an adopted section.
4. The group shall not allow a person under the age of 10 to be a member of the group who would be volunteering for the purpose of litter collection.
5. The group coordinator, or designee, must obtain appropriate safety training from the Village.
6. All group members shall attend a safety meeting conducted by the group coordinator, or designee, before participating in any litter collection.
7. All group members shall sign a waiver (incorporated herein by reference as Exhibit C) prior to participating in any litter collection.
8. Adopt a section of highway for a minimum of two (2) years.
9. Collect litter along an adopted section a minimum of two (2) times a year and up to four (4) times a year. These must take place during the following times: April/May; June/July; Aug/Sept; Oct/Nov.
10. Provide two working days notice to the Public Works Department prior to the date that the group intends to collect litter along its adopted section. Provided, notice shall be given to the County by January 1st of each year setting forth those date(s) over the course of the calendar year that the group intends to collect litter along any portion of a County-right-of-way.
11. All group members shall wear the safety apparel provided by the Village while collecting litter along its adopted section. Radio and individual headsets shall not be worn while collecting litter.
12. The group shall prohibit its members from possessing, consuming, or being under the influence of alcohol or drugs while on an adopted section.
13. Place litter in trash bags provided by the Village and place filled bags at the location along the adopted sections agreed to with the Public Works Department.

14. No subcontracting or assigning of duties or responsibilities to any other group or organization shall be allowed.

15. The group shall maintain a first-aid kit and an adequate supply of drinking water while members are collecting litter.

16. If a group, or a member of the group, does not meet the terms and conditions of its agreement with the Village, or violates any of the rules, laws or regulations of the Village or the State of Illinois, the Village shall terminate the agreement with the group.

BE IT FURTHER RESOLVED that neither this Resolution, nor the Adopt-A-Highway Program, is intended, nor shall it impose or create, any liability or obligation on the Village, its officers and employees. No liability shall be imposed upon the Village, its officers, agents or employees, as a result of the existence of this Resolution or the Adopt-A-Highway Program, or any action or inactions taken with respect to these matters. It is further expressly acknowledged that any activities undertaken by the Village in relation to this program shall be within budgetary limitations as may from time to time be set by the Village Council.

BE IT FURTHER RESOLVED that the Manager, or the Manager's designee, is authorized to adopt such additional rules and regulations, not in consistent with this Resolution or the State law, regarding the administration of the Downers Grove Adopt-A-Highway Program.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect from and after its passage in the manner provided by law.

Ronald L. Sandack, Mayor

Passed:

Published:

Attest: _____

April Holden, Village Clerk

Exhibit A
VILLAGE OF DOWNERS GROVE
ADOPT-A-HIGHWAY PROGRAM APPLICATION

Date _____

Name of Organization

Mailing Address

City, State, Zip

Group Coordinator/Representative

Day Phone Number

Night Phone Number

Approximate number of people participating in each litter pickup _____

From the enclosed list of adopt-a-highway locations, please list your three choices of preference for this popular program. We will attempt to honor all requests on a first come, first serve basis. However, we need designated alternates in the event your 1st choice is previously committed.

1.

2.

3.

Pickup service is required up to 4 times annually.

Please return to:

Adopt-A-Highway Program
Downers Grove Public Works Department
5101 Walnut Avenue
Downers Grove, IL 60515

VILLAGE OF DOWNERS GROVE
ADOPT-A-HIGHWAY PROGRAM AGREEMENT

WHEREAS, the State of Illinois has empowered municipalities to establish and administer local Adopt-A-Highway Programs ("PROGRAM") in accordance with 605 ILCS 120/1 et seq.; and

WHEREAS the Village of Downers Grove as a Sponsoring Jurisdiction has established an Adopt-A-Highway Program as a means of promoting and accomplishing the mutual goal of maintaining litter free street rights-of-way throughout the Village of Downers Grove; and

WHEREAS, the members of the _____ ("GROUP") recognize the need, desirability and benefits of a litter free environment; and,

WHEREAS, the GROUP and its various members, adult sponsors and local participants are aware of all potential hazards associated with the litter removal work which is to be performed and the GROUP has designated a responsible individual as its Group Coordinator, _____ and the recognized leader, president, or the chairperson for the GROUP is

NOW THEREFORE, IT IS HEREBY AGREED THAT:

1. The Village of Downers Grove will recognize the GROUP as the adopting organization for participation in this PROGRAM for adopting _____. A map exhibit of the designated areas is attached. This Agreement shall be for a minimum period of two years and will continue until terminated by written notice of either party to the other. If the GROUP disbands or no longer functions, a written notice to the last known address will serve as termination of the Agreement.
2. The GROUP shall accept the responsibility for keeping the parkways of the above street section free of debris up to four times a year as its civic contribution to attain a litter free community environment. Recommended pickup times are April/May, June/July, August/September, and October/November. This PROGRAM covers litter pickup only. No planting or mowing is authorized by this Agreement.
- 4.3. The Village will furnish safety vests and trash bags and provide for the lawful disposal of the collected litter. The Village will furnish and erect Adopt-A-Parkway Litter Control signs in accordance with Illinois Department of Transportation standards, acknowledging the GROUP'S notable contribution. No advertising logos or slogans will be allowed on the signs.
- 5.4. All GROUP members shall attend a safety meeting conducted by the GROUP before participation in any litter collection along an adopted section of highway. The GROUP Coordinator or designee shall conduct the GROUP safety meetings and shall receive training as required from the Village.
- 6.5. All GROUP members shall sign a waiver prior to participating in any litter collection.

6. No one under the age of 10 is permitted on the highways to assist or observe this PROGRAM. The GROUP shall furnish adequate supervision for anyone under 18 years of age. One adult supervisor is required for every 5 youths present.
7. The GROUP shall notify the Village Public Works Department two working days prior to the date when they intend to collect litter along their adopted section, providing the date and approximate times of collection. Provided, the GROUP shall notify the County of DuPage by January 1st of each year those date(s) over the course of the year that the GROUP intends to collect litter along any portion of a County right-of-way.
8. GROUP members shall wear the safety apparel provided by the Village when picking up litter. It is recommended that hard sole shoes, safety glass or other eye protection, gloves and long pants be worn.
9. No GROUP member shall possess, consume, or be under the influence of alcohol or drugs while on the adopted section of highway.
10. The GROUP shall maintain a basic first-aid kit and an adequate supply of drinking water during pickup times.
11. The GROUP shall place the litter in furnished trash bags at predetermined locations along the highway for timely pickup and lawful disposal by the Village.
12. The GROUP and each of its members assume all responsibility for their actions and hereby release, indemnify, save, hold harmless, and forever discharge the Village, DuPage County and the State of Illinois, its officers, agents, employees and elected and appointed officials, of and from any and all actions, causes of action, claims, demands, damages, injuries, costs, liabilities, suits, debts, sums of money, accounts, controversies, agreements, promises, and executions whatsoever (collectively referred to as "Claims") in law or in equity, arising out of, resulting from, or alleged to arise out of or result from such voluntary participation in the PROGRAM and hereby waive the right to bring, assert or cause to be brought or asserted said Claims against the Village, DuPage County or State of Illinois.
13. All vehicles shall be parked off the right-of-way in an appropriate location so as not to create a traffic or safety hazard. No parking will be allowed along curves, on bridge decks, near or under an overpass, or in median areas.
14. The GROUP shall remain on the parkway area and shall stay off all highway pavements except when crossing the street.
15. The GROUP shall pickup and return all necessary supplies from the Village during regular work hours Monday through Friday.
16. Any large objects, animal carcasses, or potentially hazardous items found along the highway should be reported to the Village on the next business day. The GROUP shall not, under any circumstances, attempt to pickup large or hazardous items.

- 17. The GROUP shall be allowed to keep any recyclable found and to convert same into cash for the purpose of subsidizing their volunteer activities.
- 18. Each member of the GROUP shall obey all rules, laws and regulations of the Village, DuPage County and the State of Illinois.
- 19. The GROUP cannot subcontract or assign the duties and responsibilities under this Agreement.

DATED THIS _____ DAY OF _____ 20 ____, and duly executed:

Name of Group as it is to appear on highway

Group President/Leader (Signed)

Group Coordinator

Address

Address

Telephone

Telephone

APPROVAL

The Village recognizes and approves _____
as the adopting organization for _____ for a
period of time beginning _____, 20__ and ending _____ 20__

Staff initials

Date

ADOPT-A-HIGHWAY PROJECT WAIVER

I, _____ on behalf of myself ("Adult Participant") or as parent/legal guardian of
(Participant Name/Legal Guardian)

_____ a minor child under the age of eighteen (18),
(Minor Child Participant), agrees and understands as follows:

The aforementioned volunteer ("Participant") desires to assist the Village of Downers Grove ("Village") and, if applicable, the County of DuPage ("County") in carrying out duties for the Village of Downers Grove Adopt-A-Highway Project(s) for calendar year 20____. on _____, 20____, between the hours of _____
____.M. and _____ .M.

That Participant understands and agrees to the following conditions concerning participation in this project:

- a. That Participant's time and services are being donated, and at no time shall Participant be considered an employee of the Village or County or as an independent contractor of the Village or County;
- b. That Participant assumes full responsibility for their conduct and actions, including any injury or damage that may result while assisting the Village or County;
- c. That the Participant hereby agrees to indemnify, defend and hold harmless the Village and County, their officers, agents and employees from any and all claims, actions, suits or liability whatsoever arising out of participation in the Project.
- d. Permission is granted to the Village to photograph or videotape any and all participants of this event for the purposes of publicity, public relations, advertising, newsletters and the like. Participant hereby discharges and releases the Village and County from any and all claims arising from the use of the photos, videotapes and any likeness thereof for the above-stated purposes.

Signature: _____
(Adult Participant or Parent/ Legal Guardian of Minor Child)

Date: _____

Telephone Number: _____

Minor's Date of Birth: _____ (if applicable)

In case of emergency, please provide the name and telephone number of the person or persons we should contact:

Phone: _____

Please return the completed form to Public Works – 5101 Walnut Avenue, Downers Grove, IL 60515