

Memorandum

Corporate Services

Date: April 10, 2019

To: Mayor Eisenberger, Members of Council, and Senior Leadership Team

From: John McLennan, Manager,
Risk Management Services

Subject: **Waiver of Park and Insurance Fees for Easter Egg Hunts on City Owned Property**

In response to Councillor Brenda Johnson's Motion at General Issues Committee of April 3, 2019, which is as follows:

Waiver of Park and Insurance Fees for Easter Egg Hunts on City Owned Property

That all park rental and insurance fees, for Easter Egg Hunts held on City owned property, be permanently waived, effective immediately.

The primary concern of Risk Management Services relative to this issue is that insurance be in place to cover the activities of any organized activity by outside groups on City property.

With respect to waiving park rental (permit) fees specifically for Easter Egg Hunts in City parks, Council has previously approved the permanent waiving of rental fees associated with non-profit organizations executing community Holiday Egg Hunts in City parks consistent to the parameters of the Recreation Fee Waiver/Reduction Policy by way of Emergency & Community Services Committee Report: Holiday Egg Hunts in Parks (CES17034)(City Wide). It is attached as Appendix A, for reference.

CES17034 does not allow for the waiving of insurance fees for Holiday Egg Hunts in City parks.

The City's general liability policy will only apply to injuries or property damage related to the condition of City property or the negligence of City staff or those acting under the control and direction of the City. As such, coverage would not apply for a number of situations that might occur during and Easter Egg Hunt. Foreseeable examples are choking, food contamination, fights, concussion (two children knocking heads while racing for the same egg), to name several.

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Alternatively, the City's policy would apply if an individual injured themselves due to an irregularity in parks grounds. Foreseeable examples are trip hazards and faulty park/playground equipment.

The insurer underwrites the City of Hamilton based on the premise that its departments and employees operate according to established policies and processes that have been developed to provide the optimum outcomes for the City. External parties, such as those organizing Easter Egg Hunts do not operate according to the policies and procedures inherent in the City's operations, nor does the City direct their activities, and as such the insurer cannot extend coverage.

While the basic activities within an Easter Egg Hunt are well known, it is entirely possible that one or more groups may extend activities to include something which increases risk, for example, a barbecue or hot chocolate/coffee dispenser.

A Festival and Event Approval Application (formerly S.E.A.T. application), is required for:

ANY event that takes place outdoors on City property (i.e. parks, roadway or on the City Hall Forecourt) that includes ANY of the following elements:

- Food being given (such as Easter eggs) or sold to the GENERAL PUBLIC (not a picnic, BBQ or family reunion where food is being given to invited guests)
- Amplified sound
- Amusement rides and inflatables

Festival and Event Approval Applications are reviewed by the City's Special Events Advisory Team which follows Council approved policy that ensures the health and safety of citizens and visitors attending events and for the protection of city assets (park and streets).

The City's Game Day Insurance Program exists as an inexpensive and convenient way for organized groups to acquire insurance when using City property for their activities.

Individuals or non professional groups are generally eligible for coverage through the City's Game Day Insurance Program, which is administered by Pearson-Dunn Insurance Inc. If the applicant is accepted they would then be required to pay a relatively nominal premium to the broker who would then arrange to cover the applicant on a master Commercial General Liability insurance policy having a \$5 Million limit of coverage. Coverage can be purchased through the City's Recreation Division.

Risk Management Services does not recommend allowing Easter Egg Hunts to happen in City parks without approval from the S.E.A.T., a park permit obtained through Recreation, and corresponding insurance in place.

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It is of course the discretion of Council to designate a funding source for insurance fees. It should be noted; however, that funding insurance fees will likely be viewed as preferential treatment to one group's organized activity over another.

Attachment:

Appendix A - Holiday Egg Hunts in Parks (CES17034) (City Wide)



CITY OF HAMILTON
COMMUNITY AND EMERGENCY SERVICES DEPARTMENT
Recreation Division

TO:	Chair and Members Emergency & Community Services Committee
COMMITTEE DATE:	August 16, 2017
SUBJECT/REPORT NO:	Holiday Egg Hunts in Parks (CES17034) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Steve Sevor 905-546-2424 ext. 4645
SUBMITTED BY:	Christ Herstek Director, Recreation Community & Emergency Services Department
SIGNATURE:	

RECOMMENDATION

That rental fees associated with non-profit organizations executing community Holiday Egg Hunts in City parks consistent to the parameters of the Recreation Fee Waiver/Reduction Policy be waived permanently.

EXECUTIVE SUMMARY

Holiday Egg Hunts are a popular community building event in Hamilton and are run predominantly by community volunteers and with limited financial resources. Volunteers are able to secure donations for the candy eggs and accessories related to the collection of the eggs to offset expenses, however, many events incur a park rental fee charged by the City of Hamilton.

In the past, various Councillors have initiated motions to waive rental fees for a specific year. In 2014, Council approved Report CES14001 which included an update to the Recreation Fee Waiver/Reduction process. Provided that they are organized by non-profit organizations and are for the benefit of the local community, Holiday Egg Hunts can qualify for a fee waiver under the policy. In order to avoid the application step for community groups, the above recommendation will remove the park rental fee charged by the City.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: These events would have generated \$4,595 had the park rental fees not been waived through Council motions. Insurance fees cannot be waived, which is consistent with the Recreation Fee Waiver/Reduction Policy. Since

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

2013, there have been 20 permitted Holiday Egg Hunts at City of Hamilton parks.

Staffing: There are no staffing implications associated with Report CES17034.

Legal: There are no legal implications associated with Report CES17034.

HISTORICAL BACKGROUND

Holiday Egg Hunt organizers are required to apply for approval of their event through the Special Event Advisory Team (SEAT) if the event takes place on City property, such as a park. Once approved, organizers are required to submit payment for the park rental fee to Recreation Facility Bookings and provide evidence of insurance to staff in the Events Office.

For a number of years, event organizers have sought approval to have park rental fees waived for various Holiday Egg Hunts throughout the City. These events have either made an application through the Recreation Fee Waiver/Reduction Policy or have received approval for fee reduction through Council Motion.

Since 2014, Council has unanimously approved the same motion each year to waive fees for these activities. In this instance, the process used to waive fees for Holiday Egg Hunts is repetitive and creates an added barrier for event organizers.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Recreation Fee Waiver/Reduction Policy is still in effect. There are no material changes to the existing policy and therefore no impacts to the policy. Additionally, there are no legislated requirements associated with this Report. After review by Recreation staff, the Holiday Egg Hunts that have been approved annually through a Council resolution over the past five years would have qualified to receive a fee waiver if they were all assessed through the policy.

RELEVANT CONSULTATION

SEAT staff within the Planning and Economic Development Department have reviewed the Report.

Events Office staff within the Planning and Economic Development Department have reviewed the Report.

Finance and Administration staff within Corporate Services have also reviewed the Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The recommendation considers the fact that volunteer event organizers have access to minimal financial resources and that the largest expenditure for their event is the park rental fee. Insurance fees cannot be waived as they are required to cover the liability aspects related to executing the event. Insurance can be provided by the organization's supplier, or can be purchased at competitive rates through the Recreation Division.

The Holiday Egg Hunts permitted in City of Hamilton parks in the last five years have been organized by non-profit organizations or volunteer community organizations. Consequently, these events have met various aspects of the Recreation Fee/Waiver policy, such as the activity must be recreation or leisure based, the event must be open to the entire community, no user fees should be charged and the event must be run by a community group operating on a non-profit basis. Since the application of the Recreation Fee/Waiver policy is intact, the recommendation removes the burden from the event organizer of applying for the Fee Waiver process. It also formalizes a process that City Council has continuously approved for a number of years.

ALTERNATIVES FOR CONSIDERATION

None

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

APPENDICES AND SCHEDULES ATTACHED

None