

## **ATTACHMENT A**

### **A RESOLUTION APPROVING INSURANCE RECOMMENDATIONS FOR EVENTS Resolution No.155/2005-06**

WHEREAS, the Recreation and Parks Department has requested that the Mayor and Board of Aldermen review and approve the insurance recommendations for events.

WHEREAS, the Mayor and Board of Aldermen have reviewed and discussed the insurance recommendations.

NOW, THEREFORE, THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVE

Section 1. The Board hereby approves the Insurance Recommendations for Events.

Section 2. This resolution shall become effective upon adoption.

**UNOFFICIAL**  
**CARRBORO RECREATION AND PARKS COMMISSION MINUTES- 6/5/06**

Present – Members: Doris Murrell, Marianne Nicholson, Alfred Montalvo, Jr. and Eric Allman.  
Board Liaison: Alderman Jacquie Gist    Staff: Anita Jones-McNair.

Murrell called the meeting to order at 7:01 p.m.

**Approval of Minutes**

Murrell called for corrections or questions concerning the minutes of the last meeting, 5/1/06. Allman motioned for approval of the minutes and Alderman Gist seconded. The vote was unanimous.

**Communications and/or Speakers from the Floor**

Murrell called for communications and/or speakers from the floor. There were no speakers and communications this meeting.

**New Business**

Murrell called for new business. Jones-McNair briefly summarized a meeting concerning the Carrboro Elementary School Park Project that she attended on April 24, 2006. Alderman Gist suggested that the Commission invite someone from the group to attend the next meeting and present the project. Aldermen Gist and Haven-O'Donnell also attended that meeting. The members thought that was a good idea. Jones-McNair confirmed that she would contact Cyndi Weeks, one of the project coordinators about presenting the project at the August meeting.

The Commission then discussed how to recognize the Carrboro Parks Project for successful fundraising events. Murrell suggested that the recognition be done during the Board of Aldermen meeting. Alderman Gist suggested that the Commission host a reception on a Tuesday before a Board meeting in September and invite families. Then during the 7:30 meeting, the Mayor can read a proclamation honoring the group and present individual certificates. It was also suggested to have the reception near the shade sail. Jones-McNair confirmed that this item will be placed on the August meeting agenda and a proposal available for the Commission to review.

The Commission reviewed the Planning Board's recommendation for a Moratorium on Development in the Northern Study Area. Montalvo, Jr. asked about development in that area? Alderman Gist mentioned that there are several projects close to happening. Nicholson expressed her sentiment that once this request is presented to the Board, they will listen and effectively deal with it. The other Commission members agreed and did not have any comments.

Jones-McNair also presented a proposal of Insurance Recommendations for Events that will go before the Board on June 13<sup>th</sup>. She explained the concerns expressed and the purpose of the recommendations was to find a balance between protecting the Town, yet working with the Community. She asked for support of the recommendations. The Commission was in support of the agenda item and thanked staff for their work.

**Old Business**

Murrell called for old business. Jones-McNair distributed and reminded the Commission about the 4<sup>th</sup> of July Celebration and that volunteers are needed. Murrell reminded the Commission that historically this celebration, the Senior Picnic and the Halloween Carnival are events that the Commission members volunteer for and work closely with the department. There were a few questions about communication with businesses and the give away prizes for this event. Jones-

McNair mentioned that she would talk with staff about that information and send out an e-mail in the morning.

Jones-McNair provided an update of the Commission's recommendation concerning the Composite Countywide Plan. The IPWG will make the first two changes – adding the Century Center under Carrboro's information and adding the total number of acreage on page 2. They wanted to know if the Commission would agree to leaving the plan as it is in terms of the OWASA land. One map has the OWASA land and the other does not. The group wanted to be careful not to recreate an existing county document. The Commission discussed this item and wanted to discuss it again during the August meeting. If necessary, the Commission will prepare a letter to send the IPWG during the August meeting. Jones-McNair also mentioned that during the meeting of the IPWG, School Board member Pam Hemminger shared her sentiments about elementary school # 10 being built and how a larger gymnasium could help Carrboro. She urged Carrboro to consider writing a letter of interest to expand the gymnasium. She also understood that funds were not available for this project. The possibility of Orange County funding this project was briefly discussed. Murrell motioned to prepare a letter asking the Board of Aldermen to consider conversing with the School Board about building a full size gymnasium in the new elementary school to assist the Town of Carrboro in accommodating recreational activities, Nicholson seconded. The vote was unanimous. Murrell will prepare a draft letter for review at the next meeting.

#### **Report by Chair and Director**

Murrell called for reports. Murrell mentioned that NRPA is asking for help again for LWCF funds. She urged the members to please contact our representatives and express the importance of those funds. Jones-McNair reminded the Commission that the Master Plan Presentation is on June 13, 2006. Montalvo, Jr. asked for an update for the Simpson Park playground project? Jones-McNair mentioned that two options for community input are on the website. Jones-McNair also mentioned that the Adams Tract Land Management Plan will be presented to the Board on June 20, 2006. Jones-McNair mentioned she would notify the Commission when the plan was online for review. Murrell announced the upcoming CBM forum. Jones-McNair will send information to the Commission members.

#### **Considerations for next and future meetings**

Murrell called for future meeting items. The IPWG information, the Carrboro Elementary School Project, the CPP Recognition/Reception; letter for elementary school consideration and Joint Commission meeting will be placed on the agenda.

#### **Meeting Adjournment**

Murrell adjourned the meeting at 8:35p.m.

## IRFFNC COMMERCIAL GENERAL LIABILITY COVERAGE FORM

**k. Pollution-Related**

Any loss, cost or expense arising out of any:

- (1) Request, demand or order that any insured or others test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of, "pollutants"; or
- (2) Claim or suit by or on behalf of a governmental authority for damages because of testing for, monitoring, cleaning up, removing, containing, treating, detoxifying or neutralizing, or in any way responding to, or assessing the effects of, "pollutants".

**l. Employment-Related Practices**

"Personal injury" or "advertising injury" to:

- (1) A person arising out of any:
  - (a) Refusal to employ that person;
  - (b) Termination of that person's employment; or
  - (c) Employment-related practices, policies, acts or omissions, such as coercion, demotion, evaluation, reassignment, discipline, defamation, harassment, humiliation or discrimination directed at that person; or
- (2) The spouse, child, parent, brother or sister of that person as a consequence of "personal injury" or "advertising injury" to that person at whom any of the employment-related practices described in Paragraphs (a), (b) or (c) above is directed.

This exclusion applies:

- (1) Whether the insured may be liable as an employer or in any other capacity; and
- (2) To any obligation to share damages with or repay someone else who must pay damages because of the injury.

**ADDITIONAL EXCLUSIONS - COVERAGES A AND B**

The following exclusions apply under Coverages A or B of the Commercial General Liability Coverage Form to "bodily injury," "property damage," "personal injury," or "advertising injury":

**1. SPONSORED ACTIVITIES OR DESIGNATED OPERATIONS**

- a. Automobile, motorcycle, watercraft or aircraft racing or stunting;
- b. Rodeos;

## IRFFNC COMMERCIAL GENERAL LIABILITY COVERAGE FORM

- c. Bungee Jumping of any description;
- d. Traveling carnivals, circuses, or temporary mechanically operated amusement devices owned, operated, supervised, or regulated by the insured;
- e. Fireworks displays, except that we will provide a defense for the insured, but no indemnification, if the insured is sued for negligence of a fireworks operator who is licensed to use pyrotechnics under North Carolina General Statutes 14-413.
- f. Airplane, helicopter, or ballooning rides or shows;
- g. Parachuting or hang gliding;
- h. Skateboard Facilities of any description;
- i. Archery (unless endorsement provided);
- j. Firing Ranges (unless endorsement provided);
- k. Water Slides in excess of 10-feet;
- l. Trampolines and Rebounding Equipment;
- m. Ski lifts or ski resorts;
- n. Aircraft or airports, as respects coverage for all liability arising out of the ownership, maintenance, or use of any aircraft, airport or flight operations;
- o. Hospital or health clinic operations or activities;
- p. Horse farms and horse training facilities.
- q. All swimming pool facilities and operations within the boundary or barrier around the pool unless a person with responsibility for the pool(s) operation has successfully completed either the "Certified Pool Operator" course sanctioned by the National Swimming Pool Foundation or the "Pool Operator on Location" course developed by the Y.M.C.A.
- r. Bike Motorcross (BMX) facilities

## 2. MALPRACTICE AND PROFESSIONAL SERVICES

The rendering of or failure to render any professional service by anyone other than insureds while acting in the course of their employment as such, or any matter covered by any Public Official Liability or Police Professional Liability policies.

Town of Carrboro  
Insurance Recommendations for Events

The Town allows a broad range of activities to be held on Town property. Because of the nonrestrictive nature of the Town's policy on the use of its facilities, staff recommends an insurance requirement in some instances that will provide a balanced approach for those events or services that pose a substantial risk. Removing the requirement completely will place the liability on residents through the potential increase in insurance premiums if large settlements were awarded. Having insurance not only provides some protection to the Town, but it will also protect the insured organizations, businesses, etc. The town is currently insured through the North Carolina League of Municipalities (NCLM) with general liability coverage for \$2 million per occurrence. The policy provides defense coverage within policy provisions should the town be sued as a result of an accident during one of these events. Our coverage does not protect entities currently not under the Town's umbrella.

Events held on Town property can be divided into three categories – town events, town sponsored events and reservations.

- Town events are activities such as recreation classes, special events and meetings. The town also conducts events off of town property, such as schools for leagues and local businesses for the Music Festival and farm land for the Fishing Rodeo.
- Town sponsored events are events in which the town expends town funds for the planning and/or staging of the event, or the town anticipates receiving revenue from the staging of the event; or the town makes a substantial in-kind contribution toward the planning and/or staging of the event; or the town exercises substantial managerial control over the planning and/or staging of the event. These events are open to the public, provide benefits to the community and enhance existing opportunities. The event or program should not be political, controversial or discriminatory in nature nor should it duplicate current opportunities.
- Reservations are completed by individuals, groups, businesses, etc that reserve space for a certain structured purpose and time frame. Reservations include weddings, dances and meetings.

Staff reviewed the types of events conducted and assessed their level of risk based on current insurance standards. All events are categorized as low or high risk based on those standards. Town events and portions of some town sponsored events and reservations are covered by the Town's existing insurance policy. Some events include certain stipulations. (See attached additional exclusions in our current general liability policy.)

Staff recommends that events that fall in the low risk category will not be required to provide insurance. This would include town events, some town sponsored events and reservations with little to no physical activity by participants or no severe exposure to spectators and events with expected attendance of less than 500. Examples in this low risk

category include meetings, seminars, theatrical performances, dances, movie showings, flea markets, political rallies, educational/informational events, animal shows, picnics, and parades with no floats. Most town programs have low participant to staff ratios and if registration is required, each participant signs a waiver. Also, instructors, coaches and staff are trained and expected to follow town and departmental guidelines.

Town-sponsored events in which we partner with businesses or organizations and reservations of town facilities which include elements and services that present high risk factor(s) fall in the high risk category and will require:

1. Signed agreement to hold harmless, defend and indemnify the Town of Carrboro.
2. Carry commercial general liability insurance with a minimum limit of \$1million, endorsed to name the Town as an additional insured; and
3. Provide a certificate of insurance which reflects these requirements.

Examples include events with major physical activity and moderate/severe exposure to participants (bicycle races, road races, parades with floats); events with expected attendance of over 500; rock concerts, circuses/carnivals (or presence of carnival rides/games), or events with fireworks; events where large amounts of cash (\$1,000+) or quantities of merchandise will be brought onto Town property; events where food will be prepared on the premises or catered and sold to the general public and events where alcohol is not served by a caterer or distributor. If food is being sold, the health department does not require notification or a permit if the event is only once a month for no longer than a two day period.

If town events are conducted off town property, we expect these businesses or organizations to have \$1 million of general property and liability coverage.

Town of Carrboro	
Insurance Requirements for Events	
<b>REQUIRE NO INSURANCE (LOW RISK)</b>	<b>REQUIRE INSURANCE (HIGH RISK)</b>
Town events, some town sponsored events and reservations with little to no physical activity by participants or no severe exposure to spectators and events with expected attendance of less than 500.	Events with major physical activity and moderate/severe exposure to participants; events with expected attendance of over 500; or events where large amounts of cash (\$1,000+) or quantities of merchandise will be brought onto Town property; events where food will be prepared on the premises or catered and sold to the general public and events where alcohol is not served by a caterer or distributor.
Recreation and parks classes, workshops, trips and other programs with the exception of some portions of special events	July 4 <sup>th</sup> Celebration (mechanically operated amusement device contractors only) **
Town sponsored events with other municipalities – Fishing Rodeo and Egg Hunt	Carrboro Music Festival (mechanically operated amusement device contractors only ** and use of businesses for town event ^)
Reservations including private parties with or without alcohol* (birthday, retirement, engagement, holiday), dances, training sessions, meetings, family reunions, picnics	Carrboro Day (mechanically operated amusement device contractors only)** Reservations including private parties with alcohol*
Parades without floats, festivals, political rallies	Town activities conducted off town property such as bowling, ice skating classes and basketball and football leagues
Halloween Carnival, Poetry Alive and Lunchbox Concert Series	Parades with floats (gas powdered modes of transportation used)**
	Road races

\*Alcohol is only allowed at the Carrboro Century Center. Events with alcohol present are placed in the no insurance category if a caterer or distributor distributes the beverage. Also the reservation guidelines require using or the presence of Carrboro police officers at any event where alcohol is served for more than one hour. An Alcoholic Beverage Guidelines form must be read and signed.

\*\* Must provide \$1 million coverage and add town as additional insured.

^Business must provide proof of \$1 million coverage.

Note: This is not an inclusive list. It will serve as an example listing.