

COMMITTEE OF THE WHOLE - MAY 31, 2011

THORNHILL VILLAGE FESTIVAL – AFFILIATE INSURANCE COVERAGE AND ELECTRICAL SAFETY ASSOCIATION REQUIREMENTS

Recommendation

The Commissioner of Legal and Administrative Services & City Solicitor and the City Clerk recommend:

- 1) That this report be received for information.

Contribution to Sustainability

Facilitating insurance coverage for special events operated by third party affiliate municipal groups supports long term community engagement.

Economic Impact

City of Vaughan support to festivals and events is restricted to the provision of 'services in kind', the cost of which are funded from existing departmental budgets.

Communications Plan

Any changes in policy or requirements resulting from consideration of this report will be communicated to the appropriate parties when special event permit applications are processed.

Purpose

The purpose of this report is to respond to a request of the Committee of the Whole (Working Session) raised during the consideration of New Business at its May 17, 2011 meeting. The request was for the purpose of receiving suggestions on how the City might assist to resolve two impediments raised by the organizers of the Thornhill Village Festival:

- a) Insurance coverage; and
- b) Electrical Safety Association requirements for festivals

It was understood that further investigation into general City support to festivals and events would be undertaken in the future.

Background – Analysis and Options

At the May 17, 2011 meeting of Committee of the Whole (Working Session), the Committee was advised that the organizers of the Thornhill Village Festival were finding difficulty satisfying the City's requirements to provide insurance for the event, and the Electrical Safety Association's inspection requirements.

Insurance

By-law Number 370-2004, being a by-law to provide for the issuing, revoking, and/or suspending of permits and for regulating and inspecting special events within the City of Vaughan, provides that a number of conditions must be satisfied for the issuance of a permit, including:

"3.0 (2)(e):

A certificate of policy of insurance for general comprehensive liability in the amount of two million dollars (\$2,000,000.00) with the City of Vaughan named as additional insured."

The City maintains insurance coverage pursuant to a policy of insurance issued by Frank Cowan Company Limited (Frank Cowan).

The City has also adopted Policy No. 06.1.09 which provides that the City will include in its insurance policy third party liability coverage for groups granted affiliate status in accordance with the specified guidelines. The policy does not extend to full time employees or participants in the group's activities. Affiliate groups are to meet the following criteria:

- a) The group is non profit oriented;
- b) The purpose of the group is for the benefit of the community as a whole and not gain to the members;
- c) The group is administered by volunteers;
- d) The group has a democratically elected executive;
- e) The group is governed by a constitution which includes a statement of goals and objectives;
- f) That at least 75% of the members (or 50% in Thornhill) of the group are residents of Vaughan;
- g) The group is open to community members and does not limit membership on the basis of place of employment, religion, race or political beliefs;
- h) The group is not an organization whose purpose is the promotion of political, moral or religious issues or beliefs; and
- i) A copy of any other insurance policy covering the activities of the group which may have been purchased or provided by a parent group [is provided].

The underlying report to the policy indicates that the policy will require amendments and will evolve as circumstances dictate; indeed the list of Affiliate groups has been reduced over time.

Under the City's insurance policy, groups with Affiliate status receive \$1,000,000.00 of third party liability insurance coverage. The Thornhill Village Festival, in conjunction with the Society For The Preservation of Historic Thornhill is specifically mentioned and a premium of \$1,450 is paid on that account.

The \$2,000,000.00 comprehensive liability coverage requirement for special events is waived for Affiliates covered under the City's policy.

It is important to note that the City's policy offers liability protection for Affiliates only with respect to the event in question. It does not extend to other liabilities of the Affiliate, including Directors and Officers Liability, property coverage for owned assets, etc. There has been some confusion over whether corporate Affiliates are able to be included in the City's Affiliate policy – that has now been clarified and the City will be obtaining a waiver from all Affiliates who operate festivals and events so that it is clear that the coverage provided is restricted to the event, and that the responsibility remains with those parties to obtain other prudent insurance coverage. Corporate Affiliates will receive protection under the City's policy on the same basis as non-incorporated entities.

Electrical Safety Association Requirements

Attached to this report as Appendix 1 is the Electrical Safety Authority's Electrical Inspection Requirements for Festivals and Events, and an excerpt from the applicable fee schedule. The special events inspection fee is \$130 per hour.

It has not yet been determined whether the City can assist in arranging relief from payment of the ESA fees but staff will continue to explore that avenue.

Relationship to Vaughan Vision 2020

This report is in keeping with Vaughan' vision of management excellence through the maintenance of the City's assets and infrastructure, its financial sustainability and its commitment to service excellence through the enhancement of community safety, health and wellness by the promotion of risk management initiatives.

Regional Impact

N/A

Conclusion

The insurance requirements of the City's special event permit application process are waived for Affiliate groups in that coverage is provided through the City's own contract of insurance.

It has now been clarified that incorporated entities may remain as Affiliates and therefore are qualified to receive \$1,000,000.00 liability coverage through the City's policy of insurance with Frank Cowan. The special events application process will be modified to obtain waivers from applicants, clarifying that the coverage is restricted to the event in question, and that other insurance protection is their responsibility to obtain.

Attachments

Appendix 1: Electrical Safety Authority's Electrical Inspection Requirements for Festivals and Events

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Respectfully submitted by:

Janice Atwood-Petkovski
Commissioner of Legal and Administrative
Services & City Solicitor

Jeffrey A. Abrams
City Clerk



ELECTRICAL INSPECTION REQUIREMENTS FOR FESTIVALS AND EVENTS

A Successful Event represents no electrical injuries:

It is very important to ensure that all individuals working at or attending festivals and events are safe from any potential fire or shock hazards. The Ontario Electrical Safety Code (Ontario Regulation 164/99) & Ontario Regulation 438/07 define the requirements for electrical installations and electrical products in Ontario.

Did you know Festivals and Events fall within the scope of Ontario's electrical safety regulations? Early engagement with the Electrical Safety Authority will assist you in a successful Event.

Ontario's Electrical Safety Code (Ontario Regulation 164/99) requires:

- An Application for Inspection be filed with ESA before or within 48 hours of commencing electrical work, and payment of the prescribed fees to the inspection department (OESC Rule 2-004)
- You accurately and completely document all electrical work occurring at your Event/Festival on your Application for Inspection
- Electrical products bear the mark of a recognized certification agency
- The above rule(s) also apply to booths, stages and displays where temporary power is supplied by generators and distribution equipment.

Who is ESA?

The Electrical Safety Authority ("ESA") operates as a delegated authority on behalf of the provincial government of Ontario in accordance with Part VIII, section 113 of the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched.A. ("the Act"), and the *Safety and Consumer Statutes Administration Act, 1996*, S.O. 1996, c.19. Ontario Regulation 89/99 establishes the ESA and designates the ESA as the authority for the purposes of the Act and corresponding Regulations. The ESA is a stand-alone, financially self-sustaining, not-for-profit corporation accountable to a Board of Directors and operating under an Administrative Agreement with the Ministry of Consumer Services. ESA's mandate is to administer the Act and the corresponding Regulations;

- (1) The Electrical Safety Code (Regulation 164/99);
- (2) Licensing (Regulation 570/05);
- (3) Distribution Safety (Regulation 22/04); and
- (4) Product Safety (Regulation 438/07) on behalf of the Province of Ontario.


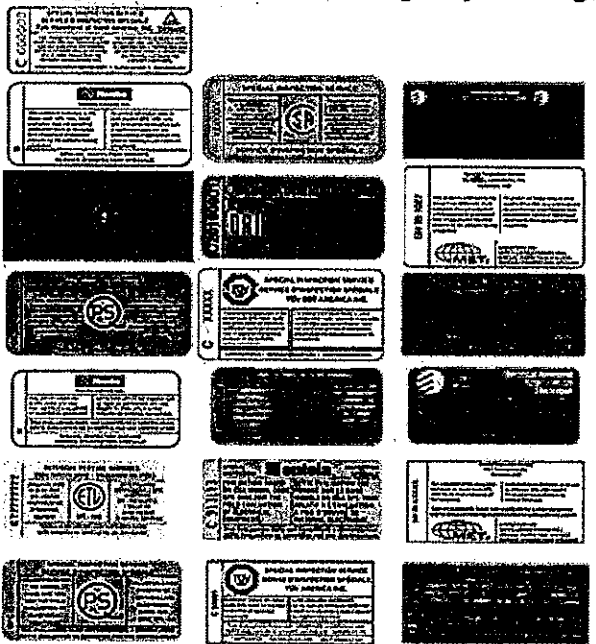
PROVINCIAL REQUIREMENTS FOR EXHIBITING ELECTRICAL EQUIPMENT AT FESTIVALS AND EVENTS

Rule 2-022 of the Ontario Electrical Safety Code requires that any electrical equipment that is being displayed, offered for sale, or used at any show, convention, festival or event (or similar exhibition) **BE APPROVED FOR USE IN ONTARIO** in accordance with Ontario Regulation 438/07.

Electrical equipment is considered approved if it bears the certification mark or Field Evaluation label of an organization that has been accredited by the Standards Council of Canada to approve electrical equipment. If these markings are missing, the equipment is considered to be unapproved. Bulletin 2-7-22 shows all approved certification marks or Field Evaluation markings accepted in Ontario.

Note:

1. Electrical equipment must be approved as an assembled unit. Electrical equipment that consists of an assembly or combination of other individually approved electrical equipment or devices is considered unapproved.
2. Below is a listing of Recognized Certification Approval Markings and Field Evaluation Agency Markings accepted in Ontario. For an updated listed visit www.esasafe.com

Recognized Certification Markings	Recognized Field Evaluation Agency Markings
	

**FAILURE TO COMPLY COULD RESULT IN THE EQUIPMENT BEING ORDERED
REMOVED FROM DISPLAY.**

For more information please visit us @ www.esasafe.com

FEE SCHEDULE

Additional fees apply as per Section 5.4 for Outlets and Other Devices, Section 5.5 for Panelboards, etc. and Section 5.7 for Transformers, Generators and Alternators.

Special Events (Section 5.13.3)

For special events such as outdoor concerts, festivals, etc. the fee is \$130 per hour or fraction thereof and is valid for up to 7 days.

Additional fees apply as per Section 5.5 Panelboards, etc. and Section 5.7 for Transformers, Generators and Alternators.

For unusual Special Events, it may be necessary to contact the General Manager or Inspector for fee guidance.

Notes: Applicable to all categories in Section 5.13

(1) There is a weekly re-inspection fee of \$70 for all of the above items except for non-changing studio sets. There is a monthly re-inspection fee for non-changing studio sets of \$125.

(2) The fees in this section include a connection authorization for 7 days.

Permission to Show Unapproved Equipment and Permission to Energize Unapproved Equipment (Section 5.14)

Permission to Show Unapproved Equipment (Section 5.14.1)

The fee to display Unapproved Equipment at a Trade Show is \$54 per booth. If a vendor has adjoining booths, it will be considered as one booth for fee purposes.

Permission to Energize Unapproved Equipment (Section 5.14.2)

The fee to energize Unapproved Equipment at a Trade Show is \$125 per piece of equipment. Permission to energize is valid for the duration of the Trade Show.

Carnivals (Section 5.15)

Note: The fee in this section includes a connection authorization for 7 days. The fee for the renewal of the connection authorization for each additional 7 days is \$70.

The fee for the first 5 rides/booths or less is \$117 (NC \$124), plus an additional fee of \$70 (NC \$74) for each additional multiple of 5 rides/booths or less, if inspected at the same time. Additional fees apply for each generator.

Street Lighting, Traffic Signals, Roadway Systems (Section 6)

Street Lighting (Section 6.1)

The fee for street lighting is the sum of the following:

- the fee based on the number of streetlights priced as follows:

	Contractor	Non-Contractor
For the first streetlight	\$22*	\$24*
Each additional streetlight	\$6	\$7

- the service fee as defined in Consumer Service Section 5.1.2
- the fee for underground lines (Section 5.6.2) or the fee for overhead lines (Section 5.6.1), if applicable
- the fee for Panelboards as defined in Section 5.5.
- the fee for Other Devices as defined in Section 5.4

Traffic Signal System (Section 6.2)

The fee for the installation of a new traffic signal system or major modification to an existing system is \$369. This includes the signal heads, the controller, the underground and/or overhead lines, the service, connection authorization if required, all devices including street lighting installed to illuminate the intersection or area served by the signal system, when installed by the same contractor and inspected at the same time.