

**CITY MANAGER'S REPORT
JUNE 10, 2024 CITY COUNCIL REGULAR MEETING**

ITEM: APPROVE A RESOLUTION WAIVING COMMERCIAL LIABILITY INSURANCE REQUIREMENTS FOR CITY-CONTRACTED ENTERTAINERS AT CITY SPONSORED EVENTS

RECOMMENDATION: Adopt a Resolution to Waive Commercial Liability Insurance Requirements for City-Contracted Entertainers at City Sponsored Events

SUMMARY:

The Parks and Recreation Department hosts over 52 events annually between Community Special Events, Senior Events, and Youth/Teen Events. Each of these events may require the City to contract with a variety of performers for entertainment. To continue to uphold the quality of the events City of Lathrop residents have come to expect, the participation of such entertainers has become very significant. Most often, performers, musicians, bands, dancers, disc jockeys, judges, and other providers of entertainment do not carry commercial liability insurance.

The Parks and Recreation Department is requesting that Council consider waiving the commercial liability insurance requirement for such performers, musicians, bands, dancers, disc jockeys, judges, and other providers of entertainment contracted by the City to participate at City sponsored events. The performers, musicians, bands, dancers, disc jockeys, judges, and other entertainment providers would still be required to sign a Hold Harmless Agreement and a Service Contract wherein they would agree to indemnify the City for any damages and claims for their performance.

If this proposed waiver is approved by Council, the City would be responsible for liability resulting from such performances at such City-sponsored events to the extent performers are not willing or able to cover any liability resulting from their performances.

BACKGROUND:

The Parks and Recreation Department hosts a multitude of special events throughout the year. To continue to uphold the quality of the events City of Lathrop residents have come to expect, the participation of such entertainers has become very significant. Each of these events may require the City to contract with performers for entertainment. A stipulation in the City's standard Service Contract requires the contractor to maintain commercial liability insurance, which many of these

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performers do not carry. If commercial liability insurance continues to be required by the City, many entertainers will not be able to participate in our events.

Staff reached out to the City's Risk Management Association for their opinion on the potential waiver of commercial liability insurance and they provided the following:

This is one of those business decisions for the city. Ideally these groups would provide insurance, but the reality is many are too small and don't ordinarily carry insurance. Waiving insurance for these groups is a business decision for your city.

The Parks and Recreation Department is requesting that Council waive the commercial liability insurance requirement for performers, musicians, bands, dancers, disc jockeys, judges, and others at City sponsored events.

If this waiver is approved by Council, the City would be responsible for any liability resulting from such performances at such City-sponsored events to the extent performers are not willing or able to cover the liability resulting from such incidents.

RECOMMENDATION:

Adopt a Resolution to waive commercial liability insurance requirements for City-contracted performers, musicians, bands, dancers, disc jockeys, judges, and other entertainers providing entertainment at City sponsored events.

FISCAL IMPACT:

If the waiver is approved by Council, the City would be responsible for any liability resulting from such performances at such City-sponsored events to the extent performers are not willing or able to cover the liability resulting from such incidents.

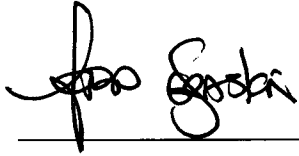
Otherwise, no fiscal impact.

ATTACHMENTS:

- A. A Resolution to Waive Commercial Liability Insurance Requirements for City-Contracted Entertainers at City Sponsored Events

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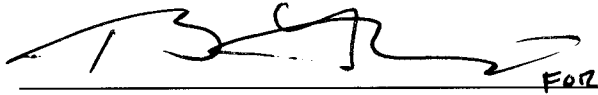
APPROVALS:



Todd Sebastian
Director of Parks and Recreation

5.30.24

Date



Cari James
Director of Finance

5/30/2024

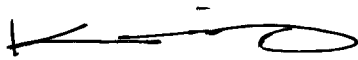
Date



Thomas Hedegard
Deputy City Manager

5/30/2024

Date



Michael King
Assistant City Manager

5.31.2024

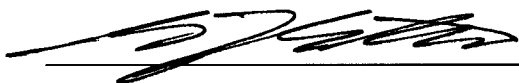
Date



Salvador Navarrete
City Attorney

5-30-2024

Date



Stephen J. Salvatore
City Manager

6.3.24

Date

RESOLUTION NO. 24-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP TO WAIVE COMMERCIAL LIABILITY INSURANCE REQUIREMENTS FOR CITY-CONTRACTED ENTERTAINERS AT CITY SPONSORED EVENTS

WHEREAS, the Parks and Recreation Department hosts over 52 events annually between Community Special Events, Senior Events, and Youth/Teen Events; and

WHEREAS, each of these events may require the City to contract with a variety of performers for entertainment; and

WHEREAS, the City's standard Service Contract requires that all contractors maintain commercial liability insurance which many of these entertainers do not carry; and

WHEREAS, to continue to uphold the quality of the events City of Lathrop residents have come to expect, the participation of such entertainers is required/necessary; and

WHEREAS, the Parks and Recreation Department is requesting that Council waive the City's usual requirement for commercial liability insurance for City-contracted entertainers for City sponsored events and only require entertainers to sign the City's standard Hold Harmless Agreement and Service Contract wherein they would agree to indemnify the City for damages and claims resulting from their performances; and

WHEREAS, if the proposed waiver is approved by Council, the City would be responsible for liability resulting from such performances at any City-sponsored events to the extent performers are not willing or able to cover any liability resulting from such incidents.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop does hereby waive commercial liability insurance requirements for City-contracted entertainers at City sponsored events.

The foregoing resolution was passed and adopted this 10th day of June, 2024, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:


ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

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