SUBJECT: Festival of Friends Request for Waiver of Ground Damage Charges (PW09020) - (City Wide)

RECOMMENDATION:
That the request by “Festival of Friends” organizers to waive charges in the amount of $2,712.84 for damages to Gage Park grounds incurred through the operation of the 2008 event during inclement weather conditions be denied.

EXECUTIVE SUMMARY:
The 2008 Festival of Friends event was held at Gage Park during inclement weather conditions and rain saturated soil conditions resulted in considerable damage to the grounds through vehicular traffic movement. Whereas the existing Special Events “Rain Out” Policy places the onus of responsibility on the event organizer to control the movement of vehicular traffic so as to prevent ground damages from occurring, costs to repair extraordinary damages to grounds related to the event are assessed to the event organizer. This report presents the organizer’s request for the waiver of charges, and provides staff’s recommendation for consideration.

BACKGROUND:
The information/recommendation contained within this report has City wide implications.
In August 2008 the Festival of Friends held their annual event at Gage Park and given rain saturated field conditions, an extraordinary amount of ground damage occurred through the dismantling of the event set up.

The most substantial damages were in the South East portion of the park (baseball diamond area) which was utilized for visitor/patron parking and as a result of the rain and saturated ground conditions the grounds in this area were damaged by the vehicular movement of passenger vehicles entering and exiting the event, which resulted in heavy rutting of the grounds and the need to close the area and cancel ball diamond permits for one (1) week. The other area within Gage Park that was affected was in east of the Band shell where the Carnival equipment and commercial trucks belonging to various Vendors were located but this area was controlled by the Organizer and resulted in surface damage only.

**ANALYSIS/RATIONALE:**

The event organizer is responsible under the SEAT committee policies to control the activities within the permitted park location so as to not cause any undue damages and would be held responsible to pay for any damages incurred. Field staff observing the event take down feel that much of the damage could have been avoided with appropriate on site traffic management by the event organizer.

**ALTERNATIVES FOR CONSIDERATION:**

1. Council may choose to change the SEAT Event Rain Out Policy so to not hold event organizers responsible for damages to City of Hamilton owned venues.
2. Council may choose to approve the request for the waiving of damage costs related to the 2008 Festival of Friends event.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

There is a financial impact if Council chooses Option #2 under the Analysis of Alternatives section of the report in the amount of $2,712.84 itemized as follows:

- Contractor - $604.04
- Labour - $1,436
- Material - $672.80

**POLICIES AFFECTING PROPOSAL:**

Special Event Advisory Team (SEAT) Event Rain Out Policy

This report is not associated with the Corporate and Public Works Strategic Plans.

**RELEVANT CONSULTATION:**

Community Services Department - Culture Division
Finance and Administration
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced.   ☐ Yes   ☑ No

Environmental Well-Being is enhanced.  ☐ Yes   ☑ No

Economic Well-Being is enhanced.         ☑ Yes   ☐ No

Hamilton’s parks and facilities are maintained and enhanced for the enjoyment of all residents.

Does the option you are recommending create value across all three bottom lines?  ☑ Yes   ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?  ☐ Yes   ☑ No