

RESOLUTION NO. 2009 - 064

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING STANDARDS RELATING TO EVENT INSURANCE AND PERFORMANCE BOND REQUIREMENTS; AUTHORIZING THE TOWN ADMINISTRATOR TO APPROVE MODIFIED AMOUNTS BASED UPON THE TOWN'S RISK OF LOSS AND EXPOSURE TO LIABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 19, 2009, the Town adopted Ordinance No. 2009-08, creating a new Code of Ordinances for the Town; and

WHEREAS, prior to the adoption of the new Code, the Town's event insurance and bonding requirements were specifically contained within the Town's Unified Land Development Code; and

WHEREAS, to give the Town greater flexibility in establishing its insurance and bonding requirements, the Town's new Code provides that the parameter relating to insurance and performance bonds shall be set by Resolution; and

WHEREAS, Section 035-040(J) of the Code of Ordinances indicates that before outdoor event permits can be issued, proof of an insurance policy is required that provides coverage in the amount adopted by the Town; and

WHEREAS, Section 035-040(K) of the Code of Ordinances also indicates that before outdoor event permits are issued, a performance bond or similar security acceptable to the Town and naming the Town as beneficiary shall be set by Resolution; and

WHEREAS, this Resolution seeks to satisfy the Town's requirement of establishing the Town's event insurance and performance bond requirements;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1. The above-referenced recitals are true and correct and are incorporated herein by reference.

Section 2. The Town Council hereby approves the following standards relating to Event Insurance and Performance Bonds:

Insurance. All parties requiring event insurance pursuant to the Town's Code of Ordinances shall secure and maintain, at their own expense, and keep in effect, a policy or policies of insurance, which must include the following coverages and minimum limits of liability as specified herein:

Comprehensive General Liability (occurrence form) with the following minimum limits of liability with no restrictive endorsements:

\$1,000,000 per occurrence Combined Single Limit
Bodily Injury & Property Damage Coverage

THE INSURED SHALL SUBMIT TO TOWN COPIES OF ITS CERTIFICATE(S) OF INSURANCE EVIDENCING THE REQUIRED COVERAGES AND SPECIFICALLY PROVIDING THAT THE TOWN OF SOUTHWEST RANCHES IS AN ADDITIONAL NAMED INSURED OR ADDITIONAL INSURED WITH RESPECT TO THE REQUIRED COVERAGES AND THE OPERATIONS UNDER WHICH THE INSURED IS TAKING.

Insurance companies selected must be acceptable to Town. All of the policies of insurance so required to be purchased and maintained shall contain a provision or endorsement that the coverage afforded shall not be cancelled, materially changed or renewal refused until written notice has been given to Town by certified mail.

These insurance requirements shall not relieve or limit the liability of the Insured. Town does not in any way represent that the types and amounts of insurance required hereunder are sufficient or adequate to protect the Insured's interests or liabilities, but are merely minimum requirements established by the Town. Town reserves the right to require any other insurance coverages that Town deems necessary depending upon the risk of loss and exposure to liability.

All required insurance policies shall preclude any underwriter's rights of recovery or subrogation against Town with the express intention of the parties being that the required insurance coverage protects both parties as the primary coverage for any and all losses covered by the above described insurance.

The insured shall ensure that any company issuing insurance to cover the requirements contained in this Agreement agrees that they shall have no recourse against Town for payment or assessments in any form on any policy of insurance.

The clauses "Other Insurance Provisions" and "Insured Duties in the Event of an Occurrence, Claim or Suit" as it appears in any policy of insurance in which Town is named as an additional named insured shall not apply to Town.

The Insured shall not commence performance of its desired event until after it has obtained all of the minimum insurance herein described and the same has been approved by Town.

Performance bond. All parties requiring a performance bond to guarantee the clean up of an event shall secure a performance bond in the amount of five thousand dollars (\$5,000.00).

Section 3. The requirements set forth herein may be modified in the Town Administrator's sole discretion based upon the Town's risk of loss and exposure to liability.

Section 4. Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict

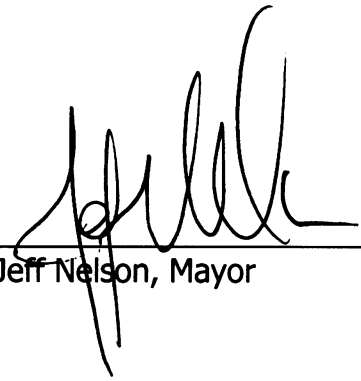
Section 5. Severability. If any portion of this Resolution is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Resolution. If any Court determines that this Resolution, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property or circumstance.

Section 6. Effective Date. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 4th day of June, 2009, on a motion by Council Member Aster Knight and seconded by Council Member Doug McKay.

Nelson	<u>Y</u>	Ayes	<u>5</u>
Breitkreuz	<u>Y</u>	Nays	<u>0</u>
Fisikelli	<u>Y</u>	Absent	<u>0</u>
Knight	<u>Y</u>	Abstaining	<u>0</u>
McKay	<u>Y</u>		

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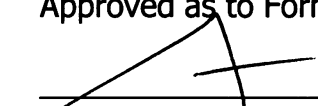
Jeff Nelson, Mayor

ATTEST:



Debra Doré-Thomas, Interim Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney

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