



**SPECIAL MEETING OF COUNCIL
Tuesday, September 6, 2022 @ 5:30 PM
Ucluelet Community Centre,
500 Matterson Drive, Ucluelet**

LATE AGENDA

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| 1. LATE ITEMS | |
| 1.1. Add report number 22-135 - "Instructor Insurance" - by the Director of Parks and Recreation as agenda item 6.2. Instructor Insurance Appendix A - Service Provider Agreement | 3 - 6 |



REPORT TO COUNCIL

Council Meeting: September 6, 2022
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: ABBY FORTUNE, DIRECTOR OF PARKS & RECREATION **FILE NO:** 7710-10
SUBJECT: INSTRUCTOR INSURANCE **REPORT NO:** 22- 135
ATTACHMENT(S): APPENDIX A - SERVICE PROVIDER AGREEMENT

RECOMMENDATION(S):

THAT Council approve the provision of general liability insurance for contract activity instructors who form the Ucluelet Activity Instructors Group, through the Municipal Insurance Association's Associate Member Program; and,

THAT Council authorize the Director of Parks & Recreation, on behalf of the District of Ucluelet, to enter into Service Provider Agreements with individual recreation instructors for the provision of general liability insurance through the District's liability insurance held with the Municipal Insurance Association of British Columbia.

BACKGROUND:

Historically the District of Ucluelet Recreation Department had instructors' liability insurance through the AON Insurance Company, the insurance became no longer available mid August. AON was trying to find a solution through other providers for the District of Ucluelet however, the insurance coverage solution provided was not viable. The proposed insurance coverage would cost one instructor carrying out regular program instruction for a year approximately \$1,100. With instructors working limited hours, generally 2 - 3 classes per week 1- 2 hours per class, this rate is cost prohibitive, and an alternate solution was needed. The District was fully advised of AON's solution on September 1, 2022, with program instruction starting September 8 through 12.

Staff re-opened discussions with the Municipal Insurance Association of BC to relook at what they might be able to offer. MIABC is the municipalities insurance provider. MIABC advised the District that the majority of municipalities in British Columbia use their service provider agreement insurance to cover their instructors for general insurance requirements. The cost to the municipality is \$350/year and covers all the instructors annually.

If the District chooses to go this route, the District's insurance deductible would apply to any claim caused by the group and the District's claims experience would be affected. In order for the District to extend their insurance coverage to the instructors group, a Service Provider Agreement will have to be approved by way of Council resolution. Liability risk with instructors is deemed very low no incidents within the District for thirty years. Our one higher risk category is gymnastics which would retain separate instructors' liability insurance through Gymnastics BC.

The recommendation is that the District of Ucluelet provide insurance coverage for its contract instructors through MIA for general liability instructors' insurance.

APPENDIX A



SERVICE PROVIDER AGREEMENT

This Service Provider Agreement (the “Agreement”) is made and entered into this 6 day of September, 2022 by and in between District of Ucluelet (the “Local Government”) and Ucluelet Activity Instructors Group (the “Service Provider”).

The Service Provider agrees to provide the following services for or on behalf of the Local Government:

Recreation Services, Programs and Special Events through the District of Ucluelet Parks and Recreation Department.

- The Service Provider has not caused or contributed to any insured or uninsured losses in the past 5 years.
- The term of the Agreement is from the ____ day of _____, _____ and the ____ day of _____, _____.
- The term of the Agreement is perpetual commencing the 6 day of September, 2022.
- As the Service Provider may attract errors and omissions claims, the Local Government agrees to maintain commercial general liability coverage from the MIABC beyond the termination of the Agreement, specifically until the ____ day of _____, _____.

While providing the agreed service, the Service Provider agrees to comply with: all applicable laws, rules and regulations; the practices, procedures and policies of the Local Government; and any special instructions given to the Service Provider by representative(s) of the Local Government. By entering into this agreement, the Service Provider confirms they have the necessary training, experience and knowledge to provide the services as set out above.

The Local Government agrees to obtain commercial general liability and errors and omissions insurance coverage from the Municipal Insurance Association of British Columbia (MIABC) naming the Service Provider as an Additional Named Insured entitled to full coverage in the amount of \$5,000,000 with respect to third party liability claims arising from the provision of the agreed service. The Service Provider agrees to carry its own statutory worker’s compensation insurance and automobile liability insurance, if appropriate.

The Service Provider agrees to indemnify, defend and hold harmless the Local Government, its agents, servants, employees, trustees, officers and representatives from any liability, loss or damage which the

Local Government may suffer as a result of any claims, demands, costs, actions, causes of actions, or judgments, including legal fees, asserted against or incurred by the Local Government arising out of, during, or as a result of the provision of services outlined in the Agreement except such liability, loss, or damage which is the result of, or arising out of, the sole negligence of the Local Government or that is covered by the MIABC liability insurance policy.

- X The Local Government agrees to be responsible for any and all deductible amounts including any claim expenses incurred and policy premium payments.
- The Service Provider agrees to be responsible for any and all deductible amounts including any claim expenses incurred and policy premium payments.

The Local Government reserves the right to terminate this Agreement and the associated commercial general liability insurance coverage provided to the Service Provider by the MIABC at any time upon written notification to the Service Provider of the termination.

ON BEHALF OF <LOCAL GOVERNMENT>

ON BEHALF OF <SERVICE PROVIDER>

Name:

Name:

Title:

Title:

Signature:

Signature:

Date:

Date:
