



City of Santa Monica
DEFENSE, INDEMNITY, AND HOLD HARMLESS AGREEMENT
(Youth Group Beach/Water Activity)

(NAME)

whose address is

California, hereinafter
Indemnitor, in consideration of receiving a Youth Group Beach/Water Activity Permit for (specify name,
date, and location):

Four horizontal lines for providing details of the Youth Group Beach/Water Activity Permit.

agrees to the following terms and conditions:

Indemnitor shall indemnify, protect, hold harmless and defend the City of Santa Monica, its City Council, boards and commissions of the City of Santa Monica, and any of its officers, employees, agents, and volunteers (collectively "the City Indemnitees") from and against any and all demands, claims, actions, lawsuits, damages, judgments, liabilities, cost and expenses, including reasonable attorney's fees and other reasonable professional fees (collectively the "Claims") for death or injury to any person, or damage or destruction of property to the extent arising from and related to one or more of the following: (i) the operation or activities of the Indemnitor, or any of its officers, agents, volunteers or employees (collectively the "Indemnitor") related to the Youth Group Beach/Water Activity Permit; (ii) any breach or default in the performance of any obligation on the part of the Indemnitor under the terms of the Youth Group Beach/Water Activity Permit; (iii) any negligent or wrongful act or omission of Indemnitor; and (iv) the furnishing or supplying of services, materials, equipment or supplies by Indemnitor's contractors or vendors. However, the Indemnitor shall have no obligation to indemnify, protect, defend or hold harmless any City Indemnitee to the extent such Claim arises from the sole active negligence or willful misconduct of any City Indemnitee.

IN WITNESS WHEREOF, this Agreement is executed on the ___ day of
___, 20__.

INDEMNITOR:

by _____

YOUTH GROUP BEACH/WATER ACTIVITY PERMIT: DESCRIPTIONS AND REQUIREMENTS

Youth Group Beach/Water Activity Permits are issued in the following priority order:

1. City of Santa Monica staff operated or contracted programs
2. Other groups/organizations

A. Youth Group Beach/Water Activity Permits - Occasional Use

- Permits are issued according to the following schedule on a first-come, first-served basis
 - Summer: Beginning March 15th for permits with tower reservations June – August
 - School Year: Beginning June 15th for permits with tower reservations September – May
- Tower reservations are limited to one day each week (Mon. – Sun.) per group/organization address
- Available Locations
 - Year-round: Towers 15, 16, 17 and 24
 - Towers 2, 12, 13 and 22 may be reserved on a space available basis after Multi-day Visitor permit applications received during each priority application period are processed
 - Reservations at other tower locations may be available upon City approval
- There is no charge for an Occasional Use Permit or tower reservations.
- Allow a minimum of 7 days for processing

B. Youth Group Beach/Water Activity Permits – Ongoing Use Permit: Multi-day Visitor

- Permits Periods:
 - Summer: June – August
 - Priority application period: March 15th – April 15th
 - Permits issued by May 1st

(Summer 2015 deadline extended to April 30th, with permits issued by May 15th)
 - School Year: September – May
 - Priority application period: June 15th – July 15th
 - Permits issued by August 1st
- # of Available Reservations per Week (Monday – Friday):
 - A maximum of 2 tower reservations per week per group/organization address
 - A maximum of 6 total tower reservations per week for all groups/organizations combined
- There is no charge for a Multi-day Visitor Permit or tower reservations
- Permit Allocation Process
 - Complete applications will be entered into a lottery and processed in the order drawn
 - Reservation requests for unavailable dates will be offered alternative dates, if available
 - Applications received after the priority application period will be processed on a first-come, first-served basis after applications received during the priority application period have been processed
 - Allow a minimum of 7 days for processing

C. Available Locations

- Towers 2, 12, 13 and 22 receive priority over other permits if applications are received within the priority application period. Permits will be issued by May 11, 2015.
- Reservations at other tower locations may be available upon City approval.

D. Santa Monica Business License required, if applicable

E. Signed Defense, Indemnity, and Hold Harmless Agreement required

F. Proof of insurance naming the City as additionally insured required (See Exhibit A)

YOUTH GROUP BEACH/WATER ACTIVITY PERMIT: RULES/GUIDELINES

- Applicants may receive only one type of Youth Group Beach/Water Activity Permit tower reservation per week.
- Maximum number of youth in the water at one time is 25.
- Maximum youth/adult ratio in the water is 5 to 1.
- Maximum youth/adult ratio on the sand is 10 to 1.
- Groups are assigned to beach areas based on the availability of proper supervision by Los Angeles County Lifeguards and so as not to conflict with other activities permitted in the area.
- Permittee is to maintain area clean of trash and shall place group-generated trash in trash receptacles before leaving the area.
- Alcohol is not permitted on the beach or in beach parking lots.
- Glass containers are not permitted on the beach.
- Smoking, fire, fireworks or cooking are not allowed on the beach.
- Dogs are not permitted on the beach or beach parking lot.
- Tents or temporary enclosures are not permitted. Canopies must be no larger than 400 sq. ft.
- Portable boom boxes with built-in speakers only (no additional speakers) are permitted in the assigned site. Please direct speakers towards the ocean and be courteous to neighbors.
- Bull horns are allowed for emergencies only.
- Lifeguards are authorized to relocate permitted group due to hazardous beach or surf conditions.
- Each permitted group must have a first aid kit available on-site.
- Each permitted group must have an on-site contact with a cell phone programmed with the lifeguard emergency dispatch phone number. 310-394-3261
- The Permittee shall provide the on-site contact's cell phone number to the City and shall notify the City of any changes in this number.
- All groups must pay applicable parking rate upon entry. There are no drop off and pick up areas in any beach parking lot.

OTHER BEACH PERMITS OR RESERVATIONS

- A Surf Instruction Permit is required for conducting surf instruction for compensation, regardless of group size or participant age. (Municipal Code 4.55.230) For more information visit www.smgov.net/beach
- Adult Group Tower Reservation: In an effort to effectively manage the uses of the beach in a safe manner, the LA County Lifeguards have requested Tower Reservations be issued to all adult groups using the beach with 20 or more people entering the water. For more information visit www.smgov.net/beach
- A Community Event Permit is required for groups of more than 150 participants, regardless of type of activity or age of participants. (Municipal Code 4.68.040) For more information, visit www.smgov.net/events

EXHIBIT A

REQUIRED FOR: YOUTH GROUP BEACH/WATER ACTIVITY PERMIT – ONGOING USE: MULTI-DAY VISITOR

INSURANCE REQUIREMENTS FOR LEGAL ENTITIES

Prior to permit issuance, the Permittee shall procure and maintain for the duration of this permit, the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the Permittee's use of the City's facilities or the activities of the Permittee, his/her guests, agents, representatives, employees and subcontractors.

Minimum Scope/Limits of Insurance

1. Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, with limits of no less than \$1,000,000 per occurrence.

If the Permittee maintains higher limits than the minimum shown above, the City of Santa Monica requires and shall be entitled to coverage for the higher limits maintained by the Permittee.

Other Insurance Provisions

1. The policy will contain, or be endorsed to contain, the following provisions:
 - a. **Additional Insured Status:** The City of Santa Monica, its officers, officials, employees, and volunteers are to be covered as additional insureds with respect to liability arising out of the Permittee's use of the City's facilities or activities of the Permittee.
 - b. **Primary Coverage:** The Permittee's insurance coverage shall be primary as respects the City of Santa Monica, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City of Santa Monica, its officers, officials, employees, or volunteers shall be excess of the Permittee's insurance and shall not contribute with it.
 - c. **Waiver of Subrogation:** Permittee hereby grants to the City of Santa Monica a waiver of any right of subrogation which any insurer of said Permittee may acquire against the City of Santa Monica by virtue of payment of any loss. Permittee agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the City of Santa Monica has received the a waiver of subrogation endorsement from the insurer.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise approved by the City's Risk Manager.

Verification of Coverage

Permittee shall furnish the City of Santa Monica with original certificates and amendatory endorsements effecting coverage required by this section. All certificates and endorsement are to be received and approved by the City of Santa Monica before the permit will be issued.