

## UNFINISHED BUSINESS

### **2. Recovering Outstanding City of Vancouver Related Costs from 4/20 Vancouver 2019, held in Sunset Beach Park and Affirm Support for the Mandatory Event Permit Process for Large Events and Festivals in the City of Vancouver**

At the Regular Council meeting on May 14, 2019, due to time constraints, Council referred the above-noted motion to the Regular Council meeting following the Standing Committee on Policy and Strategic Priorities meeting to be held on May 15, 2019, as Unfinished Business.

Submitted by: Councillor De Genova

#### WHEREAS

1. Annually, 420 Vancouver has refused to respect the requirements of the City of Vancouver and the Vancouver Board of Parks and Recreation and the decisions carried by Vancouver City Council and the Vancouver Park Board;
2. Organizations, companies, businesses or individuals must obtain permits for large events or festivals held in a park and any public spaces located in the City of Vancouver and are responsible for any costs, related to health and public safety that are conditional to permit approval. This includes non-profit organizations and private events that donate proceeds directly to charities or non-profit organizations;
3. The medical use of cannabis was legalized in 2001 and on October 17, 2018, the recreational use of cannabis was legalized when the federal "Cannabis Act" came into effect;
4. The City of Vancouver has issued municipal development permits and business licenses to three private non-medical cannabis retail store locations, working within the regulations required by the Provincial Government. Currently, the City of Vancouver holds the most locations with this type of license issued by the Provincial Government's Liquor and Cannabis Regulation Branch in British Columbia;
5. On April 18, 2018, before recreational cannabis was legalized in Canada, 420 Vancouver Organizer Dana Larsen was quoted in the Georgia Straight as saying "I feel that with legalization, we should see that there are more cannabis-related events, and that you can have cannabis events that aren't political protests—just events where people are enjoying cannabis, like the way you can enjoy alcohol at so many events in Vancouver";
6. Since legalization in 2018, 420 Vancouver organizers have not obtained a permit and have refused to comply with the City of Vancouver and the Board of Vancouver Parks and Recreation by-laws and Large Event and Festival requirements, including the Park Board Smoking Regulation By-Law;

7. The 420 Vancouver website (420vancouver.com) advertises “25th Annual 420 Protest + Farmer’s Market” at Sunset Beach Park in Vancouver on Saturday April 20, 2019. The page “About” self identifies as a “Protest Festival & Farmer’s Market”, however it does not state what is being “protested”. Each year’s event is noted with a sentence in chronological order, and this year is described as “2019 will mark Vancouver’s 25<sup>th</sup> Annual 4/20 Protest Festival. The amazing free cannabis market, which we have created together is absolutely unique”;
8. The 420 Vancouver website advertises three options for sponsorship packages ranging from \$1,000 to \$5,000 dollars. Sponsorship packages include: logo to be displayed on banner in prominent location, video screens, shout-outs on stage and the ability to send online-promos to social media followers. Live Broadcast packages ranging from \$1,000 to \$25,000 and include advertisements, prime-time blocks, interviews, shout-outs, company logo on pillow “on-set”, main stage and vendor screen displays;
9. The 420 Vancouver website lists advertisement for the sale of 294 Vendor 10’ x10’ spaces at Sunset Beach Park at three price points ranging from \$550 to \$1000 each;
10. The official Cypress Hill website “Tour” page advertises Cypress Hill at Sunset Beach Park in “Vancouver, Canada”;
11. The City of Vancouver and Vancouver Park Board Application for large events and festivals requires detailed information for categories including: sales of any kind, entertainment (noting commercial third-party liability insurance requirements), sponsors-vehicle access/parking requirements and other proposed activities. Applicants must attach a site-plan, route map, budget and waste management form. The permit agreement requires Comprehensive General Liability Insurance (starting at \$2 million and increasing subject to event size and characteristics) protecting the City of Vancouver, Vancouver Board of Parks and Recreation, and the Vancouver Police Board against liability for bodily injury, death or property damage, arising out of the event;
12. The Canada Day Parade, Davie Street Party, and St. Patrick’s Day Parade are all events that complied with the conditions and costs of the City of Vancouver permit process. Organizers have stated in the media that increased costs related to the permitting requirements significantly contributed to the cancellation of these events. CBC reported on May 26, 2018, the concern of organizers for both Car Free Day Vancouver and Italian Day on The Drive to accommodate rising City of Vancouver costs in their event budgets;
13. A statement issued on April 23, 2018, on the City of Vancouver website notes property damage to Sunset Beach Park from 420 Vancouver was confirmed to be significant and required closing and fencing the park for several weeks and described the required stages of restoration, including drying, cleaning, aerating, topdressing, seeding and germination. The statement goes on to explain Sunset Beach Park field was closed for 10 weeks after the 420 Vancouver event in 2017;

14. A public memo dated July 13, 2018, to Mayor, Council and Park Board Commissioners, from the City Manager and Park Board General Manager stated the Park Board invoiced 420 Vancouver organizers \$64,870, for costs described as restoring the grass in Sunset Beach Park, park event fees, staffing expenses, sanitation costs, lost revenues and parking. The City of Vancouver invoiced organizers for the staffing costs for Vancouver Fire and Rescue Services (VFRS), Vancouver Police Department (VPD), Engineering (Parking Enforcement, Street Operations, Sanitation, and Traffic Operations), Emergency Management, and 311, in the amount of \$170,796. Combined the invoices total \$235,666. News1130 reported and posted on their website an article dated September 10, 2018, stating 420 Vancouver organizer Dana Larsen confirmed \$63,000 was paid to the City of Vancouver and the Park Board;
15. The Vancouver Park Board passed a motion on April 15, 2019, by Commissioner John Coupar to ask the organizers of 420 Vancouver to cancel the Cypress Hill performance. The organizers stated in the media they did not plan to cancel the event;
16. On April 16, 2019, in an interview with Stephen Quinn on the CBC Early Edition, 420 Vancouver organizer Dana Larsen confirmed that he could not get insurance for the event because it did not have a permit.

THEREFORE BE IT RESOLVED

- A. THAT Council direct staff to review options for legal action against “420 Vancouver Protest Festival & Farmer’s Market” and/or the organizers, to recover costs for resources allocated by the City of Vancouver, the Park Board or any other civic agency and/or organization that receives funding from the City of Vancouver Operating Budget.
- B. THAT when reviewing options for legal action, that staff also consider options for taking legal action against companies, businesses, organizations, contractors and individuals who render contracts and/or participate in providing any equipment or service to the event. Vendors who purchase booths from the organizer, entertainment and talent agencies, production companies, booking agencies, promoters, and/or artist(s) who provided and/or contracted services to the “420 Vancouver Protest Festival & Farmer’s Market”.
- C. THAT Council direct the Chief License Officer to report back to Council with general information regarding compliance of City of Vancouver business license holders that choose to participate and contract services, sell product and/or provide samples from their business, at an unsanctioned event in the City of Vancouver.
- D. THAT Council direct staff to communicate to the public on the City of Vancouver website:

- i) A brief statement including the impact 420 Vancouver at Sunset Beach Park in 2020 and previous years has on the public, the financial impact to the City of Vancouver annual Operating Budget, and funds allocated in the budget to City departments and external agencies;
  - ii) The fact that medicinal use of cannabis was legalized in 2001 and the recreational use of cannabis was legalized when the federal “Cannabis Act” came into effect on October 17, 2018;
  - iii) The fact that the City of Vancouver has issued municipal development permits and business licenses to three private Non-Medical Cannabis Retail Store Locations, in line with the Cannabis Control and Licensing Act. And, at the time of the 2019 420 Vancouver event at Sunset Beach Park, the Provincial Government’s website confirms the City of Vancouver has the most locations licensed under the Act, of any municipality in the province;
  - iv) That all special events held on public property in the City of Vancouver must comply with the Park Board Special Events Office and/or the City Special Events Office and pay all associated costs to obtain special event permits and deliver their events. Also include that special event permits are also required of non-profit and charitable organizations.
- E. THAT Council acknowledge and affirm support for the Canadian Charter of Rights and Freedoms and:
- i) The rights of individuals to participate in and/or organize protests and demonstrations;
  - ii) Acknowledge in the interest of health and public safety, the City of Vancouver provides resources to protests and demonstrations.
- F. THAT Council acknowledges concern for the impact the “420 Vancouver Protest Festival & Farmer’s Market” annual event has on the ability of the City of Vancouver to provide resources to all protests, demonstrations, civic events and emergency situations within the City of Vancouver Operating Budget.
- G. THAT Council acknowledges any information pertaining to legal advice or action, as requested above, may be reported back to Council in a closed (in-camera) meeting, in order to comply with the Vancouver Charter.

\* \* \* \* \*