# Legislation Details (With Text)

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|---|---|---|---|---|---|
| **File #:** | 26463 | **Version:** | 1 | **Name:** | Regional Haz Mat Tream 7/1/12-6/30/13 |
| **Type:** | Resolution | | | **Status:** | Passed |
| **File created:** | 5/21/2012 | | | **In control:** | BOARD OF ESTIMATES (ended 4/2017) |
| **On agenda:** | 6/12/2012 | | | **Final action:** | 7/3/2012 |
| **Enactment date:** | 7/5/2012 | | | **Enactment #:** | RES-12-00486 |

**Title:** Approving the extension of the contract with the City for Fire Department Regional Hazardous Materials Response Team Services. The contract is with the State of Wisconsin, Department of Military Affairs, Division of Emergency Management.

**Sponsors:** Paul R. Soglin, Paul E. Skidmore, Lauren Cnare, Jill Johnson

**Indexes:**

**Code sections:**

**Attachments:**

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 7/3/2012 | 1 | COMMON COUNCIL | Adopt | Pass |
| 6/25/2012 | 1 | BOARD OF ESTIMATES (ended 4/2017) | RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER | Pass |
| 6/12/2012 | 1 | COMMON COUNCIL | Referred | Pass |
| 5/24/2012 | 1 | Fire Department | Referred for Introduction | |

## Fiscal Note

Revenue and expenditures associated with this contract are accounted for in a special revenue fund and are not subject to the Expenditure Restraint Program limits. The City Risk Manager has reviewed the contract. The increased risk under the contract related to the indemnification and the hold harmless provisions is covered under the City's insurance, subject to its terms and conditions.

## Title

Approving the extension of the contract with the City for Fire Department Regional Hazardous Materials Response Team Services. The contract is with the State of Wisconsin, Department of Military Affairs, Division of Emergency Management.

## Body

The current contract with the City for Fire Department response as a Regional Hazardous Materials Response Team expires on June 30, 2012. The contract extension with the State of Wisconsin, Department of Military Affairs, Division of Emergency Management does include a new reporting requirement to assist the State in planning, preparing and responding to emergency Level A releases. The contract extension to the City covers July 1, 2012 through June 30, 2013.

The contract pays the City the full contract amount to train and pay personnel for Level A certification, purchase equipment, medical services and other program expenses. The City is available to respond to our assigned territory and elsewhere if need arises.

Contract language as to indemnification and insurance provisions does not comply with the City's standard policy for contracts.The language in the extension is the same as contained in the most current contract.

The budget for this contract extension is:

| AMOUNT | ACCOUNT | |
|---|---|---|
| 52,636 | PREM | SO29-51120-722230 |
| 20,358 | OVERTIME | SO29-51300-722230 |
| 26,038 | BENEFITS | SO29-52000-722230 |
| 2,000 | CELL PHONES | SO29-54201-722230 |
| 10,000 | EQUIP REPAIRS | SO29-54401-722230 |
| 7,500 | TRNG/TRAVEL | SO29-54650-722230 |
| 25,000 | MEDICAL SERV | SO29-54671-722230 |
| 2,200 | MEMBERSHIPS | SO29-54967-722230 |
| 500 | OFFICE SUPP | SO29-55110-722230 |
| 20,000 | GEN EQ SUPP | SO29-55210-722230 |
| 3,050 | WORK SUPP | SO29-55510-722230 |
| 20,000 | SAFETY EQUIP | SO29-55270-722230 |
| 847.42 | SAFETY SUPP | SO29-55570-722230 |
| (190,129.42) | OTHER STATE PAYMENTS | SO29-73253-722230 |
| - | | |

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WHEREAS, the City and the Fire Department wish to continue as a Regional Hazardous Materials Response Team for the State of Wisconsin.

NOW, THEREFORE, BE IT RESOLVED, that the City approve the contract extension for one year with the State of Wisconsin, Department of Military Affairs, Division of Emergency Management for the Fire Department to provide services as a regional hazardous materials team.

BE IT FURTHER RESOLVED, that the City approve the following contract language on indemnification and insurance:

5.4 **Contractor Indemnification of State:** When acting as other than an agent of the Division under this Agreement, and when using the State's or Division's vehicles or equipment, the Contractor shall indemnify, defend and hold harmless the State, Division, its officers, Divisions, agents, employees, and members from all claims, suits or actions of any nature arising out of the activities or omissions of Contractor, its officers, subcontractors, agents or employees.

7.7 **Hold Harmless:** The Division of Emergency Management, the Department of Military Affairs, and the State of Wisconsin shall be held harmless in any disputes the team and/or fire department may have with their employees. This shall include, but not be limited to, charges of discrimination, harassment, and discharge without just cause.

BE IT STILL FURTHER RESOLVED, that the Council approve the program budget for the Fire Department State Regional Hazardous Materials Team for the contract period of July 1, 2012 thorough June 30, 2013.



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BE FINALLY RESOLVED, that the Mayor and other necessary City officials are authorized to execute the necessary contract documents.