



## Legislation Text

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**File #:** 72427, **Version:** 1

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### **Fiscal Note**

The proposed resolution indemnifies moving vehicle companies for the purposes of delivery and retrieval of election equipment. The Clerk's Office 2022 Adopted Budget includes funding to support costs related to moving election equipment. No additional appropriation is required.

### **Title**

Indemnification of moving vehicle companies for the purposes of delivery and retrieval of election equipment.

### **Body**

A resolution authorizing the indemnification of vehicle rental companies for the purpose of delivering and retrieving City of Madison election equipment.

WHEREAS, the City Clerk's Office requires moving trucks in order to complete the delivery and retrieval of election equipment to the 100+ polling places in the City of Madison; and

WHEREAS, the City of Madison's Fleet does not have the vehicles or resources required to complete this type of service; and

WHEREAS, the City Clerk's Office also requires flexibility in its rental schedule in order to complete the delivery and retrieval of specialized, fragile election equipment in coordination with its over 100 polling places, each requiring specific delivery and retrieval days and times; and

WHEREAS, there are very limited options for companies from which the Clerk's Office can rent trucks of the type, quantity, and size that meets the Office's needs for transporting this equipment. Due to ongoing supply chain issues, many rental companies do not have the type of trucks needed for the period required; and

WHEREAS, most vehicle rental companies require the customer to indemnify, defend and hold harmless the rental company from claims, suits, damages arising out of our rental and operation of their vehicles, and require the customer to be responsible for damage caused to the vehicle, and in some cases require proof of insurance or purchase of additional insurance coverage; and

WHEREAS, APM 1-1 prohibits the City from indemnifying a contractor without the express authorization of the Common Council; and

WHEREAS, the Clerk's office and Purchasing Division are pursuing truck rental options from Penske Truck Leasing Co., L.P. and U-haul International, Inc., U-Haul Co. of WI or their affiliated U-Haul entities or another U-Haul entity, all of whom have rental agreements that require some level of indemnification by the Customer; and

WHEREAS, the rental contract(s) will be made in accordance with all applicable City purchasing policies; and

WHEREAS, once a company is selected, the Risk Manager and City Attorney will review and attempt to negotiate the language but may not be able to completely remove all indemnification clauses; and

WHEREAS, the City Clerk's Office has money in their operating budget to fund the rental of trucks for the purposes of moving election equipment, approximately \$4,000 per election for truck rental and fuel costs;

NOW, THEREFORE, BE IT RESOLVED that the Common Council authorizes the City to indemnify, defend, and hold harmless one or more of the above-named rental companies, in a form approved by the Risk Manager and the City Attorney, for all truck rentals necessary for the 2022 and 2023 elections conducted by the City Clerk, and for future elections, as needed.