

From: [Bachmann, Christy](#)
To: [Johnson, Johanna](#); [Phillips, Robert](#); [Fries, Gregory](#); [Cryan, Kathy](#); [Fahney, John](#); [Danner-Rivers, Steve](#); [Petykowski, Christopher](#); [Cooper, Bryan](#); [Moder, Mark](#); [Schmidt, Janet](#); [Wolfe, James](#); [Mohelnitzky, Hannah](#); [Fleegel, Heidi](#)
Subject: APM regarding indemnification
Date: Thursday, January 20, 2022 4:10:04 PM

Per our discussion at the staff meeting today. We do not need Council approval for indemnifying State or Feds. Therefore you do not need to include indemnification language in the resolutions.

<https://www.cityofmadison.com/mayor/apm/1-1.pdf>

3. **Indemnification of Other Parties:** The City of Madison does not agree to indemnify, defend or hold harmless any party (“indemnification”) without the express approval of the Common Council, with the following **exceptions:**

State of Wisconsin, United States of America, or any agency or department of either. The Risk Manager and the City Attorney may authorize indemnification of the State of Wisconsin or the United States, and any agencies or departments thereof, under any of the following circumstances:

- a. When indemnification is a condition of state or federal financial assistance;
- b. When necessary to commence a public works project; or,
- c. When made a condition of any state or federal permit or approval.

Public Works Emergency. In the event of a public works emergency (as defined by state law), the indemnification of another party, whether by contract, permit or other agreement related to the emergency, may be approved by the Risk Manager and the City Attorney.

Click-through End User License Agreements (EULAs). The City may agree to the indemnification of a software vendor if authorized by Resolution RES-17-00762, Legistar File No. 47764. All of the procedures in that resolution must be followed.