

September 11, 2020

Common Council  
City of Milwaukee

Subject: Resolution relative to acceptance and expenditure of the Epidemiology and Laboratory Capacity (ELC): Project E – Cross Cutting Emerging Issues COVID-19 grant from the Department of Health Services.

Dear Honorable Members:

We are submitting the Epidemiology and Laboratory Capacity (ELC): Project E – Cross Cutting Emerging Issues COVID-19 grant from the Department of Health Services at the September 22, 2020 Common Council meeting.

The file is intended to enhance laboratory surveillance and workforce capacity, strengthen laboratory testing, and advance electronic data exchange at public health laboratories.

The grant agreement between the City and State was inadvertently submitted without review by the City Attorney's Office. Upon review, it was determined that the grant requires the City to indemnify the State of Wisconsin for damages caused by its own acts and the acts of any of its "subgrantees," that these indemnification obligations are not limited to actions of City employees acting within the scope of their employment, and that the City was also obligated to "defend" the state, which would require the hiring of outside counsel. We requested edits to these terms, but the State has not agreed to do so. The Health Department has determined that it wishes to move forward with the grant despite the State's unresponsiveness to these requested changes.

The Health Department will continue to pursue the amendments with the State but this does not disqualify the City from the grant funding.

Respectfully submitted,



**Mark R. Yatchak**  
Health Budget and Administration Manager