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March 9, 2009

Barry Zalben, Manager
Legislative Reference Bureau
City Hall, Room B-11

Attention: Mary E. Turk

Re: Donation of Used Fire Pumper Truck to Sister City in Tanzania

Dear Mr. Zalben:


By letter dated January 12, 2009, you asked whether potential liability issues would preclude the City from donating a used fire pumper truck to the City's sister city in Tanzania. If the City Purchasing Director determines that this donation would be in the best interest of the City any potential liability could be assigned to the recipient through a transfer agreement.

Milwaukee Code of Ordinances (MCO) § 310-29 governs the control and disposition of obsolete City equipment. MCO § 310-29-1-a authorizes the Department of Administration, through the Purchasing Director, to determine the method of disposal of obsolete City property. The Purchasing Director may dispose of the truck through a donation if the Purchasing Director determines that the donation would be in the best interest of the City. MCO § 310-29-1-b.

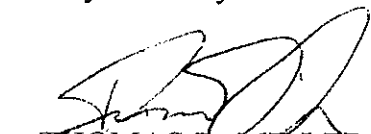
If the Purchasing Director makes that determination, we recommend that the City donate the pumper truck pursuant to a transfer agreement that sets forth that the truck is donated on an "as is" basis and that includes indemnification language holding the City harmless from any claims which may arise. After the Purchasing Director determines that donation of the truck to the sister city in Tanzania is in the best interest of the City, we will be happy to draft the agreement facilitating the transfer and protecting the City from potential liability.

Barry Zalben
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Very truly yours,



GRANT E. LAMGLEY
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TDM:wt:143546
c: Rhonda Kelsey, Purchasing Director

1093-2009-75