

CITY OF MILWAUKEE

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

PATRICK B. McDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND

Assistant City Attorneys

April 25, 2003

Mr. Jeff Osterman
Legislative Reference Bureau
City Hall - Room B-11


Re: Insurance Requirements for Proposed Valet Parking Ordinance

Dear Mr. Osterman:

In response to your memo dated April 11, 2003 inquiring with respect to insurance requirements for the proposed valet-parking ordinance scheduled for review by the Utilities & Licenses Committee on April 29, 2003, we enclose a copy of a letter dated April 17, 2003, which we received from our insurance consultant, T.E. Brennan Company.

Very truly yours,


GRANT F. LANGLEY
City Attorney


RUDOLPH M. KONRAD
Deputy City Attorney

RMK:lmb
enclosure
c: Alderman Paul Henningsen
Ron Leonhardt, City Clerk
1055-2003-1402:66992

T.E. BRENNAN COMPANY

Management Consultants – Trusted Business Advisors

www.tebrennan.com



April 17, 2003

Mr. Rudolph M. Konrad
Deputy City Attorney
City of Milwaukee
City Hall, Room 404
200 East Wells Street
Milwaukee, WI 53202

RE: Proposed Valet Parking Ordinance

Dear Mr. Konrad:

Consistent with your April 11, 2003 letter, you requested input with regard to insurance requirements pertaining to the proposed Valet Parking Ordinance.

With regard to Section 12(b) of the proposed ordinance, we recommend that it be modified to include the following language:

“...maintain insurance as follows:

1. Workers Compensation and Employers Liability

Workers Compensation		Statutory
Employers Liability		
Bodily Injury by Accident	each accident	\$100,000
Bodily Injury by Disease	each employee policy limit	100,000 500,000

2. Automobile Garage Liability

Bodily Injury/Property Damage		
Garage Operations		
Auto Only	each accident	\$1,000,000
Other than Auto	each accident aggregate	1,000,000 1,000,000

To Include:

- Risk assumed in contract/agreement

© 2003 by T.E. Brennan Company

3. Garagekeepers Coverage

Collision	each customer's auto	\$50,000
Comprehensive	each customer's auto	50,000

To Include:

- Coverage to apply on primary basis
- Employees to be included as insureds

The City of Milwaukee is to be included as an additional insured for all coverages other than Workers Compensation and Employers Liability.

A certificate of insurance which confirms that liability coverage is in place for damage to persons or property shall be submitted to the City Clerk prior to issuance of the license."

In the proposed ordinance, there should be an indemnification and hold harmless requirement. We are uncertain where it should be placed but recommend the following wording:

"Contractor agrees to indemnify and hold the City of Milwaukee, its employees, elected/appointed officials, representatives and agents harmless from any and all loss, claims, demands, damages, liabilities, suits or other legal actions, judgments and decrees, attorney's fees, costs and expense which result from the valet parking service provided by the contractor. The contractor agrees to accept tender of defense in situations where the City is involved in a loss event caused by the actions of the contractor."

If more input with respect to the proposed ordinance is required, please let us know.

Yours very cordially,

T.E. BRENNAN COMPANY



Thomas E. Gold
gold@tebrennan.com
Milwaukee Office

dlc