

VILLAGE OF WAUNAKEE

RESOLUTION NO. 01-21

A RESOLUTION ADOPTING A FACILITY USE POLICY REQUIRING
INDEMNIFICATION AND INSURANCE FOR CERTAIN USES OF VILLAGE FACILITIES

1. The following uses of Village facilities shall require insurance and indemnification:
 1. Group functions, including business retreats, social functions, training sessions, or other uses by a business person or entity, non profit organization, charitable organization, or other organized group. Commercial General Liability (CGL) coverage of not less than \$1,000,000 per occurrence, or such higher amount as the Recreation Director determines is appropriate. The Recreation Director's decision to require higher coverage may be appealed to the Village Board.
 2. Festivals, carnivals, parades, and other similar special events. CGL coverage of not less than \$1,000,000 per occurrence, or such higher amount as the Recreation Director determines is appropriate. The Recreation Director's decision to require higher coverage may be appealed to the Village Board.
 3. Organized sports league use of sports fields and athletic facilities. An organized sports league is one which meets one or more of the following criteria:
 1. Is chartered at the local, state or national level.
 2. Is incorporated.
 3. Has a board of directors or similar organizational structure.
 4. Is sponsored or organized by an individual or an organization to hold scheduled sporting events or tournaments.

CGL Coverage of not less than \$1,000,000 per occurrence, or such higher amount as the Recreation Director determines is appropriate. The Recreation Director's decision to require higher coverage may be appealed to the Village Board.

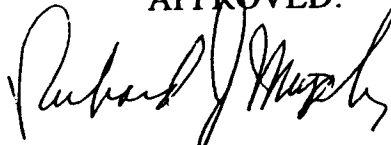
4. Any activity or event which the Recreation Director determines exposes the Village to a sufficient risk of liability to warrant insurance and indemnification. The applicant may appeal the Recreation Director's determinations to the Village Board. The Recreation Director may seek the advice of the Village's insurer, risk manager, and legal counsel in evaluating the risk of liability and the appropriate level of insurance.

2. Insurance requirements. The user shall provide proof of insurance in the form of certificates of insurance and, if requested by the Recreation Director, original endorsements of comprehensive general liability insurance, written by one or more insurance companies licensed to do business in Wisconsin, rated "A" or better by A.M. Best Rating, with the Financial Size Category (FSC) of VII or greater, and meeting the following requirements:
 1. All certificates of insurance shall name the Village and its officials, officers, employees, agents and volunteers as additional insured parties against liability for injury to persons, damage to property and for the death of a person or persons arising or resulting from any act or omission on the part of the sponsoring person or organization, its agents or employees;
 2. All certificates of insurance shall state that the Village shall receive notice of cancellation not less than 30 days before the coverage is cancelled or terminated;
 3. Insurance coverage shall include liability coverage for contractual liability assumed under the indemnification requirements of this policy, and claims made by participants in the activity or event. Any and all exclusions pertaining to athletic or recreational activities, must be disclosed in the certificate of insurance;
 4. Insurance coverage shall be primary insurance with respect to the additional insured parties. Any other insurance available to the Village, its officials, officers, employees, agents and volunteers shall be excess and noncontributing;

5. Any deductible or self-insured retentions must be identified and approved by the Village and, if deemed to be too great, the Village may require the deductible to be reduced or eliminated.
3. The user shall execute an indemnification and insurance agreement on a form approved by the Village.

The above Resolution was duly adopted by the Village Board of the Village of Waunakee, Dane County, Wisconsin, at a regular meeting held on 7/2/01.

APPROVED:

 , Village President

ATTEST:


Julie Helt, Village Clerk

INDEMNIFICATION AND INSURANCE AGREEMENT

By my signature below, I hereby agree to and represent the following:

_____, (the "User") as a condition of use of the Village of Waunakee facilities on the date(s) of _____, hereby agrees to, and shall, defend, indemnify, and hold harmless the Village of Waunakee, its officials, officers, directors, employees, volunteers and agents from and against any and all loss, liability, expense, claim, costs, suits and damages of every kind, nature and description, directly or indirectly, arising from the User's usage or activities of the Village's facilities.

_____ will take full responsibility for seeing that use of Village facilities is in full adherence and compliance with all applicable Village rules and conditions, and the requirements of State Law.

On the date(s) of _____, commencing at 12:01 a.m. and expiring at 12:00 midnight, _____ will at its sole expense, maintain in full force and effect a policy or policies of comprehensive general liability insurance written by one or more responsible insurance companies licensed to do business in Wisconsin, that will insure _____, and the Village of Waunakee and its officials, officers, employees, agents and volunteers as additional insureds, against liability for injury to persons or property and for death of any person or persons with respect to usage or activities of the Village's facilities. Each such policy shall be subject to approval by the Village of Waunakee as to form and as to insurance company. The comprehensive general liability insurance policy limits of such insurance shall not be less than _____ combined single limit.

Signature of Designated Official

Dated

Title