

Midway City Council
6 November 2018
Regular Meeting

Departmental Reports



Memo

Date: 10 October 2018
To: Mayor, City Council and Staff
Cc: File
From: Brad Wilson, City Recorder/Financial Officer
RE: ULGT Liability Insurance Exclusions

Midway City maintains insurance policies that cover general liability, property and auto. The general liability policy is a maximum \$5 million per policy period. State law limits a cities liability above this amount.

The City Council asked that I determine the exclusions to the City's general liability policy. The exclusions apply to any claim or suit related to the following items:

- Damages expected or intended by the City.
- Any action other than the payment of damages.
- Obligations covered by workers' compensation, unemployment compensation, retirement benefits, disability benefits, etc.
- Bodily injury, property damage, or personal injury of an employee or their family member during their work.
- Damage to property owned, used, rented or occupied by the City (Certain damage is covered by a separate property policy held by the City).
- Damage to property sold, given away, or abandoned by the City.
- Damage to property loaned to the City.
- Damage to personal property in the care of the City.
- Aircraft, airfields and property related to aviation activities.
- Automobiles (Covered by a separate auto policy held by the City)
- Failure to render medical care.
- Regulation of the use of land or real property (ULGT covers up to \$50,000 per policy period and \$25,000 per claim).
- Punitive or exemplary damages.
- Multiplied portion of a compensatory award.
- Restitution of legal fees.
- Supply, failure to supply or interruption of utility services (ULGT covers up to \$1 million per policy period)
- Nuclear material
- Hazardous materials
- Pollutants

- Asbestos
- Silica
- Assault or battery committed by, at the direction of or with the consent of the City.
- Dam, levee, dike, reservoir, retention pond or basin, wash, bridge, tunnel, canal, waterway, or above-ground water retention system (water tank).
- Ski resort
- Mechanical amusement rides
- Trampolines or inflatable blow-up, bounce or rebound type devices.
- Loss of salary, wages, or benefits.
- Liability under any contract or agreement (Does not apply to liability for damages)
- Property damage to City work or workmanship.
- Claim or suit by the City against another entity insured by the Utah Local Governments Trust.
- Advertising injury
- Mold, fungi, fungal pathogens, vermin, termites or insects.
- War or terrorism
- Lead
- Intoxication, furnishing alcoholic beverages to someone under legal drinking age, or under the influence of alcohol.
- Violating the law regarding alcoholic beverages or controlled substances.
- The use of alcohol, narcotics, intoxicants, or illegal drugs.
- Formally sanctioned events with alcohol, done in accordance with the law, are not an exclusion.
- Explosives or substances with explosive properties (Fireworks are not an exclusion when supervised by a certified and trained person and complying with applicable laws).
- Securities laws or regulations
- Construction
- Internet exposures
- Sexual harassment (ULGT covers up to \$1 million per policy period)
- Sexual abuse
- Land subsidence, mudslide or earth movement.
- Employment related practices
- Wrongful law enforcement act
- School or academic institution

I have included a copy of the liability policy. Please contact me if you have any questions.