

The following is a redline version showing the changes made to the Interlocal Agreement:

8. Tort Liability; Filing of Claims with City Attorney; Payment of Claims. In providing services under this Interlocal Agreement, the Commission is acting as an agent for the City and the County. The City and the County shall save, defend, and hold harmless the Commission from any and all claims of whatsoever kind or nature for damage to property or for bodily injury, including death, made by anyone whomsoever which may arise out of the Commission's performance of its duties under this Interlocal Agreement.

Pursuant to Neb. Rev. Stat. § 13-905 (Reissue 1991), the Commission hereby provides that all tort claims against the Commission shall be filed with the City's Law Department, which shall be responsible for presenting such claim to the Commission. ~~The Building Commission shall maintain premises liability insurance on all projects which are the subject of this agreement, but, to the extent that insurance does not cover any claim, such claim shall be paid pro rata by the City and the County based upon their comparative occupancy of space in the project at or in which the claim arose.~~

All suits against the Commission arising out of a tort claim shall be defended by the City's Law Department, but the County Attorney's Office will be notified in writing of the filing of such suit and be entitled to participate in the defense thereof.

9. Insurance.

A. The Building Administrator shall assist the City and the County Risk Management Offices (i) in determining the Building Commission insurance needs related to this paragraph, and (ii) in the resolution of any claims involving Building Commission liabilities or responsibilities.

B. The Building Commission, at the County's expense, shall determine the appropriate amounts, procure and maintain (i) Premises Liability insurance which shall list the City and the County as additional insureds for all properties under Building Commission control, and (ii) Public Officials Liability insurance with coverage for Building Commission officials.

C. The Building Commission, at City's expense, shall determine the appropriate amounts, procure and maintain (i) Property insurance for all Building Commission buildings, which shall list the City and the County as additional insureds, (ii) Equipment breakdown coverage (boiler and machinery) within Building Commission buildings, and (iii) business interruption and extra expenses coverage.

D. The City and the County shall share equally any uninsured or underinsured claim expenses and/or damages that may occur.

E. The tenants in Building Commission buildings will be responsible for securing their own insurance for tenant liability, personal property coverages, or any other coverages the tenants deem necessary.