



Legislation Text

File #: RES 19-1643, **Version:** 1

Authorizing the Office of Technology and Communications to update an agreement with Apple for continuing the creation and maintenance of mobile applications.

WHEREAS, the Office of Technology and Communications (OTC) is in the process of updating the Saint Paul Winter Parking application; and

WHEREAS, OTC has determined that various department business requirements make it desirable to use Apple's Developer Program in order to develop mobile applications for the Apple app store; and

WHEREAS, Apple enrollment requires a "click-through" acceptance of standard terms and conditions, which the company will not alter; and

WHEREAS, Council previously adopted resolution 19-1129 "Authorizing the Office of Technology and Communications to enter into an agreement with Apple for the creation and maintenance of mobile applications"; and

WHEREAS, one of the terms is an indemnification clause which requires the City to agree to indemnify, defend, and hold harmless Apple for claims related to any breach by the City of contract terms, intellectual property infringement, violation of any law or regulation applicable to the City's action, breach of obligations under the End User License Agreement, use of City provided information and images, end user claims related to City products, information, and images, and the City's use of Apple products and services; and

WHEREAS, the Apple Developer Program is a major component in the way OTC wishes to produce and distribute City apps, which will improve City productivity and public services; and

WHEREAS, the City Council finds that the promise of indemnification is appropriate to access the Apple Developer Program; and

WHEREAS, the Apple Developer Program License Agreement also requires that any litigation be subject to California law and venue, and the City Attorney's Office has advised that it will accept the restriction if the Office of Technology and Communications accepts responsibility for any additional costs associated with the choice of venue; now, therefore, be it

RESOLVED, that the Office of Technology and Communications is authorized to accept the amendment to Apple Developer Program License Agreement.