



## Legislation Text

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**File #:** RES 20-1717, **Version:** 1

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Authorizing the City to enter into an agreement with Apple for use of their Business Manager and Volume Purchase Programs.

WHEREAS, the Office of Technology and Communications is implementing a Mobile Device Management solution for smart phones and tablet devices (i.e., iPhones, iPads, etc.) used by City employees in the conduct of city business, also using a solution from JAMF; and

WHEREAS, OTC has determined that various department business requirements make it desirable to use Apple's Business Manager in order to properly manage and secure the devices; 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 19-1891 "Authorizing the City to enter into an agreement with Apple for use of their business manager and volume purchase programs"; and

WHEREAS, one of the terms is an indemnification clause which requires the City to "agree to indemnify and hold harmless, and upon Apple's request, defend, Apple, its directors, officers, employees, affiliates, independent contractors and authorized representatives (each an "Apple Indemnified Party") from any and all claims, losses, liabilities, damages, expenses and costs, including without limitation attorneys' fees and court costs, (collectively, "Losses") incurred by an Apple Indemnified Party"; and

WHEREAS, the Business Manager program is a major component in the way OTC wishes to manage Apple devices within the City, and will increase efficiency, security and service for those devices; and

WHEREAS, the City Council finds that the promise of indemnification is appropriate to obtain the optimal mobile device management; and

WHEREAS, the Business Manager 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 Terms of Use for the Apple Business Manager Program.