



Legislation Details (With Text)

**File #:** 28545      **Version:** 2      **Name:** Authorizing the City to enter into Articles of Association to form an Unincorporated Association to administer the public-private MUFN-C fiber network, to enter into fiber lease and other agreements with the MUFN-C Unincorporated Association or its member

**Type:** Resolution      **Status:** Passed

**File created:** 12/4/2012      **In control:** BOARD OF ESTIMATES (ended 4/2017)

**On agenda:** 1/22/2013      **Final action:** 1/22/2013

**Enactment date:** 1/23/2013      **Enactment #:** RES-13-00042

**Title:** SUBSTITUTE. Authorizing the City to enter into Articles of Association to form an Unincorporated Association to administer the public-private MUFN-C fiber network, to enter into fiber lease and other agreements with the MUFN-C Unincorporated Association or its members, to amend the NTIA MUFN grant subrecipient agreement with the University of Wisconsin-Madison, and to enter into an agreement with WiscNet for Fiber Database Management Services.

**Sponsors:** Chris Schmidt, Scott J. Resnick

**Indexes:**

**Code sections:**

**Attachments:** 1. Version 1

Date	Ver.	Action By	Action	Result
1/22/2013	2	COMMON COUNCIL	Adopt	Pass
1/14/2013	2	BOARD OF ESTIMATES (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
12/11/2012	1	COMMON COUNCIL	Referred	
12/4/2012	1	Council Office	Referred for Introduction	

It is anticipated that, under the terms of the MUFN-C Association agreement and/or future agreement(s) between the City and MUFN-C, the City will assume maintenance of additional conduit and fiber. The City will receive lease revenues for fiber strands used by Association members. The City Traffic Engineering Department, as the primary City entity responsible for maintenance of City conduit and fiber-optic service, anticipates additional lease revenues on the order of \$50,000 annually. (Some portion of these revenues might be offset in the future as TE may require additional staff resources to maintain the general, growing need for conduit and fiber maintenance.)

The purchase of Telvent licenses by the City for use for a fiber and conduit database is anticipated to cost \$2,400 annually, the cost of which will be reimbursed to the City by the University of Wisconsin for the first year of the licensing. Thereafter, the cost will be included in the annual operating budget of the City Information Technology Department.

Finally, the City, as a member of the proposed public-private MUFN-C Association, will likely bear some annual expense to support the operations of the Association. While the future operating costs of the Association are currently unknown, the City IT Department anticipates that most costs will be apportioned to other partners, with the City bearing the brunt of the major maintenance responsibilities. Overall, the City share of potential operating costs are anticipated to be relatively modest, but the costs are unknown at this time.

SUBSTITUTE. Authorizing the City to enter into Articles of Association to form an Unincorporated Association to administer the public-private MUFN-C fiber network, to enter into fiber lease and other agreements with the MUFN-C Unincorporated Association or its members, to amend the NTIA MUFN grant subrecipient agreement with the University of Wisconsin-Madison, and to enter into an agreement with WiscNet for Fiber Database Management Services.

#### MUFN-C Unincorporated Association

Whereas, the City of Madison is a subrecipient of the University of Wisconsin of a federal grant from the National Telecommunications and Information Administration of the United States Department of Commerce ("NTIA") to create the Metropolitan Unified Fiber Network ("MUFN"), which will **provide low cost, high-speed** broadband fiber-optic **service** to anchor institutions, hospitals, schools, local and state government, libraries, and community organizations in Madison and Dane County ("MUFN Grant"); and,

Whereas, one condition of the MUFN Grant is that the resulting MUFN network will be administered by a public-private consortium; and

Whereas, in order to create a public-private consortium, the governmental and non-governmental partners wish to enter into Articles of Association to form an Unincorporated Association under Chapter 184 of the Wisconsin Statutes, which will be a stand-alone legal entity capable of entering into contracts and suing and being sued, tentatively named "Metropolitan Unified Fiber Network Consortium, Unincorporated Association" (MUFN-C Association); and

Whereas, in addition to the City, the following entities are expected to join the MUFN-C Association: The Board of Regents of the University of Wisconsin Systems on behalf of UW-Madison Division of Information Technology, the School of Medicine and Public Health, and the University of Wisconsin - Extension on behalf of the Wisconsin Geological and Natural History Survey; the City of Middleton, the County of Dane, DaneNet, Madison Area Technical College, Madison Metropolitan School District, Middleton-Cross Plains Area School District, Monona Grove School District, South Central Library System, Wisconsin State Laboratory of Hygiene, University of Wisconsin Hospitals and Clinics Association, University of Wisconsin Medical Foundation, Meriter Health Services, Inc., Mad City Broadband, WINMetro, LLC; as well as new members who join the association later; and

Whereas, the Association will adopt by-laws and appoint an operating committee, will be a separate legal entity, may obtain its own insurance and own legal representation, and will exist until or unless dissolved according to ch. 184 and procedures to be established in the Articles of Association.

#### Maintenance Agreement with MUFN-C Association and/or Association Members

Whereas, one function of the City as a member of the MUFN-C Association will be to repair and maintain City-owned conduit and fiber that is included in the MUFN-C network; and

Whereas, the City will charge a fiber lease fee to the MUFN-C Association and/or individual members and this will require a separate agreement; and

Whereas, the City may take on additional responsibilities or tasks in furtherance of the purpose of the MUFN-C Association which may require written agreements with the Association or members.

#### Amendment to MUFN Grant Subrecipient Agreement

Whereas, RES-11-00678 (ID # 23135) authorized the City to enter into a Subrecipient Agreement with the University of Wisconsin-Madison for the MUFN Grant. The primary benefit of the being a subrecipient is all conduit, fiber, other equipment constructed with grant funds and located within City right-of-way will be transferred to the City of Madison (approximately 15 miles of conduit and 63 miles of fiber optic cable) upon

completion of the Grant; and

Whereas, the Subrecipient Agreement expires in February 2013. The City has agreed, through RES-11-00678 and the Subrecipient Agreement, to maintain these assets for 20 years and comply with some reporting and record-keeping requirements under the grant. Therefore, the NTIA has requested that the Subrecipient Agreement be amended to clarify which of the City's obligations survive the expiration of that agreement.

#### WiscNet Fiber Database Management Services

Whereas, the City is a member of an unincorporated non-profit association called WiscNet, a consortium of mostly governmental entities which, among other things, provides high-speed internet connectivity to the City other public institutions across the state and employs staff with expertise in the area of fiber management; and

Whereas, WiscNet has purchased fiber database management software from a company called Telvent to create an inventory and database of WiscNet's network and fiber/conduit owned by WiscNet members; and

Whereas, Traffic Engineering and IT would like to have the City's fiber and conduit entered into in this database, including fiber and conduit that will be owned by the City upon the completion of the "MUFN" grant; and

Whereas, the City intends to purchase Telvent licenses so that the City can use this database to track our fiber and conduit;

Whereas; the City would like to hire WiscNet staff to enter the city's fiber and conduit data (including the MUFN data) into this system, to store it for us on WiscNet's servers for as long as necessary, and enjoy shared access to the data; and

Whereas, the cost of WiscNet's data entry and other services will be funded entirely with "MUFN" grant funds administered by the University of Wisconsin-Madison DoIT Division and the City will not be invoiced.

NOW, THEREFORE, BE IT RESOLVED:

- (1) The Common Council authorizes the City to enter into Articles of Association to form an Unincorporated Association under Chapter 184 of the Wisconsin Statutes for the purposes described above, and the Mayor, City Clerk and any other staff determined to be necessary by the City Attorney are authorized to execute such Articles of Association on behalf of the City;
- (2) The Common Council authorizes the City to enter into fiber lease and other agreements with the MUFN-C Unincorporated Association or any of its members for use of City fiber or other services consistent with the purpose of the Association and authorizes the Mayor and Clerk or other appropriate staff as determined by the City Attorney to execute such agreements;
- (3) The Common Council authorizes the Mayor and City Clerk to execute an amendment to the Subrecipient Agreement with the Board of Regents of the University of Wisconsin System originally authorized by RES-11-00678 (ID # 23135), for the purposes stated herein; and
- (4) The Mayor and City Clerk and/or designee of the Finance Director are authorized to enter into agreement (s) with WiscNet as necessary for data entry services, related project work, and future storage and retrieval of the City's fiber and conduit data, as described herein. All such agreements shall be in a format approved by the City Attorney.