



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

September 4, 2019

DEPARTMENT:

City Administration

DIVISION:

Administration

- ☒ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☐ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Agreement: Unite Private Network, LLC, YumaNet Maintenance Agreement

SUMMARY RECOMMENDATION:

Approve a Maintenance Agreement between the City and Unite Private Network, LLC (UPN). (City Administration) (Chris Wood/Scott McCoy)

REPORT:

The City and UPN executed a License Agreement on September 18, 2013. The License Agreement required UPN, in connection with the build-out of its Yuma Communications System (System), to dedicate fibers in UPN's system to the City with an irrevocable right in favor of the City for the City's use of the dedicated fibers (UPN and the City of Yuma are entering into a separate agreement relating to the indefeasible use of the dedicated fibers).

This Maintenance Agreement is necessary to establish the maintenance obligations of UPN and the City as it relates to the dedicated fibers and associated equipment and also provides the terms and conditions upon which the City and UPN may expand the City fiber loop network in the future, if desirable (YumaNet).

Under the terms of the Maintenance Agreement, the City is not required to pay an annual maintenance fee. Instead, the City will be responsible for payment of the actual costs of maintenance performed exclusively on City Fibers, and will be responsible for a pro-rata share of any other maintenance costs performed on UPN's system that also involves City Fibers.

The term of the Maintenance Agreement commences on the effective date and continues as long as the IRU Agreement remains in force for all parts of the UPN system except those abandoned by UPN.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5. IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="radio"/> Department <input checked="" type="radio"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	John D. Simonton		8/28/2019	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		8/27/2019	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Chris Wood		8/19/2019		
WRITTEN/SUBMITTED BY:		DATE:		
Scott McCoy		8/19/2019		