



Legislation Text

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181038
SUBSTITUTE 1

THE CHAIR

Substitute resolution relating to the Chief Information Officer's authority to enter into software use and license agreements and directing a review of the City process for entering into these agreements. This resolution authorizes the Chief Information Officer or the Chief Information Officer's designee to enter into separate software use and license agreements until such time as the City adopts a formal, codified policy on this matter. It also directs the City Information Management Committee to review the matter of City software use and license agreements and to develop, in consultation with the Chief Information Officer, recommended revisions to the City Charter and/or Code of Ordinances to establish a formal policy on such agreements and who is authorized to enter into, and to consolidate a record of, such agreements. The City Information Management Committee shall submit a report of its recommendations to the Common Council within 180 days of the effective date of this resolution. Whereas, The City of Milwaukee's purchases of software are guided by and subject to the purchasing procedures set forth in s. 16-05 of the City Charter and ch. 310 of the Code of Ordinances, including review and approval by the City Purchasing Director when required; and

Whereas, When software is purchased from a third-party vendor, the City is often required to sign a separate use agreement and/or license agreement, which often includes liability clauses binding the City; and

Whereas, The Department of Administration - Information Technology Management Division ("ITMD"), rather than the Department of Administration - Purchasing Division, is the appropriate City department to review and enter into separate software use and license agreements, since ITMD is the subject matter expert in this area and the Purchasing Division has already processed the related purchasing contract; and

Whereas, The City Charter and Code of Ordinances are silent on the question of who is authorized to enter into separate software use and license agreements on behalf of the City and its departments; and

Whereas, The Common Council finds that development and codification of a City policy on authority to enter into software use and license agreements is in the best interest of the City; and

Whereas, The Common Council further finds that it is appropriate to assign the Chief Information Officer temporary authority to enter into separate software use and license agreements when such agreements are not incorporated into the purchasing contract, until such time as the City adopts a formal, codified policy on this matter; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Chief Information Officer or the

Chief Information Officer's designee is authorized to enter into separate software use and license agreements until such time as the City adopts a formal, codified policy on this matter; and, be it

Further Resolved, That the City Information Management Committee is directed to review the matter of City software use and license agreements and to develop, in consultation with the Chief Information Officer, recommended revisions to the City Charter and/or Code of Ordinances to establish a formal policy on such agreements and who is authorized to enter into, and consolidate a record of, such agreements, be it

Further Resolved, That the City Information Management Committee is directed to submit a report of its recommendations to the Common Council within 180 days of the effective date of this resolution.

LRB172544-1
Jeff Osterman
October 18, 2018