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Title: Resolution approving Second Amendment to Access Management Contract with Milwaukee Access Telecommunication Authority. (City Attorney)

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Attachments:

Date	Ver.	Action By	Action	Result	Tally
11/28/2000	0	COMMON COUNCIL	ASSIGNED TO		
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12/4/2000	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
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The Chair

..Title

Resolution approving Second Amendment to Access Management Contract with Milwaukee Access Telecommunication Authority. (City Attorney)

This resolution approves a Second Amendment to the Access Management Contract with the Milwaukee Access Telecommunication Authority ("MATA"). Under the Access Management Contract, as previously amended, the City Clerk had the authority to approve the initial MATA capital and operating plan ("Initial Plan"). The approval of that Initial Plan would result in the release of at least \$850,000 to MATA for use as a capital grant. Given the policy dimensions of the decision of whether or not the City Clerk should approve the Initial Plan and thereby authorize the release of the capital grant funding, the City Clerk and MATA have agreed that that approval decision should be made by the Common Council and Mayor, via a duly adopted resolution. Therefore, in order to authorize the Common Council and Mayor to make that decision, the Second Amendment was drafted. Under the Second Amendment, the resolution approving the Initial Plan would have to be passed by March 31, 2001. Failure to pass that

approving resolution would terminate the Access Management Agreement with MATA. Whereas, The City, acting pursuant to Common Council Resolution File No. 991747, and the Milwaukee Access Telecommunication Authority ("MATA") entered into an April 20, 2000 Access Management Contract (the "Agreement"); and

Whereas, Under the terms of the Agreement, MATA is to provide specified community and educational access services for the 17 year term of the Agreement; and

Whereas, Prior to the City's disbursement of the PE capital grant in the amount of at least \$850,000, the City Clerk was to have approved MATA's initial capital and operating plan objectives ("Initial Plan") by September 30, 2000; and

Whereas, Pursuant to Common Council Resolution File No. 000041, adopted September 22, 2000, an Amendment to the Agreement was authorized which extended the time for the City Clerk's approval of the Initial Plan to February 28, 2001; and

Whereas, Given the policy dimensions of the decision of whether or not the City Clerk should approve the Initial Plan, the City Clerk and MATA agree that the approval decision should be made by the Common Council and Mayor via a resolution passed pursuant to sec. 4-23, Milwaukee City Charter, and further, that in order to enable the consideration of the matter by the Common Council and Mayor, the Agreement should again be amended as provided in the Second Amendment attached to this file; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Second Amendment to Access Management Contract between the City of Milwaukee and Milwaukee Access Telecommunication Authority, Inc. attached to this file is hereby approved and that the proper City officers are hereby authorized and directed to execute that Second Amendment.

City Atty.
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