



## Legislation Text

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200675  
Original  
051269  
THE CHAIR

Resolution authorizing the Chief Information Officer to share fiber and provide network connectivity and telecommunications services at the expense of and for the use and benefit of Marcus Performing Arts Center

This resolution authorizes the Chief Information Officer to share fiber and provide network connectivity and telecommunications services at the expense of and for the use and benefit of Marcus Center for the Performing Arts, Inc. (d/b/a Marcus Performing Arts Center) ("Marcus"). This will provide Marcus connectivity to the WiscNet/BOREAS-Net Abilene/Internet2 education community node located at the Department of Administration-ITMD Network Operations Center (ITMD-NOC).

Whereas, The City of Milwaukee wishes to promote historic preservation, tourism, economic development, and supporting cultural exchange in the community; and

Whereas, since 1969 Marcus and its predecessors have been enriching the community through the performing arts as a diverse, cultural arts center that reflects the rich diversity of the Milwaukee community, offering experiences both at Marcus's location at 929 N. Water Street and within the community that embrace diversity and engage audiences through the performing arts; and

Whereas, Marcus has requested the assistance of the City of Milwaukee in obtaining high-speed network connectivity from Marcus's location at 929 N. Water Street to WiscNet at their expense; and

Whereas, WiscNet is a not-for-profit association established to further education, research, economic development and public service in the State of Wisconsin by creating and operating a digital communications network interconnecting public and private organizations including the provision of Internet services; and

Whereas, Common Council Resolution File Number 051269, adopted on February 7, 2006, authorized the Commissioner of Public Works to execute an agreement between the City of Milwaukee and the WiscNet Association to establish colocation facilities within the City of Milwaukee and that made it feasible for UW-Milwaukee to become a node on BOREAS-Net; and

Whereas, This colocation facility enables Milwaukee area educational and cultural institutions to gain access to WiscNet and the next generation internets (including BoreasNet, Abilene/Internet2 and other national and international networks), and it further enables connectivity between higher education and cultural institutions within the City of Milwaukee as listed in Appendix A; and

Whereas, The City of Milwaukee owns dark fiber and can provide network services in certain routes and telecommunications services that would be beneficial to the extension and enhancement of Marcus to further

their mission even though the City cannot provide any customer service or connectivity guarantee for the use of that dark fiber; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Chief Information Officer is authorized and directed to share dark fiber and to provide network connectivity and telecommunications services at no cost to the City of Milwaukee in certain routes where capacity is available to enable Marcus to connect to provide access to and entry to the Department of Administration-ITMD Network Operations Center (ITMD-NOC) and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that this Resolution is approved only on the condition that Marcus shall:

1. Have no expectation or demands for customer service or connectivity guarantees from the City for their use of the dark fiber; and
2. Follow all applicable requirements as determined by the Department of Public Works for use of the City underground conduit system, if required; and
3. Waive any and all claims by Marcus against the City and its employees related to use of the City's dark fiber, including, but not limited to any damages suffered by Marcus that are related to failure of the dark fiber or lack of connectivity, regardless of the cause; provided, however, that Marcus's waiver shall not preclude its exercise of any other right or remedy available to Marcus against any person or entity other than the City (including its employees), including against any insurer.

Department of Administration  
David Henke  
9/14/2020