

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A FIBER LICENSE AGREEMENT WITH WYYERD CONNECT LLC FOR A FIVE-YEAR TERM WITH RENEWAL TERMS AS PERMITTED BY STATE STATUTE.

WHEREAS, the City of Mesa (the “City”) recognizes that the deployment of fiber optic cable networks enhance opportunities for its citizens to connect to an increasingly digital society and marketplace, as well as positions the City to be able to take advantage of future advancements in digital and other “smart” city technologies; and

WHEREAS, the City also recognizes that there is a “digital divide” within Mesa that prevents certain communities from being able to engage fully with modern technologies and conveniences; and

WHEREAS, the City published a nation-wide Request for Information (“RFI”) as an invitation to the industry of fiberoptic cable service providers to explore the possibility of constructing a fiberoptic communications network within the City, which would provide a foundation for future efforts to close the digital divide; and

WHEREAS, as a result of the RFI, the City engaged in a dialogue with a number of fiberoptic cable service providers and gained a better understanding of the needs and challenges of developing such networks; and

WHEREAS, the exchange of information that occurred as a result of the RFI process assisted the City in its development of standardized licensing terms and technical specifications to facilitate the private deployment of fiber optic cable networks; and

WHEREAS, the City stands willing to offer such terms to all respondents to the RFI and any other entity wishing to install a fiberoptic cable network within the Public Highways (as that term is defined in A.R.S. § 9-581) of the City, and is in fact poised to enter into license agreements with multiple fiber providers;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: The Fiber License Agreement between the City of Mesa and Wyyerd Connect LLC, for the installation of a fiberoptic cable network within the Public Highways is hereby approved.

Section 2: The Council of the City of Mesa hereby authorizes the City Manager or his designated representative to enter into the Fiber License Agreement and execute any other documents, amendments, or modifications necessary to carry out the intent of the Fiber License

Agreement, and that the City Clerk is hereby authorized to attest to the signature of the City Manager thereon.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona this 11th day of July, 2022.

APPROVED:

Mayor

ATTEST:

City Clerk