

RESOLUTION NO. 2018-1890

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE TO AMEND THE RESTATED INTERGOVERNMENTAL AGREEMENT TO PLAN, DESIGN, CONSTRUCT, OPERATE, MAINTAIN AND FINANCE THE REGIONAL WIRELESS COOPERATIVE (RWC) NETWORK IN ORDER TO REPLACE THE EXISTING RWC GOVERNANCE DOCUMENT WITH A NEW GOVERNANCE DOCUMENT EFFECTIVE JANUARY 1, 2019, WHICH AMENDS THE RULES AND POLICIES GOVERNING THE REGULATION AND MANAGEMENT OF THE RWC INTERNAL AFFAIRS.

WHEREAS, the Parties wish to amend the rules and policies governing the regulation and management of the RWC's internal affairs, which rules are presently set forth in Exhibit A to the Agreement, by replacing said Exhibit A with the document attached as Exhibit A hereto; and

WHEREAS, the Mayor and Council of the city of Goodyear, Arizona deem it appropriate to make several additional revisions to the body of the Agreement in order to accommodate the revision of Exhibit A; and

WHEREAS, the city of Goodyear has been a partner with the Regional Wireless Cooperative since 2008.

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

REPLACEMENT OF THE GOVERNANCE DOCUMENT: Exhibit A to the Agreement is hereby deleted and replaced with the Regional Wireless Cooperative Governance Document attached as Exhibit A hereto.

SECTION 1. Section 4.4, first sentence within the second paragraph

Is hereby deleted and replaced with the following "The Parties agree that all damages, costs and expenses not specifically provided for in this Agreement shall be shared by the Parties in proportion of each Party's share of the total number of Subscriber Units at the time of the claim or lawsuit is first served on any Party or the unforeseen costs or expenses were incurred (whichever occurs first)"

SECTION 2. Section 4.8, fourth sentence

Is hereby deleted and replaced with the following: "The costs of any insurance and/or self-insurance provided under this section shall be shared by the Parties pursuant to Section 3.3.2 of Exhibit A."

SECTION 3. Survival of Agreement

The agreement shall remain in force and effect pursuant to its terms, except as modified by this Second Amendment.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Resolution No. 2018-1890 is a true, correct and accurate copy of Resolution No. 2018-1890, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the _____ day of _____, 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said resolution.

Given under my hand and sealed this _____ day of _____, 20____.

seal

City Clerk