

# City of Alexandria

## MEMORANDUM

**DATE:** OCTOBER 31, 2022  
**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
**FROM:** JAMES PARAJON, CITY MANAGER  
**SUBJECT:** COMMISSION ON INFORMATION TECHNOLOGY - LICENSE AGREEMENT RECOMMENDATIONS

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This memorandum addresses a telecommunications license agreement that will be considered by City Council on November 9, 2022. On October 11, 2022, the Chair of the Commission on Information Technology, Ricardo Alfaro, sent a request to Mayor Wilson via email, requesting the opportunity to provide input into the telecommunications franchise and/or license process.

An amendment to a Zayo license agreement (November 9, 2022 docket item) was provided to the Commission. On October 20, 2022, the Commission met to review the docket materials and formulate recommendations. The Commission provided the attached recommendations to staff. Staff has reviewed the Commission's recommendations and responded as follows:

1. Sidewalk restoration is addressed in the original license agreement and therefore does not need to be added to the amendment.
2. The City Attorney's Office clarified that license fees/right-of-way fees are set by the state and are not negotiable because Zayo is a certificated provider of telecommunication services and therefore, is subject to the public right-of-way fee.
3. Information Technology staff will continue to pursue opportunities and partnerships where feasible.

**ATTACHMENT:**

Commission on Information Technology - Consideration of A Third Amendment to a Five-Year License Zayo Group LLC

**STAFF:**

Karen Snow, Senior Assistant City Attorney  
Vanetta Pledger, Chief Information Officer, Information Technology Services  
Steven Chozick, Division Chief, Information Technology Services  
Patrick Eze, Project Manager, Information Technology Services

**DATE:**           **October 20, 2022**

**TO:**             **Karen Snow**  
Senior Assistant City Attorney  
City of Alexandria

**CC:**             **Vanetta Pledger**  
Chief Information Officer  
City of Alexandria

**FROM:**          **Ricardo Alfaro**  
Chair  
Commission On Information Technology  
City of Alexandria

**RE:**             **Feedback of the Commission on Information Technology regarding the  
Consideration of an amendment to an existing Five-Year License Agreement  
between the City of Alexandria and Zayo Group, LLC**

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Thank you for the opportunity provided to the Commission on Information Technology to look into this item in line with the enabling legislation to make recommendations to and advise the city government in the formulation and implementation of information and telecommunications policy, and to promote citizen participation in the formation of such policy (ARTICLE N, Sec. 2-4-113, subsection (a) (2)).

Members of the Commission on Information Technology had the opportunity to read and discuss the materials. We respectfully submit the following observations and recommendations for your consideration:

I.    Immediate observations

Observation #1        The docket memo excluded returning the affected sidewalk mentioned on both sites to their original state once the construction has been completed.

Rationale             The existing 2018 agreement specifies, under section 7, how to proceed in regards to any damages to public ways and other properties. Our observation basically stems from the memo's wording to make it explicit to include that any state of repair to the affected sites is (1) responsibility of the licensee and that (2) should be addressed in accordance with the agreement.

Observation #2      City's bargaining position on right-of-way fees is significantly low

Rationale              As the memo points out, Zayo has an extensive built throughout the city and is known as a leading provider of data transmission infrastructure. The Commission was unclear if this fee is defined by state law as it seemed significantly low given the scope of Zayo Group LLC.

## II.    Prospective observations

The following observations are meant to help the city in future bargaining discussions:

Observation #3      Bargaining position of the City in light of the construction of the Municipal Fiber Network for future amendments or agreements

Rationale              Zayo is known to have a direct link to Ashburn. This could help the City obtain an additional connection to data centers and other external services as part of the build of the Municipal Fiber Network. Even though it is the understanding of the Commission on Information Technology that the City is already engaged with this kind of service through another vendor, we submit this future looking recommendation as a potential bargaining position to be considered by staff which may result in potential cost savings advantages for a redundant and robust Municipal Fiber Network.