

MEMORANDUM OF UNDERSTANDING
between
COCHISE COUNTY and UNIVERSITY OF ARIZONA

WHEREAS, Cochise County, a political subdivision of the State of Arizona (“County”), is a member of the Mule Mountain Users Association (the “Association”), which controls access to a tower owned by the County that is located on an area of the Mule Mountains commonly known as Juniper Flats (the “Tower”); and

WHEREAS, on April 8, 2016, Arizona Public Media (“AZPM”), through the Arizona Board of Regents, on behalf of the University of Arizona (“UofA”), applied to the Association to co-locate an FM antenna on the Tower and have access to the shelter for installation of related equipment;

WHEREAS, the County is applying to the FCC to establish a fixed service path within the 6,875 – 7,125 MHz band for links between Bisbee, Sierra Vista and Texas Canyon which crosses the established broadcast service area of AZPM;

NOW, THEREFORE, parties hereto enter into the following memorandum outlining their mutual understanding:

1. The County will support AZPM's application to the Association. In addition, the County will cooperate in securing any approvals needed from the Bureau of Land Management, which owns the real estate on which the Tower is located, for modifications to the existing tower and an additional structure for a 16-20kw generator and its propane fuel tank. Should this Application be approved by the Association, the County will provide AZPM space on the Tower and in the associated shelter, pursuant to a license or similar agreement to be executed by UofA and Cochise County on mutually acceptable terms.

2. Contingent upon Association approval and execution of an agreement by UofA and Cochise County, as set forth in Section 1, above, AZPM will be responsible for paying all costs of construction, installation and operation of the antenna and related equipment, including any necessary structural analysis and related reinforcement/enhancement of the existing structure.

3. Contingent upon Association approval, when the antenna is installed and operating, AZPM will take any steps necessary to mitigate any interference with the County's transmissions and the transmissions of other Association users. The costs of mitigation efforts will be paid by AZPM.

4. AZPM will support the County's application to the FCC to establish a fixed service path within the 6,875 – 7,125 MHz band, which support will include sending a letter of support to the FCC.

5. This MOU may be canceled pursuant to A.R.S. § 38-511, the pertinent provisions of which are fully incorporated herein by reference.

6. To the extent applicable, the parties shall comply with all laws and regulations, including, but not limited to, Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and any State law that mandates that all persons, regardless of race, religion, handicap, color, age, sex, political affiliation, veteran's status, genetic code or national origin shall have equal access to employment and educational opportunities.

7. Both parties agree to retain all accounts, reports, files and other records relating to this MOU for five (5) years after termination of this MOU and to open such records for reasonable inspection and audit by the other party during that period.

8. Either party, including its attorney, may sign this MOU using an electronic signature, which will have the same force and effect as though signed by hand in ink.

9. This MOU may be executed in multiple counterparts, each of which shall constitute an original and together shall constitute the MOU.

10. Written notice shall be provided by sending the notice by email to:

For COUNTY: David Raber
Information Technology Director
draber@cochise.az.gov

For AZPM/UofA: Jack Gibson, General Manager
jgibson@azpm.org Tel: 520-621-5805

Frank Fregoso, Chief Engineer
ffregoso@azpm.org Tel: 520-626-9392

IN WITNESS WHEREOF, the parties provide the following resolutions of approval:

[SIGNATURES ON FOLLOWING PAGE]

ARIZONA BOARD OF REGENTS

**COCHISE COUNTY
BOARD OF SUPERVISORS**

By: _____
Melinda Burke, Interim Senior Vice
President, University Relations

By: _____
Richard Searle, Chairman

Date: _____

Date: _____

ATTEST:

By: _____
Arlethe Rios, Clerk of the Board

Date: _____

The above MOU has been reviewed pursuant to A.R.S. § 11-952 by the undersigned legal counsel for each of the parties, who has determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to each of the parties.

APPROVED:

APPROVED:

By: _____
Heather K. Gaines, Associate General
Counsel, University of Arizona

By: _____
Britt Hanson, Chief Civil Deputy
Cochise County Attorney

Date: _____

Date: _____