

Request for City Council Committee Action from the Department of

Date April 3, 2006

To The Honorable Donald Samuels, Chair
Public Safety and Regulatory Services Committee

Referral to The Honorable Paul Ostrow, Chair
Ways and Means Committee

Subject Request for on-going authority to enter into Workforce Director™ Proprietary Software License agreements

Recommendation

That the City Council direct the proper officers to enter into Workforce Director Proprietary Software License Agreements with other jurisdictions on an on-going basis and direct staff to adjust the Workforce Director™ Service and Software License Agreement as required to achieve Intellectual Property Initiative project goals. Authorize finance staff to periodically adjust Intellectual Property Initiative budgets to reflect revenues in accordance with City Attorney's 3-21-2006 report to Council.

Previous Directives

6/18/2004 Increase police department's non-sworn personnel by 1.0 Full-Time Equivalent (FTE) position to provide a civilian position working toward the development, marketing and directing of the Department's intellectual properties initiatives (Automated Pawn System and [Workforce Director] timekeeping system.

7-23-2004 Approved execution of five-year professional services agreement with Sogeti USA LLC, for marketing and support of WorkForce Director, a City owned employee management software application; and to receive certain technical development credits for support and upgrades to WorkForce Director in recognition of the police department's support in marketing the program.

1-27-2006 Authorize finance staff to periodically increase the appropriation for the Police Department Agency in the Police Special Revenue Fund (2100-400-C208) by transferring available surplus revenues from Police Special Revenue Fund (2100-400-C207); the total amount of said transfers not to exceed \$489,560.

3-31-2006 Received and filed report from City Attorney regarding ability of the City of Minneapolis to retain and utilize surplus revenue generated from its Automated Pawn System (APS) and similar proprietary intellectual properties and technologies.

Prepared or Submitted by: Phil Hafvenstein Manager, Intellectual Property Initiatives
Approved by: Acting Police Chief Tim Dolan

Permanent Review Committee (PRC) Approval _____ Not Applicable

Note: To determine if applicable see <http://insite/finance/purchasing/permanent-review-committee-overview.asp>

Policy Review Group (PRG) Approval _____ Date of Approval _____ Not Applicable

Note: The Policy Review Group is a committee co-chaired by the City Clerk and the City Coordinator /that must review all requests related to establishing or changing enterprise policies.

Presenters in Committee: Phil Hafvenstein Manager, Intellectual Property Initiatives
Acting Police Chief Tim Dolan

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the Capital Budget or Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: Action is within the plan. Action requires a change to plan.
- Other financial impact (Explain): Authorize police finance staff to periodically adjust Intellectual Property Initiative budgets to reflect revenues in accordance with City Attorney's 3-21-2006 report to Council.
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)

- Neighborhood Notification
- City Goals
- Comprehensive Plan
- Zoning Code
- Other

Background/Supporting Information Attached

Workforce Director™, version 2, is now implemented at the Hennepin County Sheriff's Office and the Minneapolis Police Department, and is in final review for implementation at the Metropolitan Council Transit Police Department. Each implementation of Workforce Director requires a written license agreement. Working with the law firms of Merchant and Guild and Pauly, DeVries Smith & Deffner, L.L.C., the City Attorney and Intellectual Property Initiatives staff have developed a License Agreement that protects the City's proprietary interests, generates a revenue stream for supporting the program, minimizes liability exposure, permits easy modification as the program evolves, and is adaptable to a variety of customers.

Attached is the basic Workforce Director Proprietary Software License Agreement the City Attorney has reviewed and approved. It consists of four sections/exhibits and is expandable to provide for future licensing needs. The first section, Exhibit A, contains terms and conditions of the license agreement. The second and third sections, Exhibits B and C, address cost and payment terms of licensing and support services. The fourth section, Exhibit D, contains terms and conditions of software support services.

Under terms of its development, version 2 must be made available to public safety agencies without a license fee, with ownership of the program retained by the City of Minneapolis. As an incentive to implement Workforce Director, early adaptors will be offered upgrade to version 3.0, when available, free of charge. License fees for version 3.0 will be determined prior to its rollout. Ongoing technical support for licensed users of the program is an essential requirement

to insure its growth and is provided for through the support portion of the License Agreement. The initial support cost of \$120/yearly per active employee may be revised as user base changes.

In practice, staff will craft individual agreements for each jurisdiction using the applicable conditions and fees from among those presented here, or as adjusted by staff to meet IPI project goals. To expedite implementation and maximize revenues, we are requesting Council approve the Workforce Director™ Proprietary Software License Agreement on an on-going basis, acknowledging that adjustments may be required as the service evolves. After approval for execution by the City Attorney, each agreement would then be signed by the Mayor, attested by the City Clerk and Countersigned by the Finance Officer. This process was identified by the City Attorney as legal, appropriate and practical for this purpose.