

**MADISON COUNTY FISCAL COURT
MADISON COUNTY, KY
RESOLUTION 2022-44**

**A RESOLUTION FOR THE MADISON COUNTY FISCAL COURT TO
APPROVE A BROADBAND PARTNERSHIP AGREEMENT BETWEEN MADISON
COUNTY, KENTUCKY AND ALL POINTS PARTNERS MADISON, LLC**

WHEREAS, Madison County, Kentucky ("County") and All Points Partners Madison, LLC ("APB") desire to enter into a Broadband Partnership Agreement; and

WHEREAS, the County recognizes the critical importance of ensuring universal broadband access for all residents and businesses in Madison County in order to support economic development, educational advancement, and quality of life within the County; and

WHEREAS, the County desires to engage a broadband deployment partner to develop and execute a comprehensive strategy for achieving universal broadband access for all residents and businesses in the County; and

WHEREAS, APB has the capability to develop and implement one or more projects within the County that will be eligible for one or more Broadband Grant Programs and complement existing providers; which will collectively achieve universal broadband availability; and

WHEREAS, the County and APB desire to enter into this Agreement in order to set forth certain terms regarding their planned partnership for securing Broadband Grant Program funding and achieving universal broadband availability in the County; and

WHEREAS, the Parties agree to the terms set forth in this Agreement; which is attached hereto this Resolution; and

WHEREAS, the Initial Term of this Agreement shall be twelve (12) months, commencing on the date in which the Agreement is signed by all Parties; and

WHEREAS, at the conclusion of the Initial Term, this Agreement shall continue on a month-to-month basis until either Party provides the other with no less than ninety (90) days' advance notice of its intention to terminate this Agreement;

NOW, THEREFORE, BE IT RESOLVED THAT THE MADISON COUNTY FISCAL COURT DOES HEREBY APPROVE THIS RESOLUTION AND AUTHORIZES THE JUDGE EXECUTIVE TO EXECUTE SAME ON BEHALF OF THE COUNTY.

Motion made by Buthin, seconded by Barger.

Vote:

Yes

No

Judge Executive Reagan Taylor

Magistrate Ben Robinson III

Magistrate John Tudor

Magistrate Roger Barger

Magistrate Tom Botkin

<u>✓</u>	<u> </u>
<u>✓</u>	<u> </u>
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Signed:

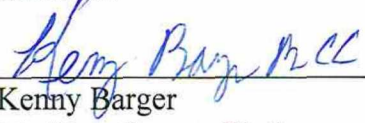


Reagan Taylor
Madison County Judge Executive

3-22-2022

Date

Attested:



Kenny Barger
Madison County Clerk

3-22-22

Date

BROADBAND PARTNERSHIP AGREEMENT

This Broadband Partnership Agreement ("Agreement") dated as of the date last set forth below, is entered into by and between Madison County, Kentucky ("County") and All Points Partners Madison, LLC ("APB"). County and APB are each a "Party" and collectively the "Parties".

WHEREAS, there are various federal and state grant and subsidy programs available to help fund broadband deployment to unserved areas (collectively, "Broadband Grant Programs")

WHEREAS, the County recognizes the critical importance of ensuring universal broadband access for all of the residents and businesses of the County in order to support economic development, educational advancement, and quality of life in the County;

WHEREAS, the County desires to engage a broadband deployment partner to develop and execute a comprehensive strategy for achieving universal broadband access for all residents and businesses in the County;

WHEREAS, APB has the capability to develop and implement one or more projects within the County that will be eligible for one or more Broadband Grant Programs, and that will collectively achieve universal broadband availability; and

WHEREAS, County and APB desire to enter into this Agreement in order to set forth certain terms regarding their planned partnership for securing Broadband Grant Program funding and achieving universal broadband availability in the County.

NOW THEREFORE, the County and APB agree as follows.

1. Engagement of APB as Broadband Partner. The County engages APB as its primary broadband deployment partner to gather relevant information and to develop one or more broadband deployment projects that will be eligible for Broadband Grant Program funding and provide fiber-to-the-home ("FTTH") broadband access to all eligible areas in the County.
2. Identification of Eligible Areas and Development of Eligible Project. APB will perform detailed field verification activities to comprehensively identify all locations in the County that are eligible for Broadband Grant Program funding (the "Unserved Locations List"), and will then design an FTTH network that will offer broadband to all locations on the Unserved Locations List (such network design, the "Network Design"). The Parties will collaborate in good faith to refine the Network Design.
3. Preparation of RFP Response. APB will prepare applications for each relevant Broadband Grant Program that will support the Network Design and present such applications that require County support to the County for the County's review and approval prior to submission.
4. Regular Planning Meetings. The Parties will designate a "Management Committee"

comprised of relevant County personnel and senior management from APB, which management committee shall hold meetings no less than quarterly to review the status of deliverables under this Agreement.

5. Information Sharing and In-Kind Support for Grant Applications and Regulatory Proceedings. Upon request from APB, the County agrees to provide APB with all relevant information in its possession that will facilitate APB's development of the RFP Response.
6. Deployment and Operation of Broadband Networks. APB will be solely responsible for building, operating and maintaining any new broadband infrastructure that results from the RFP Response. Aside from the specific fees and in-kind assistance described in this Agreement, the County shall not have any further obligation to provide local matching funds or other financial support for deployment activities (collectively, "Local Match"), unless and until such Local Match is specifically agreed to by the County in writing.
7. Fees for Development of Unserved Locations List. In exchange for the APB's development of the Unserved Locations List and APB's performance under this Agreement, the County agrees to pay APB a one-time fee of one thousand dollars (\$1,000) (the "APB Fee"). The APB fee shall be paid within 30 days of execution of this Agreement. At the conclusion of the term of this Agreement, the Unserved Locations List shall become the property of the County.
8. Ownership of Network Design. The Parties acknowledge and agree that APB will bear the full cost of preparing the Network Design and that APB shall retain ownership of the Network Design.
9. Term. The Initial Term of this Agreement will be twelve months, commencing on the last date set forth below. At the conclusion of the Initial Term, this Agreement shall continue on a month-to-month basis until either Party provides the other with no less than 90 days advance notice of its intention to terminate this Agreement.

[SIGNATURE PAGE FOLLOWS]

WITNESSETH the following signatures:

MADISON COUNTY KENTUCKY FISCAL COURT

By: 
Reagan Taylor, Judge Executive

Date: 3/22/2022

ALL POINTS PARTNERS MADISON, LLC

By: 
James G. Carr, Chief Executive Officer

Date: 3/23/2022

Madison County Broadband Expansion Talking Points

- Madison County has entered into a partnership with All Points Broadband (APB), a private sector internet service provider to bring broadband services to Madison County's most rural and unserved citizens.
- This partnership is the result of strategic planning by Judge/Executive Reagan Taylor's Administration to bring, quality, affordable high-speed internet service to the unserved in Madison County.
- APB will identify every individual location in Madison County that is unserved and underserved through a "boots-on-the-ground" approach through aggressive field surveys.
- The new relationship with APB is a great compliment to supporting our existing service providers in AT&T, Spectrum and Windstream who all continue to expand their fiber networks and already serve many parts of Madison County.
- In the coming months, you will also see Spectrum and Windstream fulfilling their commitments to Madison County through their RDOF funding from the Federal Communication Commission (FCC). This will bring broadband to over 1,000 currently unserved locations with an investment in Madison County by the funding from the FCC and millions of dollars in investment from Spectrum and Windstream.
- In addition, Madison County is actively supporting Spectrum in their Kentucky Broadband Deployment Fund grant application to serve over an additional 1,200 unserved or underserved locations in Madison County.
- APB was selected by Madison County to determine the specific number and list of addresses in the County that need to be served, develop a comprehensive deployment strategy and apply for State and Federal grant funding from respondents to the County's request for qualifications.
- This agreement is Phase 1 of the long-term goal to bring quality and affordable broadband to every citizen in Madison County.