



R E C I T A L S:

1. The purpose and spirit of this Agreement is to facilitate the engineering, construction, and installation of high-speed broadband facilities and opportunities within Perquimans County. It is the intent and purpose of entering into this Agreement to provide, promote, construct, engineer, and operate high speed broadband services within Perquimans County through the collaborative efforts, initiatives, and undertaking of each of the above-named entities.
2. It is understood and agreed that FOCUS Broadband shall design, engineer, construct and enter into the appropriate steps, initiatives, and applications with the appropriate state and federal regulatory agencies and facilitating partners including, but not limited to NC Great Grant for the service territories within Perquimans County North Carolina, and in accordance with the plans and purposes of FOCUS Broadband and Perquimans County Government, which shall be developed in a collaborative and cooperative manner.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, and purposes as above set forth, the parties hereto agree and acknowledge the following:

1. FOCUS Broadband will design and apply for a NC Great Grant for service territories within Perquimans County, North Carolina that are unserved. (An unserved area is defined as "being where inhabitants or businesses do not have access to high-speed broadband services.")
2. It is the objective, mission, and intent of this Agreement that FOCUS Broadband will endeavor to maximize the number of unserved addresses to be included in the grant application.
3. FOCUS Broadband shall cover all costs associated with the submission of the grant applications and will cover any additional costs beyond the grant application as may be necessary to provide services and fulfill the grant obligations.
4. As part of the Partnership Agreement, in the event a NC GREAT Grant is awarded to FOCUS Broadband through the NC GREAT Grant program, Perquimans County agrees to provide a project match up to \$250,000 in matching funding contributions with 100% of those funds coming from funds designated for broadband expansion and received by county through the American Rescue Plan Act (ARPA). For clarity, these funds are only obligated should FOCUS Broadband receive an award through the NC GREAT Grant program in the first round of the NC GREAT Grant program for 2022.
5. Perquimans County shall provide FOCUS Broadband with a Deed of Easement on county-owned land property at the water tower located at **2396 New Hope Road** for the express purposes of constructing and maintain a fiber optic switching office, otherwise known as an OLT (Optical Line Termination site to be used to facilitate the expansion of broadband internet services in Perquimans County the purposes of meeting the intent and mission of this Agreement.
6. It is further agreed that the intent and purpose of this Agreement is for the sole purpose of enabling broadband access in unserved and underserved areas wherein inhabitants or businesses do not have access to high-speed broadband services as of the date of this Agreement. It is acknowledged and agreed that upon the energizing and ability to deploy and maintain high speed broadband services, that FOCUS Broadband shall assume and remain the sole operating business entity of the high-speed broadband services within the above-identified parcel identified in Item 5, and nothing in this Agreement shall constitute a joint operating agreement in terms of costs or revenue sharing upon completion of this project.
7. FOCUS Broadband shall comply with all safety and federal, state, and local construction requirements applicable to the installation, deployment, and rendition of high-speed broadband services.
8. Each party will hold the other harmless from any and all claims, including costs, expenses, and damages which may occur as a result of any action, activity, negligence, and/or conduct committed by its employees arising from any third party out of the rendition of high-speed broadband services.
9. This Agreement shall be construed in accordance with the laws of the State of North Carolina and shall be binding upon the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, the say and year first written above.

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 (SEAL)  
 Michael K. Holden  
 CEO/General Manager  
 Atlantic Telephone Membership Corp.  
 640 Whiteville Road  
 Shallotte, North Carolina 28459

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 (SEAL)  
 Wallace Nelson  
 Chairman  
 Perquimans County Commissioners  
 128 N. Church Street  
 Hertford, NC 27944

COUNTY MANAGER UPDATE

County Manager Heath explained that he had forwarded a copy of a proposed Budget Meeting Schedule to the Commissioners and asked the Board to review. Thus far, there was only one change and that was to change the May 12<sup>th</sup> meeting to May 11<sup>th</sup> since Chairman Nelson could not attend. It was the consensus of the Board to approve the list as presented. The final list will be e-mailed to the Commissioners.

ADJOURNMENT

There being no further comments or business to discuss, the Special Called Meeting was adjourned at 7:20 p.m. on motion made by Joseph W. Hoffer, seconded by Charles Woodard.

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 Wallace E. Nelson, Chairman

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 Clerk to the Board

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WORK SESSION  
 March 21, 2022  
 7:00 p.m.

The Perquimans County Board of Commissioners Work Session on March 21, 2022 was cancelled.

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