



Dinwiddie County Attorney's Office

14010 Boydton Plank Road

Dinwiddie, Virginia 23841

Phone: 804-469-4500

FAX: 804-469-5322

MEMORANDUM

TO: Board of Supervisors

FROM: Tyler Southall, County Attorney

DATE: May 5, 2020

SUBJECT: Amendment/Addendum to Comprehensive Agreement for County Broadband Project

Background

On October 8, 2019, Dinwiddie and Amelia entered into an agreement (the “Comprehensive Agreement”) with the RiverStreet family of companies (“RiverStreet”) to bring widespread fixed wireless internet coverage to unserved and underserved areas of Dinwiddie County. After the agreement was signed, RiverStreet held community meetings to discuss the project with citizens. As a next step, RiverStreet submitted a Coverage, Phasing, and Implementation Plan for the Project on February 14 as required by the Comprehensive Agreement. After the County was able to review and comment upon the Coverage, Phasing, and Implementation Plan, the Board of Supervisors approved it on March 17. On April 21, the Board of Supervisors approved a lease of the landfill communications tower with Gamewood Technology Group, Inc., a member of RiverStreet.

In order to construct new towers, including the tower proposed for Phase IB at the former Northside Elementary School Site, Section 28(b)(i) of the Comprehensive Agreement requires RiverStreet to post “Standard Performance and Labor and Material Payment Bonds, each in the sum of the amount of tower construction” with the counties. Further, “[a]ny such bonds shall be released by the relevant County upon final completion and acceptance of the work done by Company [RiverStreet] on such Public Broadband Tower (including all related clearing, site-preparation, access road construction, fiber connections, electrical connections, shelters, and fence and security work) by the County.”

RiverStreet’s bond underwriter is concerned that—notwithstanding the narrowness of the above language and assurances from the County Attorneys for both Dinwiddie and Amelia—that the bond guarantee could be read to apply to the functionality and coverage zone of the equipment mounted on the top of the towers. They have asked for an

amendment/addendum to the Comprehensive Agreement to clarify that the bond guarantee does not apply to the functionality and coverage zone of the equipment mounted on the top of the towers.

Resolution

The Board may vote on the below resolution:

BE IT THEREFORE RESOLVED, that the County Administrator is authorized to execute an amendment or addendum to the Comprehensive Agreement for Broadband Grant Project Implementation and Broadband Network Operation (the “Comprehensive Agreement”) in a form approved by the County Attorney to clearly state for the satisfaction of the bond underwriter for Gamewood Technology Group, Inc. that Section 28(b)(i) of the Comprehensive Agreement was not intended to include the performance of equipment to be placed on a tower or internet speeds, unless caused by a defect of tower construction.