



Dinwiddie County Administration

14010 Boydton Plank Road

Dinwiddie, Virginia 23841

Phone: 804-469-4500

MEMORANDUM

TO: Board of Supervisors

CC: W. Kevin Massengill, County Administrator
Anne Howerton, Deputy County Administrator, Finance and General Services
Tammie J. Collins, Deputy County Administrator, P&CD

FROM: Tyler C. Southall, County Attorney

DATE: June 18, 2024

SUBJECT: Release and Agreement to Terminate Broadband Agreements in Light of Transfer of 2022 VATI Grant to Western Piedmont Planning District Commission

Background

At the direction of the Board of Supervisors, Dinwiddie County has spent significant amount of effort to bring broadband internet to the unserved and underserved people of Dinwiddie County. The fruit of these efforts included the award of a grant from the Tobacco Commission in 2018 as part of a joint project with Amelia County for a wireless project, the award of a 2022 VATI grant for a fiber-to-the-home project, and the formation of the Dinwiddie County Broadband Authority.

On April 25, 2022, Dinwiddie County and the Dinwiddie County Broadband Authority entered into an agreement with PGECE Enterprises, LLC (“PGECE”) with a goal of achieving universal availability of broadband in Dinwiddie County. PGECE subsequently encountered difficulties that stalled its progress, including an inability to place PGECE’s fiber on the vast majority of the poles required for the project on terms that made the project feasible within the budget available to PGECE.

The attached Release and Agreement to Terminate Broadband Agreements in Light of Transfer of 2022 VATI Grant to Western Piedmont Planning District Commission (“Agreement”) will terminate the aforementioned April 25, 2022 agreement. The Agreement also states that no party will owe any other party money related to the April 25, 2022 agreement. RiverStreet Networks (“RiverStreet”) has stated their intent to move forward with serving their RDOF award area, and PGECE has stated its intent to continue to move forward in the area in which they have RDOF and CAF II award money. The Agreement would allow the financial award that Dinwiddie received pursuant to the 2022 VATI grant to be applied to the projects of RiverStreet and PGECE in Dinwiddie County, so the projects would not lose any state or federal grant money by the approval of the Agreement. Local funds would be retained by the County and can be repurposed. It is my understanding that management of all RiverStreet VATI awards statewide



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is being consolidated with the Western Piedmont Planning District Commission. The PGECE project would also be overseen by the Western Piedmont Planning District Commission.

Taxpayer money was protected: Dinwiddie has not paid any money to RiverStreet or PGECE in connection with the broadband projects. The money in the broadband authority account is available to return to the County's capital improvements fund, which is the recommendation of staff.

Action

BE IT RESOLVED that the Release and Agreement to Terminate Broadband Agreements in Light of Transfer of 2022 VATI Grant to Western Piedmont Planning District Commission be approved, and that the County Administrator is authorized to sign the same in a form substantially similar to the form presented with such changes, substantive or otherwise, as he may approve, which approval shall be conclusively evidenced by his signature.

BE IT FURTHER RESOLVED that the money received back from the Dinwiddie County Broadband Authority be placed in the County's capital improvements fund.

BE IT FURTHER RESOLVED that all actions taken by County staff in furtherance of this resolution and the transfer of the 2022 VATI grant to the Western Piedmont Planning District Commission are hereby ratified.

BE IT FURTHER RESOLVED that County staff is authorized to take any other actions in furtherance of the intent of this resolution.