



## LAMOILLE FIBERNET COMMUNICATIONS UNION DISTRICT EXECUTIVE COMMITTEE MEETING

Sep 16, 2021 at 7:00p.m.

Location: GMSS, 93 James Rd, Morrisville, VT

### MINUTES

(As approved on 7/10/21)

**7:00pm** Jane C. called the meeting to order. The group welcomed Val D. to his first EC meeting and expressed their excitement and optimism for a successful future under his leadership.

**7:00pm Changes to the Agenda-** Jane C. would like to add a discussion with Christa (ED, NEK Broadband) regarding NEK Broadband's CARE Fund grant consortium proposal. Additionally, Christine H. will discuss a contract proposal, likely in executive session.

**7:02pm Roll call-** Executive Committee Members: **Jane Campbell, Jeff Tilton, Teelah Hall, Paul Warden, Stephen Friedman.** LFCUD Members: **Val Davis, Carol Fano, Carol Caldwell-Edmonds, Larry Lackey.** Guests: **Christine Hallquist (VCBB), Christa (ED, NEK Broadband).**

**7:03pm Updates/Consent Agenda-** Jane C. updated the committee regarding the DPS and USDA Grants, specifically that she is working to amend grants to ensure the district is not using both grants on one item. Paul W. moved to accept the updates and approve the Consent Agenda. Teelah H. seconded. Motion passed.

**7:05pm Krista (ED, NEK Broadband)-** Opened a discussion on a proposed opportunity for NEK Broadband and LFCUD to work together: a CARES Act consortium project. NEK has used their current CARES funding to begin building to 104 unserved addresses, including 14 priority addresses- a roughly \$460k project. They have the capacity to expand to additional territory roughly totaling 240 addresses, with 11 additional priority addresses. The expansion would cost roughly \$420k. NEK has maxed out their allotted portion of the CARES Act funding. They would like LFCUD to amend their own grant to include this buildout expansion in exchange for administrative fee of 5%. Christine H. and Christa answered questions from the group:

*Would this apply against us from any cumulative cap? No.*

*Was this an allocation that was made by the state? i.e. how is this legal? This is Federal money that came down to help the state, and allocated by the legislature. This has been vetted through the office of finance and management, and should be in compliance.*

*What can we get in exchange down the road? (unanswered)*

*Can the administrative fee be used to engage software support? ie document storage software to aid in compliance with VT's open meeting laws? Probably.*

*Would the structure be a subgrant LFCUD to NEK?* yes. LFCUD would also be responsible for the implementation. Once the addresses are connected, the grant would be closed.

*What happens if the connects aren't made on time?* Labor/material shortages are examples of complications that can relax the time restriction.

*Could this money put us over the audit trigger?* It counts toward the limit, and we will need to investigate to determine.

*Spending money allocated to us in another geographic area doesn't fit into our stated mission. Will our mission statement have to be amended?* (undecided)

*Does the CUD have the authority to share grants?* EC fiber and CV fiber are doing essentially the same thing, so there is a precedent established.

*What is our timeframe?* Design/make-ready are underway. A week and a half until design is completed and RFP will be issued. We may want to seek an agreement between the CUDs that provides amendment for grant in the event the time restrictions are not met.

*In the case of the CVF/EC precedent, are the areas contiguous?* Unknown.

*This grant is not providing communication services, under section 7 of the statutes, it just gains us \$21k to pay for administrative services. Where is this scenario covered?* The assumption is that it does not violate 30-082. There are a couple of sections this deal could fall under.

The Committee Members are in support of helping a fellow CUD if able, but want to make sure it does not impede our position or put us at a disadvantage in the future. In lieu of a recommendation to the governing board, the Committee elected to further discuss this issue with the full Governing board at the next regular meeting. Christine H and Christa will work to find answers to the committee's unmet concerns and any further questions should be emailed to Jane C. or Christine H. as soon as practical.

*Christa (ED, NEK Broadband) left the meeting.*

**7:50pm Executive Session-** Jane C., citing that the proceeding conversation would center on a confidential contractual proposal, and that premature general public knowledge would clearly place LFCUD or a person involved at a clear and substantial disadvantage, offered to entertain a motion to move into Executive Session. Stephen F. so moved. Paul W. seconded. Motion passed.

Stephen F. moved to include all attendees recorded on the roll call, with the exception of Krista. Paul W. seconded. Motion passed.

**7:51pm** Meeting entered executive session.

**8:28pm** Public meeting resumed. No action was taken as a result of executive session.

**8:29pm Policies Needed-** Discussion will be tabled due to time constraints.

**8:30pm Onboarding-** Val D. has been given a top-down overview of LFCUD's progress. He's been spending part of his time working through our existing grants, to ensure they are being used most efficiently. There exists some state-sponsored non-profit leadership and management courses available, and Val is interested in participating. He also would like time to meet with the board members

individually to discuss their areas of expertise. Val will plan on checking in at EC meetings to update progress on work plan.

**8:42pm Wrap up and Adjourn-** The members engaged in additional discussion on the NEK deal, centered primarily around the thoughts and concerns that came up during the previous discussion. Paul W. moved to adjourn. Stephen F. seconded. Motion passed.