

RESOLUTION No. 2023-0530 **B**

RESOLUTION OF THE WARREN COUNTY COUNCIL AUTHORIZING THE FINAL EXECUTION OF THE PUBLIC-PRIVATE PARTNERSHIP TO ENGAGE JOINK, LLC (“JOINK”) AS THE PARTNER TO INITIATE THE FINAL PROJECT SCOPING, SCHEDULING, AND FIBER BROADBAND BUILD-OUT THROUGHOUT WARREN COUNTY, INDIANA.

WHEREAS, Warren County (“County”) has adopted the provisions of Indiana Code 5-23 regarding the power of government bodies to utilize Public-private agreements to procure public facilities (collectively, the “P3 Statute”);

WHEREAS, the P3 Statute authorizes the County to enter into an agreement for the acquisition, planning, design, development, reconstruction, repair, maintenance or financing of any public facility on behalf of County (a “Public-private Agreement”);

WHEREAS, the County determined it is in the public interest to procure the provisioning of high-speed broadband services within Warren County (“Project”) through the execution and performance of a Public-private Agreement;

WHEREAS, this Project will construct a public facility of both lit and dark fiber for municipal use for proprietary governmental purposes, economic development, and public safety services to improve governmental efficiency and service to Warren County citizens;

WHEREAS, in accordance with the P3 Statute, the Warren County Local Economic Development Organization (“LEDO”), on behalf of the County Commissioners, issued a Request for Proposals (“RFP”) inviting all qualified parties to submit RFP responses regarding a proposed approach to, designing, constructing, financing, operating, and maintaining and/or transferring a development of an extension of broadband services for the County under a Public-private Agreement to increase the availability of high-speed broadband service for the benefit of all the citizens of Warren County;

WHEREAS, the LEDO RFP Review Committee received seven RFP submissions from AT&T, Comcast, Ridge Wireless, Mainstream Fiber Networks, Joink, CIONA, and Wintek;

WHEREAS, using the published criteria, the LEDO RFP Review Committee carefully reviewed all submitted proposals and ranked Joink as the top proposer and identified Joink as the strategic County partner with which to conduct negotiations given that Joink possesses the requisite experience, expertise, and financial strength to acquire, plan, design, develop, construct, repair, maintain, or finance the Project; and

WHEREAS, LEDO and Joink have negotiated in good faith to develop acceptable terms and wish to enter into a binding Public-private Agreement defining the objectives, duties, roles, and responsibilities of each party with respect to extending the backbone fiber network of Joink to provide High Speed Broadband Services to the Consumers within Warren County.

WHEREAS, the Council has considered the possible benefits to Warren County of the entry into a Public-private Agreement to provide for the designing, constructing, financing,

operating, and maintaining a development of an extension of broadband fiber infrastructure and high-speed broadband services;

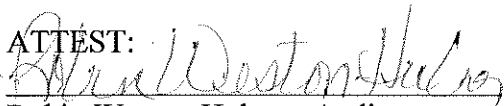
WHEREAS, the Council desires to authorize the expenditure of County funds in an amount not-to-exceed Four Million Two Hundred Twenty-Two Thousand Nine Hundred Sixty-Five Dollars and No Cents (US\$4,222,965.00) in consideration for the final negotiation and execution of the Public-private Agreement to engage Joink, LLC as the partner to initiate the final project scoping, scheduling, and fiber broadband build-out throughout Warren County, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Warren County Council, as the fiscal authority for Warren County, as follows:

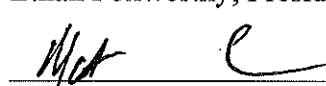
1. The Council hereby authorizes the County to spend Four Million Two Hundred Twenty-Two Thousand Nine Hundred Sixty-Five Dollars and No Cents (US\$4,222,965.00) to engage Joink as the partner to initiate the final project scoping, scheduling, and fiber broadband build-out throughout Warren County, Indiana.
2. The Council authorizes all actions necessary to execute the Public-private Agreement pursuant to IC 5-23.
3. The Council approves the Warren County Commission Resolution awarding the Public-private Agreement to Joink pursuant to IC 5-23-6-1.
4. This resolution shall take effect immediately upon its adoption by the Council.

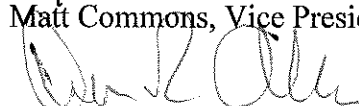
DULY ADOPTED on this 30th day of May, 2023, by the Warren County Council.

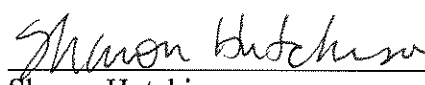
ATTEST:


Robin Weston-Hubner, Auditor


Ethan Foxworthy, President


Matt Commons, Vice President


Dwain Akers


Sharon Hutchison


Neil Ellis


[Unreadable]

Ben Dispennett

Russell K. Hart