

ORDINANCE NO. 2015-01

AMENDING THE TOWN OF OPHIR 2015 BUDGET TO ADDRESS PROVISION OF MUNICIPAL BROADBAND SERVICES AND ESTABLISHING A RESTRICTED FUND FOR DONATIONS

WHEREAS, the Town of Ophir is seeking to facilitate or provide high speed internet connection to Ophir residents and possibly to non-Ophir residents in the surrounding region, as addressed in Town of Ophir Resolution 2015-1; and

WHEREAS, The 2015 Ophir Budget identifies the following in 2015 General Fund expenditure:

<u>Broadband Incentive Program</u>	<u>20,000</u>	<u>18,877</u>	<u>18,000.</u>
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Ophir anticipates applying for potential grants, including a USDA Connect America grant, in 2015. Ophir also anticipates receipt of donations to promote Ophir Municipal Broadband. Minimum matching grant commitments and potential expenditures are estimated to be at least \$130,000; and

WHEREAS, Ophir desires to establish a special revenue fund to be called Municipal Broadband. This fund will be especially restricted to planning, engineering, promotion, facilitation, leasing, grant matching, and/or and construction of facilities and services for the eventual provision of municipal broadband (high speed internet connection) services within the Town of Ophir and potentially regional areas. This Ophir Municipal Broadband Fund will also be used to deposit donations for expenditures restricted to such purposes; and

WHEREAS, Ophir desires to amend its 2015 budget accordingly.

NOW, THEREFORE, THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR HEREBY ORDAINS:

SECTION 1. 2015 Budget Amendment.

A. The 2015 Ophir Budget General Fund appropriation and expenditure for:

2014 Budget /9.30.2014 Actual / 2015

<u>BROADBAND INCENTIVE PROGRAM</u>	<u>20,000</u>	<u>18,877</u>	<u>18,000</u>
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is hereby transferred from the General Fund to the Special Revenue Municipal Broadband Fund established by this ordinance. The General Fund revenue and expenditure are correspondingly reduced by such amounts.

B. There is hereby created a Special Revenue Fund called the Municipal Broadband Fund. 2015 Revenues are established as \$130,000.00. Donations or grants given or awarded to the Town of Ophir for the planning, engineering, promotion, facilitation, leasing and/or construction of facilities and services for the eventual provision of municipal broadband (high speed internet connection) services within the Town of Ophir and potentially regional areas shall be allocated exclusively to such Fund and shall be expended exclusively for these Fund purposes. There are hereby appropriated 2015 Municipal Broadband Fund Expenditures in the amount of \$130,000.00, of which \$100,000.00 shall be held as a local matching fund for a possible Connect America grant, or used for other related purposes as described above if such grant is not approved. The 2015 Ophir Budget is hereby amended accordingly.

Section 2. Grant Contract and Application.

A. Upon the Broadband Committee's recommendation, the General Assembly authorizes the Town Manager to enter into a contract with Elizabeth Covington for assistance in preparation of Ophir's application for a Community-Oriented Connectivity Broadband 2015 Grant Program (Connect America broadband grant) at the hourly rate of \$85.00.

B. The Town Mayor, Manager and Town Clerk are authorized to take all action to adopt, comply with and complete Certificate requirements, subject to ratification by the General Assembly when and as required by applicable law, in connection with such grant application, including the following:

Equal Opportunity and Nondiscrimination Certification;

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Certification;

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions;

Certification Regarding Lobbying for Contracts, Grants, Loans and Cooperative Agreements;

Certification Regarding Drug - Free Workplace Requirements Alternative I - For Grantees other Individuals;

Certification regarding Architectural Barriers;

Certification regarding Flood Hazard Area Precautions;

Non Duplication of Services Certificate;

Applicant Certification Federal Collection Policies for Commercial Debt; and

Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.

SECTION 3. PUBLICATION. After final adoption, notice of passage shall be published in the manner prescribed by the Town Charter.

SECTION 4. SEVERABILITY:

If any one or more sections or parts of this Ordinance is adjudged unenforceable or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the

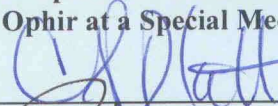
remaining provisions of this Ordinance, the intention being that the various provisions herein are severable.

SECTION 5: EFFECTIVE DATE:

This Ordinance shall take effect immediately upon final adoption.

Introduced, Read and Approved on First Reading by the General Assembly on the 20th day of January, 2015.

Approved and Adopted on Second and Final Reading as amended by the General Assembly of the Town of Ophir at a Special Meeting on the 27th day of January, 2015.

By: 

Corinne Platt, Mayor

Attest: 

Lisa Rutledge, Town Clerk



Approved as to Form: Town Attorney