

**ADOPTION OF LOCAL LAW INTRO. NO. 3-2015, PRINT NO. 1, A LOCAL LAW
AUTHORIZING THE ESTABLISHMENT OF A LOCAL DEVELOPMENT
CORPORATION TO MANAGE THE ALLEGANY COUNTY
WIRELESS BROADBAND INTERNET SERVICE**

Offered by: Facilities & Communications and Ways & Means Committees

RESOLVED:

1. That proposed Local Law, Intro. No. 3-2015, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 3-2015

Print No. 1

**A LOCAL LAW AUTHORIZING THE ESTABLISHMENT OF A LOCAL DEVELOPMENT
CORPORATION TO MANAGE THE ALLEGANY COUNTY WIRELESS BROADBAND
INTERNET SERVICE**

SECTION 1: Legislative Intent

a. The Board of Legislators hereby finds that broadband access to the internet is critical to the continued economic vitality and growth of the County. That many of the residences and businesses within the County lack access to affordable and reliable broadband internet service. That in recognition of this need, Allegany County has secured grant funding that will allow it to develop and provide wireless broadband service to unserved and underserved regions in the County.

b. The Board of Legislators further finds that the operation and expansion of the wireless broadband service may be most effectively developed and operated by a local development corporation, caused to be incorporated by Allegany County, which will contract with Allegany County to manage the telecommunications infrastructure and undertake all legal and business arrangements necessary for delivering wireless broadband internet service.

c. The Board of Legislators intends by this local law to affirm the public purpose of the development of the wireless broadband internet service, to authorize the creation of a local development corporation to develop and operate such service, and to authorize the development of an agreement for services between the local development corporation and Allegany County.

SECTION 2: Local Development Corporation

The County Administrator or his designee(s) is hereby authorized to take all actions necessary to create a corporation pursuant to the New York Not-For-Profit Corporation Law § 1411 (hereinafter, the "Corporation"). The Corporation shall be granted all powers as may be deemed necessary by the County Administrator or his designee(s), which powers shall include, but not be limited to, those powers set forth in subsections (c) and (d) of § 1411 of the Not-For-Profit Corporation Law, as may be necessary and prudent to enable the Corporation to develop the aforesaid wireless broadband internet service in the public interest. It is the specific intention of the Board of Legislators that the purpose and scope of the Corporation be limited to the transactions contemplated by this local law, namely the development and operation of wireless broadband internet service.

SECTION 3: Authorized Fee for Services

Upon the incorporation of the Corporation, the County is hereby authorized to enter into an agreement with the Corporation to operate and manage the wireless broadband service including the telecommunications infrastructure owned by the County; oversee legal compliance with governmental regulations and licenses; market such service to last mile providers and end users; enter into agreements with last mile providers; directly provide wireless broadband internet service to businesses and residences when deemed to be in the public interest; take all other action necessary and appropriate to assure the delivery of reliable wireless broadband internet service. That as part of the agreement with the Corporation, an amount not to exceed the sum of four hundred thousand dollars is hereby authorized to be paid the Corporation for services provided and necessary and appropriate expenses incurred over a period of four years. Such amounts to be paid as invoiced by the Corporation, subject to review by the County Administrator. It is the intent of this Board that once the wireless broadband service generates sufficient revenue to cover the operational costs of the Corporation, the underlying agreement between the County and the Corporation will be adjusted in a manner that will return to the County any sums of money previously paid the Corporation by the County. The Board hereby finds that the funds authorized to be paid to the Corporation are deemed to be in the public interest. The aforesaid agreement may contain such other terms and conditions as the Board of Legislators or its designee(s) require, and shall be subject to approval as to form by the County Attorney.

SECTION 4: Effective Date

This local law takes effect upon filing in the Office of the Secretary of State as provided by § 27 of the Municipal Home Rule Law.

Local Law No. 3 of 2015

Adopted by Res. No. 165-15, 7/27/15

Effective Date: August 6, 2015

I, Brenda Rigby Riehle, Clerk of the Board of Legislators of the County of Allegany, State of New York, do hereby certify that the foregoing constitutes a correct copy of the original on file in my office and the whole thereof of a resolution passed by said

Board on the 27th day of July, 20 15.

Brenda Rigby Riehle Dated at Belmont, New York this 8th day of June, 20 18

Clerk, Board of Legislators, Allegany County

Moved by Pullen Seconded by Jessup VOTE: Ayes 9 Noes 4 Absent 2 Voice _____

Voting No: Burt, Decker, O'Grady,
Unger mann
Absent: McGraw, Root