

A regular meeting of the Albemarle County Broadband Authority was held on October 18, 2017, at 5:00 p.m., in room 241 of the County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Ms. Liz Palmer, Mr. Rick Randolph, Mr. Bucky Walsh, Mr. Mike Culp

ABSENT: Mr. Landon McDowell and Mr. Bill Fritz

Also Present: Mr. Andy Herrick and Mr. Lauchlin Lee

Agenda Item No. 1. Establish Quorum and Call to Order.

Mr. Walsh established a quorum and called the meeting to order.

Agenda Item No. 2 Approval of Agenda

Mr. Randolph moved to accept the agenda. The agenda was accepted by a unanimous vote.

Agenda Item No. 3 Approval of Sept. 20, 2017 Minutes

There was significant discussion regarding the format of the Minutes. Ms. Palmer indicated the need for detail. Mr. Randolph stated that the Sept. 20, 2017 Minutes were not particularly long and well done. Mr. Randolph suggested that minutes taking a page and one half were easy to decipher and could be our standard. List what was discussed and what was decided for each item. Mr. Walsh stated that for decisions the action words could be bolded to draw attention to decisions and next steps. Mr. Culp stated the Minutes presented had been updated by Mr. Herrick for clarity.

Ms. Palmer moved to accept the Minutes as corrected. The Minutes were accepted as corrected by a unanimous vote.

Agenda Item No. 4 New Business

Item No. 4a. Insurance/Indemnification of Albemarle Broadband Authority Members

Mr. Herrick introduced Mr. Lauchlin Lee, Risk Manager for the County of Albemarle. There ensued a discussion covering insurance and indemnification options for the Albemarle Broadband Authority Board Members (board).

Mr. Lee provided that he had researched our options and obtained an insurance quote provided to us by VACORP. Mr. Lee stated that VACORP would provide the board the same type of policy that the EDA has. The policy covers the board members for their acts and decisions on behalf of ABBA. The current limit of liability for Public Officials is \$1,000,000.00 with higher limits available.

Mr. Herrick stated that that the Wireless Service Authorities Act states that “no member or officer of any governing body of locality creating such authority, or person or persons acting on their behalf, while acting within the scope of their authority shall be subject to any personal liability by reason of his carrying out of any of the powers expressly given in this chapter.”

Mr. Lee stated the VACORP insurance could be made available just to provide the board members a policy that will defend them if any suit were ever filed so they would have defense cost coverage by the insurance policy, even though the Virginia code states the board members are not personally liable.

There followed a discussion of the cost for the VACORP option and Mr. Lee stated that the annual premium for the policy was quoted at \$1,150.00. Questions were asked about the process for obtaining the funds and if there were other options available through VACORP. Mr. Herrick offered to bring forward an example of a required resolution to acquire the service as well as a membership document for the ABBA board's review. This offer was accepted by the board.

There followed a discussion regarding the permanent addition of a public comment section to the agenda. Mr. Herrick suggested that the rules and procedures for the Authority address this. Mr. Culp agreed and will add the public comment section early in the meeting for the Nov. 15, 2017 agenda.

Item No. 4b. Goals and Objectives for the Albemarle Broadband Authority

Mr. Herrick thanked Mr. Lee for attending the meeting. Mr. Walsh brought forward Item No. 4b. on the agenda, "Goals and Objectives for the Albemarle Broadband Authority". Mr. Walsh asked if everyone had reviewed the draft goals and objectives. It was suggested that we continue this item as two members of the board were not present and may not have had a chance to review. There was a discussion about the inclusion of the term "affordable" in the Goal statement and add it to the definitions section.

Ms. Palmer offered that the Goals and Principles are simple to understand, to the point, and well written. Ms. Palmer reminded everyone that we have a \$30,000,000.00 estimated cost to provide service throughout the County, and considering that, the Board of Supervisors do not support ABBA creating a network like other authorities have done.

Discussion about the process of answering citizen requests for information and assistance then occurred. Mr. Culp stated that the process of tracking service levels is difficult because each of the providers are not required to provide the County with current or planned network designs and various speeds. The speeds provided also fluctuate both to the positive and negative.

The board discussed formalizing a standard response to requests and will make this a goal.

Item No. 4c. Virginia Telecommunication Initiative Update

Mr. Culp updated the board on the Virginia Telecommunication Initiative Grant process; and briefly explained the reasoning for requesting Board of Supervisors' approval of the use of \$27,000 from the County Grants Leveraging Fund. There was discussion about providing funds for future use. Mr. Culp suggested use of one-time funds to start. Ms. Palmer offered a motion to provide a justification for, and request \$200,000.00 of County one-time funds specific for ABBA needs and use. Mr. Randolph seconded and the motion passed unanimously. Mr. Culp stated that staff would work on the justification; send it for review; and provide to the County Executive's office.

Item No. 4d. Preparation for the Albemarle Broadband Authority Report
provided to the Albemarle Board of Supervisors

Mr. Culp stated that an informational update from ABBA to the Albemarle Board of Supervisors was scheduled for November; however, since one of the items to provide is the ABBA Goals and Objectives (Principles) and since only four of six board members were available to discuss them; Mr. Culp would work with the Clerk's office to move the update.

Agenda Item No. 5 Unfinished Business

No discussion of this item occurred.

Item No. 6. Other Matters

Two citizens in attendance were asked to present to the board. David Burnell and Dr. Norman Moore talked about the lack of broadband in their respective areas and petitioned the board to assist. Mr. Culp stated that in both cases, the first step is the Virginia Telecommunication Initiative application process. In both cases, the areas represented by the citizen attendees are included and interest has been shown by one of the potential co-applicants. Mr. Culp stated that we will keep the citizens and board updated as the grant process proceeds.

Ms. Palmer moved for adjournment. Mr. Randolph seconded. By unanimous vote the meeting was adjourned at 6:25 p.m.