

RESOLUTION NO. 23-903-03

A RESOLUTION OF THE CITY OF JOHN DAY APPROVING GRANT COUNTY DIGITAL'S APPLICATION FOR ADDITIONAL BROADBAND AND CYBERMILL PROJECT FUNDS; AND RELATED MATTERS.

WHEREAS, the City Council ("Council") of the City of John Day ("City"), an Oregon municipal corporation, and the Board of Directors ("Board") of the Grant County Digital Network Coalition ("Coalition"), an Oregon intergovernmental agency for which City is Coalition's Lead Agency, desire to work together concerning design, construction, operations and maintenance of a the John Day fiberoptic network expansion ("Network") and John Day CyberMill ("CyberMill") in John Day (collectively, the "Project"); and

WHEREAS, City is beneficiary and recipient of a certain Economic Development Administration ("EDA") FY20 CARES Act grant award of \$1,804,475 for Project construction as authorized under Grant Agreement No. 07-79-07789 awarded April 20, 2022 (the "EDA Grant"); and

WHEREAS, City acquired the building at 241/243 W. Main Street on or around June 18, 2021 to create the CyberMill coworking space for the Project; and

WHEREAS, the Grant County CyberMill Nonprofit organization wishes to acquire a lease to operate the John Day CyberMill coworking space (the "Lease Agreement") for the duration of the Project, which lease agreement requires prior review and approval by the EDA; and

WHEREAS, Coalition and City desire to jointly pursue additional grant funding from Business Oregon's Brownfields Remediation Program (the "Brownfields Grant"), the Oregon Broadband Office's Broadband Technical Assistance Program (the "OBO BTAP Grant"), the USDA Broadband Technical Assistance Program ("USDA BTAP"), and the Ford Family Foundation's Large Good Neighbor Grant (the "Foundation Grant") for the Project;

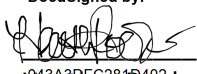
NOW, THEREFORE, BE IT RESOLVED that City of John Day resolves as follows:

1. Findings. The above-stated findings contained in this Resolution No. 23-903-03 (this "Resolution") are hereby adopted.
2. Lease Agreement. The Council hereby authorizes and approves the Mayor and Council President as City's Authorized Representatives (the "Authorized Representatives") to negotiate and sign the Lease Agreement for and on behalf of City provided the terms of the Lease Agreement contain terms and conditions reasonably acceptable to the Authorized Representatives, City's legal counsel, and EDA as the granting agency.
3. Brownfields Grant. The Council approves joint application by City and Coalition for no less than \$60,000.00 in additional grant proceeds under the Brownfields Program. The Authorized Representatives are each authorized to co-apply for the Brownfields Grant and to negotiate and sign all Brownfields Grant agreements, documents, and instruments for and on behalf of City and Coalition provided the terms of the Brownfields Grant agreements, documents, and instruments contain terms and conditions reasonably acceptable to the Authorized Representatives and City's legal counsel.
4. OBO BTAP Grant. The Council approves joint application by City and Coalition for no less than \$100,000.00 in additional grant proceeds under the OBO BTAP Grant program. The Authorized

Representatives are each authorized to co-apply for the BTAP Grant and to negotiate and sign all Grant agreements, documents, and instruments for and on behalf of City and Coalition provided the terms of the BTAP Grant agreements, documents, and instruments contain terms and conditions reasonably acceptable to the Authorized Representatives and City's legal counsel.

5. USDA BTAP. The Council approves joint application by City and Coalition for up to \$250,000.00 in additional grant proceeds under the USDA BTAP Grant Program. The Authorized Representatives are each authorized to co-apply for the Foundation Grant and to negotiate and sign all Foundation Grant agreements, documents, and instruments for and on behalf of City and Coalition provided the terms of the USDA BTAP Grant agreements, documents, and instruments contain terms and conditions reasonably acceptable to the Authorized Representatives and City's legal counsel.
6. Foundation Grant. The Council approves joint application by City and Coalition for up to \$250,000.00 in additional grant proceeds under the Foundation Grant Program. The Authorized Representatives are each authorized to co-apply for the Foundation Grant and to negotiate and sign all Foundation Grant agreements, documents, and instruments for and on behalf of City and Coalition provided the terms of the Foundation Grant agreements, documents, and instruments contain terms and conditions reasonably acceptable to the Authorized Representatives and City's legal counsel.
7. Miscellaneous. All pronouns contained in this Resolution and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. The provisions of this Resolution are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Resolution. This Resolution may be corrected by order of the Council to cure editorial and/or clerical errors.

ADOPTED by the City Council of City of John Day and signed by the mayor this 25 day of April 2023.

DocuSigned by:

 Heather Rookstool, Mayor

ATTEST:

DocuSigned by:

 Richard Allen, Interim City Manager