**RESOLUTION 2011- \_\_\_\_\_**

**FLAGLER COUNTY SCHOOLS**

**FIBERNET BROADBAND NETWORK AGREEMENT**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE FIBERNET BROADBAND NETWORK AGREEMENT WITH FLAGLER COUNTY SCHOOL BOARD; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the Flagler County School Board desires to use the City’s FiberNET broadband network; and

**WHEREAS,** the City of Palm Coast desires to provide FiberNET to the School Board.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA, THAT:**

**SECTION 1.   APPROVAL OF THE Palm CoAST FiberNET AGREEMENT.** The City Council hereby approves the FiberNET Agreement with the Flagler County School Board, as attached hereto and incorporated herein, by reference as Exhibit “A.”

**SECTION 2. AUTHORIZATION TO EXECUTE.** The City Manager, or designee, is hereby authorized to execute the FiberNet Broadband Network Agreement with the Flagler County School Board.

**SECTION 3. SEVERABILITY.** If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

**SECTION 4.  CONFLICTS.**  All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION 5.  IMPLEMENTING ACTIONS.** The City Manager, or designee, is hereby authorized to take any action necessary to implement the action taken in this Resolution, including the authorization to make minor revisions as necessary to meet the needs of each service provider.

**SECTION 6.  EFFECTIVE DATE.**  This Resolution shall take effect immediately upon adoption by the City Council.

**DULY PASSED** and **ADOPTED** by the City Council of the City of Palm Coast, Florida, this 17th day of May 2011.

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|  | **CITY OF PALM COAST, FLORIDA** |
|  |  |
|  | Jon Netts, Mayor |
| ATTEST: |  |
|  |  |
| virginia a. smith, City Clerk |  |

Attachment: Exhibit “A” - Flagler County School Board FiberNet Broadband Agreement

Approved as to form and legality

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William E. Reischmann, Jr., Esq.