

**FIRST AMENDMENT TO REVISED AND RESTATED JOINT FIBER OPTICS PROJECT
INTERLOCAL AGREEMENT**

This First Amendment to Revised and Restated Joint Fiber Optics Project Interlocal Agreement is entered into this ___ day of December, 2018, by and among the School Board of Indian River County, Florida ("School District"), Indian River County ("County"), and the City of Vero Beach ("City"). The School District, County and City are also referred to individually herein as a "Member" and collectively as "Members."

WHEREAS, in 2015, the City, School Board and County entered into the Revised and Restated Joint Fiber Optics Project Interlocal Agreement, recorded in Book 2901, Page 1151 of the Public Records of Indian River County ("Consortium Agreement"); and

WHEREAS, the City is selling its electric utility to Florida Power and Light Company ("FPL");

WHEREAS, as part of the sale, the Members are entering into the Linear Facilities Pole Attachment Agreement Between City of Vero Beach, Florida, Indian River County, Florida, School Board of Indian River County, Florida, and Florida Power & Light Company ("Pole Attachment Agreement"); and

WHEREAS, the Members wish to clarify the responsibilities under the Pole Attachment Agreement;

NOW, THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Members agree as follows:

Section 1. The above recitals are true and correct.

Section 2. Any pole attachment fees, costs of corrections or other charges owed to FPL as set forth in the Pole Attachment Agreement shall be paid by the Members who own the Wireline, as that term is defined in the Pole Attachment Agreement, that is attached to the FPL pole, pursuant to their percentage of fiber ownership, regardless of the percentage of Member usage of the fiber.

Section 3. All other terms of the Consortium Agreement shall remain in full force and effect.

SCHOOL BOARD OF INDIAN RIVER COUNTY

SCHOOL BOARD OF INDIAN
RIVER COUNTY, FLORIDA

By: _____

Laura Zorc
Chairman

Attest:

By: _____

Superintendent

Dated this ____ day of December, 2018

INDIAN RIVER COUNTY

INDIAN RIVER COUNTY
BOARD OF COUNTY COMMISSIONERS

ATTEST: Jeffrey R. Smith, Clerk of
Court and Comptroller

By: _____
Deputy Clerk

By: _____
Bob Solari, Chairman

BCC approved: _____

Approved as to form and legal
Sufficiency:

By: 
Dylan Reingold
County Attorney

CITY OF VERO BEACH

ATTEST:

City of Vero Beach

Tammy K. Bursick
City Clerk

Harry Howle III
Mayor

Dated this _____ day of December, 2018

Approved as to form and
legal sufficiency:

Approved as conforming to
municipal policy:

Wayne R. Coment
City Attorney

James R. O'Connor
City Manager

Approved as to technical requirements:

Ted Fletcher
Electric T & D Director