



## Legislation Text

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**TO:** Board of Supervisors

**FROM:** Jon Gjestvang, Chief Information Officer

**REPORT BY:** Julia Bordona, Staff Services Manger

**SUBJECT:** Memorandum of Understanding No. 8672 for the North Bay North Coast  
Broadband Consortium

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### **RECOMMENDATION**

Chief Information Officer requests the approval of and authorization for the Chair to sign Memorandum of Understanding No. 8672 among the Counties of Marin, Mendocino, Napa, and Sonoma as part of their participation in the North Bay North Coast Broadband Consortium, with a term of January 1, 2024 through December 31, 2027 to improve broadband access to the underserved communities in the North Bay/North Coast Region.

### **EXECUTIVE SUMMARY**

On January 7, 2014, the Board approved a resolution endorsing Napa County's membership in the North Bay North Coast Broadband Consortium (NBNCBC), which secured grant funding to expand and integrate broadband internet access to underserved communities in the counties of Marin, Mendocino, Napa, and Sonoma. The consortium jointly submitted a grant application to the California Public Utilities Commission (CPUC) California Advanced Services Fund ("CASF") Rural and Urban Regional Broadband Grant Program, as the Consortium, to obtain grant funds for that purpose. Board approval of the 2014 Memorandum of Understanding (MOU) No. 8219, which authorized grant acceptance and fund distribution, formed the NBNCBC Oversight Committee and defined the structure and roles of the NBNCBC Oversight Committee. On December 20, 2016, Napa County approved MOU No. 8496 to accept \$250,000 in grant funds and continued participation with NBNCBC for the period of January 1, 2017 through June 30, 2019.

After successfully completing four years of work utilizing \$500,000 in grant funds from the CPUC Rural and Urban Regional Broadband Consortia Grant Account, the NBNCBC Oversight Committee approved pursuing a new \$450,000 three-year grant from the CPUC Advanced Services Fund Rural and Urban Regional Broadband Consortia Grant Account (up to \$150,000 per year) to enable Marin, Mendocino, Napa, and Sonoma Counties to continue work together as NBNCBC to implement the CPUC Decision 18-10-32 October 31, 2018 and the Project Plan included in the prior agreement. The goal of the CPUC through this program is to provide funding for projects that will provide broadband access to no less than 98% of the California households in each of the consortia regions as identified by CPUC. Authorized parties will continue to work to coordinate efforts to improve broadband access to the North Bay / North Coast Region.

On June 18, 2019, the Board approved Amendment No. 1 to MOU No. 8496 to extend the term to December 31, 2023 to improve broadband access to the underserved communities in the North Bay/North Coast region.

Today's request to approve MOU No. 8672, a renewal of the parties' previous MOU, is required to authorize continued participation in the NBNCBC from January 1, 2024 through December 31, 2027. There is no fiscal impact to Napa County as the Sonoma County Economic Development Board shall continue to serve as the fiscal agent for the parties for purposes of the grant.

### **FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact?	No
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The Napa County Broadband team was formed to address unserved and underserved broadband access for County residents and businesses.
Consequences if not approved:	The County will no longer participate in the NBNCBC
County Strategic Plan pillar addressed:	Effective and Open Government

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

On January 7, 2014, the Board approved a resolution endorsing Napa County's membership in the North Bay / North Coast Broadband Consortium (NBNCBC), which seeks to secure grant funding to expand and integrate broadband internet access to underserved communities in the counties of Marin, Mendocino, Napa, and Sonoma. The consortium jointly submitted a grant application to the California Public Utilities Commission (CPUC) California Advanced Services Fund ("CASF") Rural and Urban Regional Broadband Grant Program, as the Consortium, to obtain grant funds to gather data to: (1) identify immediate and future broadband needs and demands of residents and entities that are located in the North Bay/North Coast Region; (2) assess reliability and accuracy of the regional broadband data compiled by CPUC and National Telecommunications and Information Administration (NTIA); and (3) assist broadband providers by giving providers access to this data so the providers can ensure that standard or broadband access is made available throughout the North Bay/North Coast Region.

CPUC adopted resolution T-17445 approving up to \$250,000 in a two-year grant of funds (up to \$125,000 per year) to enable Marin, Mendocino, Napa, and Sonoma Counties to work together to implement the CPUC approved NBNCBC Annual Work Plan, Project Schedule, and Budget for each year. The approval of the 2014 Memorandum of Understanding (MOU) No. 8219 was required to authorize grant acceptance and fund distribution, form the NBNCBC Oversight Committee, and define the structure and roles of the NBNCBC Oversight Committee.

In December 2016, upon completing work on the \$250,000 two-year grant from CPUC Rural and Urban Regional Broadband Consortia Grant Account, CPUC staff recommended Resolution T-17544 to the CPUC Commissioners, who approved a new \$250,000 two-year grant of funds (up to \$125,000 per year) to enable

Marin, Mendocino, Napa, and Sonoma Counties to work together as NBNCBC to implement the CPUC approved NBNCBC Action Plan and Budget for each year. On December 20, 2016, Napa County approved MOU No. 8496 to accept \$250,000 in grant funds and continued participation with NBNCBC for the period of January 1, 2017 to June 30, 2019.

After successfully completing work on the \$500,000 four-year grant from CPUC Rural and Urban Regional Broadband Consortia Grant Account, the NBNCBC Oversight Committee approved pursuing a new \$450,000 three-year grant from the CPUC Advanced Services Fund Rural and Urban Regional Broadband Consortia Grant Account (up to \$150,000 per year) to enable Marin, Mendocino, Napa, and Sonoma Counties to continue to work together as NBNCBC to implement the CPUC Decision 18-10-32 October 31, 2018 and the Project Plan included in the amended agreement. The goal of the CPUC through this program is to provide funding for projects that will provide broadband access to no less than 98% of the California households in each of the consortia regions as identified by CPUC. Authorized parties will work to coordinate efforts to improve broadband access to the North Bay / North Coast Region.

On June 18, 2019, the Board approved Amendment No. 1 to MOU No. 8496 to extend the term to December 31, 2023 to improve broadband access to the underserved communities in the North Bay/North Coast region.

Today's approval to enter MOU No. 8672, a renewal of the parties' previous MOU, is required to authorize County of Sonoma to accept grant funds from the CPUC Advanced Services Fund Rural and Urban Regional Broadband Consortia Grant Account, as well as authorize the continuation of the NBNCBC from January 1, 2024 to December 31, 2027. This renewed MOU authorizes the Sonoma County Economic Development Board to continue to serve as the fiscal agent for the Consortium and distribute the funds to each of the counties in accordance with the budget; hence there is no fiscal impact to Napa County. The MOU also outlines the roles of the NBNCBC Oversight Committee, comprised of a Board of Supervisors member from each county. The roles of the NBNCBC Oversight Committee are to:

- Monitor the progress of the overall NBNCBC Action Plan;
- Act as the common interface to the NBNCBC counties and their Boards of Supervisors; and
- Provide unified representation of the interests of the four counties with the major incumbent and potential broadband/Internet providers.

The NBNCBC Oversight Committee does not have authority to set public policy. Public policy broadband issues and plans that affect a NBNCBC county are to be made by the appropriate county governing bodies within that county. When public policy broadband issues and broadband plans cross over NBNCBC counties, the four county Boards of Supervisors will work towards consensus. A majority of the Committee Members shall constitute a quorum of the Committee, except that less than a quorum may adjourn from time to time in accordance with law. Board members who are currently active in member county broadband efforts include Marin County Supervisor Dennis Rodoni, Napa County Supervisor Anne Cottrell, Mendocino County Supervisor Ted Williams, and Sonoma County Supervisor Chris Coursey.

The Consortium is run by the NBNCBC Management Team consisting of a Consortium Project Manager and four County Managers, one for each county. The County Broadband team has been serving in this role for Napa

County. The team meets monthly via conference call or in person. The roles of the team are to:

- Execute Work Plans;
- Interface with the NBNCBC Oversight Committee on an ongoing basis;
- Through the County Managers, interface and work with the community-based advisory groups and leaders in the respective counties;
- Provide quarterly reports to the NBNCBC Oversight Committee and the CASF;
- Formulate and present issues and opportunities that cut across the four counties to the NBNCBC Oversight Committee; and
- Provide information to the public.

Any funding not covered in the new three-year grant from the CPUC Advanced Services Fund Rural and Urban Regional Broadband Consortia Grant Account will be reviewed by the Broadband team for other potential grant opportunities.