

ORDINANCE NO. ()

AN UNCODIFIED ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AUTHORIZING THE DIRECTOR OF PUBLIC INFRASTRUCTURE TO GRANT CERTAIN RIGHTS AS TO COUNTY REAL PROPERTY FOR PURPOSES OF BROADBAND INFRASTRUCTURE AND PROJECTS, PURSUANT TO GOVERNMENT CODE SECTION 25526.6

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Findings. In enacting this uncodified ordinance the Board of Supervisors makes the following findings:

(a) _____ ;

(b) _____ ;

(c) _____ ;

(d) The County continues to identify resources and tools for financing and facilitating broadband deployment and broadband infrastructure, including pursuing outside funding and working with consortia groups to bolster collective efforts. County has obtained and deployed funding in support of local and regional broadband efforts, including use of Local Agency Technical Assistance (LATA) grants from the California Public Utilities Commission and American Rescue Plan Act (ARPA);

(e) Allowing use of County real property may be an additional tool to help facilitate broadband infrastructure deployment, including as may be requested by GSCA and other utilities or broadband providers;

- (f) Government Code section 25526.6 allows the County Board of Supervisors to authorize county officers as are deemed appropriate by the Board, to grant or otherwise convey licenses and permits to public agencies and utilities for use of any County real property, upon a finding by the authorized officer that the conveyance is in the public interest and that the interest in land conveyed will not substantially conflict or interfere with the use of the property by the county;
- (g) As the department head overseeing and responsible for the County's rights of way, general real estate, and certain other real properties, the Director of Public Infrastructure is an appropriate officer for determining the appropriateness of any use of County real property that may be needed in support of public agency or utility broadband projects, including as to whether such property is needed for County operations or in accordance with future planning and project considerations.
- (h) To facilitate broadband projects and the expediency of County support to such projects, the Board of Supervisors sees fit to authorize and delegate authority for granting needed licenses and permits as to County real property should such grants be determined to be in the public interest and that the interest granted will not substantially conflict or interfere with County use of the property or other County needs.

Section II. The Board of Supervisors of the County of Sonoma, pursuant to the provisions of Government Code section 25526.6, hereby authorizes the Director of Public Infrastructure, to negotiate and convey licenses and permits to the state, or to any county, city, district, or public agency or corporation, or to any public utility corporation, for use of any County real property for purpose of any broadband infrastructure network or projects, in the manner and upon the terms and conditions as the Director determines or prescribes after consultation with County Counsel, upon a finding by the Director that the conveyance is in the public interest and that the interest in land conveyed will not substantially conflict or interfere with the use of the property by the County, provided that the license or permit is approved as to form by County Counsel.

Notwithstanding the provisions of Government Code Section 25526.6, the authorization and delegation made herein is limited to the grant and conveyance of licenses and permits only, and does not include grant of easement or fee interest.

Section III. Nothing in this Ordinance shall be construed to divest the Board of its authority to convey interests in real property belonging to Sonoma County in accordance with procedures prescribed by state or local law, including, but not limited to, Government Code Section 25536 and Sonoma County Code Section 2-170 et seq.

Section IV. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section V. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the X day of X, 2021, and finally passed and adopted this X day of X, 20__, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Rabbitt: Gore: Hopkins: Coursey:

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Christina Rivera,
Clerk of the Board of Supervisors