



Legislation Text

File #: 2023-0867, **Version:** 1

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Economic Development Board
Staff Name and Phone Number: Lauren Cartwright (707) 565-7298
Vote Requirement: 4/5th
Supervisorial District(s): Countywide

Title:

Sonoma County Broadband Infrastructure - Implementation Options

Recommended Action:

- A) Approve the proposed Memorandum of Understanding (MOU) between the County of Sonoma and Golden State Connect Authority (GSCA), to allow permanent use of County right of way and certain other County properties in conjunction with GSCA's proposed Open Access Broadband Network in Sonoma County.
- B) Adopt a Resolution introducing, reading the title of, and waiving further reading of an uncodified ordinance to authorize the Director of Public Infrastructure to grant 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 purposes of any broadband infrastructure network or project, in accordance with Government Code section 25526.6.
- C) Receive recommendations from the Board of Supervisors on proposed Priority Areas and select at least one area to focus preliminary low-level design.
- D) Approve allocation of \$1.5 million from existing Broadband American Rescue Plan Act funding allocation to expand low-level network design. (4/5th vote required)
- E) Adopt a resolution delegating authority to the County Administrator and the Director of the Economic Development Department, to apply for and to negotiate and execute grant agreements and related grant documents necessary for obtaining funding from any public agencies or public non-profits for broadband infrastructure project design, implementation, and program support, in form approved by County Counsel.
- F) Delegate authority to the Director of the Economic Development Department to negotiate and execute an agreement between the County of Sonoma and Golden State Connect Authority, in form approved by County Counsel, in amounts not to exceed the existing funding allocations and any other amounts obtained via eligible broadband-related grant funding, to expand existing design work and add additional low-level network design services.

Executive Summary:

Since the adoption of the Economic Development Board's [Broadband Action Plan](https://sonomaedb.org/current-initiatives/broadband) <<https://sonomaedb.org/current-initiatives/broadband>> in June 2021, the Board of Supervisors has taken significant action to close the internet availability gap by directing staff to research options to expand broadband access. These efforts have been focused on advancing utilization ("adoption") of existing resources and infrastructure development.

The Board's action parallels recent state and federal grant programs that fund and facilitate broadband planning, infrastructure, and adoption, including the California Public Utility Commission's (CPUC) Broadband Equity, Access, and Deployment (BEAD) Program, the Federal Communications Commission's (FCC) Affordable Connectivity Program, and the American Rescue Plan Act (ARPA).

This item requests board direction on an implementation model for an Open Access Network in Sonoma County, alignment on proposed Priority Areas and selection of at least one Priority Area on which to focus preliminary low-level network design, approval to utilize existing funds to expand low-level network design, and approval of a Memorandum of Understanding with Golden State Connect Authority (GSCA) to facilitate the GSCA's proposed broadband infrastructure project in yet-to-be determined areas of the county.

Discussion:

Many unincorporated areas of Sonoma County have long experienced limited broadband availability. The Board of Supervisors has long supported increased access to broadband by joining the North Bay North Coast Regional Broadband Consortium, allocating funding for staffing to support broadband initiatives, and supporting broadband-related legislative priorities. In 2021, the Board of Supervisors took significant action to start to close the internet availability gap by directing staff to research options to expand broadband access. The Board's action is reaffirmed by recent state and federal laws that fund and facilitate broadband planning and infrastructure, including Senate Bill 156, the American Rescue Plan Act (ARPA), and the Infrastructure Investment and Jobs Act. Economic Development Department staff continue to monitor legislation and have extensively researched possibly pathways to bring broadband infrastructure funding and availability to Sonoma County.

Open Access Network

On June 8, 2021, as part of the adoption of the Broadband Action Plan, it was determined that an Open Access Network model was the preferred method to solve the County's primary broadband challenges as this model best addresses access and affordability.

On August 18, 2021, the Board of Directors of Rural County Representatives of California (RCRC) voted unanimously to approve the formation of a Joint Powers Authority (JPA): Golden State Connect Authority (GSCA). GSCA is comprised of and governed by Supervisors of 39 rural California counties and is designed for the purpose of increasing access to reliable, affordable high-speed internet for the residents and businesses of those counties. On October 5, 2021, the Board adopted a resolution to join GSCA.

Through the collective efforts of its members, GSCA will pursue initiatives to:

1. Expand the internet in rural counties through the pursuit of technical assistance and funding for member counties.
2. Install and operate open-access, municipal internet infrastructure starting with select initial locations and then expanding to additional sites.

GSCA's planned Open Access Network has positioned itself to finance broadband infrastructure with numerous mechanisms such as state and federal funding. Under the model, GSCA would build, own, and operate broadband infrastructure in member counties. The open access network is planned to operate with the intention of inviting internet service providers such as Sonic, Comcast, and AT&T, as well as others to

provide internet services to residents using GSCA's infrastructure. This model lowers the cost for service providers to enter the market, creating a competitive environment to spur high-quality services at affordable prices.

Memorandum in Understanding in Support of the Network

As part of the proposed open access network, GSCA requires rights to install and maintain broadband infrastructure in County-owned or -controlled properties. Like other utilities, infrastructure will need to be deployed throughout the targeted areas using existing streets, roadways, and other County-controlled rights-of-way and property. To allow GSCA to design, plan, and rely on the ability to use such County property, a Memorandum of Understanding has been proposed. The MOU is a master agreement to allow GSCA to utilize County-controlled rights-of-way and other properties, akin to a franchise agreement and incorporating provisions normally required for all right of way encroachments.

The MOU provides, among other things, for the following:

1. A master, irrevocable (i.e., permanent) license to GSCA, in general, to install and maintain broadband infrastructure in County right-of-way, at no cost;
2. County duty to provide irrevocable (i.e., permanent) licenses or other allowances to GSCA to use other County property as needed for the infrastructure project, subject to County approval of any particular site and on condition of no interference with County use of the subject property;
3. GSCA to obtain permits from County for all particular installations and work. Standard permitting costs to be paid by GSCA;
4. All infrastructure and activity in the right of way to comply with applicable laws, regulations, and County standards; and
5. County duty to support the GSCA infrastructure project in general, including providing as-needed technical assistance, site information, consultation on location and design feasibility.

Under the Streets and Highways Code and Sonoma County Code Section 15-8 et seq., written permission may be given for use of County right-of-way, subject to terms and conditions imposed by the County. As to properties other than rights-of-way, Government Code section 25526.6 allows the County to delegate authority to a department director to grant or convey licenses and permits for use of any County real property, upon certain findings being able to be made by the Director of Sonoma County Public Infrastructure. That delegation must be exercised via an ordinance, and a proposed Ordinance is included with this item.

Because the MOU includes a requirement that the County later provide licenses or other needed rights that are subject to the restrictions of Government Code section 25526.6, it is proposed that the MOU be executed after effectiveness of the proposed Ordinance to grant the needed authority. If approved today, a consent item to adopt the Ordinance will be brought before the Board, after which the MOU may be executed.

As an alternative to a partnership with Golden State Connect Authority, the Board may consider supporting private providers who apply for state funding to build in areas with little to no internet service. This model may result in relatively quick buildouts; however, the likely outcome is that only a single provider would be available in that area. Staff has maintained an open dialogue with private providers over the course of program development and will implement a communications strategy in the coming months to clearly describe the role of private providers and opportunities to partner in the future.

Priority Areas

On December 6, 2022, the County of Sonoma received nearly \$500,000 in funding from the California Public Utilities Commission in the form of a Local Agency Technical Assistance (LATA) grant. Pursuant to its contract with the County, GSCA has completed a refined high-level broadband network design for unincorporated areas with little to no internet service. Below is a table of proposed Priority Areas derived from that design work. These Priority Areas are under consideration for further (“low-level”) design, that would be the basis for next steps of delivering actual projects in those designed areas. Based on Board direction for proposed priority areas, EDB staff will focus efforts, research, and identify available funding for low-level design in those areas for shovel-ready construction-ready projects.

The proposed areas were selected based upon the following criteria to best serve communities in need and to better position Sonoma County for future funding opportunities such as the Last Mile Federal Funding Account (FFA) and the Broadband, Equity, Access, and Deployment (BEAD) program. In addition, we used the following data points to rank the feasibility of the proposed project areas.

- Access to (planned) Middle Mile Infrastructure
- Median Household Income
- Cost per subscriber
- Density of Unserved location
 - CPUC-defined Unserved
 - The [FFA rules <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/communications-division/documents/broadband-implementation-for-define-an-unserved-location>](https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/communications-division/documents/broadband-implementation-for-define-an-unserved-location) as one lacking access to reliable broadband speeds of at least 25 megabits per second (Mbps) downstream and 3 Mbps upstream including areas with access to only legacy technology.

Project Feasibility Ranking	Priority Area	Approximate Miles	Unserved Density (HH/mile)	Median Household Income	Cost per Subscriber	Total Points (out of 100)
1	Jenner	4.87	17.66	\$60,750	\$18,868.57	82
2	Bodega Bay	10.75	2.05	\$88,250	\$8,497.83	67
3	E Santa Rosa	24.96	11.14	\$67,642	\$25,135.26	64
4	Walsh Landing	12.18	15.02	\$79,583	\$32,560.53	63
5	Penngrove	72.6	5.30	\$80,179	\$19,609.97	57
6	East Cloverdale/ Preston	44.42	6.71	\$66,714	\$40,901.09	51
7	Sebastopol South	206.47	2.14	\$104,806	\$18,001.37	50
8	Healdsburg/ Fitch Mountain	12.7	1.18	\$91,852	\$16,921.14	46
9	Bridgehaven/ South Jenner	12.86	3.81	\$93,636	\$41,011.79	36
10	SE Sonoma County	271.18	5.34	\$97,188	\$47,272.75	35
11	Cazadero	23.33	2.14	\$60,750	\$48,649.23	32

12	North Windsor/Del Rio/Chalk Hill	41.53	4.36	\$88,250	\$59,151.49	32
13	West Cloverdale	41.75	3.52	\$82,813	\$99,105.52	26
14	Mark West Shiloh	49.24	4.10	\$79,143	\$69,897.87	22
15	Annapolis	36.18	3.34	\$64,342	\$144,146.85	21

On January 31, 2023, GSCA provided an informational presentation to the Board regarding the model, requirements, and goals of their proposed Open Access Network. If the MOU is approved GSCA would become the primary entity responsible for delivering rural broadband in Sonoma County. Due to an economy of scale and streamlined logistics, there could be potential to move at an expedited rate to leverage early grant funds and build projects with a minimal initial time investment and no financial commitment from the County. A key component of the MOU is the identification of a County point of contact (EDB Broadband Analyst) for permitting and general technical assistance during the design process to identify environmentally sensitive areas and to promote project alignment within approved priority areas for the extent of the agreement. In collaboration with colleagues from Sonoma County Public Infrastructure and Permit Sonoma, the Broadband Analyst will act as the County’s primary contact for GSCA. This position is classified as a Department Analyst in the Partnerships and Special Projects Division of the Economic Development Department reports to the Division Director.

Notwithstanding selection of priority areas for low-level design, there is no guarantee from GSCA that any area will achieve actual broadband deployment. Constructability for and ultimate decision by GSCA will depend on a variety of factors, including funding constraints, construction feasibility, and per-mile cost considerations, which may be the case for rural counties throughout the state. Department staff continue to work closely with GSCA to align priority areas with construction and actual project determinations.

ARPA Funding Allocation

The Local Agency Technical Assistance grant award is limited to 45.92 miles of low-level design to be completed as part of the scope of work within the existing grant funds. To further expand low-level network design, staff is proposing the allocation of \$1.5 million from the existing Broadband ARPA allocation to allow for an additional 158.7 miles of low-level network design, bringing the total to 204.6 miles of low-level design for shovel ready projects.

Other Broadband Funding Opportunities

In addition to the funding under the Local Agency Technical Assistance grant award and ARPA, federal agencies, the California Public Utilities Commission, and public nonprofit organizations such as California Emerging Technology Fund continue to offer grant funds and other financing tools for a variety of broadband-related efforts, including for network design, infrastructure development and construction, and program administration costs. These funding opportunities typically align with identified local broadband goals and projects. Many funding opportunities are extremely competitive and require applications on abbreviated timeframes to best position the County to receive limited funds. Therefore, a delegation of authority is sought to allow CAO and EDB leadership to apply for the funding and financing opportunities.

Strategic Plan:

Authority to enter an MOU with Golden State Connect Authority to provide a publicly owned Open Access

Network will support the development of broadband infrastructure and optimize current and future grant funding opportunities, at both the state and federal levels to expand broadband services in Sonoma County.

This item directly supports the County's Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

Pillar: Resilient Infrastructure

Goal: Goal 4: Seek out grant funding to enhance programs and improve infrastructure

Objective: Objective 1: Leverage funding and seek grants to expand communications infrastructure within the community to improve equitable access to broadband, wireless, and cell phone services.

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

Yes

Applying a racial equity lens to integrate explicit consideration of racial equity policy in decisions can help to develop strategies and actions that reduce racial inequities and improve success for underserved members in our community. To implement the Board's direction to advance racial equity, the Board expects race equity impact analysis for some significant items on the Board calendar, including this item.

The County's broadband implementation strategy aims to close the digital divide, by connecting unserved and underserved communities to reliable high-speed internet services. Reliable broadband service is critical to conducting one's life, business, and being competitive in modern society. As noted in the [Broadband Program update to the Board on May 9, 2023](https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=6192255&GUID=E495FC79-7F73-4C55-8ED1-021783156963&Options=&Search=>) <<https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=6192255&GUID=E495FC79-7F73-4C55-8ED1-021783156963&Options=&Search=>>>, unfortunately, rural, and socioeconomically disadvantaged communities are heavily impacted by inadequate broadband access. This issue has been exacerbated by COVID-19 and recent emergencies, including fires and extreme weather, leaving unserved communities without the resources they need to ensure competitiveness and safety. The proposed strategy to expand internet infrastructure throughout the county will help to bridge this gap and get more Sonoma County communities connected to the internet.

Advancing equity for Sonoma County residents is the primary goal of the broadband implementation strategy. Federal and state broadband funding sources prioritize connecting historically disadvantaged and unserved communities. The prioritization of projects for low-level design and infrastructure deployment is based on a function of feasibility and socioeconomic factors such as household median income. Strategies and recommendations are based around connecting as many unserved households as possible to reliable high-speed internet in the most efficient and equitable way. Expanding broadband infrastructure aims to uplift disadvantaged Sonoma County communities by connecting them to high-speed internet and therefore providing access to the many essential services that connectivity provides.

Prior Board Actions:

1/31/2023 - [Informational presentation from Golden State Connect Authority](https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=6009129&GUID=0718EE8A-5091-49D0-BBCB-3173CC7DE63C&Options=&Search=>) <<https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=6009129&GUID=0718EE8A-5091-49D0-BBCB-3173CC7DE63C&Options=&Search=>>>

12/6/2022 - [California Public Utilities Commission Grant and Broadband Update](https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=5948413&GUID=B17C2ED9-F822-4F59-82B0-) <<https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=5948413&GUID=B17C2ED9-F822-4F59-82B0->>

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12/14/2021 - [ARPA Funding Allocation \(File No. 2021-1386\) <https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=5351534&GUID=28CE5BAF-B7FA-4D8E-A7B2-94FE0D321E14&Options=&Search=>](#)

10/5/2021 - [Golden State Connect Authority JPA Broadband \(Resolution No. 21-0409\) <https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=5150475&GUID=3972C979-1BB0-4919-AE35-DBF0B38E23C7&Options=&Search=>](#)

6/8/2021 - [Access Sonoma Broadband Action Plan \(Resolution No. 21-0263\) <https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=4969607&GUID=2C155E3E-CBC0-406A-8D98-90893354EC4E&Options=&Search=>](#)

FISCAL SUMMARY

Expenditures	FY 23-24 Adopted	FY24-25 Projected	FY 25-26 Projected
Budgeted Expenses			
Additional Appropriation Requested	\$1,500,000		
Total Expenditures	\$1,500,000		
Funding Sources			
General Fund/WA GF			
State/Federal	\$1,500,000		
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	\$1,500,000		

Narrative Explanation of Fiscal Impacts:

The expansion of low-level broadband network design will be funded in full by the allocation of American Rescue Plan Act funds and will follow the scope of work as outlined in the Local Agency Technical Assistance grant application that was awarded in November 2022. If approved as recommended, the funding will be allocated in the FY 23-24 Adopted Budget.

Narrative Explanation of Staffing Impacts (If Required):

None.

Attachments:

- Golden State Connect Authority Open Access Network Memorandum of Understanding
- Draft Ordinance
- High Level Design Scoring Rubric
- Budget Resolution
- Delegate Authority Resolution for Broadband Funding

Related Items "On File" with the Clerk of the Board:

N/A