

Agenda Notice –

**The Mahaska County Board of Supervisors will meet on
Monday, November 22, 2021, at 9:00 a.m.
in the Third-floor conference room of the
Mahaska County Courthouse, 106 South 1st Street, Oskaloosa, IA.**

There will be available an audio-conferencing option for constituents to comment during public comments and any public hearing.

Audio conferencing number: 319-382-2695

Conference ID: 145 247 747#

You will be asked to state your name and press #.

If you call in and do not wish to speak, please be courteous and mute the microphone on your phone.

1. Approve agenda
2. Public Comments
3. Consider Resolution #2021-24
 - * Resolution of Support for Fiber Optic Broadband Network Expansion
4. Note the cancellation of recount of Pella City Council At Large race
5. Discussion – County reprecincting schedule
6. Public Comments

RESOLUTION OF SUPPORT FOR FIBER OPTIC BROADBAND NETWORK EXPANSION

Resolution #2021-24

WHEREAS Iowa Governor Kim Reynolds made available federal American Rescue Plan Coronavirus State and Local Fiscal Recovery Funds for broadband expansion in Iowa; and

WHEREAS to distribute these funds, the Office of the Chief Information Officer issued Notice of Funding Availability (NOFA) #007 for the Empower Rural Iowa Broadband Grant Program, and

WHEREAS on October 25, 2021, the Office issued Notice of Funding Availability #007 which begins the Application Acceptance Window for this NOFA until November 22, 2021 at 5:00 CST; and

WHEREAS eligible areas for NOFA #007 funding are identified on the State of Iowa Broadband Map Version 4 (Map V4); and

WHEREAS Mahaska County has received notice of Federal funding allocated under the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act (ARPA) signed into law on March 11, 2021; and

WHEREAS Sections 602(c)(1) and 603(c)(1) provide that funds may be used to make necessary investments in water, sewer, or broadband infrastructure; and

WHEREAS the Interim Final Rule published by the Department of the Treasury in 31 CFR Part 35 states that within eligible use categories, local governments have flexibility to determine how best to use its allocated funds to meet the needs of its communities and populations for any allowed use, including broadband infrastructure; and

WHEREAS the Department of the Treasury has published additional guidance as responses to Frequently Asked Questions (FAQ), most recently on July 19, 2021; and

WHEREAS the July 19, 2021 FAQ publication Section 6 prescribes additional guidance on how the County can flexibly determine the types of broadband projects, investments, transfers to private entities, and forgivable loans it chooses to make necessary investments in broadband infrastructure that provides reliable and consistent performance, including local hiring provisions that support economic recovery;

THEREFORE BE IT RESOLVED that the Mahaska County Board of Supervisors ("Board") concurs there are broadband service deficiencies in the areas of the county identified on the State of Iowa Broadband Map V4 (Map V4); and

That there is an economic public purpose to facilitate additional broadband infrastructure investments in Map V4 areas of the County currently lacking fiber optic broadband service; and

That a gap in the capital needed for broadband providers to construct fiber optic networks in Map V4 is a barrier to making broadband infrastructure investments, where competitively-priced broadband service fees cannot adequately repay the debt needing to be issued, nor attract the equity at a reasonable rate of return; and

That Department of the Treasury guidance appears to provide that the Board is duly authorized to define the parameters by which it can incentivize necessary investments in broadband infrastructure that reduce providers' funding gap, through transfers, grants, and forgivable loans to private entities; and

That the Board hereby allocates \$2 million of its ARPA funding, following the development of an incentive program that restricts any County awards to broadband infrastructure projects and providers that meet at least all the following criteria:

- **Demonstrated Financial Capacity** - Eligible projects are to be constructed, in whole or in part, using primarily funding from other public or private sources clearly identified prior to program application submittal.
- **High-capacity networks** - Any consumer (residential, commercial, anchor institutions) within the County and identified as underserved by the current Empower Iowa Broadband Grant Application (NOFA #007), and by the County, shall have access to both internet upload and download speeds of at least 1 gigabit per second (1 Gbps) utilizing a fiber-to-the-premise network no later than December 31, 2026. Projects must demonstrate how they prioritize first providing wireline (fiber) service, to the most customers, that currently do not have an option at least of 25 Mbps download speed and 3 Mbps of upload speed available at their premise. Preference will be given to fund broadband infrastructure designed to be capable of providing above 1 Gbps-capacity services to currently underserved households and businesses.
- **Ubiquitous coverage** - 1 Gbps should be available at every premise within Mahaska County currently not served with an all-fiber network. Those not already served by an all-fiber network, hereby deemed by the County to be underserved, will be provided fiber optic network broadband service no later than December 31, 2028, with the cost of constructing these networks and services fully paid by the recipient of County funds.
- **Reliability and Customer Service** - The solution should provide consumers with an improved customer experience in all aspects, including response times and minimal service issues, which shall be validated by independent pre-construction and post-construction area customer satisfaction survey and speed test results submitted to the County by December 31, 2026. A local physical presence within the County, staffed by at least one local employee, shall be required of the applicant from the time of County award through December 31, 2029.
- **Competitive pricing** – Retail rates for services offered shall be deemed affordable if priced competitively with other provider options in the County, documented by the applicant. Providers shall participate in federal and state programs that promote affordable access for lower-income families, particularly households with educational needs. The applicant shall file its rates of services and tiers with the County and may not raise them more than 10% through December 31, 2029. Priority will be given to applicants providing retail rate discounts to existing public entities and nonprofits within the County.
- **Local references of support** - Two (2) resolutions of support for County funding by local governments in communities in which the provider currently provides services.
- **Refund agreement** – The applicant shall agree to reimburse the County any “other county funds” provided if it does not meet the conditions of the program.

- **Contractual Performance Measures** – Once funds are appropriated by the County, the applicant and County shall contractually form fair and reasonable bonding, escrow, and other legal mechanisms that ensure project funds by both parties remain unencumbered for constructing infrastructure projects in the manner above.

The allocation contained within this Resolution shall be considered void if no eligible projects have been identified by February 28, 2022.

Attest: _____

Susan L. Brown

Mahaska County Auditor

Mark Groenendyk - Chair

Mahaska County Board of Supervisors