



RESOLUTION No. 22-013

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION ESTABLISHING THE POLICY OF THE COUNTY OF NEVADA TO FACILITATE AND PROMOTE THE DEVELOPMENT, ACCESS, AND EQUITABLE USAGE OF BROADBAND INFRASTRUCTURE THROUGHOUT NEVADA COUNTY TO PROVIDE RESIDENTS WITH CRITICAL SERVICES, ECONOMIC OPPORTUNITIES, AND A HIGHER STANDARD OF LIVING AND TO ENCOURAGE AND FACILITATE UPGRADES TO EXISTING BROADBAND INFRASTRUCTURE ENSURING SUFFICIENT BROADBAND SPEED TO SUPPORT NEW AND EVOLVING USES OVER TIME

WHEREAS, high-speed internet access, referred to as “broadband” (which includes both wireline and wireless technologies) is essential 21st century infrastructure in a digital world and global economy; and

WHEREAS, access to adequate broadband is vital to the economic prosperity and quality of life for residents in Nevada County and throughout California; and

WHEREAS, access to broadband and seamless connection to information, services and digital tools is critical for healthcare, education, jobs, and economic opportunities; and

WHEREAS, the deployment and adoption of broadband is critical to economic development and necessary to improve productivity, to attract capital investment and generate jobs, while saving both time and money for consumers; and

WHEREAS, the outbreak of the coronavirus pandemic highlighted broadband as an essential “utility” for all people; and

WHEREAS, broadband is also a “green technology” that can significantly reduce impacts on the environment, shrink our carbon footprint, and decrease dependence on fossil fuels by offsetting vehicle trips, and saving energy in furtherance of the Nevada County Energy Action Plan; and

WHEREAS, Nevada County is committed to operating government functions as cost-efficiently as possible and recognizes that information technologies and broadband can greatly assist in achieving that goal; and

WHEREAS, Nevada County is committed to digital inclusion and increasing citizen participation in the public process and making services available online for the benefit of residents; and

WHEREAS, it is crucial that all residents within Nevada County have equitable access to high-speed internet, including those living in lower-income households and publicly-supported housing; and

WHEREAS, the availability of internet access and computing devices both at school and at home are critical teaching and learning tools for academic achievement in today's world; and

WHEREAS, on March 24, 2009 the board of supervisors adopted Resolution 09-106 to support and promote local broadband expansion, access, and usage in Nevada County; and

WHEREAS, on June 26, 2018, the board of supervisors adopted a joint resolution with the City of Grass Valley and City of Nevada City supporting the expansion, access and use of broadband networks and advanced communication services throughout Nevada County to positively impact areas of healthcare, public safety, schools, colleges, libraries, community support organizations, businesses, social-networking, and economic development via Resolution 18-324; and

WHEREAS, on October 22, 2019 the board of supervisors accepted and approved the Nevada County Broadband Strategy Plan that identified five goals in support of broadband expansion in the county that included adopting a broadband policy for Nevada County; and

WHEREAS, on December 15, 2020 the board of supervisors amended Sections L-XVII 1.1, L-XVII 1.3, L-XVII 3.4 L-XVII 3.12 of Chapter XVII of the Nevada County Land Use and Development Code in order to support broadband and the construction of telecommunication infrastructure; and

WHEREAS, on February 23, 2021 the Board of Supervisors created broadband as a standalone priority objective for FY2021/22 to equitably expand broadband to support economic development, distance learning, telework, telemedicine, and general quality of life for all residents by championing the implementation of Nevada County Broadband Strategy Plan policies and last-mile infrastructure projects; and

WHEREAS, the network speed allowed by broadband infrastructure is vital to drive adoption as higher speeds enable more applications that are necessary for our residents' daily lives.

NOW, THEREFORE, BE IT HEREBY RESOLVED it shall be the policy of the County of Nevada to facilitate and promote the development, access, and equitable use of broadband infrastructure throughout all Nevada County to provide residents with critical services, economic opportunities, and higher standard of living and to encourage and facilitate upgrades to existing broadband infrastructure ensuring sufficient broadband speeds to support new and evolving uses over time.

BE IT FURTHER RESOLVED, that the departments of the County of Nevada are hereby directed to evaluate, make recommendations and implement policies that support, promote and incorporate findings and declarations into the General Plan and all relevant elements, area-specific plans, and community sustainability plans and adopt where applicable the following implementation strategies and actions:

A. Land Use and Broadband Infrastructure

1. Ensure a level playing field for all broadband providers – private and public, wireline and wireless – making the use of public assets available to all providers on a competitive basis, commensurate with adopted policies regarding public benefits.
2. Maintain consistency and comparability for protection of visual aesthetics as it pertains to broadband facilities with requirements for other infrastructure such as street lighting, traffic light control equipment, and power generation.

3. Encourage broadband providers to size underground and overhead facilities to accommodate future expansion, changes in technology and, where possible, other telecommunications and utility providers' equipment.
4. Allow for upgrades and expansion of existing broadband infrastructure and appurtenance facilities, including but not limited to the extent adequately justified through radio frequency propagation (wireless service coverage area) maps and other means and to the extent that the construction does not unduly impact nearby residential and historically significant areas.
5. Consider "evergreen" permits that give providers the right to enter specified easements to upgrade infrastructure for an indefinite or significant period to upgrade the broadband service consistent with adopted policies.
6. Support and promote broadband infrastructure and appurtenant facilities to protect cultural and scenic resources. Site facilities at the lowest possible point along ridge lines in order to minimize visual and aesthetic impacts. Minimize the size and extent of appurtenant facilities, such as antennas, dishes, and equipment buildings while still providing room for growth and colocation of future providers.
7. Continue to require cohabitation on all new tower/pole builds.
8. Submit notification and information about all major infrastructure and construction projects, including transportation projects and new residential subdivisions, to a shared regional and/or statewide web-based database so that broadband and other utility providers have the opportunity to coordinate infrastructure deployment in shared trenches, conduit, poles and towers, and other appurtenances to facilitate cost and time savings and minimize duplicative construction.
9. Require as a condition of approval the timely removal of broadband towers and equipment when they are no longer needed.

B. Housing

1. Support all new residential subdivisions to be served with state-of-the-art broadband infrastructure with enough transmission rates, but not less than federal or state mandated minimum speeds, to support applications relevant to residential consumers and home-based businesses.
2. Support all publicly subsidized housing development projects to adopt policies to promote and support affordable housing with advanced communications networks whenever their public funds are used to subsidize the construction and provision of housing for lower-income residents.

C. Designation of Broadband Leader

1. Direct the county executive officer to identify and designate the chief information officer or other appropriate individual within management as a coordinator to be responsible for implementing policies related to broadband, information technologies, and digital inclusion. This designated leader shall implement the Nevada County Broadband Strategy Plan and facilitate directly or via proxy the Nevada County Broadband Workgroup to increase and sustain the use of broadband and information technologies within the county. The coordinator shall prepare and submit a progress report annually to the board of supervisors.

2. Direct the broadband coordinator to monitor broadband deployment and adoption within the jurisdiction of Nevada County and report rates and trends to the board of supervisors.

D. Interagency Cooperation

1. Request that the county executive officer outline a process for ensuring interagency and interjurisdictional cooperation which shall include: sharing this policy with other jurisdictions in the region; meeting with them to explore common needs for infrastructure; exploring opportunities to collaborate on broadband applications such as telehealth, educational networks, and safety networks; and notifying neighboring jurisdictions about major infrastructure projects such as transportation improvements along shared corridors.
2. Explore opportunities to work with other public and private entities such as schools, special districts, utilities, and health and medical providers to cooperate and joint venture on broadband deployment projects and adoption programs.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 11th day of January, 2022, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller and Susan K. Hoek.

Noes: None.

Absent: Hardy Bullock.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Susan K. Hoek, Chair

1/11/2022 cc: IGS*
AC*