



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING THE GRANT AWARD RECIPIENT AGREEMENT BY AND BETWEEN THE COUNTY OF NEVADA AND RACE TELECOMMUNICATIONS INC. DBA RACE COMMUNICATIONS FOR THE 2020 CARES ACT PROJECT AS PART OF THE "COMMUNITY BROADBAND ACCESSIBILITY" PROGRAM IN THE MAXIMUM AMOUNT OF \$1,000,000, AND AUTHORIZING THE CHAIR OF THE BOARD OF SUPERVISORS TO EXECUTE THE AGREEMENT

WHEREAS, on March 10, 2020, the Nevada County Board of Supervisors passed and adopted Resolutions 20-062, ratifying the declaration of a local health emergency in Nevada County, and 20-063, proclaiming a local emergency in Nevada County, due to rapid spread of COVID-19 in a growing number of countries, including the United States, and the potential introduction of COVID-19 in the County of Nevada; and

WHEREAS, on March 19, 2020, the Governor of California issued a statewide Executive Order, N-33-20, which required Californians to remain at their home or place of residence, except as necessary to carry out essential activities; and

WHEREAS, on March 27, 2020, the President of the United States signed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which included allocations of Coronavirus Relief Fund (CRF) monies totaling \$150 billion to States, Tribal governments, and certain eligible local governments with more than 500,000 residents for necessary expenditures with respect to the COVID-19 outbreak; and

WHEREAS, on June 29, 2020, the Governor of the State of California signed into law the Budget Act of 2020, which included additional and subsequent allocations of State-received CRF monies in the amount of \$1.3 billion, including \$10,004,000 to the County of Nevada (CRF Allocation); and

WHEREAS, on June 30, 2020, the County Executive Officer or her designee, completed the Certification for Receipt of Funds pursuant to paragraph (2) or (3) of subdivision (d) of Control Section 11.90 of the Budget Act of 2020 including that CRF funds would be expended following certain State and Federal requirements; and

WHEREAS, the certification requirements include those stated in subdivision (d) of Control Section 11.90 of the Budget act of 2020 that CRF monies be used to cover only those costs that (1) are necessary expenditures incurred due to the public health emergency with respect to COVID-19; (2) were not accounted for in the budget most recently approved as of March 27, 2020, for the State or local government; and (3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

WHEREAS, the certification requirements also include as a condition of receipt of funds: adherence to federal and state health guidance and orders; use of funds as stated in section 11.90 of the Budget Act of 2020; submission to the State of various reports on expenditures and return of unspent funds; and retention of records to support eligible expenses; and

WHEREAS, on July 14, 2020, the Nevada County Board of Supervisors passed and adopted Resolution 20-319, approving the County of Nevada CRF Expenditure Plan, including \$3 million dollars of expenditures for economic and community resilience investments to assist businesses, non-profits and anchor organizations to support critical economic infrastructure and assist the most vulnerable residents and businesses of the County; and

WHEREAS, of the \$3 million of community resilience investments approved in the County of Nevada CRF Expenditure Plan, an allocation of \$750,000 to \$1 million was designated for Community Wireless, Emergency Communication & Broadband Accessibility, contingent upon identification of a viable project that meets state and federal guidance with respect to the CARES Act; and

WHEREAS, Sierra Business Council (SBC) manages the Gold Country Broadband Consortium (GCBC) with the mission to increase digital access and use of broadband in the counties of Nevada, Placer, El Dorado, Sierra and eastern Alpine County; and

WHEREAS, SBC, being uniquely positioned as the County's subject matter expert on broadband, organized a panel (Panel) of SBC staff, County staff, and an outside consultant to solicit interest from internet service providers active in Nevada County, and to evaluate project proposals received therefrom; and

WHEREAS, the Panel determined that the only viable project proposal was received by Race Telecommunications Inc. dba Race Communications ("Race Communications") to expedite the build schedule for 500 homes included in their California Advanced Services Fund broadband expansion project, to provide Gigabit Internet connection on or before December 30, 2020, consistent with CARES Act funding requirements; and

WHEREAS, the 500 eligible homes are located in the Peardale neighborhood of the unincorporated area of Nevada County outside the city limits of Grass Valley, which maintains a median household income of \$35,157, a median age of 43.7 and a poverty level of 26.3%; and

WHEREAS, the California Public Utility Commission, (CPUC) has identified this project area as an underserved broadband location within the state; and

WHEREAS, this project area has been identified by the school districts as an area where students are unable to obtain broadband internet for online education; and

WHEREAS, this project would utilize CARES Act funding to cover the costs to accelerate the connection of the 500 homes in the proposed project area, that would have otherwise not been connected prior to December 30, 2020, thereby significantly increasing capacity for distance learning, telework, and telemedicine in response to the COVID-19 public health emergency.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Nevada, State of California, hereby directs the following:

1. The Grant award by the County of Nevada to Race Communications pertaining to the 2020 CARES Act Project, for a total award of \$1,000,000 in CRF monies to provide Broadband accessibility to 500 homes within the identified project area is hereby approved.
2. The Grant Agreement by and between the County of Nevada and Race Communications pertaining to the 2020 CARES Act award of \$1,000,000 in CRF monies to provide Broadband accessibility to 500 homes within the identified project area for the term of September 22, 2020 to January 31, 2021 is hereby approved in substantially the same form as attached hereto, and the Chair of the Board of Supervisors is the authorized to sign the Grant Agreement on behalf of the County of Nevada, as well as executing all other documents related to the Grant Agreement and expenditure of CRF funds as defined herein.