

**SAMPLE RESOLUTION NO. 2020-XXXX**  
**SETTING FORTH SUPPORT TO INCREASE BROADBAND ACCESS TO UNDERSERVED**  
**COMMUNITIES THROUGHOUT SOUTHERN CALIFORNIA**

**WHEREAS**, closing the digital divide is important and provides long-term community benefits that include the ability to fully engage in the digital economy, access existing and emerging services, expands economic opportunities and bridges the economic divide; and

**WHEREAS**, the COVID-19 pandemic has amplified the need for available, reliable and affordable broadband services in all communities; and

**WHEREAS**, the COVID-19 pandemic has caused schools to shift to distance learning; and

**WHEREAS**, the COVID-19 pandemic has made the digital divide within underserved communities and/or areas (which include people of color, low income households, residents in rural areas, and senior citizens) more apparent; and

**WHEREAS**, we recognize that cost and household income is a primary barrier to broadband access.

**WHEREAS**, all residents, businesses and institutions need high speed broadband services where they work, live, learn and play; and

**WHEREAS**, high speed broadband enables Work from Home and remote workers, enhances business efficiencies, drives job creation throughout the region, and connects customers and partners worldwide to goods and services; and

**WHEREAS**, high speed broadband is a “green technology” that reduces our impact on the environment, shrinks our regional carbon footprint, offsetting vehicle trips and use of resources; and

**WHEREAS**, high speed broadband greatly expands the ability of residents to access medical, behavioral, oral health services and the capacity of public health officials to monitor and respond to health threats such as COVID-19 and other diseases; and

**WHEREAS**, high speed broadband enables greater civic participation and brings communities together, helps improve public safety, and makes our transportation systems more resilient and efficient; and

**WHEREAS**, effective emergency services require using high speed broadband to integrate data in real time from all available sources, so decision makers have access to the information necessary for the protection of lives and property; and

**WHEREAS**, to accelerate the deployment of broadband, the primary objective is to deploy private-sector capital as quickly as possible through improved public cooperation; and

**NOW, THEREFORE, BE IT RESOLVED** on this XX day of XXXXX 2020 that the XXXXXX County Board of Supervisors does hereby as follows:

1. Supports FCCs (United States Federal Communications Commission) and CPUCs (California Public Utilities Commission) rules, regulations, programs and funding opportunities that support broadband deployment opportunities to bridge the digital divide.
2. Supports Governor Newsom's Executive Order N-73-20 signed August 14, 2020 that seeks to accelerate work towards closing gaps in access to reliable broadband networks throughout California; and
3. Supports collaboration with [Los Angeles, Orange, Imperial, Riverside, San Bernardino, San Diego and Ventura Counties], broadband providers, school districts (K-12), community college districts, universities, community and business stakeholders, Regional Broadband Consortiums, California Emerging Technology Fund, the State of California and other federal and regional organizations that have similar goals to increase broadband access throughout Southern California; and
4. Determines that closing the digital divide is important and provides long-term community benefits; and
5. Supports the request for grant funding from the State and/or Federal government for a regional program that provides funding for free internet access for qualifying residents that bridges the economic digital divide; and
6. Supports a minimum broadband speed capability of 100 megabits per second today and 1 gigabit per second by 2030 for all residential and business customers within the urban, suburban and rural communities of our region; and
7. Supports working with collaborating jurisdictions to affect the deployment decisions of broadband providers by lowering permitting fees to a reasonable level, reduce the cost of entry and operation of broadband systems in our communities, reduce the risks of delays during the planning, permitting and construction phases, provide opportunities for increasing revenue, and creating new avenues for competitive entry; and
8. Supports working with collaborating jurisdictions to identify broadband opportunity zones in underserved communities; and
9. Upon identifying broadband opportunity zones, supports the adoption of an emergency ordinance which would allow local jurisdictions to develop specific rules to expedite low cost broadband deployment such as: waivers for microprojects, deployment of broadband infrastructure in underserved communities and fixed wireless or other broadband technologies in rural communities; and

10. Supports the adoption of consistent fees and expedited broadband permitting processes within collaborating jurisdictions; and
11. Supports the concept of “Dig Smart” and/or “Dig Once” whereby conduit is installed for future or immediate use for wireless towers, fiber optic or other comparable broadband network installation, whenever underground construction occurs in a roadway.

DRAFT

## **Sample Model Policy to bring Broadband in Underserved Communities (For Use by Local Governments)**

### **Findings and Declarations**

The [Name of Local Government] hereby finds that the COVID-19 pandemic has forced residents of [Name of City/County] to completely restructure the way we live, work and, learn and access to “broadband” (which includes both wireline and wireless technologies) has become essential advancing public health, education and equity. However, not everyone has equal access to high-speed broadband and the pandemic has exposed the vast and damaging effects of the “digital divide.” Families left between are concentrated among communities of color, low-income and rural households. As such, 2020 is demanding that local governments address persistent differences in who has high quality internet access at home.

The [Name of Local Government] finds and declares that Broadband is an essential 21<sup>st</sup> Century infrastructure in a digital world and global economy. It is vital to the economic prosperity and quality of life for residents in [Name of Local Government] and throughout California. And, it can enable [Name of Local Government] to mitigate economic, educational and health disparities within underserved communities. During and beyond the current COVID-19 crisis, [Name of Local Government] need to develop long-term and short-term solutions that redress persistent inequalities in broadband access in an expedited manner.

The ability to be “connected” instantly through the Internet to information, services and digital tools is increasingly critical for access to and success in education, jobs, and economic opportunities. The deployment and adoption of broadband is a major strategy to spur economic development because it improves productivity, which attracts more capital investment and generates jobs, while saving both time and money for consumers.

Although California is home to a wellspring of innovation that has given rise to the evolution of information technologies and broadband, the use of broadband technology by California residents is only approximately equivalent to the national average and there is a significant Digital Divide that must be closed to remain globally competitive.

In addition, broadband is a “green technology” that can significantly reduce impacts on the environment, shrink the carbon footprint, and decrease dependence on foreign oil by offsetting vehicle trips, decreasing the use of resources, and saving energy, and assists in solving key environmental justice issues (reducing environmental and health impacts in low-income communities).

[Name of Local Government] is committed to helping families and children be healthy, productive and self-sufficient. And, it is recognized that the use of broadband can save both time and money for residents while helping them bridge the economic divide. Therefore, it is important that all residents within [Name of Local Government] have high-speed Internet access, particularly those living in lower-income and rural households and those living in publicly supported housing.

[Name of Local Government] also is committed to helping students obtain the highest-quality education possible and understands that the ability to learn and prepare for higher education is significantly enhanced if schools incorporate digital literacy and high-speed Internet connectivity into curriculum. The availability of computing devices both at school and at home are critical teaching and learning tools for academic achievement.

Therefore, it shall be the policy of the [Name of Local Government] to facilitate the rapid deployment and adoption of broadband to provide our residents with opportunities, quality of life, and convenience. Further, it is recognized that consumers need sufficient speeds of data transmission capability for the applications that they perceive as relevant to their daily lives and expect broadband networks to keep pace with those needs over time. Thus, it also shall be the policy of the [Name of Local Government] to encourage and facilitate upgrades to existing broadband infrastructure to ensure that the public and private sectors have access to sufficient broadband speeds to support consumer demand for new and evolving applications that save time, money and resources.

### **Responsibilities and Roles: Opportunities to Promote Broadband**

The [Name of Local Government] recognizes that it has many responsibilities that affect deployment (supply) and adoption (demand) of broadband technologies and applications, including the following roles: (1) policy leader; (2) planner; (3) regulator (of land use); (4) consumer; and (5) service provider. As a policy leader, [Name of Local Government] may promulgate policies and ordinances to advance and protect the public interest or implement state and national laws that promote and accommodate high-speed Internet access. As a planner, [Name of Local Government] identifies opportunity areas, develops ordinances and permit streamlining. As a regulator, [Name of Local Government] approves permits which can encourage, promote and/or require rapid deployment of infrastructure and facilities to underserved communities within our jurisdiction. As a consumer, [Name of Local Government] purchases telecommunications and information technology equipment and services which, in turn, drives demand and improvements in these technologies and services. And, as a service provider, [Name of Local Government] has the ability to expand e-government functions by providing more information and access to public services online, thus encouraging broadband adoption. It shall be the policy of [Name of Local Government] in all of its roles and responsibilities to work with neighboring jurisdictions, service providers, and other stakeholders to actively identify opportunities to implement policies, programs and actions to encourage broadband deployment and adoption.

### **Implementation**

[Name of Local Government] shall adopt strategies and implement provisions and ordinances that will expedite broadband deployment to underserved and rural communities, as well as promote economic development and improve security within the community:

*Broadband Opportunity Zones:*

- Collaborate with neighboring cities, county, MPOs, school districts, community college districts, universities, the state of California, the federal government, broadband providers and stakeholders to identify locations without broadband access.
- Develop and conduct multi-lingual surveys specifically targeting households in low-income and/or rural communities, focusing on access, usage, and barriers to internet adoption.

Quantify and describe [Name of Local Governments] level of digital engagement, digital divide, and level and source of digital inequality (city/county-wide and by qualified census tracts).

- Participate in the Federal Communications Commission's Digital Opportunity Data Collection broadband access map crowdsourcing initiative.
- Develop and disseminate information to support the development of local broadband infrastructure deployment and digital equity plans.
- Develop a public outreach campaign to educate residents in [Name of Local Government] on the science behind new and emerging technologies and try to address potentially unfounded concerns as they become integrated into society.

*Promote existing programs and develop new programs for short term and temporary use:*

- Promote existing programs from broadband providers that offers subsidies or covers the cost of internet for low-income internet access.
- Promote existing state and/or federal government programs that offers subsidies for broadband access.
- Collaborate with broadband providers, community outreach groups, school districts, community colleges, universities and the business community to develop programs to cover the cost of broadband subscriptions for low-income students.
- Promote the use of public buildings, such as libraries, parks and convention centers, as broadband "hot spots" to allow residents affordable [or free] high-speed Internet access.

*Adoption of an Emergency Ordinance for underserved communities*

- Adopt an emergency ordinance to allow for rapid deployment of broadband in identified opportunity areas.
- Require a minimum broadband speed capability of 100 megabits per second today and 1 gigabit per second by 2030.
- Where feasible, exempt broadband opportunity areas from community character ordinances or local jurisdiction design guidelines.

- Where feasible, allow aerial fiber and other broadband infrastructure to be installed on pre-existing infrastructure such as existing powerlines to minimize impacts to aesthetics.
- When aerial fiber or other aboveground broadband infrastructure is not viable for last-mile solutions, allow for micro trenching in suitable areas as a viable short-term option.
- Should underground installation near a roadway occur, require the use of “dig-once” practices whereby conduit is installed for future immediate use for broadband installation.

#### *Streamline permitting*

- Develop a streamlined permitting process that lowers the cost of entry and operation of broadband systems, reduce the risks of delays during the planning, permitting and construction phases, provides opportunities for increasing revenue, and creating new avenues for competitive entry.
- Allow for cost/permit waivers for broadband “microprojects”.
- Permit grouping multiple projects under one permit to expedite the planning and construction phase.
- Collaborate with local jurisdictions to determine and agree upon a uniform permitting fee throughout the Southern California region.
- Identify local public rights-of-way and public facilities that can be used for broadband deployment and promulgate procedures to streamline the approval of easement encroachment permits consistent with principles of fairness and competition for all providers.
- Ensure a level playing field for all broadband providers—private and public (or government-led), wireline and wireless—making the use of public assets available to all providers on a competitive basis, commensurate with adopted policies regarding public benefits.

#### *Smart and Affordable Housing*

- Require all new residential subdivisions to be served with state-of-art broadband infrastructure with sufficient transmission rates to support applications relevant to residential consumers.
- Require all publicly subsidized housing development projects to provide an independent “advanced communications network” to drive economies of scale that can result in a significantly reduced cost basis for the lower-income residents. An “advanced communications network” is broadband infrastructure that, at a minimum, makes available affordable market-comparable high-speed Internet access service to all units via the aggregation and consolidation of service across the property. It is infrastructure in addition to

the standard cables, wiring and other infrastructure required for power, television and telephone service.

- Request the housing authority (authorities) to adopt policies to promote and support smart affordable housing with advanced communications networks whenever their public funds are used to subsidize the construction and provision of housing for lower-income residents.

#### *Interagency Cooperation*

- Request that the chief executive officer [County Administrative Officer or City Manager] outline a process for ensuring inter-agency and inter-jurisdictional 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 telemedicine, or regional projects, such as library networks; and notifying neighboring jurisdictions about major infrastructure projects, such as transportation improvements along shared corridors.
- Explore opportunities to work with other public and private entities, such as schools, special districts, utilities, and private health and medical providers, to cooperate and joint venture on broadband deployment projects and adoption programs.