DRAFT AGENDA May 19, 2021 @ 5:30 PM DRAFT AGENDA

5:30 PM   Welcomes and introductions - Greene/McKee

5:33 PM   Approve Minutes (April 7, 2021; April 21, 2021; May 5, 2021)

5:35 PM   Estimated Number of Towers to Service 5,000 households and Motorola Emergency

                   Services Proposition Northup

5;45 PM   OC Attorney's Office Statutory Review and Recommendations
6:00 PM   Discuss the "Proposal" RFP, RFQ or RFI. Northrup /Myren

6:28 PM   Old Business/New Business/Housekeeping

                        •   Action Register Grants Update

6:30 or 7 PM   Adjourn

Meeting Notes:

Attendees: Commissioner Greene

                Commissioner McKee

                Charles Burnham

                Terri Buckner

                Tony Blake

                Victoria Deaton

                Jeff Sural

                Travis Myren

                Patricia Hull

                Paul Cardillo

                Todd Broucksou

                James Bryan

Action Items:

- Make sure RFP "project completion within 6-month window" isn't ruling out fiber as an option (Page 8, Section 2.2) - JN
- Put RFP in Google drive/Word OneDrive so can be shared by group – set it to "suggest edits" – JN
- Proceed with releasing RFP (for long term solution) while working on RFP for short term solution – JN

Approve Minutes (April 7, April 21, May 5): Motion to approve meeting minutes – approved (Sally to make one edit to May 5th minutes per Pat Hull's feedback)

Estimated Number of Towers to Service 5,000 households and Motorola Emergency – JN: Motorola; ES looking for ways to collaborate using ES towers; Motorola has technology for infrastructure but not ISP, expects County to light up service on the tower; trying to see if any synergy that might be able to consolidate funding; no next steps – ES (Kirby Saunders) will work with Jim in case a way to collaborate arises.

OC Attorney's Office Statutory review and recommendations – James Bryan; talk about County Authority; in NC local govts only have authority granted by General Assembly; G.S. 153A-459 explicit grant authority; ambiguous about what grants are for; principal thing is to make all ISPs aware of these grants; for past few years League of Municipalities has pushed to give them more authority; just today Gov Cooper released his recommendations (ARP doc attached) – broadband for bridging the digital divide; not a lot of details right now; broadly broke down categories for use and specific goals – goals for general access and a specific one for students; not jurisdiction-by-jurisdiction; primarily the Federal $$ being doled out; more info from earlier meeting:

> Local governments have been trying to obtain the authority to do just that, but thus far have not been able to get specific authority. In the 2017 session of the NCGA there was a bill introduced but not passed entitled the BRIGHT Futures Act (HB 68). Among the proposals was to add the ability for jurisdictions to enter into public-private partnerships for "digital infrastructure to support broadband, computing, and communications components" in addition to the existing improvements such as grading, paving or construction of a public facility. This was echoed later in 2019 in the NC FIBER Act. The introduction of these bills is not conclusive itself, but does indicate the legislature's acknowledgement of a gap of authority.

> In contrast, the County does have explicit authority for the type of broadband grant previously issued and currently considered. The County is authorized to issue grants to ISPs by 153A-459 (recodified from § 153A-349.60), which requires notice following the rules set in § 160A-340.6(c).

> As I mentioned, the North Carolina League of Municipalities has been pushing for the clarification of this authority for some time. It was gaining some traction in the news before being derailed by the pandemic. There are several bills currently with expectations that they will be wrapped up into one or two bills that move forward.

> The Wilson story was more anecdotal, but for reference here's an article about that situation specific to its attempt to get service to neighboring Pinetops. The story is interesting for a number of reasons, including the layering conflict between local state and federal laws, but it is also partly the reason why the NCLM phrases it as a 'clarification' of state law. While Wilson started service in 2008 and the state quickly restricted them by 2011, the legal battles continued well into 2016 when it was resolved by council action---that is to say that the city decided not to further appeal the matter (likely considering not only the cost and uncertainty, but also acknowledging the potential to provoke retaliatory measure by the general assembly). If I recall correctly they exhausted every method, from direct service to leasingto for-

profit third parties, to no avail. As I mentioned, we looked at similar workarounds in Lumberton wherein the city would connect its buildings and lease to a private third party. I'm not sure the extent (if any) this has been actually implemented by any jurisdiction.

Discussion: JN: $600million for Broadband Infrastructure; link to webinar; H947 – Rep Arp is one of the sponsors; Question for James – can he explain why county can't put fiber to home then lease to ISP; JB - we only have authority for what's explicitly granted to us; do not have authority for "utility service" – potential for public/private partnerships but doesn't currently exist; Todd – thought County could build fiber on streets and then down the road could lease it to ISPs who would then run fiber from street to house (that's the way Chapel Hill/Carrboro/Holly Springs are doing it); leasing out surplus; need to consider leasing space on towers as well; JB - League of Municipalities – clarification of authority; some gray area (not explicit authority); specifics would matter; Todd – does county have appetite for risk of pushing boundaries?; BOCC would have to weigh in on appetite for risk; Comm McKee - be innovative and take a little risk, need to push; how did Person Co do it? JN - had a legislative exception (Nash Co too); Todd – if issues with fiber, wouldn't have issues with towers as well? Does Task Force need to take this issue to BOCC? Comm McKee - no, still need the RFP. Comm Greene - under NC G.S. 153A counties have broad power; Comm McKee – if the law opens the door, then step through

Discuss the "Proposal" RFP, RFQ, RFI: JN: sent out 5/17, still needs tweaking; essence RFP to light up 5000 homes; doesn't say how much County would put into it; asks how much vendors thinks it would cost; solicit vendors to give a $$ amount to take to BOCC – 5000 homes, how much will it cost? TB - discussion about what to do differently than did with OpenBB; better performance milestones, price/household in a way that prevents cherry picking easy ones; PC - if move forward w/RFP; current working RFP is technology agnostic; Fed funds (ARP) require 100Mbps symmetrical (or minimum of 100/20 -; Treasury Dept saying wants future-proof performance (100/20) or else funds can't be used (Todd sent Treasury doc to group – ask if Catharine can provide synopsis); Todd – get RFP responses then hire engineering firm to review for meeting Federal requirements; not sure included maps are detailed enough for vendors to respond in a way to be trusted/accurately – not clear if looking for technical solution or a proposal we could work with and build on; Paul – how is RFP shared? Jeff Sural has suggested time is of the essence; JN – need to get this out there, Todd agrees; JN to reply to suggestions; TB – county will not own the assets – do we want that?; if we're talking fiber-only solution then we need to use hybrid approach fiber/fixed wireless; Comm Greene – maybe need two RFP, one fixed wireless, one fiber; maybe leave out sentence "county will not own the assets"; JN – current language does allow for short and long term solutions; Catharine – does rating system rank vendors higher if faster solution?; Todd – seen contracts where agency owns equip/assets until term of contract ends then it becomes providers equip; omni wireless aren't 100/100 but can get point-to-point that will achieve that speed; TB – what do we mean by "short term"? Need to specify. Thinks we can cover short and long term solutions in one RFP – be specific with benchmarks.; CR – wasn't there a short term RFP; JN – yes but wasn't very short term so pulled back; if vendor has more than one proposal can do separate submissions; Comm Greene – why not two different RFPs? What if we end up with only responses for short term solutions?; JN – eliminate short term option and just focus on long term; TB – how do we define requirements for long term?; Comm McKee – 18 months – 3 years for short term; long term 3 years – 5 years (possibly longer); advocates for 2 different proposals – short term wireless and one for long term fiber; JN – can dust off short term RFP again and put it back out there (pretty quickly) then craft this RFP into more long term solution; PC – repurpose short term and get it out there quickly then work on long term – good solution; Terri – no value in sending RFP out again; call meeting w/OpenBB and RiverStreet and ask what it'll take to get everyone covered in 18 months-3 years; these two vendors know county the best so are best poised to provide solution – so don't do new short term (since last one is still able to be used); use them to help refine their previous solution; PH – likes idea of 2 RFPs at same time; Doug – wants vendor who can do both short and long term solutions; Victoria

Deaton – ask vendors for phased approach (possibly subbing out some areas); CR – source of funding (Treasury Dept) project only eligible if symmetrical 100Mgbs (or 100/20); TB – funding issue to be considered, what money would we use to help that? $28million coming from Feds could be used for short term but couldn't use Treasury $$ for short term/lower performance.; CR – local recovery funds have to follow Treasury guidelines (100/100 or 100/20); maybe some of State recovery funds have 3rd category that state is willing spend on sub-par projects; sub-par not part of GREAT grants; TB – can wireless not meet 100/20? CR – some wireless companies saying they can meet 100/20; PC- wireless/satellite can't meet standards; Comm McKee – what's consensus on RFP?; 2 RFPs? Talk w/OpenBB and RiverStreet; TB – 2 RFP's; Doug – 2 RFP's; Pat – 2 RFP's; Comm Greene – 2 RFP's; no objections to Jim putting out long term first then editing of short term; TB – one year limit on RFP so need to check how much longer we have to re-engage OpenBB and RiverStreet; JN – "how many, how fast" scalability metrics will be a grading criteria

Action register – Grants => CR: don't focus on grants; go for Federal ARP $$; Comm Greene – Catherine, do you agree with short term/long term approach? CR - Yes, good to have someone who can provide service to some homes now; Fed Gov wants $$ to be used on future-proof technology; specify wireless for short term solution; JB – grant authority has be to technology neutral basis; use speed criteria (100/100) or # of homes/month; TB – define by speed to differentiate between fiber and wireless; Terri – say want to cover x # of houses per month; County needs to define what resources will make available – land, towers/vertical assets (existing and/or purchased), help w/Piedmont Electric

Adjourn – 7:32pm