



Board Agenda Item 27

DATE: April 8, 2025

TO: Board of Supervisors

SUBMITTED BY: Edward Hill, Chief Operating Officer

SUBJECT: Regional Broadband MOU with the Counties of Kings, Madera, Merced, and Tulare

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a Memorandum of Understanding with the Counties of Kings, Madera, Merced, and Tulare to facilitate regional broadband applications for grant funds, effective upon execution, not to exceed five consecutive years, which includes a three-year base term and two optional one-year extensions (\$0); and**
- 2. Authorize the County Administrative Officer, or their designee, to amend the Scopes of Service as necessary to memorialize the joint efforts required to apply for potential grant funds and agreed-upon future grant opportunities, and to accommodate not only changes in requirements to the grant programs currently identified in the MOU, but to agreed-upon fund distribution and reimbursement processes, subject to approval as to legal form by County Counsel, and, as applicable, as to accounting form by the Auditor-Controller/Treasurer-Tax Collector.**

There is no additional Net County Cost associated with the recommended actions. Approval of the first recommended action will allow the County to enter into a Memorandum of Understanding (MOU) with the Counties of Kings, Madera, Merced, and Tulare to facilitate regional broadband grant application efforts. Approval of the second recommended action will allow the County Administrative Officer (CAO), or their designee, to modify the Scopes of Service in the MOU, to accommodate changes in requirements to the grant programs currently identified in the MOU, as well as the inclusion of agreed-upon future grant opportunities. These modifications will be subject to review and approval by County Counsel, and the Department will return to your Board for approval of any grant application submittal(s) and subsequent grant agreements. This item is countywide.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended actions, the Counties of Fresno, Kings, Madera, Merced, and Tulare will be unable to apply for broadband grants as a region, thereby reducing the likelihood of broadband grants being awarded to the San Joaquin Valley region.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Sufficient appropriations and estimated revenues are included in the County Administrative Office Org 2540 FY 2024-25 Adopted Budget and will be included in future Recommended Budget requests for the duration of the term. If grant awards are allocated, the Counties of Fresno, Kings, Madera, Merced, and Tulare shall determine an appropriate fund disbursement process. Fresno County shall use portions of its funds

awarded from the Local Agency Technical Assistance (LATA) grant for the Broadband Equity, Access, and Deployment (BEAD) program's application fee.

DISCUSSION:

The BEAD program, established in accordance with the Infrastructure Investment and Jobs Act of 2021 (IIJA) and administered by the National Telecommunications and Information Administration (NTIA) of the United States Department of Commerce, is a \$42.45 billion federal grant program to expand high-speed internet access by funding planning, infrastructure deployment, and adoption programs in all U.S. states, territories, and Washington D.C. The California Public Utilities Commission (CPUC) was designated as the recipient of and administering agent for the \$1.86 billion of BEAD funding allocated to California.

The State Digital Equity Capacity Grant (DECG) program, also established by the IIJA and administered by the NTIA, appropriated \$1.44 billion to California to address barriers to digital equity in California.

Availability and access of reliable, high-speed internet is crucial for many aspects of modern living, including but not limited to access to education, workforce development, public services, and overall quality of life. The County recognizes the importance of affordable, accessible, available, and reliable broadband internet services and will be competing with major metropolitan regions for broadband funding.

Approval of the recommended actions will allow the County to work with the Counties of Kings, Madera, Merced, and Tulare to apply for the BEAD and DECG grants as a region. Should future potential broadband grant opportunities arise, the five counties shall amend the Scopes of Service to memorialize the joint efforts required to apply for those potential funds. Additionally, the Scopes of Service may be amended to reflect changes in BEAD and DECG broadband grant requirements and after the parties determine fund distribution and reimbursement processes for each grant. All such modifications will be subject to review and approval by County Counsel. The Department will return to your Board for approval of all grant application submittals and subsequent grant agreements.

The recommended MOU contains a mutual indemnification clause as the parties are all local government entities. A well-coordinated, regional approach will give the five-county area a stronger position in the competitive funding process, maximizing the opportunity to bring broadband access to the San Joaquin Valley region.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Inter-County Regional Broadband MOU

CAO ANALYST:

Amy Ryals