



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 9/3/2024

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

Resolution delegating administrative authority to the County Administrator or designee for the Enabling Middle Mile Broadband Grant

***Introduction/Background:**

Pima County Board of Supervisors approved Resolution 2022-48, authorizing the submission of an application to the National Telecommunications and Information Administration’s (NTIA) Enabling Middle Mile Broadband Infrastructure grant program. NTIA awarded Pima County a grant of \$30.281 million, accepted by the BOS on July 23, 2023.

***Discussion:**

The grant agreement contains specific terms and conditions required by the Department of Commerce. Administrative requirements include filing of bi-annual financial and performance reports, posting of signage, public acknowledgements related to federal financial support, and compliance with the National Environmental Policy Act and the National Historic Preservation Act. While many of these requirements are straightforward, some require the execution of ancillary agreements.

***Conclusion:**

The Board of Supervisors accepted the award without delegating authority to any Pima County employee to execute ancillary documentation that may be required.

***Recommendation:**

The Pima County Attorney’s Office (PCAO) recommended the Board adopt a resolution delegating authority to execute ancillary documentation as required for full compliance with the terms of the grant award.

***Fiscal Impact:**

None

***Board of Supervisor District:**

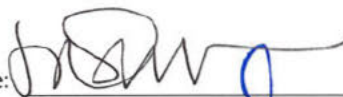
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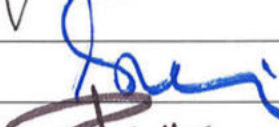
Department: Office of Digital Inclusion


Telephone: 520-724-7695

Contact: Michelle Simon, Director

Telephone: 520-724-7694

Department Director Signature:  Date: 8/7/24

Deputy County Administrator Signature:  Date: 7 Aug 2024

County Administrator Signature:  Date: 8/7/24

MEMORANDUM

Date: August 6, 2024

To: Jan Leshner
County Administrator

From: Michelle Simon 
Director, Office of Digital Inclusion

Francisco Garcia, M.D., M.P.H.
Deputy County Administrator

Steve Holmes
Deputy County Administrator

Re: Resolution Delegating Administrative Authority to the County Administrator or her Designee to Manage and Implement the Enabling Middle Mile Broadband Grant awarded to Pima County

In August, 2022, the Pima County Board of Supervisors approved Resolution 2022-48, authorizing Pima County to submit an ambitious application to the National Telecommunications and Information Administration's (NTIA) *Enabling Middle Mile Broadband Infrastructure* grant program. The objective of NTIA's grant program is to expand and extend access to the "middle mile" broadband infrastructure that is the essential backbone of internet connectivity. For the County, this program offered an unparalleled opportunity to invest in the foundational infrastructure necessary to close the digital divide and link communities to affordable, reliable, high-speed internet access.

NTIA awarded Pima County a grant of \$30.281 million under the *Enabling Middle Mile Broadband Infrastructure* grant program on June 23, 2023. The award was presented to the Board of Supervisors for discussion and acceptance at its July 11, 2023 meeting. The Board voted to accept the award at that time, on a vote of 3-1. Supervisor Bronson was absent from the meeting; Supervisor Christy voted against acceptance.

The award agreement listed Michelle Simon, then Deputy Director of Library Services, as the administrative contact for the Pima County award. The agreement contains a number of specific terms and conditions to be met in managing the project, and incorporated by reference general terms and conditions from the Department of Commerce.¹ Administrative requirements include filing of bi-annual financial and performance reports, posting of signage and public acknowledgements related to the federal financial support, and assuring compliance with a myriad of federal policies such as National Environmental Policy Act and National Historic Preservation Act requirements. While many of these requirements are straightforward, some require the execution

¹ NTIA is a component agency of the Department of Commerce. While NTIA has subject matter program officers, it does not have its own grant professionals. It is relying on another Commerce component, the National Institute of Standards and Technology for grant review and oversight.

Office of Digital Inclusion

Re: Resolution to Delegate Authority

August 6, 2024

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of ancillary agreements. For example, in developing the programmatic signage acknowledging the federal government's funding for the project, Pima County is required to use trademarked logos for NTIA and the Department of Commerce. NTIA is requiring Pima County to enter into a trademark agreement to authorize the use of the required logo.

While the Board of Supervisors accepted the award, it did not specifically delegate authority to any Pima County employee to execute ancillary documentation that may be required, such as the trademark agreement. The Pima County Attorney's Office (PCAO) recommended the Board consider adopting a resolution delegating authority to execute the documentation required to assure the County can continue to move forward with the project in full compliance with the terms of the grant award and federal grant requirements.

A draft resolution delegating authority to the County Administrator or her designee to execute any documentation required by this grant is attached for review.

CC: RK Kelly, Director, Grants Management & Innovation
Kyle Johnson, Deputy County Attorney, Pima County Attorney's Office
Bobby Yu, Deputy County Attorney, Pima County Attorney's Office

RESOLUTION NO. 2024-_____

**RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS
DELEGATING AUTHORITY TO THE COUNTY ADMINISTRATOR OR DESIGNEE TO
EXECUTE DOCUMENTS FOR THE ENABLING MIDDLE MILE BROADBAND
INFRASTRUCTURE GRANT PROGRAM**

The Board of Supervisors of Pima County, Arizona finds:

1. On August 15, 2022, the Pima County Board of Supervisors approved the submission of an application by Pima County to the National Telecommunications & Information Administration (NTIA) for the Enabling Middle Mile Broadband Infrastructure Grant (EMMBI) program to construct a middle mile fiber optic ring to expand access to high speed, reliable broadband internet for County residents and to meet the grant's cost share requirement.
2. Pima County submitted an application to NTIA on September 30, 2022, for the construction of a 134-mile fiber optic ring around the county's urban core.
3. Pima County was awarded a grant of \$30.281 million on June 15, 2023, under the EMMBI program to construct the proposed fiber optic ring, with a performance period of July 1, 2023 to June 30, 2028.
4. The grant award (Federal Award Number 04-40-MM588) was presented to the Board of Supervisors and subsequently accepted at its July 11, 2023, meeting.
5. The grant award identified the Deputy Director, Library Support Services, as the administrative contact for purposes of compliance with grant terms and conditions.
6. After the grant award and Board acceptance, Pima County established the Office of Digital Inclusion to support expansion of broadband access and digital equity, and appointed the Deputy Director, Library Support Services to lead the new Office.
7. NTIA has specific, timebound, reporting requirements for the EMMBI Grant program, including bi-annual financial and technical performance progress reports, budget information for construction programs required forms, tangible personal property and real property status reports, trademark license agreements, local workforce demographic reports, and reimbursements for allowable expenses.
8. It is in the best interest of the residents of Pima County to authorize the County Administrator or her designee to execute as necessary all applicable federal documents required by EMMBI to comply with the terms and conditions of the EMMBI grant.

NOW, THEREFORE, BE IT RESOLVED:

- A. The Chair of the Pima County Board of Supervisors is authorized to execute, as necessary, all applicable federal documents associated with the Enabling Middle Mile Broadband Infrastructure grant (Federal Grant Number 04-40-MM588), including required National Telecommunications and Information Administration (NTIA) budget forms, descriptive grant narratives, bi-annual project progress reports, environmental assessments and programmatic agreements, license agreements, and requests for reimbursements (“the EMMBI Grant”).
- B. The County Administrator or her designee is authorized and directed, on behalf of the Pima County Board of Supervisors, to act on matters related to the award and administration of the EMMBI Grant and to sign and submit any such documents required by NTIA for this program, including completing any electronic approvals and submissions as may be required by NTIA.

PASSED AND ADOPTED this _____ of _____, 2024.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

Kyle Johnson

Deputy County Attorney