



# Council Agenda Report

From: Paul Sloan, Economic Development Manager

Subject: Approval of North San Luis Obispo County Broadband Strategic Plan Memorandum of Understanding

Date: April 5, 2022

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## Facts

1. The City of Atascadero would like to formalize a partnership with the City, via memorandum of understanding (“MOU”), for the purpose of memorializing and expressing the intent of the Cities to establish an operational relationship developing a north San Luis Obispo County Broadband Strategic Plan.
2. Access to low-cost, high-speed internet, supports job retention and creation for existing businesses as well as planned and potential industrial, commercial, and mixed-use developments.
3. Increased broadband connectivity supports business attraction and retention in areas such as specialized manufacturing to support the local agriculture and viticulture industries, ag-tech development, and tech companies or telecommuters relocating from larger cities and seeking high-speed internet access from home.
4. Improving high-speed broadband internet connectivity provides enterprise-level internet for current and future businesses as well as a low-cost, high-speed alternative to the current limited internet options available for residents.
5. Expanding the City’s broadband and fiber backbone also supports the City’s ability to implement smart city infrastructure.
6. The Cities desire to work together to jointly prepare and release a Request for Proposals (“RFP”) seeking qualified individuals and firms to prepare a regional broadband strategic plan to accelerate the deployment of high-speed internet access to residents and businesses in northern San Luis Obispo County.
7. Broadband availability and capability are critical parts of most businesses today and a business-critical part of the City’s economic development strategy. The City of Atascadero has already approved allocating approximately \$400,000 toward broadband-related initiatives.
8. The City of Atascadero staff has approved the MOU form and language and anticipates bringing the document to the Atascadero City Council for consideration very soon.

## Options

1. Take no action;
2. Authorize the Mayor to sign the attached Memorandum of Understanding between the City of Paso Robles and the City of Atascadero; and appropriate \$100,000 from General Fund reserves for a regional broadband strategic plan RFP process;
3. Provide alternative direction to staff.

## Analysis and Conclusions

Option 1. Taking no action will mean that the City of Paso Robles will not formalize a partnership via MOU with the City of Atascadero memorializing the intent to explore an operational relationship developing a north San Luis Obispo County Broadband Strategic Plan, and no General Funds will be approved for a regional broadband strategic plan RFP process.

Option 2. Authorizing the Mayor to sign the attached MOU would memorialize the collaboration between the Cities in a regional partnership for exploring the potential to develop a northern San Luis Obispo County Broadband Strategic Plan. Forming a regional partnership would enhance a north San Luis Obispo County collective voice to advocate for policies and funding at the state and federal level that will support the region's shared priorities. It also aligns federal, state, and local efforts to maximize efficiency and ensure planning efforts are working in the best interest of individuals. Furthermore, this action also aligns with the City Council's goals and strategic priorities by 1) completing a broadband strategic plan and 2) promoting Paso Robles as a destination for the "Remote Economy."

A regional broadband strategic plan RFP process will have associated costs. The City of Atascadero has approved funds for use toward a broadband initiative. Approving \$100,000 from the General Fund would make it possible for the City of Paso Robles to participate financially along with the City of Atascadero and share costs associated with the regional broadband strategic plan RFP process. A regional strategic plan will greatly assist the City in competing for state and federal funding programs associated with broadband, fiber, and connectivity. Staff is anticipating new funding will be available in the next 12 to 24 months. Regional collaboration is a key component in determining where funding is allocated. This plan would be developed in a manner that would allow other neighboring cities, educational agencies, and other prospective partners to join should there be broader interest and strategic alignment.

### **Fiscal Impact**

There are no fiscal impacts by signing this agreement since the MOU is non-binding in all respects. However, there is an estimated shared cost associated with the development of a broadband strategic plan. Staff is recommending an appropriation of \$100,000 in available general fund balance to fund the City's estimated share of the strategic plan. Beyond the initial appropriation request, there is no additional fiscal commitment for this project. Should the City become successful in obtaining additional broadband/fiber grant funding, a local cash match or in-kind funds may be required.

### **Recommendation (Option 2)**

Authorize the Mayor to sign the attached Memorandum of Understanding between the City of Paso Robles and the City of Atascadero; and appropriate an amount not to exceed \$100,000 from the General Fund of the current FY for a regional broadband strategic plan.

### **Attachments**

1. Resolution 22-XXX Northern SLO County Broadband Strategic Plan MOU
2. Northern SLO County Broadband Strategic Plan Memorandum of Understanding

# Attachment 1

## RESOLUTION 22-XXX

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING THE NORTHERN SAN LUIS OBISPO COUNTY BROADBAND STRATEGIC PLAN MOU AND UP TO \$100,000 FOR A REGIONAL BROADBAND STRATEGIC PLAN RFP.

WHEREAS, the City of Paso Robles and the City of Atascadero (“Parties”) desire to formalize a partnership, via memorandum of understanding (“MOU”), for the purpose of memorializing and expressing the intent of the Parties to explore an operational relationship developing a northern San Luis Obispo County Broadband Strategic Plan; and

WHEREAS, access to low-cost high-speed internet supports job retention and creation for existing businesses as well as planned and potential industrial, commercial, and mixed-use developments; and

WHEREAS, increased broadband connectivity supports business attraction and retention in areas such as specialized manufacturing to support the local agriculture and viticulture industries, ag-tech development, and tech companies or telecommuters relocating from larger cities and seeking high-speed internet access from home; and

WHEREAS, improving high-speed broadband internet connectivity provides enterprise-level internet for current and future businesses as well as a low-cost, high-speed alternative to the current limited internet options available for residents; and

WHEREAS, in order to explore broadband deployment options, the Parties desire to work together to jointly prepare and release a Request for Proposals (“RFP”) seeking qualified individuals and firms to prepare a regional broadband strategic plan to accelerate the deployment of high-speed internet access to residents and businesses in northern San Luis Obispo County; and

WHEREAS, recognizing that broadband availability and capability are a critical part of most businesses today and thus must be a critical part of the City’s economic development strategy, the City of Atascadero has approved allocating approximately \$400,000 toward this broadband initiative.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. The City Council hereby approves the northern San Luis Obispo County Broadband Strategic Plan MOU in substantially the form attached hereto as Exhibit A, authorizing the Mayor to execute MOU agreements, subject to any minor, technical, or non-substantive changes to the MOU proposal, approved by the City Attorney, and consistent with Council’s intent; and appropriate \$100,000 from the General Fund of the current FY for a regional broadband strategic plan RFP.

Section 3. The City finds that the execution of the northern San Luis Obispo County MOU agreement with the City of Atascadero, and the approval of up to \$100,000 from General Fund reserves is exempt from CEQA under the Class 6 exemption, which applies basic data collection, research, and resource evaluation activities which do not result in a disturbance to an environmental resource which is part of a study leading to an action which the public agency has not yet approved, adopted or funded. Here the development of the Strategic Plan is merely a study and future action will be required before implementation. (State CEQA Guidelines, section 15306.). In the alternative, the execution of the MOU agreement is exempt from CEQA because it can be seen with certainty that there is no possibility that the

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activity in question may have a significant effect on the environment (State CEQA Guidelines, section 15061, subd. (b)(3).)

APPROVED this 5th day of April 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Steven W. Martin, Mayor

ATTEST:

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Melissa Boyer, City Clerk

# Attachment 2

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is entered into by and between the City of El Paso de Robles (“Paso”) and the City of Atascadero (“Atascadero”) for the purpose of memorializing and expressing the intent of Paso and Atascadero to explore an operational relationship developing a northern San Luis Obispo County Broadband Strategic Plan. Paso and Atascadero are herein referred to as “Party” or “Parties” to this MOU.

This MOU is not meant by the Parties to be a legally binding agreement, or an amendment to any existing agreement, but it does memorialize the Parties intent to pursue future opportunities related to the expansion, development, use, and operation of high-speed broadband capabilities in northern San Luis Obispo County.

### Recitals:

- A. Access to low-cost high-speed internet supports job retention and creation for existing businesses as well as planned and potential industrial, commercial, and mixed-use developments.
- B. Increased broadband connectivity supports business attraction and retention in areas such as specialized manufacturing to support the local agriculture and viticulture industries, ag-tech development, and tech companies or telecommuters relocating from larger cities and seeking high-speed internet access from home.
- C. Improving high-speed broadband internet connectivity provides enterprise-level internet for current and future businesses as well as a low-cost, high-speed alternative to the current limited internet options available for residents.
- D. In order to explore broadband deployment options, the Parties desire to work together to jointly prepare and release a Request for Proposals seeking qualified individuals and firms to prepare a regional broadband strategic plan to accelerate the deployment of high-speed internet access to residents and businesses in northern San Luis Obispo County (“RFP”).

### Facts; Intended Points for Negotiation:

1. Nonbinding. This MOU is non-binding in all respects and should not and may not be construed as a commitment of either Paso or Atascadero.
2. Intent. It is the desire of the Parties to continue to explore a cooperative relationship to enhance broadband deployment and increase access to high speed internet in northern San Luis Obispo County and to jointly prepare and release the RFP.
3. Compliance With All Laws. The Parties acknowledge that this MOU neither includes nor constitutes an approval of any project or initiative. All activities related to an

## Attachment 2

application, proposal, licensure or future uses or operations are subject to compliance with the California Environmental Quality Act (“CEQA”) and that this MOU in no way commits the Parties to the approval of any project or to any CEQA determination. It is understood that each Party reserves the right to exercise its discretion as to all matters, which it is by law entitled or required to exercise. In addition, any agreement, amendment, or application processed will be subject to and brought to the Parties’ respective City Councils for consideration in accordance with applicable legal requirements.

4. Counterparts. This MOU may be executed in any number of counterparts (each of which shall be original) and transmitted by facsimile or electronic mail (which along with the originally executed MOU) shall constitute one and the same document.
5. No Liability. Notwithstanding anything else in this MOU, either party may, at any time unilaterally terminate all negotiations or discussions without any liability whatsoever to the other Party. Each Party is and will be solely liable for all of its own fees, costs, and other expenses in conjunction with the discussions called for in this MOU.

The Parties agree with the foregoing as indicated by their signatures below. The signatories below for Paso and Atascadero represent that they have authority to act on behalf of their respective entity. The Parties understand that nothing about this MOU constitutes a binding agreement.

(NEXT PAGE IS SIGNATURE PAGE)

# Attachment 2

## SIGNATURE PAGE TO MEMORANDUM OF UNDERSTANDING

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed the day and year first hereinabove set forth.

### THE CITY OF EL PASO DE ROBLES

### THE CITY OF ATASCADERO

\_\_\_\_\_  
Steve Martin, Mayor

\_\_\_\_\_  
Heather Moreno, Mayor

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Date)

ATTEST:

ATTEST:

\_\_\_\_\_  
Melissa Boyer, City Clerk

\_\_\_\_\_  
Lara Christensen, City Clerk

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Date)

Approved as to form by:

Approved as to form by:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Brian A. Pierik, City Attorney

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(Date)

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(Date)