



Albemarle County

Legislation Text

File #: 17-202, **Version:** 1

AGENDA DATE: 3/1/2017

TITLE:

Wireless Service Authority Strategy

SUBJECT/PROPOSAL/REQUEST: Consider creation of wireless service authority and the composition of its board.

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Walker, Letteri, Kamptner, Culp, Fritz

PRESENTER (S): Mike Culp, IT Director

LEGAL REVIEW: Yes

REVIEWED BY: Douglas C. Walker

BACKGROUND: Staff, as a result of Board direction and priorities, has continued, since the Nov. 2, 2016 decision of the Board for the County to pursue a regional wireless service authority, to evaluate strategies to expand access to high speed internet service (Broadband) in Albemarle County. A telecommunications plan designed to evaluate existing conditions and infrastructure and provide a series of options for how broadband might be expanded in the region was developed. One of the strategic considerations in the telecommunications plan was to create a wireless service authority.

STRATEGIC PLAN: Goal 2 - Critical Infrastructure: Prioritize, plan and invest in critical infrastructure that responds to past and future changes and improves the capacity to serve community needs. Goal 5 - Educational Opportunities: Provide lifelong learning opportunities for all our citizens. Goal 7 - Operational Capacity: Ensure County government's ability to provide high quality service that achieves community priorities.

DISCUSSION: From November 2016 through February 2017, staff continued efforts to identify the formation, risks, benefits, and characteristics of wireless service authorities.

Regional or County-Specific Wireless Service Authority

Staff is recommending a two-step approach to the Board considering to become a member of a regional wireless service authority by first creating a County-specific authority. This will allow the County authority to develop its own capabilities and understand potential limitations before making the financial and staffing commitment that joining a regional authority may require.

Wireless Service Authority Benefits

The benefits from forming a wireless service authority include: 1) flexibility in how the authority is managed and how goals are defined; 2) development of management structure for future efforts; 3) formation of an entity that can receive state/federal grants; and 4) formalizing a Board-sponsored team that is focused on advancing broadband in the community through partnerships with private service providers or other means of

incentivizing the expansion of broadband services. In short, the wireless service authority can create focus and structure for advancing broadband in the community.

Wireless Service Authority Risks

The risks of forming a wireless service authority involve the perceived competition the wireless service authority may pose to private service providers and the perception that if the wireless service authority owns and operates a network it will be an unsustainable ongoing expense. Each of the perceived risks can be managed through the thoughtful and deliberate development of the wireless service authority goals.

Wireless Service Authority Characteristics

The characteristics of wireless service authorities can vary. Some authorities are formed to plan, build, own and operate the network. In our case, the intent of the wireless service authority does not include an objective to build, own, and operate the network. The objectives, when defined, will align with the benefits listed in the section above. Some authorities operate with an ongoing budget; with inherent risks that costs may exceed revenues. In our case, the wireless service authority has no full or part time staff, does not have an ongoing budget, and proceeds with the understanding that funding requests must be approved by the Board.

In summary a wireless service authority can be formed without a budget, without dedicated staff, and still accomplish the need to create additional focus and structure for advancing broadband in the community.

Wireless Service Authority Formation

A wireless service authority is created by the Board through adopting a resolution after it has held a public hearing. The resolution includes articles of incorporation that: (1) state the name of the authority and the address of its principal office; (2) the name of the County and the names, addresses, and terms of office of the first members of the authority board; and (3) a statement that the authority is being created for the purpose of providing qualifying communications services. Notice of the public hearing must be published at least 30 days before the public hearing is held. If the Board adopts the resolution, the articles of incorporation will be filed with the State Corporation Commission and, if the Commission determines that the articles conform to law, it will issue a certificate of incorporation or a charter to the authority. An alternative procedure exists by which the question of whether to create an authority is put to the voters in a referendum. (Virginia Code §§ 15.2-5431.3 - 15.2-5431.8)

Composition of a Wireless Service Authority Board

Under the Virginia Wireless Service Authorities Act, a wireless service authority board may have either a five-member board or the number equal to the number of members of the governing body (in Albemarle County, that would be a six-member board). Members of the Board of Supervisors are authorized to also serve on an authority board. Staff is recommending that the authority board be composed of two members of the Board of Supervisors, two County staff, and one citizen. Such membership, staff argues, would allow for direct citizen involvement, staff support on the authority and less difficulty in scheduling meetings. The Board's policy for appointments of citizens to public bodies requires that the position be advertised followed by a minimum 30-day application period. In addition, the Board is required to identify the first members of the authority board in the proposed articles of incorporation, which must be available for public inspection for at least 30 days prior to the public hearing. Therefore, the Board will need to conditionally appoint the authority board members at its May 3 meeting in order for them to be identified in the articles of incorporation that will be available for public inspection prior to the June 7, 2017 public hearing.

If the Board decides to proceed with creating a wireless service authority, staff will return to the Board on May 3, 2017 to consider the authority's draft articles of incorporation.

BUDGET IMPACT: No budget impacts.

RECOMMENDATION:

If after its deliberation the Board is supportive of moving forward with consideration of creating a Wireless Service Authority, staff recommends that the Board: 1) direct staff to schedule and advertise a public hearing on June 7, 2017, at which time the Board will consider adopting a resolution to create a wireless service authority, together with articles of incorporation; 2) determine that the authority board will be composed of two Board members, two County staff, and one citizen; and 3) direct the clerk to advertise for the citizen member of the authority board.

ATTACHMENTS: