

A regular meeting of the Albemarle County Broadband Authority was held on September 23, 2020. The meeting was held electronically using Zoom and telephone starting at 5:03 p.m.

PRESENT AND ATTENDING REMOTELY: Mr. Bucky Walsh, Mr. Waldo Jaquith, Ms. Liz Palmer, Ms. Donna Price, Mr. Trevor Henry, Mr. Bill Fritz

ABSENT: None

Also Present: Mr. Richard DeLoria (Senior Assistant County Attorney), Mr. Mike Culp (ABBA, Chief Administrative Officer)

Agenda Item No. 1. Establish Quorum and Call to Order.

Mr. Walsh established a quorum and called the meeting to order.

Mr. DeLoria announced the following for the record:

Everyone on the phone and attending via Zoom from the public is in listen only mode. During public comment period - please enter your comment in the Chat and it will be read into the record. Include your full name and the magisterial district in which you reside, if you don't know your magisterial district please provide a general location or your home/business street address. We will run through the chat comments first and then take comments by phone. For those on the phone, please use *9 to indicate you'd like to make a public comment. We will ask you to provide your full name and magisterial district or general location of your home or business and then allow up to 3 minutes for your comment.

Because of the continuation of the COVID-19 pandemic and the limitations on group gatherings imposed by the Governor's Executive Orders, this meeting is being held by electronic communication means on the Zoom platform. It is authorized by the County's April 15th, June 17th, and September 2nd Continuity of Government Ordinances, this Authority's Resolution of April 22nd, and the Virginia statute signed into law on April 24th permitting this Authority to meet electronically to discuss and transact business necessary to continue its operations.

The public has real time audio-visual access to this meeting over Zoom and real time audio access over telephone, both as provided in the lawfully posted meeting notice. The public is always invited to send questions, comments, and suggestions to the Authority through the County's Information Technology. This meeting is being recorded and will be made available on the County's website. With that explanation, I ask the board members attending to identify themselves and their current location in general terms.

Mr. Walsh requested that each member and officer identify the location from where they were attending the meeting.

Mr. Walsh stated he was attending from home.

Mr. Henry stated he was attending from home.

Mr. Fritz stated he was attending from home.

Mr. Jaquith stated he was attending from home.

Ms. Price stated she was attending from home.

Ms. Palmer stated she was attending from home.

Agenda Item No. 2 Approval of Agenda

Mr. Walsh **moved** to approve the agenda.

The motion was **approved** unanimously.

Agenda Item No. 3 Brief Announcements from the Board

Mr. Henry requested that at a future meeting the agenda include a discussion of County staff support of ABBA.

Ms. Price stated that access to internet is as much a necessity as water, power or sewer. County support of access needs to be evaluated and provided.

Agenda Item No. 4 Public Comment

Erica DeVito provided the following written comments:

Live past Whitehall on 810 in Browns Cove VA It was recommended that I come to this because of my poor internet. We get 8mbps yet the houses prior to ours get 40mbpm. have been relentless in contacting Century Link to get better service. Our line to the house is more than 23 years old. I have called the FCC, Northams office and the Attorney Generals office. completely support virtual learning but it does not work with internet speeds like this.

Mr. Jaquith provided information how to submit a complaint with the SCC. Mr. Culp stated he would provide contact information to Erica DeVito.

Tim Higgins provided the following written comments:

Hi, all,

Comment and question.

Comment: I've been trying to get quotes from Comcast and Century Link for Mallard Lake internet service upgrade options.

I'm using the contact people Mike provided. Comcast took about a month to respond and the process is still ongoing. CenturyLink has yet to respond.

I know ABBA is focusing on bringing service to areas that have none. But those of us trying to improve service, i.e. get better than 3 Mbps downlink, need help too. Can anything be done to help those of us trying to work directly with service providers to improve neighborhood service?

Question: Are there any county or state laws prohibiting local governments from starting internet services?

Tim Higgins
Mallard Lake
Earlsville

Mr. Walsh stated that localities can provide internet service. However, the Board of Supervisors charter of ABBA does not include ABBA being an internet service provider. Mr. Walsh stated that ABBA tries to support and coordinate state, local and federal grant funding.

Mr. Culp stated that people can share information with him, and he may be able to help or use the information in grant applications.

Mr. Jaquith stated that grants to internet service providers will not, in his opinion, solve the problem. County construction of middle mile service is likely needed.

Ms. Palmer stated that the Board of Supervisors would have to fund any service and it is very expensive.

Ms. Price agreed with Ms. Palmer and noted that the cost would include ongoing maintenance requirements.

Ryan Ligon provided the following written comments:

Looking at moving to the area, James River Road near Chestnut Grove Rd, in the Samuel Miller district. I have spoken to CenturyLink and know about the efforts underway there, but I had no luck with FireFly/CVEC. Do you have any idea of when they are expanding to that area as alternative to CenturyLink.

Ms. Palmer stated that Chestnut Grove is outside of where ABBA has been working.

Mr. Culp suggested contacting CVEC/FireFly if the property is served by CVEC for details about service.

Agenda Item No. 5 Approval of Approval of August 26, 2020 Minutes

Mr. Walsh **moved** for approval of the minutes.

Mr. Henry **seconded** the motion.

The motion was **approved** unanimously.

Agenda Item No. 6 Old Business

Agenda Item No. 6a VATI 2020 and 2021 Updates

Mr. Culp stated that there were no delays in the VATI 2020 project. Service is expected to be delivered in mid-March 2021 with construction to start soon.

Mr. Culp stated that the VATI 2021 projects are still in the challenge process. The deadline for any challenging is midnight September 23rd. Mr. Culp noted that no challenge had yet been submitted.

Mr. Culp stated that it was unknown if increased funding would be available from the State.

Mr. Walsh noted that a challenge to the VATI 2021 application was expected.

Mr. Culp stated that about 220 to 250 of the proposed connections may be challenged.

Agenda Item No. 6b CARES Act and CRF Update

Mr. Culp stated that the CARES Act is consuming a lot of time and County resources. Some of the available funding will be used to get some support.

Agenda Item No. 7 New Business

Agenda Item No. 7a ABBA Financial Report

Mr. Henry stated that he is working to develop a report that provides detail about the money that has been spent and the forecast for future spending.

Agenda Item No. 7b ABBA 3rd Quarter Calendar Year 2020 Report to the Board of Supervisors

Mr. Henry suggested that more information be included about CARES Act involvement.

Mr. Fritz suggested that the reports to the Board of Supervisors include a running tally of the projects approved.

Agenda Item No. 8 Closed Session

Mr. Walsh **moved** that the Albemarle County Broadband Authority go into a closed meeting as authorized by the Virginia Freedom of Information Act, section 2.2-3711(A) of the Code of Virginia under:

- Subsection 6 to discuss and consider:

The investment of public funds for broadband deployment within a public utility's service area in the County, where bargaining is involved and where, if made public initially, would adversely affect the financial interest of the Authority and Albemarle County; and

- Subsection 29 to discuss and consider:

The award of public contracts involving the expenditure of public funds and discussion of the terms or scope of such contract where discussion in an open session would adversely affect the Authority's bargaining position or negotiating strategy;

- Subsection 39 to discuss and consider:

Information subject to the exclusion in subdivision 3 of Virginia Code Section 2.2-3705.6 related to economic development, such information being confidential proprietary information.

Specifically, the Authority will discuss and consider

1. potential future broadband development partners and terms of partnership with Firefly, Comcast, Verizon, Shentel, CenturyLink, BRWS successor in interest, and any other broadband service provider willing to expand broadband access to Albemarle County residents and businesses; and
2. existing and future contracts with CenturyLink.

Ms. Palmer **seconded** the motion.

The motion was **approved** unanimously.

Mr. Walsh **moved** that the Broadband Authority certify by recorded vote that to the best of each Director's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the Closed Meeting were heard, discussed, or considered in the Closed Meeting.

Ms. Palmer **seconded** the motion.

The motion was **approved** unanimously.

Agenda Item No. 9. Adjourn

With no other business before the Authority, Mr. Walsh adjourned the meeting at 6:18 PM.