

City of Elko)
County of Elko)
State of Nevada)

SS July 13, 2021

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, July 13, 2021. The meeting was held in the council chambers, 1751 College Ave., Elko and via GoTo Meeting.

This meeting was called to order by Mayor Reece Keener. The public can participate in person, by phone, tablet, laptop, or computer by registering with the GoTo Meeting link provided in the agenda. Questions can be sent to cityclerk@elkocitynv.gov.

CALL TO ORDER

ROLL CALL

Council Present: Mayor Reece Keener
 Councilwoman Simons
 Councilman Chip Stone
 Councilman Clair Morris

Council Absent: Councilman Bill Hance

City Staff Present: Curtis Calder, City Manager
 Scott Wilkinson, Assistant City Manager
 Kelly Wooldridge, City Clerk
 Candi Quilici, Accounting Manager
 Jan Baum, Financial Services Director
 Susie Shurtz, Human Resources Manager
 Dennis Strickland, Public Works Director
 Dale Johnson, Utilities Director
 Cathy Laughlin, City Planner
 Jim Foster, Airport Manager
 Ty Trouten, Police Chief
 Dave Stanton, City Attorney
 Bob Thibault, Civil Engineer
 Michele Rambo, Development Manager
 James Wiley, Parks and Recreation Director
 Paul Willis, Computer Information Systems Coordinator
 Diann Byington, Recording Secretary

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item

on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

Pedro Marin, 1702 Winchester Dr., read a prepared statement on behalf of Justice for Stephanie.

The Justice for Stephanie is a 501c3 non-profit organization that raises awareness and advocates for domestic violence issues. As many of you may know, Stephanie Gonzales was murdered here in Elko on June 25, 2011, by her estranged husband, and left three kids behind. Later that same year in September, Stephanie's Last at Bat Softball Tournament was established as a fundraiser for her children. It quickly became one of the biggest softball tournaments in our region. All of the proceeds from the first year's tournament went to benefit Stephanie's children. In 2012, Stephanie's family was told that the tournament would be changed to a memorial tournament instead of a benefit tournament. So all team and player fees would be going to the City of Elko. But her family was given the option to sell beer and raise money in that aspect. This went on for about 5 years. The money that was being raised from beer sales and raffles for the years of 2012, 2013 and 2014 all went towards a reward fund for the capture of Stephanie's murderer. Stephanie's family was also told by the City of Elko throughout all those years that they were not allowed to sell food at the tournament as it would be competing with the City of Elko's concession stand. It should also be noted that the City of Elko has never donated any portion of concession sales to Justice for Stephanie or even offered to do so. In 2015, many of the teams and players found out that all of the fees weren't going to Stephanie's family or the Justice for Stephanie cause, which they thought they were supporting, but rather to the City of Elko. This obviously angered many of the players, especially the ones that drove in from out of town, and the tournament suffered in its participation. In 2016, Justice for Stephanie was formed as an official 501c3 and formed a board of directors and mission plan. In 2017, the Justice for Stephanie organization entered into an agreement with the Elko Adult Softball League to have them take over the Justice for Stephanie Softball Tournament rather than the City of Elko. As part of the agreement, Elko Adult Softball would be donating all proceeds from the tournament to Justice for Stephanie once their expenses were covered. At this point, Justice for Stephanie was not allowed to sell any food, just the beer sales. In 2018, we were told by the City of Elko that we could sell breakfast burritos in the mornings and the City's concession stands would open up around lunch time, but again, none of the proceeds from the concession sales would benefit Justice for Stephanie. All of the proceeds from the breakfast burritos went straight to the Justice for Stephanie organization. Plus, all of the ingredients were donated by local businesses, as well as, the concession trailer that was used to sell them. In 2019, we were told by the City of Elko that we would be allowed to do full concessions for the entire tournament since we had access to a fully functional food trailer and a licensed food establishment that was willing to do it. When I was contacted by that food establishment a few weeks prior to the tournament about what they needed to order, he contacted the City Parks and Recreation Department to make sure we were still planning on not opening the concession stand and we would be handling it. I was told no, we would still have it open but let's just stick to what we did last year and sell breakfast burritos in the morning and we will still open up concessions around lunch. So we agreed to that. On that Saturday morning, around 7am, as we were preparing the trailer and burritos, to our surprise, the City of Elko was opening up the concession stand. So we opted to not sell breakfast burritos the next day because of the amount of work and money that went into it. Another thing to point out is all of those funds from the burritos would have gone straight to Justice for Stephanie, as all of the

ingredients were donated by local businesses. But in this case, all of the concessions sold by the City concession stand went to the City of Elko. When the City of Elko's Parks and Recreation Department was asked on why the concession stand was opened in the morning when our agreement was that we would sell breakfast burritos and the City would do lunch, the response that we received was that this was our biggest tournament and this was, quote/unquote, our cash cow. This obviously upset us as the whole purpose of this tournament is to help raise awareness and funds for the Justice for Stephanie organization's future goals. Furthermore, it also made many, including the entire board, feel as if Stephanie's name, cause and tournament were being exploited for financial gain by the City of Elko. In 2020, with the COVID 19 crisis happening, we weren't sure if we would be able to hold Stephanie's tournament. A mitigation plan was put together and approved to hold softball tournaments, baseball tournaments, etc. The Justice for Stephanie board constantly checked for updates throughout the summer to make sure that we were still okay to hold the tournament in September and we were always told yes. As stated before, a big portion of the fundraising comes from the beer sales, especially since for many years is was the only thing we were allowed to do. Approximately three weeks before the tournament, we received a call from the Elko City Parks and Recreation Department advising us that it would probably be good idea to not sell beer because then we would have to get a beer license or possibly come before the City Council. This saddened our board president, whom was also Stephanie's mom, since she had worked so hard over the years to get the beer sales up. We all decided it was the right thing to do in order to not jeopardize if we could have the tournament or not. In the following weeks, interest and participation for this tournament was rapidly growing. When all was said and done, we had a total of 58 registered teams, 36 of which that were out of town. And we could have easily had over 100 teams if we had enough space and brackets for it. So it came as a huge surprise when we were contacted by the City of Elko on Tuesday, September 8, 2020, that we could not hold the softball tournament. We were approved to hold our 9-11 tribute that was planned for Friday night, and a Saturday night candlelight vigil but not the tournament. It came as a very big surprise to all of us as we had done everything by the book but yet our even could not happen and two other local events with thousands of attendees were allowed to operate at the same time and in the same vicinity. So the board canceled the tournament and instead held a peaceful protest. The 9-11 tribute and the candlelight vigil went on as planned and the community loved it, including some members of this board. The Justice for Stephanie board is extremely disappointed in the handling of this situation as we were only contacted by one City Council member offering to try and help in any way that he could. And they would like to thank him for that. It is for these above reasons and many others that the Justice for Stephanie Board board of directors held an emergency meeting and voted unanimously to relocate the Justice for Stephanie softball tournament to the City of Sparks, Nevada. The board would like to thank the City of Elko's Parks and Recreation Department and all their staff for everything they have done over years to help this tournament be a success. We know that many of them volunteered much of their time and efforts for this great cause. Justice for Stephanie is open for discussions about the possibility of bringing this tournament back to Elko, but at this point our board feels that this is the best decision and in the best interests of the Justice for Stephanie organization. On April 4, 2021, we unfortunately lost the founder and president of the Justice for Stephanie organization, Lydia Cortez. Lydia loved her little Elko, as she called it, and would literally scold you if you spoke negatively about Elko. When this decision was made, she was very sad and upset but was also in complete

agreement with it and extremely disappoint with the City that she loved. We would like to reiterate that we are open to discussions on bringing this tournament back to this community, as it is growing every year and would benefit our entire community and Lydia's little Elko. Thank you, respectfully, the Justice for Stephanie, Board of Directors.

He stated he covered everything that he wanted to say. He was extremely disappointed with the way that this was handled, especially when there was a huge car show going on and a huge rodeo going on right across those streets from the event they had going on. He literally had a board member come and shake his hand and tell him how great of a job he did on the 9-11 tribute and then an hour later we were shut down. He is disappointed in that. We do want to continue to do things in Elko but at this point in time, the statement covered that.

Mayor Keener thanked Mr. Marin for his statement. He brought up some serious allegations that staff will look into. He didn't know what the arrangements were and was not on the board when it was first established. That is why we have public comments, to keep government transparent and accountable to people. If people have a beef, this is the format for that. That will be looked into and from their perspective right now, he didn't blame them for taking it to Sparks, however, the public needs to remember there is an alternative perspective on this.

Chantry Harris, 664 Bluegrass, Spring Creek, Elko Adult Softball, read a statement.

Elko Adult Softball has established a great partnership with the Justice for Stephanie Foundation and especially Lydia Cortez. We have made a commitment to honor Lydia's decision over the years and have no choice but to honor her latest wish for the tournament to grow in the State, region and beyond, to spread Stephanie's story in hopes of saving domestic violence victims. This is not to say that Stephanie's tournament won't come back to Elko, but for now it will be played in Golden Eagle Regional Park in Sparks.

She wanted it known that the softball league does back Lydia's decision. They respect that. They did work very hard to make sure the tournament actually benefited the Stephanie Foundation. Going forward they are going to try work some Stephanie Foundation things into their tournaments. We do have their back on that.

Eva Owsian, Osino, wondered if we could update the City of Elko's website to show the requirements for anyone wanting to start a business. Right now that isn't the case. It would be a lot easier if the website listed what businesses are allowed or not allowed.

Lee Hoffman, 1085 Barrington Ave, said, since the City's website has been updated, it is hard to find the City of Elko doing a search online.

Kelly Wooldridge, City Clerk, said she was in the process of updating the website. We are phasing out the ci.elko.nv.us website address.

APPROVAL OF MINUTES: June 22, 2021 **Regular Session**

The minutes were approved by general consent.

I. PRESENTATIONS

- A. Reading of a proclamation by the Mayor recognizing August 3, 2021, as National Night Out 2021, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Mayor Keener read the proclamation.

Chief Trouten said it starts at 5:00pm and ends at 8:00pm. He invited everyone to come out and meet the first responders and eat some hot dogs and hamburgers. We could not hold this last year and hoped to see everyone this year.

III. PERSONNEL

- A. Employee Introductions:

- 1.) Miranda “Mandy” Dela Vega, Human Resources Coordinator, Human Resources
Present and introduced.
- 2.) Laura Richardson, PT Code Enforcement Officer, Community Development
Present and introduced.
- 3.) Treg Butterfield, Laborer, Water Department
Present and introduced.

VI. NEW BUSINESS

- B. Review, consideration, and possible authorization for Staff to draft an agreement or supporting document with Bird Rides, Inc. for a stand up electric scooter business throughout the community, and matters related thereto. **FOR POSSIBLE ACTION**

Bird Rides, Inc. has reached out to the City of Elko with a proposal of an electric scooter business in the community. The initial agreement would be an eighteen-month trial period to get a better understanding if the business model works for our community. The initial agreement will require City Council approval. CL

Cathy Laughlin, City Planner, explained the request.

Mike Butler, Bird Rides, Inc., gave a presentation (Exhibit “A”).

Mayor Keener said his main concern was public safety. We are not used to seeing bicyclists and scooters out after dark. He suggested an orange safety vest. Do other communities add requirements such as that?

Mr. Butler answered the scooters are street legal and they have lights on them.

Councilman Stone said he is a big fan of the scooters. He rides them a lot. He has never seen a bad issue about them. The critical piece here is having the local manager monitoring and servicing the machines.

Councilwoman Simons said she has seen these in several communities. You see them in random places sometimes. She liked the idea of an 18-month trial period.

Councilman Morris liked the idea and wanted to give it a try.

Councilman Stone asked about the disclaimers for injuries.

Mr. Butler said a lot of the risk will fall on the shoulders of the rider. The only time you would see the City involved is when someone would reach out to the City regarding a pothole, maybe 500 times, but the City ignored the issue and then a rider fell into that pothole. He's never seen this happen but hypothetically, it can be an issue. The riders have to sign a waiver in the user agreement that they assume the risks.

Chief Trouten thought the determinate factor on this would be if the public can use this in a responsible manner or not. He would have some issues during staff meeting to determine where the scooters could go and not go.

**** A motion was made by Councilman Stone, seconded by Councilwoman Simons, to approve the concept of scooter service in Elko and authorize staff to work with Bird Rides Inc. and the City Attorney on developing an agreement for a trial period of 18 months.**

The motion passed unanimously. (4-0)

VII. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible adoption of Resolution No. 17-21, a resolution of the Elko City Council finding that it is in the best interest of the City of Elko to sell a 15.37-acre parcel, APN 001-01A-024, to the United States of America pursuant to NRS 268.061(1)(e)(2), restricted to the public purpose of a Veterans Cemetery, and matters related thereto. **FOR POSSIBLE ACTION**

On January 14, 2020, City Council approved an access agreement between the City of Elko and United States of America, by and through the U.S. Department of Veterans Affairs to provide access for a due diligence process in anticipation of the United States purchasing the property for use as a Veterans Cemetery. That process included obtaining an appraisal, which has since been received and is pending City Council acceptance under the Public Hearings portion of this meeting. The adoption of Resolution 17-21, which restricts the use of the property to public use as a Veterans Cemetery and which finds that the sale will be in the best interest of the City, is required if the City wishes to dispose of the property without complying with the requirements of NRS 268.059, 268.061 and 268.062. CL

Cathy Laughlin, City Planner, explained we have been working on this for a few years. We finally got word back from the VA that they are interested in purchasing property from the City and not

the County property. We have three steps to go through tonight. The first step would be this Resolution, determining that it is in the best interest of the City of Elko. If this is approved, then we will move to the public hearing regarding the fair market value of the property.

Larry Hire, 245 Ash Street, VFW, said we want this and we want this done. He was confused. He asked if anyone has spoken to the VA regarding the purchase of the BLM land.

Scott Wilkinson, Assistant City Manager, answered the VA had settled on this property. He was not aware of any activities out there trying to move that other property forward.

Mayor Keener thought the word came from the Senator Cortez's office regarding this purchase. This is something staff has been working on for years.

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to adopt Resolution No. 17-21.**

The motion passed unanimously. (4-0)

VI. NEW BUSINESS (Cont.)

- G. Review, consideration and possible direction to Staff regarding the drafting of two (2) possible resolutions in support of various COVID related issues previously addressed by Lander County and the Elko County School District, and matters related thereto. **FOR POSSIBLE ACTION**

Recently, Lander County and the Elko County School District have taken formal positions regarding various COVID related issues, ranging from vaccine passports, vaccine status, mask mandates, and mandatory immunizations. Copies of Lander County Resolution 2021-12 and the ECSD Letter to Governor Sisolak have been included in the agenda packet for review. CC

Curtis Calder, City Manager, explained the item. There needs to be some discussion and input from the public regarding what we will be drafting if anything. We don't have resolutions drafted at this point and staff is looking for direction.

Mayor Keener said County Commissioner Rex Steninger drafted a resolution that will be introduced at the county meeting on Wednesday. The county runs public health and it is appropriate that they do this. He thought everyone on the board was in agreement with this. He wanted to see what the county comes up with and then the City write a letter in support.

Lee Hoffman, 1085 Barrington Ave., read a statement (Exhibit "B").

Janine Hansen, 6556 Coal Mine Canyon Drive., Nevada Families for Freedom, stated she has been working on the vaccine issue for over 40 years. Her daughter received a vaccine and as a result of that she had a seizure and quit breathing. She became interested in the issue of vaccines. She has worked with Senator Rossin from Las Vegas when they were able to pass a law at the legislature to provide for exceptions for children going to school for medical reasons and religious reasons. This issue of maximum vaccine freedom of medical choice is extremely critical. She understands the issue of Dylan's Law regarding the counties or creations of the state, however, the City is our

first line of defense and she thanked them for doing this. It takes a lot of courage in the political atmosphere right now to be willing to even listen to this. We appreciate that. She read through the Lander County Resolution and was astounded it was so good. She couldn't believe how many of the critical issues regarding the threat of vaccine passports are covered in the Lander County resolution. She was so impressed with it. One of the things it talks is our freedoms and concerns under the Nuremberg trials. It also talks about how the Supreme Court said how separate but equal is not acceptable anymore. It talks about the fact that right now the vaccines have not been accepted, except as in an emergency measure. The problem is we could anticipate that they would do that. We still need to be protected with choice, medical choice, as to what we will do in determining what individual responsibility we have. We should not be required to have any kind of a vaccine passport. One of the statements in the Lander County Decision Resolution is: "While it is discriminatory, coercive and a violation of our inalienable human civil rights for either the government or a private actor to require that an individual to show proof of vaccination to participate in normal society." We encourage you after the County has made a statement to participate in that in some way so that you too are on record for all of us to know what your position is, but also because as she said, you are the first line of defense to protect us from the overreach of the federal government but also the overreach of the state government, which we have had a lot of this year, more than we ever wanted and we are really fed up with the fact that our rights, our concerns, our economy, our medical decisions have been overridden by edicts (not by the legislature but by the governor who did not accept any of the information from the people but who did exactly what he wanted). We compliment you and encourage you to stand up for our rights, for the constitution, not only for the US but the State of Nevada has a wonderful section on the Bill of Rights in the State of Nevada, under Section 1 of the Nevada State Constitution, which she forgot to bring with her but she encouraged all to read it. For instance, on the right to bear arms, it is much better than the federal second amendment. Be encouraged in your courage to do what's right and we will wait to see after the county that you also follow through in endorsing that we don't, in Elko, accept vaccine passports.

Dr. Christy Armbruster, retired pediatrician, 1409 Clover Hills Drive, said she brought to them the Vaccine Passport Resolution by Lander County and she was so grateful it was on the agenda today. She is so grateful for Lee Hoffman for unwittingly collaborating with her. She focused on that one resolution because that is her passion right now. As a pediatrician she did lots of vaccines but this is not a vaccine. It is an experimental agent that is dangerous. The shortest time it took to get a vaccine out before this was seven years because they had to do studies. You cannot fast track long term safety data. Right now we are seeing the short term safety data. We are seeing thousands of deaths. We are seeing illnesses (***(Could not understand the illness she stated***) which do not have treatments. These things are dangerous. We need to make sure we are proactive because we see them trying to go door to door now. We need to have this prohibition/resolution on hand. The county commissioners, the city council, the school board, all of us together saying, no, don't come here. She focused on that one. Lander County actually passed other resolutions before this vaccine passport, including 2012-03 – Removing Lander County from State of Emergency. She didn't know enough legal stuff, if that took away the privilege or powers that the governor has under state of emergency. She didn't know how that works but they passed that resolution and she thought that might be where we need to start to move on. She just wanted to bring that to their attention that it happened. She also has two other points. Masks are ineffective. Her husband worked in an operating room for 15 years. The AORN guidelines say you cannot use a mask for more than 2 hours because your breathing makes it saturated and any viral particles are going to go past. And that is if you have the proper mask, if it's fit properly and none of our masks do that.

They are ineffective. We also know, because we are 18 months into this, that a-symptomatic spread is not happening. We also know that when kids get the virus they don't need treatment so there is no reason for them to need the injections. She wanted them to know from the medical side, we don't need to do this. The other one, we talked about the injections are experimental. She thanked council for hearing the concerns and she understands the logistics even if she didn't understand the law stuff. She offered to help with collaboration.

Nichole Sirotek, 855 Country Club Parkway, said please do not stop by anonymously. Please call before you stop by. It is dangerous on your part. She is a registered nurse and has been for 10 years. Her specialty now, since she is unable to be employed in the healthcare field in our county, is literally saving the world. She goes country by country, mostly Spanish speaking countries. Most recently Canada and India, and she will most likely end up in Qatar because they need assistance with their COVID role out there. The interesting thing is that they don't need help with their vaccinations. What they need help with is early intervention. There seems to be a complete lack of early intervention anywhere inside this community because our doctors like to prescribe OxyContin for COVID. She has seen it multiple times and she didn't know what they are expecting that to do. And then they tell you to come back for a chest x-rays every day, milking your insurance, which, by the way is fraud. She was really glad to see that we are moving on this vaccine passport because it has been a herculean effort, as you have said in your article of May 24th to stop this because it is a violation of our civil liberties. She lives in Nevada and not Commifornia or New York. She lives in rural Nevada for a reason. She finds it a little concerning but she was glad that Mayor Keener got in the right side of history because he was saying that there was a glaring noticeable exception. Some parents of students in the Elko County School District are rebelling against health guidelines and a petition is circulating, calling for the ousting of the superintendent. Who is next? The trustees? Anyone that gets in the way of us protecting the people of Elko and the children, and denying mothers the right to protect their children, will be ousted as well. If you heard the term of draining the swamp, familiarize your term with culling the herd. There was a lot more behind the superintendent thing that they should probably look into before they are called out as a rogue parental group. She encouraged council to side with the county commissioners and vote against the vaccine passport and protect our civil liberties because she believed we voted council in to protect the people of Elko county. She really encouraged them to move forward with protecting the people of Elko county and protecting the children. The rest of us are standing here and fighting it. She knew council told them to stand strong and stand down and carry on but she assured them they will stand strong, stand up and if you don't want to inherent the same headache that the county commissioners did and the school board did, we should really streamline this to getting it approved to protect our citizens. Thank you.

Eva Owsian stated she is one that cannot have the vaccine. It will literally kill her if she gets it. There is not being enough said. There is a lot of us that simply cannot have it. She would like to see more protection for those that cannot get it. She is not anti-vaccine and has had every vaccine available but this particular one will literally, she will not be able to walk. She just got her walking stuff back since she had some issues. She still has those issues but to get this vaccine, she will be done. Her life will be over. She is asking that they take into consideration that not only is it hurting healthy people but for someone like her that has issues, it will take her whole life away. Not to sound ugly but she might as well be dead if she took that shot. It will incapacitate her and she will not be able to walk. There are no considerations for those that cannot have it. Everybody can't have this vaccine and that should be concerning to everybody.

Christy Atkins, 388 Cedar Street, Elko, said also don't come to her house. She wanted to reiterate what Mr. Hoffman said. She supports that 100%. She also wanted to touch on what Nicole said. The article that you wrote in May was directed to her because at that time it was just her in the Parents of Elko County. She will not stand down. She really hoped that he changed his mind in that situation and his point of view on it. As you can see, that is not going to change. She wanted to note that Biden has implemented his door-to-door vaccine push. It has already started in Florida. The videos are already becoming viral. She didn't know if there was any way council could include that in the vaccine passport prohibition that we are also not going to allow his cronies coming door-to-door and knocking on our houses. That would be appreciated. As far as Mr. Hoffman saying he has been told that it's not here in Elko, we have insurance on our vehicles for a reason. We don't buy insurance for our vehicles because we are hoping to get into an accident. We buy insurance on our vehicles in the case of getting into an accident and we need this. This is also our insurance. It is not here yet. Let's prevent it from happening and if they do try to get it here, we've already got something in place to stop it. Why not get ahead of it?

Mercedes Mendive said she wanted to reiterate a little bit and throw some statistics. She was listening very carefully to what everyone had to say and certainly she agreed with Lee Hoffman and the other speakers but she wanted to point out some facts that were noted on the CDC website. The vaccines alone, to date, between December 14, 2020 through July 6th, the vaccine deaths have been 5,946. That doesn't include the cardiomyopathies or the myocarditis, which are becoming more prevalent in the younger kids who may be forced to take this. This is certainly something she was against. We don't vaccinate our kids because we don't love them. We are cautious and we vaccinate very carefully. Her daughter is fully vaccinated but she didn't wish to vaccinate her out of risk of a non-FDA approved trial medication that is only approved for emergencies only. As the nurse said previously, it does take 7 years to know what types of reactions they are going to have. There are even articles that are suggesting reproductive problems. But moving forward, what she really wanted to say about the vaccine passports is that she thought when we start encroaching on civil liberties, this may be one little civil liberty that people think is not a big deal but we have to ask ourselves, where does this end? If we have vaccine passports, this is no different than the vaccine passports being compared to the holocaust era, where Jewish people were having to wear yellow stars of David to distinguish they were Jewish and therefore beneath the Germany countryman. That is just not appropriate. It is not appropriate to ostracize people who may have had COVID, not once but maybe even twice, and don't need to have the vaccination. To have them ostracized publically or not be permitted into certain businesses because they can't kill this passport. This is outrageous. If we started encroaching on one civil liberty, where is it going to stop? What's next? Somebody knocking on my door asking how many firearms that she owns or... Where does it stop? That is where she is leading with this. We don't encroach on any of our civil liberties for the sake of appeasing the policy makers who really are after something else. She wanted to make that point. She also wanted to point out that between October 1st, 2019 and April 4th, 2020, we had between 39 and 56 million illnesses related to the flu and out of those 56 million illnesses, we had between 410,000 and 740,000 hospitalized, and out of them, there were between 24,000 and 62,000 deaths. This is annually just from the flu but we aren't running around masking our kids causing them to rebreathe the Co2. Her child ended up with this horrific chin infection from the mask because she would breath out and we would change it the next day. We ended up at the doctor's office with a horrible infection on her chin. It was ridiculous. And then to switch her to a shield, she had to take her to a doctor, pay a co-pay and then ask that her daughter wear a shield and have them fax it to the school. This is getting ridiculous. People are losing their minds. We have to start thinking logically as opposed to these knee jerk reactions that part of

our community seem to have. It is outrageous. With that being said she wanted to close with that but also thanked them for standing strong with the community and not supporting the vaccine passport. It is outrageous and intended to ostracize and shame people and strong-arm them in getting the vaccination so that they are not ostracized. It is not okay and is not appropriate. It is the mob mentality and it is not acceptable.

Robert Marr, Spring Creek, thanked the City Council for having the courage to hear the citizens about this topic. He knew it is a very debatable topic but he thought it behooves us all to hear the perspectives. He agreed with all the prior speakers. One thing that came out recently, this is the door-to-door programs, there was a government document labeled The Community Health Ambassador Outreach Door Knocking Project in Lake County, Illinois. The volunteers are told to violate no-soliciting restrictions and illegally trespass onto private property. They are to impersonate health department officials in an attempt to intimidate building managers in consenting them to allow them to go door-to-door. They lie to the public and falsely claim that COVID vaccines are safe and we all know that the vaccines are only released under emergency use only. It is against the Nuremberg Code to have someone take this vaccine. This vaccine is actually a shot MRNA that turns on a spike protein in our body which causes blood clotting and inflammation and myocarditis. People are not being told the truth about the health ramifications. His mother was recently diagnosed with two brain lesions shortly after she got the vaccination. In his opinion there was a direct correlation. She has been in nursing and doesn't see that. All he can do is put his heart out towards her. These door-to-door programs will clear buildings in a military fashion, going floor-to-floor, wing-by-wing, making sure that they document every resident at that location that has a vaccine and who doesn't. Now who is going to use that information and how is that information going to be used? It's going to be put into a database for use by the government because they want to keep pushing. The very system that reports vaccine accidents/deaths, reports over 9,000 deaths (just in the U.S.) following COVID vaccinations. In the truth, none of these COVID vaccines are FDA approved and all of them have been linked to hospitalizations, deaths, and a long lists of side effects, including myocarditis, heart attacks, strokes, blood clotting, tremors, neurological problems and more. These vaccinations are in direct violation of medical ethics and overwhelming science. This document tells the strike force team members to commit fraud and tell people that their own natural immunity doesn't work and only vaccines can provide safety. That is fraudulent, deceitful and dangerous. Since this COVID pandemic has been established its presence, governments will use readily, this template for other campaigns of coercion and intimidation and will almost certainly include mandatory quarantine efforts where people are dragged out of their private residences and swept away for forced immunizations. All it will take is one more COVID variant emergency, the Delta Variant. What was the mortality rate for this COVID infection? They survived 99.9% of the time. So why are we all being forced or coerced nationally to take a vaccine against our own private medical choice? Some topics from recent papers: The Toronto Sun, a mainstream media outlet in Canada, has documented the existence of forced COVID vaccine operations there. A person was flying in to Toronto. On Tuesday he was told when he arrived at the airport to get the vaccine or go to jail. He was escorted on the shuttle bus from Pearson to a nearby Radisson Hotel and he was not allowed to leave his room. There is a guard at the end of the hall. From Fox News, New Zealand sets up mandatory quarantine camps for COVID patients. From the Associated Press in early 2020, Australia defends the plan to create island quarantine camps. From the Wall Street Journal, Australia considers new COVID-19 quarantine strategy outback isolation. During the import of new coronavirus strains, one state wants to repurpose remote camps designed for resource workers. In Canada, the government is paying private companies to essentially kidnap and imprison people

against their will. This is from HealthFreedom.news. Investigation: paying private companies to imprison workers in COVID camps against their will. Even USA Today, who is a big mouthpiece for big pharma, CDC and the WHO, tried to fact-check claims about quarantine camps and they confirm that they are real. The claim is that the US Military has approved COVID-19 quarantine camps that will access personal information and be monitored by militarized CDC police. He urged Council to follow Lander County's direction. He understood there are regulations but you have to do the right thing for the people of Elko, Elko County and Spring Creek. They are your relatives and your children.

Mayor Keener asked if there was anyone else wishing to speak. After no response, he closed public comments. He thanked everyone for their comments. He took a few notes during the time. This is the time to where we just open it up for board discussion. One of his initial thoughts is that we do need to draft a letter of support for the Elko School District Board of Trustees letter that was sent out to the governor. A motion should include that and he discussed earlier about waiting to see what happens with the County Commission, with their resolution. We can have that as a topic at our next meeting as well. One thing he did not recall being addressed is the door-to-door campaign. He definitely didn't think people in Elko want Big Brother knocking on their door encouraging them to either get vaccinated or provide information to them on that. He thought those were things that should be looked at. He asked Dave Stanton if he had any recommendations at this time.

Dave Stanton, City Attorney, answered in terms of the way the item is agended, it leaves it open to the Council to take some action. The Mayor said to draft a letter of support for the Elko County School District letter. That sounds like a reasonable motion to him.

Mayor Keener said he was on board with that. The motion could include consideration of a letter of support for the, or also for the... Maybe not say letter of support since we need to look at it first, what the county comes up with. So our next meeting should be agendized to have a conversation about that.

Councilwoman Simons said she actually had an idea. So we may not even have to wait. It had been discussed. We have a vision and a mission and there are a million topics out there that the City could address, but we have been selective on what we focus on and we are not over the Health District. That is the County. This is just not something that she felt, if we are focusing on our vision and mission, that we need to weigh in on. It's just not our purview. She has many personal positions related to this that may be received with clapping or following her home and taking her out back. She didn't think that was something they needed to get into. She wondered if, perhaps, if everybody is in agreement, that the motion needs to be to maybe have Dave and Curtis sit down and draft a letter stating very simply and generally speaking, that we do not support vaccine passports and we are wholly in support of a person's choice to be vaccinated or not. Thankfully that exists in Elko County at this time. Then we can forward that letter on to the County so that when they are making their decision, they will know ahead of time where we stand and then we can also forward that on to the school district so if they want to include that with their letter to the governor, they will have that ability. She thought that would be useful without us getting into areas that are not really within our purview. Again, it was up to the members of this board.

Councilman Stone said he would always vote against vaccine passports. No one is going to force him or anyone he knows or cares about to get a vaccine. It's not right and we need to take a stand

on that. No one is welcome to knock on his door that wants to give him a shot or vaccine. The other thing that concerns him is that he doesn't think it is appropriate, and it better not happen, is going to our schools and offering our children the vaccines without the parents' consent. There is too much overreach going on and we need to do that. He will be supporting the County in what they are doing and he thought we needed to support them with that letter, once we see that at their meeting, and have them know that we also take a stand with them. It doesn't have to be a passive letter. It needs to be yes, this is what we are doing and this is what we stand for. Unfortunately, everything we do gets tied to that. We start accepting money and it ties us to this and they tie us to that. It's getting scary. Yes, we need the funds. It doesn't have to be aggressive to the point of banging the table and trying to make everyone hate us from here to Washington. It needs to be strong and have teeth to know this is where Elko City stands, as well as Elko County.

Councilman Morris said he is looking forward to reading the letter the County is drafting and hopefully we will come up with something similar. He is in support of the school board and what they are trying to do. He grew up here and went to Elko High School, Grammar, Kindergarten and the whole works. Having said that, he was concerned if the governor is going to read it, if he can read, and what will he do to act on it. He hopes he acts on it. If we get enough support between School Board, City Council, County Commissioners, maybe that voice will be heard. He thought that might be the only shot we have. There is nothing worse than sending correspondence to Carson City and not getting a response back. That might be where we are headed and hoped that wasn't the case. He hoped there was enough voice between the City, County and School Board that someone will pay attention to it. At least read it and act on it.

Mayor Keener agreed with everything that the board members have indicated. He thought they were all in solidarity on this issue. He was glad to live in a rural community that doesn't just roll over and do what the government tells them to do. With that, he asked if Councilwoman Simons had a motion.

Councilwoman Simons said she could make one but it sounded like the other members may be more aggressive with theirs.

Mayor Keener asked if Councilmembers Stone or Morris wanted to try.

Councilman Stone said he was trying to think how to word a motion.

**** A motion was made by Mayor Keener to direct Curtis to draft a letter to Governor Sisolak, a letter in support in regard to the Elko County School District Board of Trustees letter, indicating that we are behind them. Also, he would like to see some type of a prohibition on door-to-door canvassing for vaccination issues and have it agendized on the next meeting to evaluate the resolution that the Elko County Commission will be considering at their meeting on Wednesday.**

Councilwoman Simons asked, you want us to send a letter of support just to the School District.

Mayor Keener answered, no the Governor.

Councilwoman Simons said, to the Governor, in support of the School District, but then just wait and see what the County decides, if anything, about the vaccine passports.

Mayor Keener said we will have that to evaluate on our next agenda. We really need to do something about a prohibition of door-to-door.

Councilwoman Simons thought it would have to be in general against door-to-door. It would have to be against security firms and politicians and all those, which nobody likes those people.

Mr. Stanton stated we are putting this is a form of a letter to the Governor so it can be a statement of opposition and we can make it fairly broad.

Mayor Keener agreed, **a statement of opposition to door-to-door and prohibition of passports as well.**

Councilman Stone wanted to include that our children are not given vaccinations without parental consent.

Mayor Keener asked if that item was covered in the Elko County School District letter.

Councilman Morris said he didn't read that, no.

Councilwoman Simons answered no. It says a possibility of mandatory. She thought that was a law right now but whether or not people uphold it.

Councilman Stone said by going in our schools and saying we are doing shots today, does anyone want one? That was his concern.

Councilman Morris said he doesn't live in Clark County, Nevada.

Councilman Stone said those are the three bullet points he would like to see. Then he is good.

Mayor Keener said this is getting longer than he anticipated. **We also want to include the prohibition against vaccination of kids within the schools of the COVID vaccination.**

Mr. Stanton asked, without parental consent, right?

Councilman Stone answered, without parental consent, that's right.

Mayor Keener said that was his motion and asked for a second.

Councilman Stone seconded the motion.

The motion passed unanimously. (4-0)

Mayor Keener said he would work with Dave and Curtis on getting something drafted. There were some threats from some of the speakers, and we are a community here. As Councilmembers, we strive to be responsive to members of the community. He has made himself as available as possible. Threats do not go over really well and that is what he heard tonight, threats. This Council is committed to serving to the best of their ability and it really stinks to have a threat put out there

like that. Know that you have their attention. You didn't have to ask twice to have this item on the agenda. The board will be responsive to the community going forward.

Lee Hoffman thanked the board for taking this on. The more voices the better. He said everyone present should write their own letter and send it to the Governor's office.

VIII. 5:30 P.M. PUBLIC HEARINGS

- A. Public hearing to determine the fair market value of approximately 15.37 acres of City-owned property located generally southeast of the intersection of Jennings Way and Rocky Road, APN 001-01A-024, in anticipation of a possible sale of the property to the United States of America, for and on behalf of the Department of Veterans Affairs, for public use as a Veterans Cemetery, and matters related thereto.
FOR POSSIBLE ACTION

The City Council, at its January 14, 2020 meeting, approved an access agreement between the City of Elko and United States of America, by and through the U.S. Department of Veterans Affairs for a due diligence process in anticipation of the United States purchasing the property for public use as a Veterans Cemetery. That process included obtaining an appraisal to determine the fair market value of the property. The appraisal, prepared by Valbridge Property Advisors, has since been received; according to the appraisal, the fair market value of the property is \$900,000.00. CL

Cathy Laughlin, City Planner, stated she was there to answer any questions. A copy of the appraisal was included in the packet for review.

Mayor Keener called for public comment without a response.

** **A motion was made by Councilman Stone, seconded by Councilman Morris, to accept the fair market value as determined by the appraisal and adopt Resolution No. 16-21.**

The motion passed unanimously. (4-0)

- B. Second reading, public hearing, and possible adoption of Ordinance No. 863 amending Elko City Code Title 9, Chapter 6 (Illegal Discharge and Connection to Stormwater), Chapter 7 (Construction Site Runoff Control), and Chapter 8 (Postconstruction Runoff Control and Water Quality Management), and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko Stormwater Program was audited by the Nevada Department of Environmental Protection and the Environmental Protection Agency in August 2020. One of the findings of that audit was that current enforcement regulations were lacking in both clarity and implementation. As a result, the audit report required the City to update its Stormwater codes with enhanced enforcement procedures. Other modifications have been proposed to clarify existing policies and procedures. MR

Michele Rambo, Development Manager, stated they have not received any comments since the first reading.

Mayor Keener said he reached out to a former council member that went through it and had some concerns but after going through it further, he had no concerns with it. He called for public comment without a response.

**** A motion was made by Councilman Morris, seconded by Councilwoman Simons, to adopt Ordinance No. 863, amending the Elko City Code Title 9, Chapter 6 (Illegal Discharge and Connection to Stormwater), Chapter 7 (Construction Site Runoff Control), and Chapter 8 (Postconstruction Runoff Control and Water Quality Management).**

The motion passed unanimously. (4-0)

VI. NEW BUSINESS (Cont.)

A. Review, consideration, and possible approval of an Offer to Sell Real Property agreement between the City of Elko and The United States of America, for and on behalf of The Department of Veterans Affairs, for the purchase and sale of a parcel of land consisting of 15.37 +/- acres referred to as APN 001-01A-024 in the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

City Council has on the same agenda Resolution No. 16-21 accepting the fair market value of the referenced parcel as well as Resolution No. 17-21 finding that it is in best interest of the City to sell the property to The United States of America, for and on behalf of The Department of Veterans Affairs for public use as a Veteran Cemetery without offering the property to the public. CL

Cathy Laughlin, City Planner, explained this agreement will be the final document that we will open escrow up, if approved. Mr. Stanton was in agreement with all the changes that have been made to the agreement and it is ready for approval.

Mayor Keener called for public comment without a response.

**** A motion was made by Councilman Stone, seconded by Councilwoman Simons, to approve the Offer to Sell Real Property Agreement between the City of Elko and The United States of America, for and on behalf of The Department of Veterans Affairs.**

The motion passed unanimously. (4-0)

IV. APPROPRIATIONS

G. Review, consideration, and possible authorization for the transfer of ownership of Elko Police Department's Canine Xena to her handler, Corporal Jason Checketts in exchange for the adoption fee of \$85.00, and matters related thereto. **FOR POSSIBLE ACTION**

Elko Police Dog *Xena* is a six (6) year old Belgian Malinois who was assigned to Canine Handler Corporal Jason Checketts. Due to some behavioral issues and the extreme amount of time it would take to assign her to a new handler, and the risk of not being successful, I feel it is in the best interest of the City of Elko, and Canine *Xena*, to transfer ownership of this highly trained Police Dog to her current handler. Corporal Jason Checketts desires to purchase *Xena*.

Canine *Xena*'s selling price was determined by using the amount set for dog adoptions at the City of Elko Animal Shelter. TT

Chief Trouten explained this has come up several times over the years as we have to retire canines from the program. *Xena* still has usable service life, however, the issue is that she is 6 years old and has been with the same handler who has raised her from a puppy. The bond between handler and canine is strong. It is not always effective to transfer a canine to a new handler. He asked for the ownership to be transferred to Corporal Checketts.

Jason Checketts, Police Corporal, said he has had the canine since she was 9 weeks old. He is very attached to her too. It would weigh heavily on the dog and his family for her to be transferred to a new handler. She has provided a great service to the City over the years.

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to authorize the Elko Police Department to transfer ownership of canine Xena to Officer Jason Checketts in exchange for the adoption fee of \$85.**

The motion passed unanimously. (4-0)

BREAK

- F. Review, consideration, and possible authorization for Staff to purchase a new Caterpillar Motor Grader Model: 120LVR from Cashman Equipment Company through Sourcewell Purchasing in the amount of \$252,421.00, and matters related thereto. **FOR POSSIBLE ACTION**

This purchase was approved in the FY 2021/22 Budget. DS

Dennis Strickland, Public Works Director, explained this is another Sourcewell purchase. A representative was present from Cashman if they had any questions.

Mayor Keener called for public comment without a response.

**** A motion was made by Councilman Stone, seconded by Councilwoman Simons, to authorize staff to purchase a new Caterpillar Motor Grader Model: 120LVR from Cashman Equipment Company through Sourcewell Purchasing, in the amount of \$252,421.**

The motion passed unanimously. (4-0)

- J. Review, consideration, and possible action to approve an Alternative Measures Agreement between the City and Dan G. Beitia and Gerri L. Howard regarding City

financial participation and cost sharing in the drilling of a new and deeper well and abandoning the existing well on the Beitia property to protect the City's interest in the ongoing utilization of City Well #43, including a finding by the Council of a public purpose in this action, and matters related thereto. **FOR POSSIBLE ACTION**

NRS 534.110 (5) b. states, “*...the State Engineer shall include as a condition of the permit that pumping water pursuant to the permit may be limited or prohibited to prevent unreasonable adverse effects on an existing domestic well located within 2,500 feet of the well, unless the holder of the permit and the owner of the domestic well have agreed to alternative measures that mitigate those adverse effects.*”

The Beitia well water level has decreased from 100' to 160' below ground surface in the last several years and is currently near the bottom of the well. Multiple factors play into this equation including several years of drought, additional new domestic wells being drilled in the vicinity, as well as the pumping of City well #43 which is located approximately 1200' away. In accordance with NRS, Staff has developed the attached Alternative Measures Agreement to prevent the limiting or prohibition of pumping of City Well #43 which is needed to serve City growth and development. DJ

Dale Johnson, Utilities Director, explained the agreement is to prevent the limiting or prohibition of pumping from Well #43, to preserve it for future growth of the City. We've dealt with this in 2014, with Faulkner's well. We made a few changes to the agreement on Friday. The changes need to be accepted in the motion.

Mayor Keener asked isn't it better for the Beitias to present the City with the invoices and have us reimburse them.

Dave Stanton, City Attorney, said we had language that we could do that either way.

Mayor Keener noted there was only one bid on the paperwork. Are we not bound to have more than one?

Mr. Stanton answered we are not the contracting party for the drilling company. That will be the Beitias. They will enter into a contract on their own and we will reimburse. The well is for them and not for us. We are reimbursing them for a portion of the cost. The purpose of this well is to prevent conflict in accordance to NRS.

Gerri Beitia, 3339 Mohican Ave., commented regarding not getting more than one quote. When you are out of water you are happy to find someone to help and there aren't that many option in Elko.

** **A motion was made by Councilman Morris, seconded by Councilwoman Simons, to approve the Alternative Measures Agreement between the City and Dan G. Beitia and Gerri L. Howard regarding City financial participation and cost sharing in the drilling of a new and deeper well and abandoning the existing well on the Beitia property to protect the City's**

interest in the ongoing utilization of City Well #43, and also include the amendments from Staff.

The motion passed unanimously. (4-0)

- K. Review, consider and possible approval for the Elko Police Department to enter into a contractual agreement for towing services with Atlas Towing and Recovery, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Trouten explained we entered into one of these contracts with Lostra Brothers Towing a few months ago. This is new for all towing companies that wish to be considered duty tows. The benefit of having multiple companies is we live in an area that has an interstate that has several accidents. There are always accidents. This allows us to have a prompt tow service on the duty tow respond. It also requires the tow company to comply with all state standards. He has spoken to Mr. Muth, the owner of Atlas Towing. He recommended approval.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the Elko Police Department to enter into a contractual agreement for towing services with Atlas Towing and Recovery.**

The motion passed unanimously. (4-0)

VI. NEW BUSINESS (Cont.)

- C. Review, consideration, and possible approval to apply for grant funding in partnership with a provider of fixed broadband service from the National Telecommunication and Information Administration (NTIA) in support of broadband infrastructure build-out for the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

The National Telecommunication and Information Administration (NTIA) has made approximately \$288M available for a broadband investment program to be managed by the NTIA. The NTIA expects to make awards in the \$5M to \$30M project range. To be eligible, the City must enter into a qualifying agreement with a provider of fixed broadband service. A covered partnership may include more than one provider of fixed broadband service as part of its application. Applications are due not later than August 17, 2021. NTIA expects the earliest start date for awards to be November 29, 2021. Broadband projects must be completed within one year of the receipt of grant funds, but may be extended by the agency. There is no cost share or matching funds requirement; however, applications proposing a non-federal cost share of at least 10% of total eligible costs will receive favorable consideration.

At least one provider of fixed broadband service has expressed an interest in partnering with the City as part of the program.

The State of Nevada anticipates applying for grant funds under the program; the City and other local governments will have an opportunity to apply together with the State application.

To initiate the process, the City Council should determine the following:

- a. If available, does the City Council wish to participate in a State application?
- b. Determine the amount of funding to apply for.
- c. In light of existing Non-Exclusive Franchise Agreements with multiple broadband providers, does the City Council have the legal authority to exclude other local providers from participation in the program?
- d. If the City Council chooses to partner with a provider or providers of fixed broadband service, what criteria will the City Council consider in making its selection or selections? SAW

Scott Wilkinson, Assistant City Manager, explained he had some updates since this item was drafted. There has been no response from the League concern GOED as the primary applicant. The Nevada Governor's Office of Science, Innovation and Technology (OSIT) has indicated that they will not be a primary applicant. He doesn't expect there to be a state application we can participate in. For item B, that is open to the discretion of the Council but he wasn't sure how the City wanted to handle that. All of our providers have non-exclusive franchise agreements. A concern is could the City Council limit its selection or would it have to reach out to the other providers and ask if they want to submit a proposal. In discussing this with the City Attorney, one of the issues that comes up would be the objective criteria that the City Council might consider on a proposal. In addition to having one provider reach out to the City and express an interest in partnering with the City, we have a second provider reach out and express an interest in at least considering the matter. Towards that end, he drafted up some proposal requirement and placed them on the dais (Exhibit "C"). The basis for the proposal would be the application requirements and the notice of opportunity for funding. He would say that probably 95% of this application will have to be completed by a provider. We don't know what they want to do. We don't know what their infrastructure will look like. We don't know what the service packages that they would provide would be. It will be up to a provider to do a really good job in reviewing the application requirements and providing all the necessary information to the City Council if they were to move that direction. He added some other questions he thought would be appropriate. If the Council were to direct staff to move forward with applying for this grant, and if the Council were to direct staff to reach out to all of the providers to see who might want to make a proposal, he would recommend this as a starting point to be thoroughly vetted with the City Attorney. He reached out to OSIT and they would also be involved in that process of finalizing the information required for a proposal. What he envisioned was proposals would have to be presented back to the City by the 20th of this month. The meeting of the 27th, the City Council can consider any proposals submitted for partnering for the grant. If they selected a partner and we have a pretty comprehensive proposals, we will have most of the application requirements already put together in a package. OSIT will be in Elko on August 4th to meet with the City, the County (if the County decides to pursue this also) and possibly providers and try to complete an application during that meeting. They indicated they would take 3 business days to review an application and if we had any comments or concerns we would have to make some corrections. The meeting on the 4th would really get us an application that would be pretty well complete and then shortly after that date we can submit it well in advance of the August 17th deadline. Any comments and reviews provided by that agency and then any comments we received we can address those in the application and have it submitted to the feds by the 17th. We have representatives that are interested in the audience.

Mayor Keener stated we were approached by Anthem Broadband of Nevada to enter into an agreement with them to participate in this funding opportunity. It is something well known in the industry that this is available. It wasn't until the weekend that we heard from a second interested party.

Jasen Herr, Anthem Broadband of Nevada, formally asked Council to partner with them to apply for the NTIA funds. We have been here doing some engineering and preparing for a very big deployment in the City of Elko and the surrounding communities. A very good network is not something you can just throw in to the ground. This is going to be fiber to the home for every single person that we can reach in the City of Elko and beyond. We will be going from Wendover to Winnemucca. It has taken some time to engineer those things. They have a new partner. They have been working to find ways they can give back to the community. He introduced Rachna Vas from Microsoft.

Rachna Vas, Microsoft Airband Initiative, said her purpose is expanding broadband connectivity for rural and tribal communities. Microsoft Airband is thrilled to partner with Anthem Broadband in their proposed expansion efforts in Elko County. They will, as a partner, be providing at no cost, free digital skills training and virtual learning programs to enhance employability for Elko County residents. They will also offer Microsoft's White Glove Service Program that will be available to all schools, staff, students and family members involved in this project. Any schools served by Anthem Broadband, any businesses served by Anthem Broadband, even government entities served by Anthem Broadband, are entitled to free support for Microsoft devices and Microsoft training programs in Office 365, in Microsoft Teams and any programs in Microsoft Office software and devices. They will also offer entrepreneurial training programs, telehealth services and distant learning programs that can benefit Anthem's customers and will help Anthem promote the Emergency Broadband Benefit Program to residents of Elko County. This is a very important program from the FCC that will benefit low income residents in Elko County. They will also offer a toll free technical hotline that is no cost to customers of Anthem Broadband to answer any technical questions the customers may have. They believe it is not just important that Anthem Broadband expand connectivity, we also see the importance of digital equity programming to enhance the employability and well-being of residents in Elko County.

Mr. Herr spoke more about the training being offered by Microsoft. He invited everyone to their groundbreaking ceremony August 24th.

Councilwoman Simons stated their goal before was to have every resident within the City limits connected and there was a year goal such as 1 year or 2 years. She didn't remember what that goal was. COVID did change things.

Mr. Herr answered they have gotten aggressive in their timelines. They were looking for within 2 years.

Mayor Keener said he presented to the board a phasing plan some months ago. If awarded this bid, would that change that phasing plan?

Mr. Herr answered that would bring some of the projects that are further down the road up. With extra funding they would be able to bring some of those projects up and reach even further out.

Mayor Keener said a representative from CC Communications was present which is also interested in the grant opportunity and in partnering with the City on this.

Mark Feest, CC Communications, thought this meeting was only going to cover whether the City wanted to move forward with the funding opportunity. He didn't come prepared to tell them everything they are going to do. He is not great at press conferences and making promises that aren't kept. He went over what they have done and how much they have built so far. There have been COVID challenges and long lead times on materials. Bottom line, they didn't wait for a grant and they didn't wait to negotiate other deals; they built in Elko. They have over 300 customers right now. They have fiber in the ground and ready for connections. They are close to fulfilling everything they said they would do. There were some delays but they did do the work. He suggested looking at the lowest number a business would take for the grant. There will be a lot of interest in the funding. If Elko is built out at a good speed, you may not see that completed in the timeframe the NTIA grant allows. Another suggestion would be to phase the funding and project. They are interested and plan on turning in their portion of the application. He didn't see what was handed out to Council.

Mr. Wilkinson said for the benefit of the Council, he handed out what he would recommend they require in a proposal from all the parties.

Mr. Feest asked if it was going to be made available to all of the parties.

Mr. Wilkinson answered it would depend upon a Council decision and if they decide to apply for the grant and direct staff finalize drafting of the proposal requirements and give all of the providers the opportunity to submit proposals, they would have that out in short order to anybody that expresses an interest.

Mr. Feest agreed that most of the work will be done by the provider in the application. It is something that the provider should have readily available to them. They should have ordered equipment with long lead times and have orders that will be processed in the future. They have already started their work. He spoke about submitting two applications according to census blocks. It would be a strategic move considering the costs associated and the timeline.

Councilwoman Simons asked if his goal was to ultimately provide service to everybody in the City of Elko.

Mr. Feest answered yes. They started with that route and they have moved out from there. He thought it would take 3.5 years to complete a build out to everyone in the City. That timeline can be pushed forward if they were to participate in the grant and if labor was readily available. The grant would allow them to offer better wages. They are a union shop and already pay prevailing wages.

Joseph Freddoso, OSIT, said as a former CEO of an NTIA grantee, he believed this was some of the most flexible broadband infrastructure that the City can pursue. He believed that based on the broadband infrastructure priority of the Federal Government right now, that the work done on this application will not be wasted work, whether you get the grant this time or not. The grant

application information will be reusable. He was there to support the City as they work through their process of decision making, as well as, work with them on the grant application process.

Greg Walker, Executive Director for Nevada Gold Mines (NGM), said good internet access is a necessity for business and life. What we have been through over the last 24 months made it clear. We have a responsibility to make sure all of our residents have access to this. NGM identified this as an issue and they have made it a priority to resolve it. Initially he worked with OSIT in sourcing a service provider and a partner they could work with. Anthem Broadband came forward as a provider. They then spent the next 8-12 months with an independent consultant to come in from a technical perspective and they did an extensive review of Anthem. They worked on that plan with them and started off with a meeting where he told Anthem that they would not come to Elko and run fiber down the middle of town and take the easy money. They needed to provide to everyone in Elko, Spring Creek and Lamoille. He required them to waive the connection fees and be 100% reliable. It also needed to be able to grow. It has taken considerable time since they want to invest a considerable amount of capital into this. They have finalized the contract for execution and they will be providing \$30 million in capital as a loan to Anthem. He has met with both of these providers and only one said yes to him all of the time. One said the same things he said just now, maybe and if it is economically feasible. That is why he went with Anthem for this project. It will be a 2-year project. They have already started regular management meetings where they will be tracking Anthem's performance. They have an outside service provider that will be technically looking at the performance and will be pushing the project to make sure it makes their deadlines. It will also mean that the cash expenditure will be a success. They won't get all of the money upfront. As they reach milestones, they will be sending them the money. NGM spent 8 months finding a service provider. That supplier is Anthem. If they get the grant money they can push the project out further, such as Osino, Ryndon, Wells and also Battle Mountain.

Misty Atkins, 388 Cedar Street, said she came here for a totally different purpose but she happened to see one other item on the agenda that peaked her interest. Listening to this really peaked her interest. She just heard NGM has a \$30 million investment that they want to get back and that is why they are endorsing these guys. What she heard from CC Communications was that they have already come out and invested their own time and money and started making their own way. Not to mention, she asked NGM where their new partner is from. Are they in Nevada or the United States? CC Communications has been using local people at every level.

Mr. Herr (from the audience) said their new partner is Microsoft.

Ms. Atkins said, Bill Gates, that's great. Didn't he help create this new vaccine, this bioweapon that is killing people? They are trying to pass this vaccine passport for them? She didn't support that and if her people were still here, the people that are on board with everything that she is doing, if they heard they were working with Microsoft they also would not support that and would not want it in Elko. Hearing this gentleman, being from Nevada, supporting Nevada businesses, that appeases her. That appeals to her senses. She was not a native Nevada but she has adopted this place as her home and can't live anywhere else. Seeing what this gentleman is doing on his own with his company and not asking for money or other partners along the way... "you can glare at me all you want, I'm still going to say whatever I want to say".... A yes man, you went with these people because they are yes men.

Mayor Keener asked Ms. Atkins to address her comments to the board.

Ms. Atkins said the fact they are supporting them because every time he talked to them he got a yes. Do you want her to say yes every time you ask her a question? Are you beautiful? Yes. Do I look good? Yes. Does my hair look nice? Yes. But you look like you just came out of a tornado? Come on. Honesty accounts for something and if this guy is going to come up here and honest and say 3.5 years, he may get it done sooner than that instead of telling you yes at every turn and then being a disappointment at every turn.

Mark Feest, CC Communications, clarified that as Mr. Walker said, they spoke to Mr. Freddosso and they were presented with a provider. CC Communications was completely left out of that process. When he heard about the process he made a call to the gentleman and he interpreted that as him saying, no, no, no. He was giving him realistic timelines since they have built in Nevada and are a Nevada company. They are accurate. What they have seen was 4 press conferences with announced dates of getting started by a company that did not start. On the other hand, he has said there are contingencies and we will handle those and get going and deliver service. That has happened. He did not come here to win their support today but came to say they are interested and they have delivered in Nevada. You can look at the map and Churchill County is the only rural county with fiber. They have done what they said and that deserves at least getting to the point of submitting a proposal.

Jacob Larson, Anthem Broadband, said this has been an interesting evening. He loves the town of Elko and the passion for conservative values. It has been interesting being attacked. He had two employees that started working for him two years ago that were from Elko that moved to Burley. They expressed to him that he needed to look at going to the City of Elko and helping out that community. The internet there is so bad. That was when they started the dialog to find out why Elko has been ignored. He didn't know why CC Communications has been around but why now? Why didn't they take care of Elko years ago? He rolled up his sleeves and started to figure out a way to provide a solution. He thought Ms. Atkins was hostile to Microsoft. Microsoft is offering free training, free skills training. We are not talking about vaccines. How do we provide more technical acumen to a community at no cost and no obligation? Microsoft wants to sell their products and 90% of the population already knows how to use their products. They are offering that free support to come in and provide that thing for schools. That is why they chose to partner with Microsoft. It's not some nefarious means, which he is strong anti-vax. He agrees with what was said today. His word is his worth. He would not have presented a plan and jumped through 18 months of scrutiny with a plan that he will not get done. He has a very large construction partner that has the means to get this done.

Mayor Keener closed public comments. Since there is more than one interested party we need some sort of selection process for this to determine who will...

Councilwoman Simons pointed out that in the paperwork a partnership may include more than one provider as part of its application.

Mayor Keener insisted we still need a selection process. Maybe there are two and maybe there is only one but staff needs criteria in which to evaluate the different contenders for this. He asked Mr. Wilkinson if the Internet Provider Survey was what he would like to present to the parties that will be presenting proposals.

Mr. Wilkinson answered it is a draft and he will make it available to the interested parties that have been here so they can see it. A decision to move forward with applying for the grant needs to be in the motion. Possibly directing staff to reach out to all the providers that have non-exclusive agreements with the City of Elko and give all the providers the opportunity to submit a proposal. We have 2 that have expressed an interest so we may receive 2 proposals. The proposal would be due on July 20. The proposals would be presented to City Council at its meeting on July 27 for consideration. He did hear an interesting comment about maybe the City should make multiple applications. That is something he will talk with OSIT about and see if that is even something that would be practical or not. And then as a part of that, directing staff to finalize this request for proposals, the information that is in it, with the City Attorney and OSIT's input.

Mayor Keener said there was a concern about the administration of the grant. It sounded like it was going to be fairly onerous on either the City or the County to administer this.

Mr. Wilkinson answered if the County doesn't apply, the City would have the responsibility to administer the grant. It would be imperative that the provider(s) are able to comply with the federal rules and laws and make sure that all the information required for us to administer that grant is provided back to us.

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to move forward with the City participating in the application for the grant funding for fixed broadband service from the National Telecommunication and Information Administration (NTIA) and direct staff to reach out to possible interested parties with the proposals being due no later than July 20, 2021 at the close of business, direct staff to include in the request, subjective criteria to satisfy the program requirements and direct staff to work with legal counsel and OSIT to finalize the provided survey.**

Mayor Keener noted that the State is not making the application, they are merely reviewing the application for completeness before it gets submitted.

Mr. Wilkinson said it is required that they review it before it gets submitted to the federal agency.

Mayor Keener called for public comment.

The motion passed unanimously. (4-0)

V. SUBDIVISIONS

- A. Review, consideration, and possible approval of Final Map No. 4-21, filed by Legion Construction and Development, LLC, for the development of a subdivision entitled Jarbridge Estates involving the proposed division of approximately 2.16 acres of property into 18 lots for townhouse development and 1 common lot within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located on the east side of N 5th Street approximately 450 feet north of Dakota Drive. (APN 001-610-093) The Planning Commission considered this item on July 6, 2021, and took action to forward a recommendation to conditionally approve Final Map 4-21. MR

Michele Rambo, Development Manager, explained this is the final map. There will be 18 townhouse units and one common lot. There are 11 findings in the staff report and 17 conditions of approval. The developer has agreed to all of them. She recommended conditional approval.

**** A motion was made by Councilwoman Simons, seconded by Councilman Morris, to conditionally approve Final Map No. 4-21, for the Jarbidge Estates Subdivision, subject to the findings and conditions as recommended by the Planning Commission.**

The motion passed unanimously. (4-0)

- B. Review, consideration, and possible conditional acceptance of Public Improvements for the Cambridge Estates Subdivision, and matters related thereto.
FOR POSSIBLE ACTION

Council conditionally approved Final Map 9-19 on October 22, 2019. A Performance and Maintenance Agreement was entered into on that same day.

The Developer has completed the Public Improvements in accordance with the approved plans, with the exception of a micro slurry on the asphalt, which is scheduled to happen in August. The City is in receipt of the required Certification of the project by the Engineer of Record. Upon acceptance of the Public Improvements by the Council, the Developer is required to provide maintenance security in the amount of \$84,268.38 for a 12-month maintenance period, which has already been received. MR

Ms. Rambo explained this is located on Celtic. They have completed a majority of their improvements, with the exception of the microslurry.

Mayor Keener thought he read something in the engineer's report about a possible asphalt defect.

Dennis Strickland, Public Works Director, said there were some issues with the asphalt but he will be walking the subdivision next week to go over it.

**** A motion was made by Councilman Stone, seconded by Councilwoman Simons, to conditionally approve public improvements for the Cambridge Estates Subdivision and require that the asphalt imperfections be addressed.**

The motion passed unanimously. (4-0)

VI. NEW BUSINESS (Cont.)

- D. Review, consideration, and possible approval of the First Amendment to Agreement to Install Improvements and Provide Maintenance Guaranty with Copper Trails, LLC for Phase 2, Unit 1 of the Copper Trails Subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

As required by Elko City Code 3-3-21, the City and Copper Trails, LLC entered into an agreement to install improvements for Phase 2, Unit 1 of the Copper Trails Subdivision on July 23, 2019. The agreement is set to expire on July 23, 2021. Copper Trails, LLC has determined that they will not complete the subdivision improvements before this expiration date and has requested a one-year extension.

Section 1F of the Performance Agreement outlines the requirements for the City Council to approve an extension. These include: 1) the developer has satisfactorily performed its duties under the agreement to date, 2) the developer has diligently and in good faith attempted to complete the work, but has been unable to do so due to events beyond the developer's control, and 3) the Maintenance Guarantee has been provided to the City. MR

Ms. Rambo explained the performance agreement expires July 23, 2021. In looking at the extension requirements, staff feels #1 and #3 can be met. No. 2 is a little iffy at this point because it is based on just cause. If after he speaks and you agree there is just cause, then this can be approved. If not, this will have to go through the approval process again.

Luke Fitzgerald, Copper Trails Subdivision, stated his sub-contractor had issues getting supplies, as well as other issues with COVID and timing. The improvements are 80% done. They are working on the last little bit of utilities. The one-year request is a formality but he anticipates getting it done in the next few months.

Mayor Keener asked about 90 days.

Mr. Fitzgerald said the way the world is today, he would hate to limit himself and have to come back and beg for more time. He wants to get underway as fast as they can but he wasn't sure 90 days would be enough.

Mayor Keener pointed out that Mr. Fitzgerald had never been before the board for an extension. He was amenable to providing an extension. He asked Ms. Rambo if she was comfortable with 6 months.

Ms. Rambo said she was fine with 6 months. One year is provided for in the agreement.

Mayor Keener called for public comments without a response.

Councilwoman Simons said the supply chain is crazy right now. She wanted to be as liberal as possible.

Scott Wilkinson, Assistant City Manager, thought a 6-month extension is appropriate since the supplies needed at this point are locally sourced.

**** A motion was made by Councilwoman Simons, seconded by Councilman Morris, to approve the First Amendment to Agreement to Install Improvements and Provide Maintenance Guarantee for Phase 2 Unit 1 of the Copper Trails Subdivision, making the change that the request will be for a 6-month extension.**

The motion passed unanimously. (4-0)

- E. Review, consideration, and possible approval of a Performance/Maintenance Agreement for subdivision improvements associated with the Jarbridge Estates subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Elko City Code 3-3-21 requires the subdivider to have executed and filed an agreement between the subdivider and the City for the required subdivision improvements, including stipulations on the timeframe for when those improvements are to be completed, and to post a performance guarantee in accordance with Elko City Code 3-3-22. MR

Ms. Rambo explained this is our typical agreement we require for the final maps. There is nothing new.

**** A motion was made by Councilman Stone, seconded by Councilwoman Simons, to approve the Performance/Maintenance Agreement for subdivision improvements associated with the Jarbridge Estates Subdivision, and require that the developer enter into the agreement within 30 days.**

The motion passed unanimously. (4-0)

- H. Ratification of Staff's action to sign three (3) Coronavirus Local Fiscal Relief Fund documents, including: 1) the State of Nevada Allocation Notice and Certification; 2) Coronavirus Local Fiscal Recovery Fund Award Terms and Conditions; and 3) Assurances of Compliance with Civil Rights Requirements, and matters related thereto. **FOR POSSIBLE ACTION**

As a result of the American Rescue Plan Act (ARPA), the City of Elko was recently notified by the State of Nevada of our Maximum Total Allocation of \$27,476.865.36. The City of Elko has been designated as one of Nevada's 13 "non-entitlement units of local government" (typically local governments serving populations of 50,000 or less) that will receive its ARPA Local Fiscal Recovery Fund disbursement through a payment from the State of Nevada. Due to a July 9, 2021 deadline, Staff signed the above referenced documents and included them in the agenda packet for review. Staff is requesting that the City Council ratify the action. CC

Curtis Calder, City Manager, said this is the first step in receiving our allocation. It is much higher than anticipated. Due to the deadline they needed all of the forms signed before we could have the meeting. If you do not ratify the action, we will reach out to the State and decline the money.

Mayor Keener said there are some things on there that we need to agree to as we did the CARES Act funding. We are all taxpayers and if we don't take our allocation, it will be spent elsewhere. We have some very deserving projects here in the City the money can be used for. If this is

accepted, we will hold a community meeting to discuss funding priorities. It is an awful expenditure that we can afford but it is something we have to manage and it would be foolish to turn our backs on it.

Councilman Stone said the strings always scare him.

Councilwoman Simons agreed the money would go somewhere else if we didn't take it. The taxpayers pay so much to the federal government so it would be nice to have some of it here.

Mayor Keener felt it was dirty money.

Councilman Morris agreed but we have some projects that will benefit the community. He would like it to benefit Elko.

Mr. Calder spoke about some things we could and could not do with the funds.

Jan Baum, Financial Services Director, handed out some paperwork (Exhibit "D"). She briefly explained some restrictions and requirements. The Title VI Policy that Kelly implemented for the City was key to. It was important that it be implemented.

Mayor Keener called for public comment.

Janine Hansen, 6556 Coal Mine Canyon Road, State President Nevada Families for Freedom, said this is what has destroyed our nation in terms of federalism, because no longer do we have the separation of powers between the federal and state governments, including local governments, because that has been overridden by the money which the federal government takes from us and then uses to enslave us to their projects. That is precisely what this does. She knew City Council was going to accept the money but she wanted to be on record as telling them this essentially sells our souls and our constitutional and unalienable rights to the federal government and the state. He who has the gold makes the rules. You can't protect us if you accept this money. You can't protect us from vaccine passports or from any other things you expressed your true and sincere concerns about today because once you accept federal money then you undermined your position to be able to oppose them in any of their projects. Especially because this is COVID money. We know this is money being created out of nothing by the federal reserve and the federal government. That provides us with, every day we see inflation increasing. This is essentially a tax; an inflation tax. When the government prints money, they aren't taxing us except for when you go to the store and bacon is \$2 more than it was 3 weeks ago, then we are paying that inflation tax. Your hands will be tied to protect us. Even though the City is a creation of the state, the U.S. and state constitutions (which you have sworn to uphold) can override that when you are protecting our constitutional rights. Your vote earlier to approve and oppose the vaccine passports will be superseded by your vote when you accept this. She understood the dilemma. She spends 4 months every other year at the legislature as a citizen lobbyist, raising her own money to be there in order to protect taxpayers and families. She sees this constantly happening there. The state sells its soul to the federal government and all of our souls because we are the ones that are impacted by it. This money coming through the so-called American Rescue Plan is just a further enslavement and not a rescue of the American People. You read the amount, \$27 million plus, seems like a lot of money, but our freedoms and our lives are worth more. Please reject this money to protect our inalienable and constitutionally protected rights. Thank you for your willingness to let her speak.

Kenny Dutton, 1356 Rosewood Way, said he has been in Elko for most of his life. Just like previously touched upon, one of the biggest concerns is inflation. This is a nice little slush-fund money and really listening to it, it goes into projects already planned or planned for the future. We are already seeing the immediate impact of money being thrown around this country right now. A year ago he had much more buying power personally than he does now. If it keeps going down this track, it will get worse and worse. It has to be paid back. It is a conflict of interest. If you sign it you have to follow all those stipulations and either they will pull the money back or you can get in trouble if you don't follow through with what they want you to follow through with. Looking at Elko, there has been no loss of revenue or life from the virus itself, it was due to the shut-downs and the mandates. That was the only thing that caused a loss of revenue. There is not people dropping dead in the street except from extremely elderly or out of shape people that were already there to begin with. The main thing is the stipulations and assurances too. What are they? Nothing has been spelled out here today. It just says if we do this we have to go along with what they say. He would like to know personally and as a community what the future stipulations are going to be or if it is something like this pandemic, it's up in the air until it's something else. When this all started it was 2 weeks to flatten the curve and now we are talking about trying to fight a vaccine mandate. It is a snowball effect and it is rolling downhill very fast. When you make a deal with the devil, it is still the devil. The money is great and all that. If there was more freedom to use this in more ways around Elko, without the stipulations or being bound by the federal government, who doesn't want money. Who doesn't want money to invest in the community, but at what cost? Not a dollar sign cost but the cost to our community.

Christy Atkins, 388 Cedar Street, stated this was not why she was here but she read this and couldn't leave without hearing where Council stood on it. What she heard was future generations will pay for this and all of the bad things that will come from it. And then she heard justifications. It would be foolish to turn your back on this money because someone else is going to get it. If you see somebody in the street being run over, are you going to run over that person too? Or will you pull over and help that person? We are the person being run over as citizens of this country. If we contribute to taking this money, all we are doing is making the problem worse. Let that guilt lay on someone else's shoulders and not our shoulders. We don't need to contribute to this inflation and corruption. They are offering you money but what are the stipulations? What did the paper say? Did you read them? How many pages is it?

Mayor Keener said there were only about 12 to 15 pages in the agenda packet.

Mr. Calder said the whole thing was in the agenda packet.

Ms. Atkins asked if each of them have read what the citizens of Elko County will be responsible for.

Councilwoman Simons answered that is generally their job.

Mayor Keener said it is important to understand that we are already on the hook to comply with Title VI of the Civil Rights Act of 1964. We receive AIP Grants out at the Airport so we are already bound by that.

Ms. Atkins said so you want to make more deals with the devil. She didn't understand the logic. You can list off these things that are bad and the reasons we shouldn't do it but then you turn around in the same breath and double speak it and justify taking the money. She understood it could go to benefit certain things but at the same time... "and you can sit there with your attitude and your faces that you were making as soon as you saw me walking up here, you can do that all you want."

Mayor Keener said he treats everyone the same and he thought everyone on the board treats everyone the same. If you want to ingratiate yourself with any board that you are speaking to, don't speak down to them.

Ms. Atkins said she can sit there and make faces because I am speaking and she doesn't like what she is saying and the fact that she is coming up to speak again but I can't say something about her making the faces that she is making. We can re-watch the video.

Mayor Keener said we are not going to do that. You made your point and we all understand the dilemma we have here. We can say we aren't going to accept the money and then we would have a lot of projects that would go unfunded. Yet we still have to suffer from all of the construction inflation related to all of the components, whether it's labor, the pipe that goes into the ground, the cement, the petroleum product, we are already being impacted by it and we haven't even accepted a dime of it.

Ms. Atkins said the fact that Council is fine going along with it speaks volumes. You don't just go along with evil and corruption. You stand up to it no matter how hard it is. No matter what kind of a bind it puts you in. No matter who wants to make bad faces at you. She didn't want to ingratiate herself with any board. She didn't want to feel obligated to speak nicely to somebody or to inflate someone's ego when they are not making the right decisions, the decisions that are in the best interest of the community, or children or whoever it may concern. She didn't want to ingratiate herself with anyone, especially with somebody that is going along with evil or going along with something just because it is what everyone else is doing. She never wants to do that.

Mayor Keener said he respected her comments and thanked her for taking the time to comment publically. He has not moved from his original comments from this evening. We have been put in an unfortunate position but he doesn't see any other means of moving forward except as without accepting this money, in the capacity of their jobs as elected officials in the City of Elko.

Councilwoman Simons said it could be different if those things in there were things that we wouldn't do already. But we are already bound by those rules.

Councilman Stone said the last time we had federal money coming through he didn't vote for it. This time it looks quite different. He felt it was a necessary evil.

** **A motion was made by Mayor Keener, seconded by Councilman Morris, to ratify the City Manager's signing of the ARPA Funding, in the amount of \$27,476,865.36.**

The motion passed unanimously. (4-0)

II. CONSENT AGENDA

- A. Review, consideration, and possible action to reappoint Planning Commission member Gratton Miller to an additional Four-Year Term to expire July 2025, and matters related thereto. **FOR POSSIBLE ACTION**

Gratton Miller's term expires July 2021. Pursuant to City Code Section 3-4-1, Planning Commission members shall be eligible for reappointment, and the terms shall be four years or until his successor takes office. Mr. Miller has indicated an interest to continue serving on the Planning Commission. CL

- ** A motion was made by Councilman Stone, seconded by Councilwoman Simons, to reappoint Planning Commission member Gratton Miller to an additional Four-Year Term.
The motion passed unanimously. (4-0)

IV. APPROPRIATIONS (Cont.)

- A. Review and possible approval of Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

- ** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the general warrants in the amount of \$1,877,429.01.

The motion passed unanimously. (4-0)

- B. Review and possible approval of Print n' Copy Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

- ** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the Print 'N Copy warrants in the amount of \$1,215.16.

The motion passed. (3-0 Mayor Keener abstained.)

- C. Review and possible approval of Ruby Mountain Lock & Safe Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

- ** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the Ruby Mountain Lock & Safe warrants in the amount of \$96.

The motion passed unanimously. (4-0)

- D. Review and possible approval of Stone Rock Sound Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

- ** A motion was made by Councilwoman Simons, seconded by Councilman Morris, to approve the Stone Rock Sound warrants in the amount of \$958.

The motion passed unanimously. (3-0 Councilman Stone abstained.)

- E. Review and possible ratification of General Hand-Cut Checks, and matters related thereto. **FOR POSSIBLE ACTION**

** **A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the General Hand-Cut Checks in the amount of \$1,336,333.59.**

The motion passed unanimously. (4-0)

- H. Review, consideration, and possible final acceptance of the 5th Street Park Parking Lot Project, and matters related thereto. **FOR POSSIBLE ACTION**

At the February 23, 2021 meeting, Council awarded the 5th Street Park Parking Lot project to Acha Construction in the amount of \$273,451.40. There was one Change Orders during construction that resulted in an additional cost of \$2,254.00. The final cost of the project was \$275,705.40 This project is fully completed. Final billing has been submitted. BT

Bob Thibault, Civil Engineer, thanked Acha Construction, their subcontractors and engineering for a job well done.

** **A motion was made by Councilman Stone, seconded by Councilman Morris, for final acceptance of the 5th Street Park Parking Lot Project by Acha Construction in the amount of \$275,705.40.**

The motion passed unanimously. (4-0)

- I. Review, consideration, and possible authorization for Staff to purchase a new 2023 International HV507 4x2 Chassis with a Metroquip Body Package from Rush Truck Center of Idaho through Sourcewell Purchasing in the amount of \$190,046.14, and matters related thereto. **FOR POSSIBLE ACTION**

This purchase was approved in the FY 2021/22 Budget. DS

Dennis Strickland, Public Works Director, explained on the earlier item (motorgrader) and this item, we are over budget. Unless something changes, it doesn't look like we will be able to purchase any pickups and/or cracksealer this year. This truck mirrors the last truck we bought of this size so that parts and materials for repairs and servicing can be interchanged.

** **A motion was made by Councilman Morris, seconded by Councilwoman Simons, to authorize staff to purchase a new 2023 International HV507 4x2 Chassis with a Metroquip Body Package from Rush Truck Center of Idaho through Sourcewell Purchasing in the amount of \$190,046.14.**

The motion passed unanimously. (4-0)

Mr. Strickland stated this truck probably won't be built until August of 2022.

VI. NEW BUSINESS (Cont.)

- F. Review of existing Ruby View Golf Course Financial Advisory Committee By-Laws, including possible direction to Staff to propose revisions for future possible City Council approval, and matters related thereto. **FOR POSSIBLE ACTION**

Councilman Morris requested that the City Council review the existing by-laws in order to identify possible changes for future Council consideration. A copy of the bylaws has been included in the agenda packet for review. CC

Curtis Calder, City Manager, said the by-laws are very old and they need a lot of work. They don't apply to some of the things that the current board deals with. Everything is geared around the finances of the golf course instead of general operations and maintenance. We need to make it very clear that advisory boards are just advisory and they get to come to Council and make recommendations. The City Staff is actually accountable for those recommendations. Several times he was outnumbered because there was a room full of golfers that didn't want to raise their golf rate to where it should have been and that put the golf course in the position and trajectory we are at. At the golf course, we aren't so concerned about the financial part as we are about the operations and making sure the course is a quality course and making sure we can have the right staffing levels. When we start talking about the contractor in a year, we will have that option in the contract to contract out the maintenance of the course. He is on board with removing the financial component of the bylaws and making it more broad.

Councilman Morris said it is a good idea to get input from the golfers. He felt the board realizes they are just advisory but we still need input from the golfers. It should have never been an enterprise fund in the first place, any more than some of the other enterprise funds. We also have to be competitive in the golf business with other golf courses in the area. We can't raise our prices so high where we price ourselves out of the market.

Mr. Calder said they don't have a draft yet since we are starting from scratch. It needs a lot of work.

James Wiley, Parks and Recreation Director, noted the current committee has been termed out since Dec. 2020. We do need to reestablish members on that board before they can weigh in on anything.

NO ACTION

IX. REPORTS

- A. Mayor and City Council

Mayor Keener reminded the board that Susie sent out the Appointed Officials evaluations that need to get completed. He plans on attending the Nevada League of Cities meeting scheduled for August 25-26 in Sparks. He will be meeting with NGM later this week.

Councilwoman Simons stated she will not be present for the next meeting. She apologized if her face gave anyone dirty looks, it was not intentional.

B. City Manager

Curtis Calder reported we were the first entity in the county to remove the emergency declaration because we saw no need to have one anymore. We have taken strong positions throughout the pandemic on COVID related issues when necessary. We have provided excellent public service during COVID even though our departments are severely understaffed. To hear this type of criticism from the public when have our doors open. We are not the enemy. We want feedback and it was disconcerting to him that we were trying to have a civil discourse. We had that comment about the softball tournament. It is unfortunate that they made the decision to move the tournament. There is another side of that story that he will address at the next council meeting. He thanked Ms. Laughlin for the work she did on the VA Cemetery.

C. Assistant City Manager

Scott Wilkinson thanked James Pauley from Public Works for his work at cleaning up the camp. Livingstones had a group down there helping as well. They made a significant difference even though it won't last.

D. Utilities Director

Dale Johnson reported the slope steps at the golf course have been installed. The water tank project is about 3 weeks behind but are expected to finish by the end of July. The shop project is on schedule with their new completion date. Their new deadline is August 12. The WRF had an issue with one of the STM aerator basins, a big chain broke and we should have a contractor out to fix it in the next 2 weeks.

E. Public Works

Dennis Strickland said their favorite culvert had issues again and they may have to chase it down all the way to the sound wall. This will be difficult but they will try to send the camera down there to see what is going on. Crickets have not been an issue any further.

F. Airport Manager

Jim Foster said their numbers are looking good and almost back to pre-COVID numbers for June. The new parking system has been brought online. They are working out some little bugs but it is looking nice.

G. City Attorney

Dave Stanton said there were some difficult moments during the meeting tonight. He really appreciated the Council tonight, with their professionalism and guiding hand during this meeting.

H. Fire Chief

I. Police Chief

Chief Trouten said some citizens decided to finish the concrete work at the Corridor Sidewalk Project with some graffiti but neighbors took pictures and the person may face some charges. Working Dogs – to get in touch with them you go through PACE. Lt. Doug Fisher from the Sheriff's Office is still involved with that project. Our Canine Commander is Sgt. Shelley. That goes for retired dogs and their care but it also pays for Canine training. It supports the Canines and keeps that program working here in Nevada. The US Marshals came up recently and we checked on our sex offenders. They did a total of 162 checks. This was in addition to the regular checks PD does depending upon the tier

level. It was a productive week. We also had a shooting that week in the Southside.

- J. City Clerk
- K. City Planner

Cathy Laughlin said they will have the first RAC meeting in 19 months on Thursday. They will be planning an RDA meeting on the 27th.

Mayor Keener congratulated her on a successful rodeo event.

- L. Development Manager
- M. Financial Services Director
- N. Parks and Recreation Director

James Wiley said they are in the final stages of the dog park. Interior fencing should be finished this week. He has a meeting with the head of the group regarding the play elements. They are planning for a grand opening on October 2nd.

Mayor Keener asked about the Newmont ball field at the Sports Center.

Mr. Wiley answered they have stabilized things and our efforts are working. It looks better than it has in over a year. He is optimistic that by Friday that the new grass will pop and the field will hopefully be ready for play soon.

- O. Civil Engineer
- P. Building Official

Mayor Keener adjourned the meeting and moved to a closed session. When the closed session adjourned, Mayor Keener reconvened the meeting.

III. PERSONNEL (Cont.)

- B. Possible approval of a successor collective bargaining agreement (CBA) between the City of Elko and the Elko Fire Fighters Association, IAFF Local 2423, and matters related thereto. **FOR POSSIBLE ACTION**

Note: This portion of the meeting may be closed pursuant to NRS 288; therefore, the Council may move to adjourn the meeting prior to consideration of this item.

Mayor Keener reported that Council held a closed session to discuss this item. Council is agreeable with the terms that have been negotiated with the HR Department in conjunction with the City Manager.

** **A motion was made by Councilwoman Simons, seconded by Councilman Stone, to accept the Collective Bargaining Agreement between the City of Elko and the Elko Fire Fighters Association, IAFF Local 2423 for three years and note that there is a fiscal impact, effective July 1, 2021 (Exhibit E).**

The motion passed unanimously. (4-0)

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item

on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

There were no public comments.

There being no further business, Mayor Reece Keener adjourned the meeting.

Mayor Reece Keener

Kelly Wooldridge, City Clerk



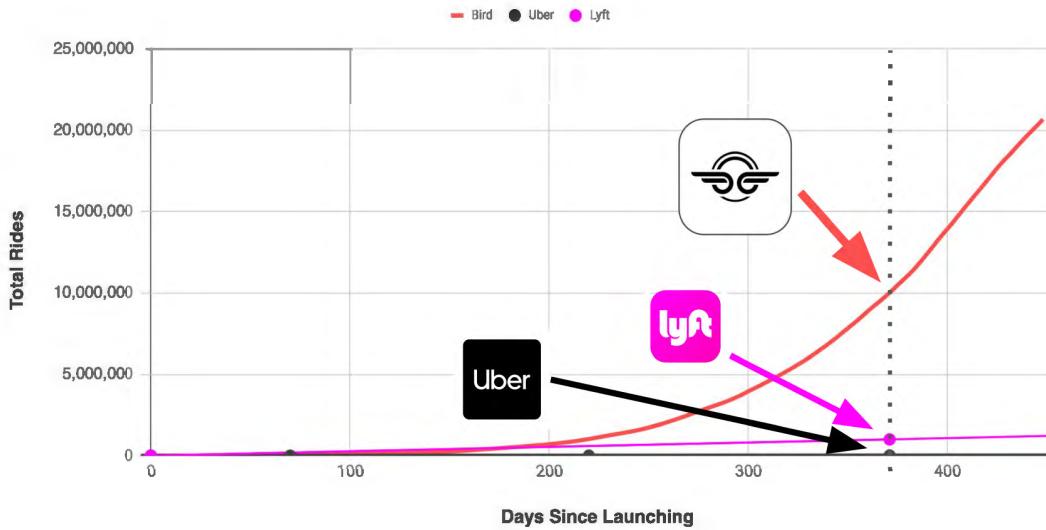
Hello, Elko

2021



How It Started

- Founded in 2017 Bird saw instant success and popularity.
- Over 10 Million rides within the first year.
- Fastest company to reach 1B valuation.
- Currently live in 250 cities globally.
- Quickly learned what to do and what not to do.



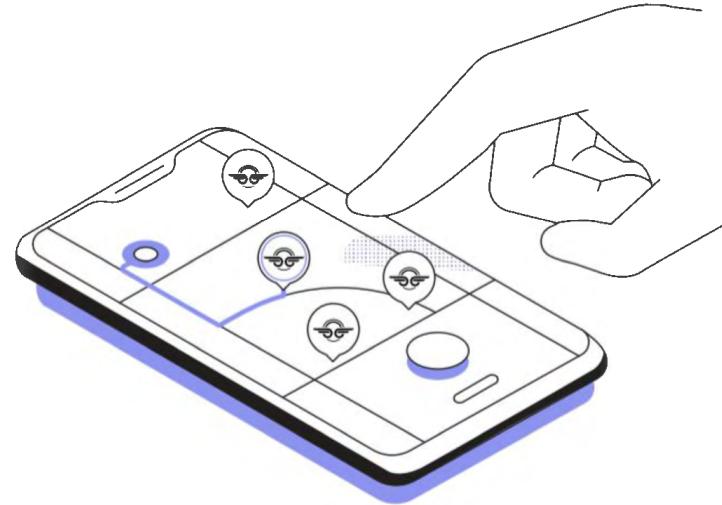
Comparable Markets



| City | Population |
|------------------|------------|
| Fort Scott, KS | 7,700 |
| Sebring, FL | 10,300 |
| Great Bend, KS | 15,300 |
| Hermiston, OR | 18,700 |
| Mason City, IA | 27,200 |
| Russellville, AR | 29,100 |
| Tooele, UT | 34,500 |
| Wauwatosa, WI | 47,900 |
| Enid, OK | 50,300 |
| Ogden, UT | 86,000 |

How it works

New riders must download the Bird app, sign our user agreement, verify their age (18+), add a credit card, and go through educational tutorials.



1

FIND BIRDS
ON THE MAP

2

SCAN QR TO
BEGIN RIDE

3

WATCH SAFETY
TUTORIAL

4

ENJOY THE
RIDE!

The Dockless Model

Riders follow local rules (like a bicyclist would).

Allows riders to have ultimate flexibility and ride anywhere within the designated 'operating zone'.

Follow prompts on the app and park in the 'furniture zone' out of the way of pedestrians and ensuring ADA compliance.

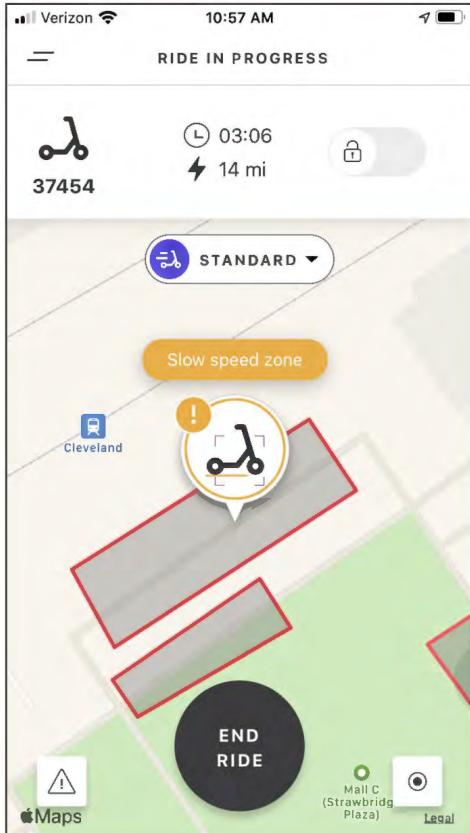
Vehicle waits for next rider or is moved by the 'Fleet Manager'





Slow zone

When riders enter a planned slow zone (e.g. a crowded area) they are notified by a vehicle sound and in-app notification before their vehicles safely reduce speed.

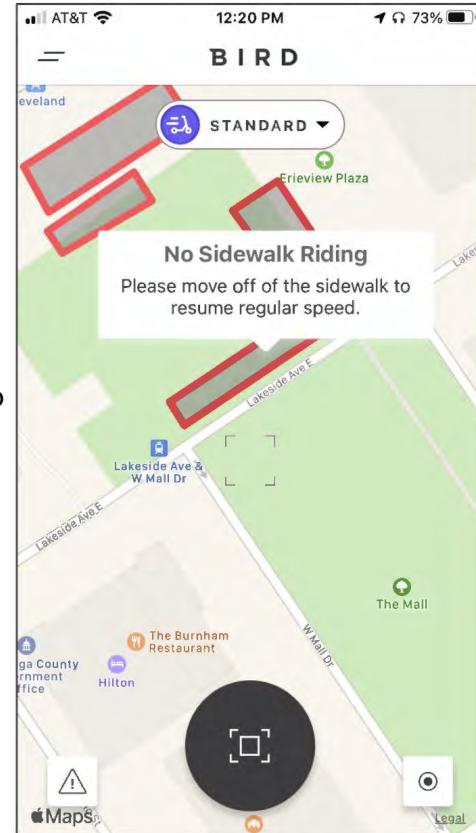


Slow Zone

No-ride zone

When riders enter a designated no-ride zone, vehicles will safely slow to a complete stop.

Riders are notified by a vehicle sound and an in-app notification.



No Ride Zone

Equitable Pricing Options

Standard Pricing

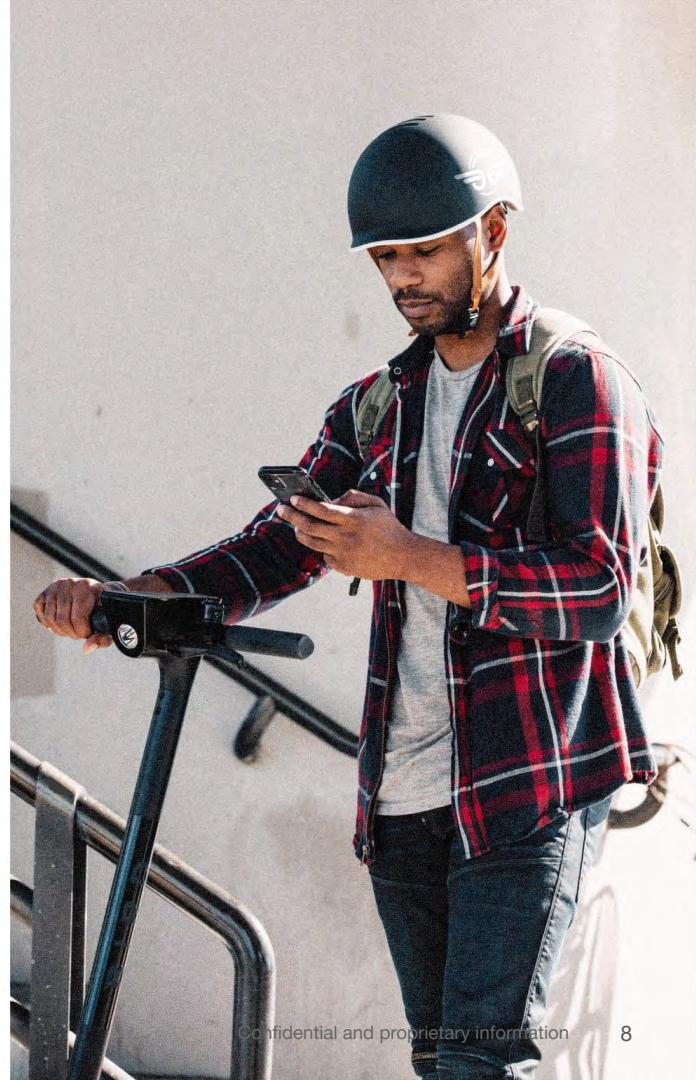
\$1+ a per minute fee. Averaging ~\$5 a ride.

Bird Access

Discount program available to low-income riders for those who are enrolled or eligible for a government assistance program.

Community

Discount program available to veterans, senior citizens, healthcare workers, students with grants, and select community groups.



Fleet Manager

Contract with a local who is responsible for the assigned fleet including charging, repairs, and various performance tasks.

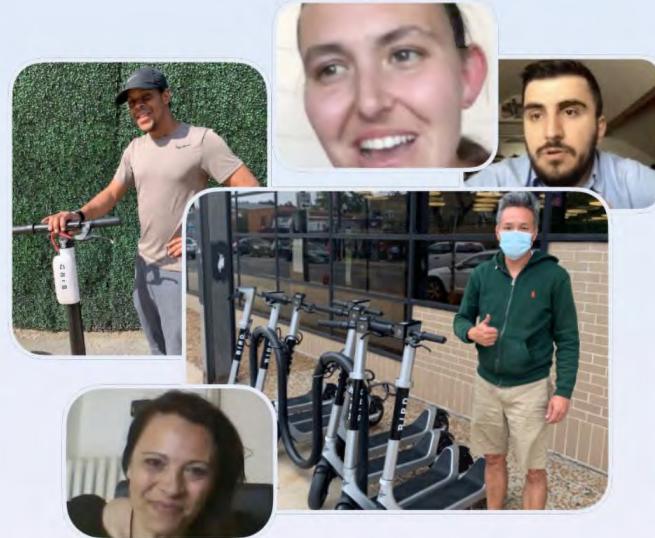
The winning combination:

Local Touch:

- ✓ Deep community ties, and local pride/knowledge
- ✓ Fast issue resolution
- ✓ Economic Opportunity
- ✓ No abandoned scooters
- ✓ Aligned incentives

Back by the Industry Leader:

- ✓ World-class technology & compliance tools
- ✓ Operational know-how
- ✓ Industry's Safest Vehicles
- ✓ Zero startup cost to Fleet Manager or City!



“

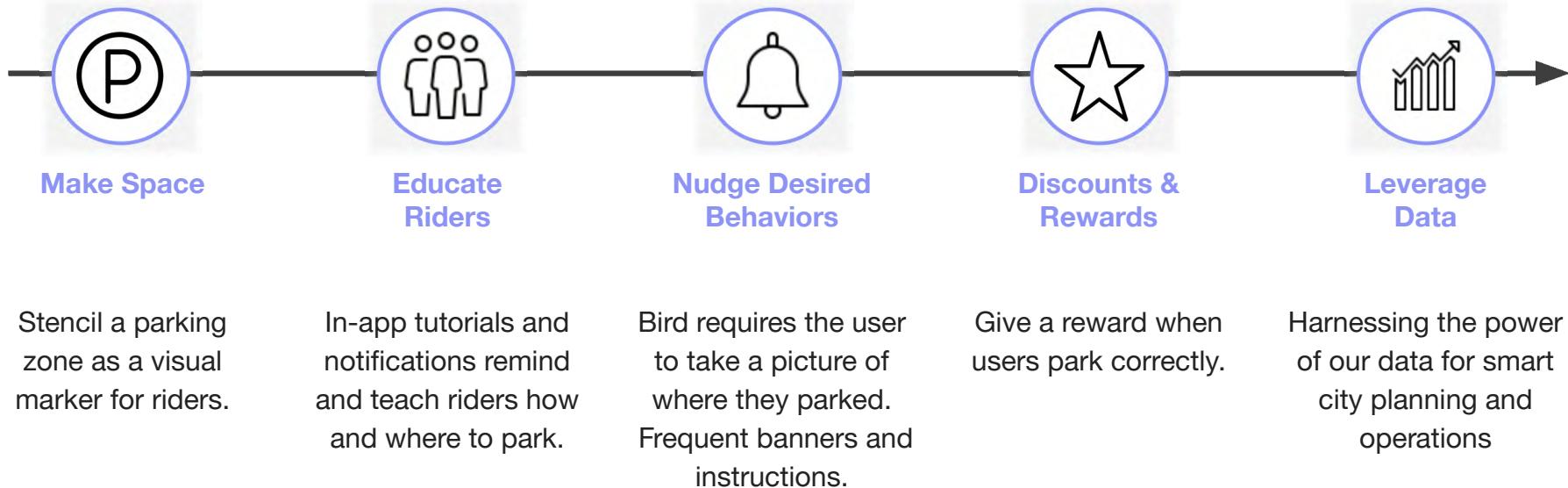
I like being my own boss, the flexibility of setting my own schedule and being able to hire my nephew because he also needed a job.

- Mark, Azbri Productions, Nashville

”

Addressing Clutter Concerns

Bird's future relies on properly integrating dockless micromobility into our society



Elko Proposal



of Vehicles: 75-100

Fleet Managers: 1



Key staging areas: Downtown corridor,
Parks, GBC Campus, etc.



Prohibited Areas: TBD

Launch Date: July / August

Approval Document: MOU



BIRD

Thank you



My name is Lee Hoffman; my address is 1085 Barrington Avenue, Elko.

Thank you, Mr. Mayor and Council members, for this opportunity to speak to you this afternoon.

I believe I am partly responsible for this item being on your agenda. I sent a request to Mr. Calder and each of you asking that you consider writing a letter of support for the Elko County School Board's outreach to the Governor. I was surprised to see it combined with consideration of an action opposing vaccine passports as spelled out in the Lander County Commission's resolution.

Since the items are combined on your agenda, I will make a few comments on both.

First many of your constituents, including me, have the concerns that are clearly expressed in the letter from the School Board to the Governor. Many of us are of the opinion that our state and federal governments are extending power and control over every detail of our lives – to the detriment of all citizens and especially our children. Forcing our children to wear masks for hours every day damages them physically, socially and mentally. Forcing new, experimental vaccines on the population is unethical, immoral - evil. It is time for our local governmental boards, officers and councils to stand up for their citizens. Remember, that government is best which is closest to the people.

I understand that you are constrained by laws, rules, regulations, and top-down control of funds.

I understand that later today, under agenda item VI H - you will ratify staff's signing of some documents that allow the City access to some \$27 million of American Rescue Plan Act (ARPA) funds. Those documents place the city under contractual obligations to follow federal and state rules and regulations. I know that the City has many similar commitments from other federal grants, and in the past, I was part of approving such agreements.

We are still a nation and a society based on the rule of law and you are limited in your action by laws. When we completely ignore the law, we will be in a state of chaos and revolution. We are not there yet. Nevertheless, we can no longer sit on our hands while the federal and state governments overturn our rights and take complete control of our daily lives.

Before revolution, we must petition for redress of grievances.

The School Board took a preliminary step by sending their letter to Governor Sisolak. It is only a first step, but that step will be stronger and louder if it becomes clear that other entities agree with their concerns. I ask that you, assert your lawful right to question the Governor and voice grievances on behalf of your citizens. Please develop some form of communication to the Governor expressing solidarity with the Elko County School Board.

Regarding the Lander County petition, I, too, am very concerned about the inevitable push toward vaccine passports. I have had at least one elected official say to me that he doesn't see any signs that such things are coming. But all you need do is listen to the commentary from government agencies, big corporations, big pharma, CDC, FDA and politicians to see where this is going. Even Jen Psaki, said the federal government isn't there "at this time". However, the Elko County Commission is going to consider this on July 21. I believe that having the various local governmental bodies united in approach will have more effect. I suggest that you defer action, until you see what the county – as the larger entity – does. I am not suggesting that you do nothing and ignore this issue. I ask that you be aware of this threat to our freedoms and consider carefully what effective action you might be able to take. I know you must be

cautious about open meeting law concerns, but perhaps 2 of you could attend the County Commission meeting and hear the discussion, make comment, ask questions with a view toward a collaborative approach.

I would really like to see our various local boards and entities work together in multiple ways for the good of all of your voters.

Thank you.

City of Elko
National Telecommunications and Information Administration (NTIA)
Broadband Infrastructure Program (BIP)
Internet Service Provider Survey
Proposal due 7/20/21

The most immediate opportunity for grant funding is the NTIA BIP program. The grant application for the NTIA BIP is due August 17, 2021. The City is acutely aware of the immediacy of this timeline. Reference the attached Notice of Funding Opportunity (NOFO) to assist your company in providing a detailed proposal.

Name of Internet Service Provider:

Key contact:

Contact information:

PROPOSAL REQUIREMENTS (REFERENCE THE ATTACHED NOFO FOR DETAILED INFORMATION):

1. Provide a detailed project narrative.
 - a. Executive Summary
 - b. Provide qualifications and experience of all key personnel responsible for implementing the proposed project including;
 - i. Table of Funded Project Participants and Unfunded Informal Collaborators
 - ii. Resumes of Key Personnel
 - c. A description of the covered broadband project proposed to be funded by the grant;
 - d. A description of the area to be served by the covered broadband project;
 - e. A description of which statutory funding priority(ies) (as set forth in Section 1.A of the referenced NOFO) the proposed project would address and how the proposed project would address such funding priority(ies);
 - f. A description of how the proposed project addresses the evaluation criteria identified in Section V.A of the referenced NOFO, including a description of project beneficiaries, service area level of need, project sustainability, and expected outcomes;
 - g. A description of how their deployment will have the ability to scale over time for greater capability;
 - h. A project plan describing all major project activities and timelines for implementation, including key deployment milestones;
 - i. A brief description of the physical project area and its surroundings. The description should also describe how project intends to comply with environmental and historic preservation requirements applicable to a possible award.
 - j. A description of any support provided to the provider of broadband service that is part of the covered partnership through:
 - i. Any grant, loan, or loan guarantee provided by a State to the provider of broadband service for the deployment of broadband service in the proposed service area;

- ii. Any grant, loan, or loan guarantee with respect to the proposed service are provided by the referenced acts or programs listed in the NOFO. List each separately either confirming funding or no funding.
 - k. A description of whether and, if so, how the project will incorporate strong labor standards, including project labor agreements and community benefit agreements that offer wages at or above the prevailing rate and included local hire provisions, and a description of the applicant's workforce plans and practices.
2. Provide a Detailed Budget Justification in the form of a spreadsheet, as well as a Budget Narrative in the form of a word document. All budget information must support the requirements detailed in the NOFO.
 3. If indirect costs are included in the proposed budget, provide a copy of the approved negotiated agreement if the rate was negotiated with a cognizant federal agency.
 4. Is your company willing to include a letter of commitment to the project for inclusion in the application?
 5. Is your company able to provide maps of the proposed service area in shapefiles, .kmz, or kml format (required for application)?
 6. Is your company willing to provide pro forma financial information and analyses, such as balance sheets, income statements, and statements of cash flows (required for application)?
 7. Is your company willing to provide network diagrams and system design information (required for application)?
 8. While the grant does not require a match, the Notice of Funding Opportunity (NOFO) does suggest a 10% match will raise the chances of winning the competitive grant and implies that the greater the match the greater the chance of funding. The match can include costs related to broadband infrastructure investments in areas adjacent to the proposed grant areas.
 - a. Is your company able to meet the 10% or preferably greater match requirement?
 9. Has your company completed broadband projects utilizing federal funding sources? If so, list project(s), funding source and budget amounts.
 10. Include answers to the following questions:
 - a. Do you have an engineered last mile broadband solution for the City of Elko? If so, what type of solution is your last mile solution?
 - b. Is financing in place for your solution? If so, please describe the financing.
 - c. Have you begun to interface with the City on permitting, engineering review and other administrative issues?
 - d. Are local partnerships part of your solution? If so, please describe your local partnership, particularly local financing?
 11. What Service Level Agreement would you propose for residential service? Include standards for uptime, jitter, latency, packet loss and a guaranteed upstream oversubscription rate that you would not exceed.

12. Will you have a low income plan?
13. Is your company able to guarantee that the level of service proposed will meet all the requirements of NTIA as specified in the NOFO are other requirements of the NTIA?
14. Is your company willing to enter into a contractual arraignment with the City concerning all relevant aspects of party responsibilities concerning management of the grant?

NOTICE OF FUNDING OPPORTUNITY

BROADBAND INFRASTRUCTURE PROGRAM

EXECUTIVE SUMMARY

A. Federal Agency Name

National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce

B. Funding Opportunity Title

Broadband Infrastructure Program

C. Announcement Type

Initial

D. Funding Opportunity Number

NTIA-Broadband-Infrastructure-Program-21

E. Assistance Listing (CFDA Number)

11.031, Broadband Infrastructure Program

F. Key Dates

Complete applications must be received by www.grants.gov no later than 11:59 p.m. Eastern Daylight Time (EDT) on **August 17, 2021**.

Applicants should be aware, and factor in their application submission planning, that the Grants.gov system periodically closes for routine maintenance. Applicants should visit Grants.gov for information about any scheduled closures.

NTIA expects to complete its review, selection of successful applicants, and award processing by **November 15, 2021**. NTIA expects the earliest start date for awards under this Notice of Funding Opportunity (NOFO) to be **November 29, 2021**.

Applicants are strongly urged to read Section IV.D, Attachment of Required Documents, with great attention. Applicants should carefully follow the instructions and recommendations regarding attachments and use the Download Submitted Forms and Applications feature on www.grants.gov to check that all required attachments were contained in their submission. Applications submitted without the required documents will not pass the Initial Administrative Review.

When developing the submission timeline, please keep in mind that: (1) all applicants are required to have current registrations in the electronic System for Award Management (SAM.gov) and Grants.gov; (2) the free annual registration process in SAM.gov generally takes between three (3) and five (5) business days but can take more than three weeks; and (3) applicants will receive e-mail notifications over a period of up to two (2) business days as the application moves through intermediate systems before the applicant learns via a validation or rejection notification whether a federal agency's electronic system has received the application. (See [Grants.gov](#) for full information on application and notification through Grants.gov). Please note that a federal assistance award cannot be issued if the designated recipient's registration in SAM.gov is not current at the time of the award.

G. Application Submission Address

Complete application packets must be submitted electronically through [www.grants.gov](#). Complete applications or portions thereof submitted by postal mail, courier, email, or by facsimile will not be accepted. *See Section IV of this NOFO for detailed information concerning application submission requirements.*

H. Funding Opportunity Description

NTIA issues this NOFO to describe the requirements under which it will award grants for the Broadband Infrastructure Program, authorized by the Consolidated Appropriations Act, 2021, Division N, Title IX, Section 905, Public Law 116-260, 134 Stat. 1182 (Dec. 27, 2020) (Act). The Broadband Infrastructure Program provides new federal funding for the Assistant Secretary to make grants on a competitive basis for the deployment of broadband infrastructure. The Act authorizes grants to covered partnerships for covered broadband projects, defined as competitively and technologically neutral projects for the deployment of fixed broadband service that provides qualifying broadband service in an eligible service area. *See Section I of this NOFO for the full Program Description.*

I. Funding Instrument

Grant.

J. Eligibility

A covered partnership is eligible for a grant under the Broadband Infrastructure Program. The Act defines a covered partnership as a partnership between: (A) a State, or one or more political subdivisions of a State; and (B) a provider of fixed broadband service. A covered partnership may include more than one provider of fixed broadband service as part of its application. Additionally, a provider of fixed broadband service may participate in more than one covered partnership. *See Section III of this NOFO for additional information concerning the eligibility requirements for this program.*

K. Anticipated Amounts

NTIA will make up to \$288,000,000 available for federal assistance under the Broadband Infrastructure Program. NTIA expects to make awards under this program within the following funding range: \$5,000,000 to \$30,000,000. This range is not a required minimum or maximum, but covered partnerships requesting amounts for projects outside of this range must provide a reasonable explanation for the variance in their project size. The period of performance for grants issued pursuant to this program is one year, unless such period is otherwise extended in writing by the Grants Officer. Given the limited amount of funding available for broadband infrastructure deployment awards and the potentially large number of covered partnerships that may submit applications for this grant program, NTIA will consider applications based on the priorities enumerated in Section 905(d)(4) of the Act (and set forth in Section I.A. of this NOFO) in their statutory order of priority. *See* Section II of this NOFO for additional information pertaining to award amounts and to the period of performance for grants issued pursuant to this NOFO.

L. Cost Sharing/Matching

The Act authorizing the establishment of the Broadband Infrastructure Program does not contain a statutory cost sharing or matching funds requirement for this grant program. NTIA will not require a covered partnership applying for a grant under the Broadband Infrastructure Program to provide a cost match; however, NTIA will favorably consider applications that propose to contribute a non-federal cost share of at least 10 percent of the total eligible costs of a project. Applicants proposing a cost share amount must document their capacity to provide matching funds in their applications. Matching funds may be in the form of either cash or in-kind contributions consistent with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200.¹ *See* Section III.B of this NOFO for more information pertaining to the cost sharing requirements for this program, Section IV of this NOFO for the application requirements for this program, and Section V of this NOFO for the Evaluation Criteria and Selection Factors for this program.

FULL ANNOUNCEMENT TEXT

Table of Contents

| | | |
|-------|--|----|
| I. | Program Description | 4 |
| II. | Federal Award Information..... | 7 |
| III. | Eligibility Information | 9 |
| IV. | Application and Submission Information | 11 |
| V. | Application Review Information | 29 |
| VI. | Federal Award Administration Information | 36 |
| VII. | Federal Awarding Agency Contacts | 40 |
| VIII. | Other Information | 41 |

¹ 2 C.F.R. Part 200, available at <http://go.usa.gov/SBYh>.

I. Program Description

NTIA issues this NOFO to describe the requirements under which it will award grants for the Broadband Infrastructure Program, authorized by the Consolidated Appropriations Act, 2021, Division N, Title IX, Section 905, Public Law 116-260, 134 Stat. 1182 (Dec. 27, 2020) (Act). The purpose of the Broadband Infrastructure Program is to provide federal funding to deploy broadband infrastructure to eligible service areas of the country.

A. Overview of the Broadband Infrastructure Program: The Broadband Infrastructure Program makes grants on a competitive basis to covered partnerships for covered broadband projects. The term “covered partnership” means a partnership between: (A) a State, or one or more political subdivisions of a State; and (B) a provider of fixed broadband service. A covered partnership may include more than one provider of fixed broadband service as part of its application. Additionally, a provider of fixed broadband service may participate in more than one covered partnership. A provider of broadband service that is part of a covered partnership is not required to be designated as an eligible telecommunications carrier pursuant to section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)). NTIA encourages municipalities, non-profits, or cooperatives that own and/or operate broadband networks to participate in this program as part of a covered partnership.

The term “covered broadband project” means a competitively and technologically neutral project for the deployment of fixed broadband service that provides qualifying broadband service in an eligible service area. The term “qualifying broadband service” means broadband service with: (A) a download speed of not less than 25 megabits per second; (B) an upload speed of not less than 3 megabits per second; and (C) a latency sufficient to support real time, interactive applications. For purposes of this program, NTIA will interpret the 25/3 standard to mean the ability to provide 25 Mbps downstream and 3 Mbps upstream simultaneously to every household in the eligible service area. NTIA will interpret latency to mean 95 percent or more of all peak period measurements of network round trip latency [*i.e.*, the total round-trip latency between the customer premises and the closest designated Internet core peering interconnection point] are at or below 100 milliseconds. Including these particulars in the definition will help ensure that applicants can realistically provide service that meets NTIA’s “qualifying broadband service” standard reliably on the ground while also recognizing the Act’s requirement for technologically neutral projects. Using these standards also maintains consistency with how other federal support programs apply these terms.²

The term “eligible service area” means a census block in which broadband service is not available at one or more households or businesses in the census block, as determined by the Assistant Secretary on the basis of: (A) the maps created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)); or (B) if the maps described in subparagraph (A) are not available, the most recent information available to the Assistant Secretary, including information provided by the Federal Communications Commission (FCC).

² See Rural Utilities Service, Department of Agriculture, *Funding Opportunity Announcement and Solicitation of Application for Second Round of the Reconnect Program*, 84 Fed. Reg. 67913, 67918 (Dec. 12, 2019); *In the Matter of Rural Digital Opportunity Fund*, WC Docket No. 19-126; *In the Matter of Connect America Fund*, WC Docket No. 10-90, FCC 20-5, at ¶ 32 (Feb. 7, 2020), <https://docs.fcc.gov/public/attachments/FCC-20-5A1.pdf> at paragraph 36.

To be eligible for a grant under the Broadband Infrastructure Program, Section 905(d)(3) of the Act requires that the covered partnership submit an application that describes the covered partnership, the covered broadband project proposed for funding, including the cost of the project and the speed of the broadband service offerings, and the proposed service area of the project. Additionally, the Act requires the applicant to disclose any other federal or state support that the broadband service provider that is part of the covered partnership has received to deploy broadband service in the proposed service area. NTIA will factor such information as it considers applications eligible for award, but the receipt of other federal or state funds does not necessarily preclude the covered partnership from receiving a grant under the Broadband Infrastructure Program. NTIA will also ensure that necessary investments are designed to provide an adequate minimum level of service and are unlikely to be made using private sources of funds.

In awarding grants under this program, the Assistant Secretary will give priority to applications for covered broadband projects as follows, in decreasing order of priority, as set forth in Section 905(d)(4) of the Act:

- (1) Covered broadband projects designed to provide broadband service to the greatest number of households in an eligible service area;
- (2) Covered broadband projects designed to provide broadband service in an eligible service area that is wholly within any area other than:
 - (i) a county, city, or town that has a population of more than 50,000 inhabitants; and
 - (ii) the urbanized area contiguous and adjacent to a city or town of more than 50,000 inhabitants;
- (3) Covered broadband projects that are the most cost-effective, prioritizing such projects in areas that are the most rural;
- (4) Covered broadband projects designed to provide broadband service with a download speed of not less than 100 megabits per second and an upload speed of not less than 20 megabits per second; and
- (5) Any other covered broadband project that meets the requirements of this NOFO.

Additionally, NTIA is interested in ensuring that any broadband infrastructure deployed under this grant program will have the ability to evolve, sustain, and scale for future advanced services that will also be important to the U.S. economy. In the years ahead, emerging technologies such as cloud technologies, artificial intelligence, health IoT and telemedicine, smart grid, and 5G, will all require broadband networks capable of delivering much faster speeds, lower latency, and higher reliability than those now codified by various federal agencies. Thus, NTIA encourages the submission of project proposals that deploy future-proof infrastructure, *e.g.*, fiber.

It is important that necessary investments in broadband infrastructure be carried out in ways that produce high-quality infrastructure, avert disruptive and costly delays, and promote efficiency. NTIA understands the importance of promoting workforce development and encourages recipients to ensure that broadband projects use strong labor standards, including project labor agreements and community benefit agreements that offer wages at or above the prevailing rate and include local hire provisions, not only to promote effective and efficient delivery of high-quality infrastructure projects but also to support the economic recovery through strong employment opportunities for workers. Using these practices in construction projects may help to ensure a reliable supply of skilled labor that would minimize disruptions, such as those associated with labor disputes or workplace injuries.

The Act requires covered partnerships to complete their covered broadband projects within one year of their receipt of grant funds. The Assistant Secretary, however, may extend the award period for broadband infrastructure construction projects if the covered partnership certifies that: (1) it has a plan for the use of the grant funds, (2) the construction project is underway, or (3) extenuating circumstances require an extension of time to allow the project to be completed.

NTIA issues this NOFO to invite covered partnerships to submit applications for the Broadband Infrastructure Program, provide information on the amount of funding available for award, discuss how it will allocate funds to qualifying applicants, give instructions on the application process, and describe the evaluation criteria for application review and the factors for award selection. The definitions applicable to this NOFO are set forth below.

B. Definitions.—The following definitions are applicable to the Broadband Infrastructure Program:

- (a) Assistant Secretary—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.
- (b) Broadband or Broadband Service—The term “broadband” or “broadband service” has the meaning given the term “broadband internet access service” in 47 C.F.R. § 8.1(b), or any successor regulation.
- (c) Commission—The term “Commission” means the Federal Communications Commission.
- (d) Community Anchor Institutions—means schools, libraries, medical and healthcare providers, public safety entities, public housing authorities, institutes of higher education and other community support organizations that provide outreach, access, equipment and support services to facilitate greater use of broadband service by the entire population and local governments.
- (e) Covered Broadband Project—The term “covered broadband project” means a competitively and technologically neutral project for the deployment of fixed broadband service that provides qualifying broadband service in an eligible service area.
- (f) Covered Partnership— The term “covered partnership” means a partnership between: (A) a State, or one or more political subdivisions of a State; and (B) a provider of fixed broadband

service. A provider of broadband service that is part of a covered partnership is not required to be designated as an eligible telecommunications carrier pursuant to section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)).

(g) Department—The term “Department” means the Department of Commerce.

(h) Eligible Service Area—The term “eligible service area” means a census block in which broadband service is not available at one or more households or businesses in the census block, as determined by the Assistant Secretary on the basis of: (i) the maps created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)); or (ii) if the maps described in subparagraph (i) are not available, the most recent information available to the Assistant Secretary, including information provided by the Commission.

(i) Qualifying Broadband Service—The term “qualifying broadband service” means broadband service with: (i) a download speed of not less than 25 megabits per second; (ii) an upload speed of not less than 3 megabits per second; and (iii) a latency sufficient to support real-time, interactive applications. For purposes of this program, NTIA will interpret the 25/3 standard to mean the ability to provide 25 Mbps downstream and 3 Mbps upstream simultaneously to every household in the eligible service area. NTIA will interpret latency to mean 95 percent or more of all peak period measurements of network round trip latency [*i.e.*, the total round-trip latency between the customer premises and the closest designated Internet core peering interconnection point] are at or below 100 milliseconds.

(j) State—Any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

(k) Unserved.—The term “unserved,” with respect to a household, means: (A) the household lacks access to qualifying broadband service; and (B) no broadband provider has been selected to receive, or is otherwise receiving, Federal or State funding subject to enforceable build out commitments to deploy qualifying broadband service in the specific area where the household is located by dates certain, even if such service is not yet available, provided that the Federal or State agency providing the funding has not deemed the service provider to be in default of its buildout obligations under the applicable Federal or State program.

II. Federal Award Information

A. Funding Availability

NTIA will make up to \$288,000,000 available for federal assistance under the Broadband Infrastructure Program.

B. Project/Award Period

As established in Section 905(d)(5)(A) of the Act, the award period for the Broadband Infrastructure Program is one year from the initial receipt of grant funds.

1. Extensions: The Assistant Secretary may extend the one-year award period for a covered partnership that proposes to use the grant funds for construction of broadband infrastructure if the covered partnership certifies that:

- (i) the covered partnership has a plan for use of the grant funds;
- (ii) the construction project is underway; or
- (iii) extenuating circumstances require an extension of time to allow the project to be completed.

2. Petition for Extension: The covered partnership may submit a request for an extension of the one-year award period with its application or not later than ninety (90) calendar days before the end of the award period.

3. Reversion of Funds: NTIA will make any grant funds not expended by a covered partnership by the end of the one-year award period set forth in the Act available to other covered partnerships for the purposes provided in the Broadband Infrastructure Program, unless the Assistant Secretary has granted the covered partnership an extension of time to complete its project.

C. Award Amount

NTIA will make the amounts appropriated under the Broadband Infrastructure Program available on a competitive basis to covered partnerships, as defined in Section I.B.f of this NOFO, to implement covered broadband projects, as defined in Section I.B.e of this NOFO.

NTIA expects to make awards under this program within the following funding range: \$5,000,000 to \$30,000,000. This range is not a required minimum or maximum, but covered partnerships requesting amounts for projects outside of this range must provide a reasonable explanation for the variance in their project size.

Given the limited amount of funding available to award for broadband infrastructure deployment and the potentially large number of covered partnerships that may submit applications for this grant program, NTIA will consider applications based on the priorities enumerated in Section 905(d)(4) (and set forth in Section I.A. of this NOFO) in their statutory order of priority. Thus, NTIA will sequence all applications that address priority one and propose a covered broadband project designed to provide broadband service to the greatest number of (unserved) households in an eligible service area and evaluate them against the objective criteria set forth in Section V.A of the NOFO to determine their eligibility for award. To the extent that funding remains available after NTIA completes its review of priority one applications, NTIA will then sequence applications that address priority two. NTIA will continue this priority sequencing process until it has awarded all available funding.

In addition, NTIA retains discretion to make supplemental awards to a covered partnership to the extent that another covered partnership does not expend some or all of its grant funds during the other covered partnership's period of performance.

D. Treatment of Unallocated Funds

1. In General: In accordance with Section 905(e)(2)(F) of the Act, if a covered partnership does not submit an application by the deadline established under this NOFO, or the Assistant Secretary does not approve an application submitted by a covered partnership under this NOFO, the Assistant Secretary will make the amounts allocated for the covered partnership available to other covered partnerships applying to the Broadband Infrastructure Program.

2. Second Process: The Assistant Secretary will initiate a second notice and application process to reallocate any funds that remain available after awarding grants to covered partnerships that submitted approved applications during the initial round of funding for the Broadband Infrastructure Program.

E. Type of Funding Instrument

The funding instrument for awards made pursuant to the NOFO will be a grant.

III. Eligibility Information

A. Eligible Applicants

1. An applicant must be a covered partnership as defined in Section I.B.f of this NOFO. Specifically, the term “covered partnership” means a partnership between: (A) a State, or one or more political subdivisions of a State; and (B) a provider of fixed broadband service. The partnership does not need to be documented in a formal legal agreement at the time of application submission but should be expressed in the application as a general intent to cooperate in implementing the covered broadband project proposed for an award. A covered partnership may include more than one provider of fixed broadband service as part of its application. Additionally, a fixed broadband service provider may participate in more than one covered partnership.

Furthermore, the Assistant Secretary will not require a provider of broadband service that is part of a covered partnership to be designated as an eligible telecommunications carrier pursuant to section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)) to be eligible to receive a grant under this NOFO or as a condition of receiving a grant under this NOFO.

2. Designation of Lead Applicant—The governmental entity (either a State or a political subdivision of a State that must be included in a covered partnership) must serve as the lead applicant for the covered partnership and would enter into the grant agreement with NTIA and assume primary operational and financial responsibility for completing the project should an award be made.

B. Cost Sharing or Matching

The Act authorizing the establishment of the Broadband Infrastructure Program does not contain a statutory cost sharing or matching funds requirement. NTIA will not require a covered partnership applying for a grant under the Broadband Infrastructure Program to provide a cost

match; however, NTIA will favorably consider applications that propose to contribute a non-federal cost match of at least 10 percent of the total eligible costs of the project. *See* Section V of this NOFO for the Evaluation Criteria and the Selection Factors for this program. Applicants proposing a cost share amount must document their capacity to provide matching funds in their applications. Matching funds may be in the form of either cash or in-kind contributions consistent with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200.³ Non-federal cost share committed to an award by a covered partnership will be treated as voluntary committed cost sharing (as defined in 2 C.F.R. § 200.1) and will be a binding commitment under the award. The failure of a covered partnership to meet its voluntary committed cost share may result in a decrease in federal grant funds.

In-kind contributions, which include third party in-kind contributions, are non-cash donations of property, goods or services, which benefit a federally assisted project, and which may count toward satisfying the non-federal matching requirement of a project's total budgeted costs when such contributions meet certain criteria.⁴ In-kind contributions must be allowable and allocable project expenses. The rules governing allowable in-kind contributions are very detailed and encompass a wide range of properties and services. NTIA encourages applicants to thoroughly consider potential sources of in-kind contributions that, depending on the particular property or service and the applicable federal cost principles, could include: employee or volunteer services; equipment; supplies; indirect costs; computer hardware and software; and use of facilities. It is important to note that federal funds may not be used as non-federal match, except as expressly provided by federal statute.⁵

C. Other

1. Eligible and Ineligible Uses of Project Funds – *See* Section IV.J of this NOFO for information concerning the eligible and ineligible uses of project funding (including non-federal cost share) under the Broadband Infrastructure Program.

2. Single Application — Section 905(e)(2)(C) of the Act states that a covered partnership may submit only one application for the Broadband Infrastructure Program.

3. State Coordination on Covered Broadband Projects — Given the Act's requirement that a covered partnership submit only one application and the limited amount of federal funds available for award, NTIA encourages political subdivisions of a State that are contemplating forming a covered partnership with one or more providers of fixed broadband service to coordinate and consult with the State's Broadband Office or other coordinating body to ensure that the proposal is consistent with a State's broadband plan or priorities. Such coordination enables the State to evaluate the proposed covered broadband projects presented for consideration and ensure the submission of top priority projects for funding under the Broadband

³ *See id.* and 2 C.F.R. § 200.306.

⁴ *See* 2 C.F.R. § 200.306.

⁵ *See id.*

Infrastructure Program. Additionally, the applicant must identify on Line 19 of the SF-424 application form whether the application is subject to State review pursuant to Executive Order 12372 and whether the application was selected for review by the State.

IV. Application and Submission Information

A. Address to Request Application Package

Application forms and instructions are available on the Grants.gov website (www.grants.gov). To access these materials, go to <http://www.grants.gov>, select “How to Apply for Grants,” and then select “Search for Opportunity Package.” Enter the CFDA number (11.031) and/or the funding opportunity number (NTIA-Broadband-Infrastructure-Program-21). Select “Grant Opportunity Package,” and then follow the prompts. To download the instructions, go to “Preview Opportunity Package” and select “Download Instructions.” NTIA recommends that applicants visit Grants.gov prior to filing their applications so that they fully understand the process and requirements. Failure to properly register and apply for funds under the Broadband Infrastructure Program by the deadline established in this NOFO may result in a covered partnership losing this grant opportunity. Applications are accepted until the deadline and are processed as received. Application packages, or portions thereof, submitted by email, paper, or facsimile will not be accepted.

With respect to electronic methods for providing information about funding opportunities or accepting applicants’ submissions of information, NTIA is responsible for compliance with Section 508 of the Rehabilitation Act of 1973, as amended by the Workforce Act of 1998.

B. Content and Form of Applications

Applications for the Broadband Infrastructure Program must be complete and follow the format described in this NOFO. Complete applications must be received by www.grants.gov no later than 11:59 p.m. Eastern Daylight Time (EDT) on **August 17, 2021**. Pre-applications are not being accepted for this program.

A complete application packet consists of the following forms and required submissions, which are discussed in more detail below.

1. Standard Form 424: Application for Federal Assistance

This is the title page (SF-424). This form (and all additional forms requiring a signature) must be signed by the applicant’s authorized organization representative (AOR). Electronic signatures submitted through www.grants.gov satisfy this requirement.

- SF-424, Item 8.d Zip/Postal Code field, should reflect the Zip code + 4 (#####-####) format.
- SF-424, Item 12, should list the NOFO number as NTIA-Broadband-Infrastructure-Program-21.
- SF-424, Item 18, should list the total federal budget amount requested for the entire project.

- SF-424, Item 19, Applications under this program are subject to Executive Order 12372, “Intergovernmental Review of Federal Programs,” which requires intergovernmental consultation with state and local officials. Applicants are required to submit a copy of their applications to their designated state Single Point of Contact (SPOC) offices, which should be reflected in Item 19 on the SF-424.
- For SF-424, Item 21, the list of certifications and assurances that are referenced is contained in the Federal Financial Assistance Certifications and Representations (Certs and Reps) as part of the SAM.gov entity registration, as well as the Certifications Regarding Debarment and Suspension, as described in section IV.F of this NOFO below.

2. Standard Form 424C: Budget Information for Construction Programs (SF-424C)

Applicants must complete this form and, as indicated in section IV.B.7 below, provide a detailed budget narrative that adequately describes all proposed activities and costs for their grant-funded project(s).

3. Standard Form 424D: Assurances for Construction Programs (SF-424D)

The SF-424D is required for all applicants that have not updated their System for Award Management (SAM.gov) entity registration since February 2, 2019 to include the federal financial assistance Certifications and Representations (Certs and Reps). If an applicant has updated their SAM.gov entity registration since February 2, 2019 to include the certifications and representations, then the SF-424D is not required.

4. CD-511 Certification Regarding Lobbying

Enter “NTIA-Broadband-Infrastructure-Program-21” in the Award Number field. Enter the title of the application used in field 15 of the SF-424, or an abbreviation of that title, in the Project Name field.

5. Standard Form LLL, Disclosure of Lobbying Activities (if applicable)

6. Project Narrative

The Project Narrative is a word-processed document of not more than twenty (20) single-spaced pages (40 double-spaced pages) responsive to the program description, statutory purposes, funding priorities, and the evaluation criteria set forth in this NOFO. The Project Narrative shall include:

- a. An executive summary of the project not to exceed two (2) pages. Please note, if an applicant’s proposal is selected for funding, NTIA may use all or a portion of the Executive Summary as part of a press release issued by NTIA, or for other public information and outreach purposes. Applicants are advised not to incorporate information that concerns business trade secrets or other confidential commercial or financial information as part of the Executive Summary. *See also 15 C.F.R. § 4.9(c)* concerning the designation of business information by the applicant;

- b. A description of the covered partnership, including a description of the organizations involved and the qualifications and experience of key personnel responsible for implementing the proposed project, including:
- i. **Table of Funded Project Participants and Unfunded Informal Collaborators.** (Does not count toward the page limit). Provide a table that identifies all organizations that will participate in and contribute to the proposed activities, if funded, known at the time of the application submission. The table should consist of an alphabetically ordered list, by organization, of all Funded Project Participants and all Unfunded Informal Collaborators. The table should include the organization's name, address, administrative role, scope of work (funded participants only) and proposed funding amount (funded participants only). Administrative roles are: applicant, subrecipient, or contractor for funded participants; or collaborator if they will not receive funding.
 - ii. **Resumes of Key Personnel.** (Does not count toward page limit but are limited to one-page each). One-page resumes of no more than five key personnel from the participants in the covered partnership (not subrecipients) may be included. Any information beyond one page for each resume and any additional resumes submitted will not be considered.
- c. A description of the covered broadband project to be funded by the grant, including the services, speed or tiers of speeds at which the covered partnership plans to offer broadband service, the proposed prices of the broadband service offerings, the technical details of the project, including the type of technology to be deployed, and the cost details of the project, including financial analyses and revenue and expense projections, and a description of why federal financial assistance is needed to implement the covered broadband project;
- d. A description of the area to be served by the covered broadband project (referred to as the proposed service area) including a list of the census blocks to be served, or portions thereof, the percentage of the total unserved (lack of infrastructure) population to be served by the project, and the number of unserved households, businesses, and community anchor institutions the project plans to connect;
- e. A description of which statutory funding priority(ies) (as set forth in Section I.A of this NOFO) the proposed project would address and how the proposed project would address such funding priority(ies);
- f. A description of how the project addresses the evaluation criteria identified in Section V.A of this NOFO, including a description of project beneficiaries, service area level of need, project sustainability, and expected outcomes;

- g. A description of how their deployment will have the ability to scale over time for greater capability (*e.g.*, using integrated advanced services such as 5G or fiber);
- h. A project plan describing all major project activities and timelines for implementation, including key deployment milestones;
- i. A brief description of the physical project area and its surroundings (*e.g.*, disturbed or developed land vs. open space; adjacent natural resources, such as rivers, wetlands, or forestlands; and any protected lands or resources in or near the project area), including site photographs and aerial (*e.g.*, Google Earth or Google Maps images) photographs, if the project includes construction and/or ground disturbing activities. This description should also describe how the covered partnership intends to comply with the environmental and historic preservation requirements applicable to an award received under the Broadband Infrastructure Program (including, but not limited to, the National Environmental Policy Act and the National Historic Preservation Act), and if applicable, provide a copy of any environmental and historic preservation review documentation that has been prepared in connection with obtaining permits or approvals from State, local or other federal entities. It is the applicant's responsibility to obtain all necessary federal, State, and local governmental permits and approvals necessary for the proposed work to be conducted. Applicants are expected to design their projects so that they minimize the potential for adverse impacts on the environment. Applicants also will be required to cooperate with NTIA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposed projects. The failure to do so may be grounds for not making an award. Environmental and historic preservation review documentation, if provided, is not included in the 20-page limit of the project narrative; and
- j. A description of any support provided to the provider of broadband service that is part of the covered partnership through:
 - i. Any grant, loan, or loan guarantee provided by a State to the provider of broadband service for the deployment of broadband service in the proposed service area;
 - ii. Any grant, loan, or loan guarantee with respect to the proposed service area provided by the Secretary of Agriculture under:
 - 1. Title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb *et seq.*), including: any program to provide grants, loans, or loan guarantees under sections 601 through 603 of that Act (7 U.S.C. 950bb *et seq.*); and the Community Connect Grant Program established under section 604 of that Act (7 U.S.C. 950bb–3); or
 - 2. The broadband loan and grant pilot program known as the “Rural eConnectivity Pilot Program” or the “ReConnect

Program” authorized under section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115–141; 132 Stat. 348);

- iii. Any high-cost universal service support provided under section 254 of the Communications Act of 1934 (47 U.S.C. 254);
 - iv. Any grant provided under section 6001 of the American Recovery and Reinvestment Act of 2009 (47 U.S.C. 1305);
 - v. Amounts made available for the Education Stabilization Fund under the heading “DEPARTMENT OF EDUCATION” in title VIII of division B of the CARES Act (Public Law 116–136; 134 Stat. 564); or
 - vi. Any other grant, loan, or loan guarantee provided by the Federal Government for the provision of broadband service.
- k. A description of whether and, if so, how the project will incorporate strong labor standards, including project labor agreements and community benefit agreements that offer wages at or above the prevailing rate and include local hire provisions, and a description of the applicant’s workforce plans and practices.

7. Budget Narrative and Detailed Budget Justification

Applicants must submit a Detailed Budget Justification in the form of a spreadsheet, as well as a Budget Narrative in the form of a word document. All budget information must support the dollar amounts identified in the SF-424 and SF-424C and demonstrate that the project or activity meets the eligible use requirements in the Act and this NOFO.

The Detailed Budget Justification spreadsheet must reflect the cost categories that appear on the SF-424C (*e.g.*, administrative and legal expenses; land; structures; rights-of-way; appraisals; construction, etc.) and include itemized calculations for each cost placed under those categories. The spreadsheet must be formatted to fit letter-sized paper (8.5” x 11”).

The Budget Narrative must explain the necessity and basis for all costs, clearly correspond to the information included in the Detailed Budget Justification spreadsheet, and reflect only allowable costs that are consistent with the project scope. Information on cost allowability is available in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. § 200, which apply to awards in this program.

If cost sharing or matching funds are included in the budget, the applicant must identify the non-federal source (*e.g.*, state funding) and distinguish the non-federal and federal portions of the budget in the Detailed Budget Justification and Budget Narrative. Information regarding cost sharing or matching funds is available in 2 C.F.R. § 200.306.

8. Indirect Cost Rate Agreement (as applicable)

If indirect costs are included in the proposed budget, provide a copy of the approved negotiated agreement if this rate was negotiated with a cognizant federal agency. If the rate was not established by a cognizant federal agency, provide a statement to this effect. If the successful applicant includes indirect costs in the budget and has not established an indirect cost rate with a cognizant federal agency, the applicant will be required to obtain such a rate in accordance with Section B.06 of the Department of Commerce Financial Assistance Standard Terms and Conditions, dated November 12, 2020.

Alternatively, in accordance with 2 C.F.R. § 200.414(f), applicants, other than entities described in Section D.1.b. of Appendix VII to 2 C.F.R. Part 200, that do not have a current negotiated indirect cost rate (including a provisional rate) may elect to charge indirect costs to the award pursuant to a de minimis rate of 10 percent of modified total direct costs, in which case a negotiated indirect cost rate agreement is not required. As described in 2 C.F.R. § 200.403, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. Once chosen, this methodology must be used consistently for all federal awards until such time as a non-federal entity chooses to negotiate for a rate, which the non-federal entity may apply to do at any time. Applicants proposing a 10 percent de minimis rate pursuant to 2 C.F.R. § 200.414(f) must note this election as part of the budget portion of the application.

9. Letters of Commitment

Each application must include a Letter of Commitment from an authorized representative of each member of the covered partnership. The Letter of Commitment will discuss the scope of work to be undertaken by the member of the covered partnership and its relevance to the covered broadband project.

- 10. Maps of proposed service areas (preferably in shapefiles, .kmz, or .kml formats).**
- 11. Pro forma financial information and analyses, such as balance sheets, income statements, and statements of cash flows; and**
- 12. Network diagram(s) and system design(s).**

C. Additional Application Materials

No additional application materials are required, beyond what is enumerated above.

D. Attachment of Required Documents

Items in Section IV.B.1 though IV.B.5 above are part of the standard application package in Grants.gov and can be completed through the download application process.

Items in Section IV.B.6 through IV.B.12 above must be completed and attached by clicking on “Add Attachments” found in item 15 of the SF-424, Application for Federal Assistance. This will create a zip file that allows for transmittal of the documents electronically via Grants.gov.

Applicants should carefully follow specific Grants.gov instructions at www.Grants.gov to ensure the attachments will be accepted by the Grants.gov system. A receipt from Grants.gov indicates only that an application was transferred to a system. It does not provide details concerning whether all attachments (or how many attachments) transferred successfully. Applicants will receive a series of e-mail messages over a period of up to two business days before learning whether a federal agency’s electronic system has received its application.

E. Application Format

1. Paper, Emailed and Facsimile (fax) submissions

Paper, email and facsimile submissions will not be accepted.

2. Figures, graphs, images, and pictures

Should be of a size that is easily readable or viewable and may be landscape orientation.

3. Font

Easy to read font (10-point minimum). Smaller type may be used in figures and tables but must be clearly legible.

4. Line spacing

Applicants may use single spacing or double spacing.

5. Margins

One inch top, bottom, left, and right.

6. Page layout

Portrait orientation except for figures, graphs, images, and pictures. Paragraphs are to be clearly separated from each other by double spacing, paragraph formatting or equivalent.

7. Page limit

The Project Narrative is limited to 20 pages single spaced (40 pages double spaced), noting the limit of two (2) pages for the Executive Summary. Resumes, environmental and historic preservation review documentation, the table of funded project participants, and unfunded informal collaborators are not included in the page count of the Project Narrative. However, if resumes are included, resumes must be a maximum of one (1) page each.

8. Page numbering

Number pages sequentially.

9. Page size

8½ inches by 11 inches, excluding maps of proposed service areas or network or system diagrams.

10. Application language

English.

11. Typed document

All applications, including forms, must be typed.

F. Certifications Regarding Debarment and Suspension (applies to all members of a covered partnership and to all subrecipients)

By signing and submitting an application for funding pursuant to the Broadband Infrastructure Program, the applicant is making the following certifications (*see Line 21 on the SF-424*):

- 1. Instructions for Primary Tier Participant Certification (covered partnerships):**
 - a. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 C.F.R. Parts 180, 1200 and 1326.
 - b. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
 - c. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
 - d. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

- e. The terms *covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded*, as used in this clause, are defined in 2 C.F.R. Parts 180, 1200 and 1326. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
 - f. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 C.F.R. Part 9, Subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
 - g. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 C.F.R. Parts 180, 1200 and 1326.
 - h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 C.F.R. Part 9, Subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
 - i. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
 - j. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 C.F.R. Part 9, Subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency may terminate the transaction for cause or default.
2. Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Tier Covered Transactions:

- a. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
- b. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any federal department or agency;
- c. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- d. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- e. Have not within a three-year period preceding this application/proposal had one or more public transactions (federal, state, or local) terminated for cause or default.
- f. Where the prospective primary tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

3. Instructions for Lower Tier Participant Certification (applies to subrecipients):

- a. By submitting this proposal and accepting federal funding, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 C.F.R. Parts 180, 1200 and 1326.
- b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
- c. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- d. The terms *covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded*, as used in this clause, are defined in 2 C.F.R. Parts 180, 1200 and 1326. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
- e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 C.F.R. Part 9, Subpart 9.4, debarred, suspended, declared

- ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- f. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 C.F.R. Parts 180 and 1200.
 - g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 C.F.R. Part 9, Subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
 - h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
 - i. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 C.F.R. Part 9, Subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
4. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions:
- a. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any federal department or agency.
 - b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

G. Dun & Bradstreet Number and System for Award Management

Pursuant to 2 C.F.R. Part 25, an applicant or recipient (as the case may be) is required to: (i) be registered in the System for Award Management (SAM) before submitting its complete application packet; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency, unless otherwise excepted from these requirements pursuant to 2 C.F.R.

§ 25.110. NTIA will not make a federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time that NTIA is ready to make a federal award pursuant to this NOFO, NTIA may determine that the applicant is not qualified to receive a federal award.

1. DUNS Number

All applicants must supply a Dun and Bradstreet Data Universal Numbering System (DUNS) number. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1-866-705-5711 or via the Internet at <http://fedgov.dnb.com/webform>.

2. System for Award Management

All applicants must register in the SAM before submitting a complete application packet. Additionally, the applicant must maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. Applicants can register for the SAM at <https://www.sam.gov/>.

H. Submission Dates and Times

Complete applications must be received by www.grants.gov no later than 11:59 p.m. Eastern Daylight Time (EDT) on **August 17, 2021**. Complete applications or portions thereof submitted by postal mail, courier, email, or by facsimile will not be accepted. All application forms and documents must be included with an applicant's complete application packet submission via www.grants.gov. Applicants should be aware, and factor in their application submission planning, that the Grants.gov system periodically closes for routine maintenance. Applicants should visit Grants.gov for information about any scheduled closures.

When developing the submission timeline, please keep in mind that: (1) all applicants are required to have current registrations in the electronic System for Award Management (SAM.gov) and Grants.gov; (2) the free annual registration process in SAM.gov generally takes between three (3) and five (5) business days but can take more than three weeks; and (3) applicants will receive e-mail notifications over a period of up to two (2) business days as the application moves through intermediate systems before the applicant learns via a validation or rejection notification whether a federal agency's electronic system has received the application. (See Grants.gov for full information on application and notification through Grants.gov). Please

note that a federal assistance award cannot be issued if the designated recipient's registration in SAM.gov is not current at the time of the award.

NTIA expects to complete its review, selection of successful applicants, and award processing by **November 15, 2021**. NTIA expects the earliest start date for awards under this NOFO to be **November 29, 2021**.

I. Intergovernmental Review

Applications from a State or a political subdivision of the State under this program are subject to Executive Order 12372, "Intergovernmental Review of Federal Programs," which requires intergovernmental consultation with state and local officials. All applicants are required to submit a copy of their applications to their designated state Single Point of Contact (SPOC) offices.⁶

J. Funding Restrictions

1. Eligible Uses of Funds for the Broadband Infrastructure Program

Grant recipients may only use federal award funds and any non-federal cost share committed to an award to pay for allowable costs under the Broadband Infrastructure Program.

Allowable costs are determined in accordance with the cost principles identified in 2 C.F.R. Part 200, including Subpart E of such regulations for States and non-profit organizations, and in 48 C.F.R. Part 31 for commercial organizations,⁷ as well as in the grant program's authorizing legislation. Federal and non-federal funds committed to an award may only be used to cover allowable costs incurred during the period of performance and for allowable closeout costs incurred during the grant closeout process.

Based on the scope of the Broadband Infrastructure Program, below are non-exclusive examples of how a covered partnership may generally leverage grant funds:

- a. fund the costs of construction, improvement, and/or acquisition of facilities and telecommunications equipment required to provide qualifying broadband service, including infrastructure for backhaul, middle and last mile networks;
- b. fund the cost of long-term leases (for terms greater than one year) of facilities required to provide qualifying broadband service, including indefeasible right-of-use (IRU) agreements;

⁶ See 7 C.F.R. Part 3015, Subpart V.

⁷ The government has established a set of principles for determining eligible or allowable costs. Allowable costs are determined in accordance with the cost principles applicable to the entity incurring the costs. For example, the allowability of costs incurred by State, local or Federally-Recognized Indian tribal governments is determined in accordance with the provisions of 2 C.F.R. Part 200, Subpart E and the allowability of costs for commercial organizations is determined in accordance with the provisions of 48 C.F.R. Part 31, unless the Grants Officer decides in writing to apply the cost principles in 2 C.F.R. Part 200, Subpart E, to commercial organizations pursuant to 2 C.F.R. § 200.101(a)(2).

- c. fund the costs of engineering design, permitting and work related to environmental, historical and cultural reviews;
- d. fund personnel costs, including salaries and fringe benefits for staff and consultants required for the implementation of the Broadband Infrastructure Program (such as project managers, program directors, subject matter experts, grant administrators, financial analysts, accountants, and attorneys);
- e. fund reasonable pre-application expenses in an amount not to exceed \$50,000. Pre-application expenses, which include expenses related to preparing an application, may be reimbursed if they are incurred after the publication date of this NOFO and prior to the date of issuance of the grant award from NTIA, except that lobbying costs and contingency fees are not reimbursable from grant funds. Pre-application costs should be clearly identified in the proposed project budget. Additionally, pre-application costs are incurred at the sole risk of the applicant and will not be reimbursed by NTIA if the proposed project does not receive an award pursuant to this program; and
- f. fund other allowable costs necessary to carrying out programmatic activities of an award, not to include ineligible costs described below in Section IV.J.2 of this NOFO.

2. Ineligible Costs for the Broadband Infrastructure Program

Ineligible costs include those costs that are unallowable under the applicable federal cost principles. Please note that costs ineligible for the Broadband Infrastructure Program may not be paid for with non-federal cost share committed to an award. In addition, the following costs are specifically identified as prohibited under the Broadband Infrastructure Program:

- a. **Covered Partnership** – The following costs prohibitions apply to all members of a covered partnership:
 - i. **Prohibition On Use of Grant Funds For Covered Communications Equipment Or Services.**—A covered partnership may not use grant funds received under the Broadband Infrastructure Program to purchase or support any covered communications equipment or service (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608)).
 - ii. **Prohibition on Profit and Fees.**—A profit, fee, or other incremental charge above actual cost is not an allowable cost under this program.
 - iii. **Prohibition on Use of Grant Funds to Support or Oppose Collective Bargaining.**—A covered partnership may not use grant funds, whether directly or indirectly as an offset for other funds, to support or oppose collective bargaining.

b. Provider of Broadband Services – The following cost prohibitions apply to a provider of broadband services that is a member of a covered partnership:

As a condition of receiving a grant under the Broadband Infrastructure Program, a provider of broadband service that is part of a covered partnership receiving the grant is prohibited:

- i. from using the grant amounts to repay, or make any other payment relating to, a loan made by any public or private lender;
- ii. from using grant amounts as collateral for a loan made by any public or private lender;
- iii. from using more than \$50,000 of the grant amounts to pay for the preparation of the grant;
- iv. from using grant funds to pay for previously incurred administrative costs or previously purchased equipment or construction activities undertaken prior to the award; and
- v. from using grant funds to pay for the costs of providing broadband service to any locations that are used to meet an FCC Universal Service Fund (USF) deployment obligation.

3. Impact On Other Federal Broadband Programs.—As stated in Section 905(g) of the Act, the use of grant funds received under the Broadband Infrastructure Program by a covered partnership or subrecipient shall not impact the eligibility of, or otherwise disadvantage, the covered partnership or subrecipient with respect to participation in any other federal broadband program.

K. Material Representations and Public Disclosure of Applications

All forms and supporting documents submitted as part of the complete application packet will be treated as a material representation of fact upon which NTIA will rely in awarding grants. Applicants should be aware that NTIA may make all or portions of their applications for grants under the Broadband Infrastructure Program publicly available as required under applicable federal laws. See Section VIII.A of this NOFO for additional information concerning the confidentiality of information contained in an application.

L. Other Submission Requirements

Complete applications for the Broadband Infrastructure Program must be electronically submitted through www.grants.gov. Late or incomplete applications and applications submitted by mail, courier, or by facsimile will not be accepted.

1. How to Register to Apply through Grants.gov

Read the instructions below about registering to apply for the funds available under the Broadband Infrastructure Program. Applicants should read the registration instructions carefully and prepare the information requested before beginning the registration process. Reviewing and assembling the required information before beginning the registration process will alleviate last-minute searches for required information.

Organizations must have a Data Universal Numbering System (DUNS) Number, active System for Award Management (SAM) registration, and Grants.gov account to apply for grants. If individual applicants are eligible to apply for this funding opportunity, then you may begin with step 3, Create a Grants.gov Account, listed below.

Creating a Grants.gov account can be completed online in minutes, but DUNS and SAM registrations may take several weeks. Therefore, an organization's registration should be done in sufficient time to ensure it does not impact the entity's ability to meet required application submission deadlines.

Complete organization instructions can be found on Grants.gov here:

<https://www.grants.gov/web/grants/applicants/organization-registration.html>

1) *Obtain a DUNS Number:* All entities applying for funding, including renewal funding, must have a DUNS Number from Dun & Bradstreet (D&B). Applicants must enter the DUNS Number in the data entry field labeled "Organizational DUNS" on the SF-424 form. For more detailed instructions for obtaining a DUNS Number, refer to:
<https://www.grants.gov/web/grants/applicants/organization-registration/step-1-obtain-duns-number.html>

2) *Register with SAM:* All organizations applying online through Grants.gov must register with the System for Award Management (SAM). Failure to register with SAM will prevent your organization from applying through Grants.gov. SAM registration must be renewed annually. For more detailed instructions for registering with SAM, refer to:
<https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html>

3) *Create a Grants.gov Account:* The next step is to register an account with Grants.gov. Follow the on-screen instructions or refer to the detailed instructions here:
<https://www.grants.gov/web/grants/applicants/registration.html>

4) *Add a Profile to a Grants.gov Account:* A profile in Grants.gov corresponds to a single applicant organization the user represents (*i.e.*, an applicant) or an individual applicant. If you work for or consult with multiple organizations and have a profile for each, you may log in to one Grants.gov account to access all of your grant applications. To add an organizational profile to your Grants.gov account, enter the DUNS Number for the organization in the DUNS field while adding a profile. For more detailed instructions

about creating a profile on Grants.gov, refer to:

<https://www.grants.gov/web/grants/applicants/registration/add-profile.html>

5) *EBiz POC Authorized Profile Roles*: After you register with Grants.gov and create an Organization Applicant Profile, the organization applicant's request for Grants.gov roles and access is sent to the EBiz POC. The EBiz POC will then log in to Grants.gov and authorize the appropriate roles, which may include the AOR role, thereby giving you permission to complete and submit applications on behalf of the organization. You will be able to submit your application online any time after you have been assigned the AOR role. For more detailed instructions about creating a profile on Grants.gov, refer to:
<https://www.grants.gov/web/grants/applicants/registration/authorize-roles.html>

6) *Track Role Status*: To track your role request, refer to:

<https://www.grants.gov/web/grants/applicants/registration/track-role-status.html>

Electronic Signature: When the complete application packet is submitted through Grants.gov, the name of the organization applicant with the AOR role that submitted the application is inserted into the signature line of the application, serving as the electronic signature. The EBiz POC **must** authorize people who are able to make legally binding commitments on behalf of the organization as a user with the AOR role; **this step is often missed and it is crucial for valid and timely submissions.**

2. How to Submit an Application for the Broadband Infrastructure Program via Grants.gov

Grants.gov applicants can apply online using Workspace. Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different webforms within an application.

Below is an overview of applying on Grants.gov. For access to complete instructions on how to apply for opportunities, refer to:

<https://www.grants.gov/web/grants/applicants/workspace-overview.html>

1) *Create a Workspace*: Creating a workspace allows you to complete it online and route it through your organization for review before submitting.

2) *Complete a Workspace*: Add participants to the workspace to work on the application together, complete all the required forms online or by downloading PDF versions, and check for errors before submission. The Workspace progress bar will display the state of your application process as you apply. As you apply using Workspace, you may click the blue question mark icon near the upper-right corner of each page to access context-sensitive help.

a. *Adobe Reader*: If you decide not to apply by filling out webforms, you can download individual PDF forms in Workspace. The individual PDF forms can be

downloaded and saved to your local device storage, network drive(s), or external drives, then accessed through Adobe Reader.

NOTE: Visit the Adobe Software Compatibility page on Grants.gov to download the appropriate version of the software at:
<https://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html>

b. *Mandatory Fields in Forms:* In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.

c. *Complete SF-424 Fields First:* The forms are designed to fill in common required fields across other forms, such as the applicant name, address, and DUNS Number. Once it is completed, the information will transfer to the other forms.

3) *Submit a Workspace:* An application may be submitted through workspace by clicking the Sign and Submit button on the Manage Workspace page, under the Forms tab. Grants.gov recommends submitting your application package at least 24-48 hours prior to the close date to provide you with time to correct any potential technical issues that may disrupt the application submission.

4) *Track a Workspace Submission:* After successfully submitting a workspace application, a Grants.gov Tracking Number (GRANTXXXXXXX) is automatically assigned to the application. The number will be listed on the Confirmation page that is generated after submission. Using the tracking number, access the Track My Application page under the Applicants tab or the Details tab in the submitted workspace.

For additional training resources, including video tutorials, refer to:
<https://www.grants.gov/web/grants/applicants/applicant-training.html>.

Applicant Support: Grants.gov provides applicants 24/7 support via the toll-free number 1-800-518-4726 and email at support@grants.gov. For questions related to the specific grant opportunity, contact the number listed in the application package of the grant you are applying for.

If you are experiencing difficulties with your submission, it is best to call the Grants.gov Support Center and get a ticket number. The Support Center ticket number will assist NTIA with tracking your issue and understanding background information on the issue.

3. Timely Receipt Requirements and Proof of Timely Submission

Online Submission. Proof of timely submission is automatically recorded by Grants.gov. An electronic date/time stamp is generated within the system when the application is successfully received by Grants.gov. The applicant with the AOR role who submitted the application will receive an acknowledgement of receipt and a tracking number (GRANTXXXXXXX) from Grants.gov with the successful transmission of their application. This applicant with the AOR

role will also receive the official date/time stamp and Grants.gov Tracking number in an email serving as proof of their timely submission.

When NTIA successfully retrieves the application from Grants.gov, and acknowledges the download of submissions, Grants.gov will provide an electronic acknowledgment of receipt of the application to the email address of the applicant with the AOR role who submitted the application. Again, proof of timely submission shall be the official date and time that Grants.gov receives your application. Applications received by Grants.gov after the established due date for the program will be considered late and will not be considered for funding by NTIA.

Applicants using slow internet, such as dial-up connections, should be aware that transmission can take some time before Grants.gov receives your application. Again, Grants.gov will provide either an error or a successfully received transmission in the form of an email sent to the applicant with the AOR role attempting to submit the application. The Grants.gov Support Center reports that some applicants end the transmission because they think that nothing is occurring during the transmission process. Please be patient and give the system time to process the application.

4. Amendments

Any amendments to this NOFO will be announced through Grants.gov. Applicants may sign up on Grants.gov to receive amendments by email or may request copies by e-mail from broadbandusa@ntia.gov.

V. Application Review Information

A. Evaluation Criteria for the Broadband Infrastructure Program

NTIA will evaluate those eligible applications that satisfy the statutory purposes and funding priorities set forth in the Act and in this NOFO against objective evaluation criteria to determine whether an application merits an award. Applications that satisfy the funding priorities of the Broadband Infrastructure Program and score highly when evaluated against the objective evaluation criteria during the Merit Review will advance to the Programmatic Review. From this pool of applications, NTIA will select awardees based on the results of the Merit and Programmatic Reviews, and by applying the Selection Factors listed in this NOFO.

The evaluation criteria that will be used by the Merit Reviewers to review and analyze Broadband Infrastructure Program applications are grouped into three categories: (1) Project Purpose and Benefits; (2) Project Viability; and (3) Project Budget and Sustainability. Each application will be evaluated against the following objective criteria.

1. Project Purpose and Benefits (30 points)

a. Level of Impact in the Proposed Service Area (20 points). Reviewers will consider the number of total households, businesses and community anchor institutions that the project will connect in the proposed service area; the total number of unserved households, as

defined in Section I.B.10 of the NOFO, that the project will connect in the proposed service area; the total number of households, businesses, and community anchor institutions that will receive qualifying broadband service; and the total number of households, businesses, and community anchor institutions that will receive broadband service at speeds greater than qualifying broadband service.

Reviewers will consider the extent to which the provider(s) of broadband service comprising the covered partnership has received support from other federal or state sources to deploy broadband service in the proposed service area. Reviewers will also consider whether there are service providers already present in all or part of the area, as well as the pricing, coverage, and available capacity of those providers. Reviewers will consider what proportion of the end users projected to be served are located in unserved areas and may take into account any comments submitted by existing broadband service providers in response to the announcement described in Section VIII.B of this NOFO in making this evaluation.

Applications that propose a Last Mile project must connect 100 percent of total unserved households, as defined in Section I.B.(k) of this NOFO, in the proposed service area to receive the full 20 points in this category. Projects to deploy middle mile networks must prioritize connecting with last mile networks serving unserved households and substantiate the incremental value to the last mile connection to the middle mile network, including, increased network capacity for last mile circuits, increased network performance, and lower costs that are passed onto end users, as well as identify potential or partnered last mile networks that could or would leverage the middle mile network, in the proposed service area to receive points in this category.

b. Affordability of Services Offered (10 points). Applications will be evaluated on the pricing of the broadband services offered compared to existing broadband services in the proposed service area or based on nationwide averages. Applicants should demonstrate that this pricing is competitive and affordable to their target markets.

To receive a full score in this category, the applicant must address all of the criteria in the category with distinction as well as all of the factors for which an applicant may receive additional consideration.

2. Project Viability (40 points)

a. Technical Approach and Related Network Capacity and Performance (20 points).

Applications will be scored on the comprehensiveness and appropriateness of the technical solution for the community need and related benefits (capacity and performance). Applications will be evaluated on the proposed technological solution and the ability of the proposed network to provide sufficient capacity, as well as scalability, to meet the needs of the households, businesses, and community anchor institutions in the proposed service area. Networks with higher end-user speeds and the potential for incremental future capacity/bandwidth increases to offer higher broadband speeds in the future, will receive greater consideration. Proposed networks that deliver broadband service with 95 percent or more of all peak period measurements of network round-trip latency at or below 80 milliseconds will receive 10 points.

Reviewers will give additional consideration for construction projects that are “shovel ready” and capable of completion within a one-year award period.

b. Applicant’s Organizational Capability (20 points). Reviewers will assess whether the applicant has the organizational capability necessary to undertake and complete the project. Reviewers will consider the experience and expertise of the project management team and the past track record of the organization with projects of a similar size and scope, as well as the organization’s capacity and readiness. Reviewers will also assess the applicant’s partnership and/or subrecipient strategy, including how it complements the applicant’s organizational capacity, as well as the project approach, feasibility, and timely completion of proposed project. NTIA will only fund proposals where it determines that the applicant has the organizational capability necessary to carry out the project to completion.

3. Project Budget and Sustainability (30 points)

a. Reasonableness of the Budget (10 points). Reviewers will evaluate the reasonableness of the budget based on its clarity, level of detail, comprehensiveness, appropriateness to the proposed technical and programmatic solutions, the reasonableness of its costs, and whether the allocation of funds is sufficient to complete the tasks outlined in the project plan.

b. Sustainability of the Project (15 points). Applicants must convincingly demonstrate the ability of the project to be sustained beyond the award period. Reviewers will consider business plans, market projections, third-party funding commitments, and other data as may be appropriate to the nature of the applicant and the proposed project. Reviewers will consider demonstrations of community commitments or anchor tenant commitments that would help promote sustainability. Project plans that describe the ability to scale and integrate evolving advanced services over time (such as interoperable interfaces for fifth generation fixed wireless capability or by deploying fiber) will receive up to 8 points.

c. Leverage of Non-Federal Resources (5 points). Reviewers will give additional consideration to those applications that propose to contribute a non-federal cost share of at least 10 percent of the total eligible project costs as reflected in the proposed project budget.

To receive a full score in this category, the applicant must address all of the criteria in the category with distinction as well as all of the factors for which an applicant may receive additional consideration.

B. Review Process for the Broadband Infrastructure Program

The review process will be divided into three stages as outlined below:

1. Initial Administrative and Eligibility Review of Complete Application Packets

NTIA will conduct an initial review of timely received applications submitted in response to this NOFO to determine eligibility, completeness and responsiveness to the programmatic

requirements of the Broadband Infrastructure Program, including a review of the project narrative and budget justification. Applications submitted by other than an eligible applicant will be eliminated from further review. NTIA may continue the initial administrative review process for an application that is timely submitted by an eligible applicant, but that is missing certain information or documentation required by this NOFO, and will request missing or incomplete information from the applicant as needed. The applicant will have seven (7) calendar days to submit materials responsive to the feedback provided by NTIA, unless this period is extended by NTIA. Pursuant to Section 905(e)(2)(B) of the Act, an eligible applicant's failure to remedy deficiencies in a timely manner may result in NTIA's denial of the application.

Given the limited amount of funding available for broadband infrastructure deployment awards and the potentially large number of covered partnerships that may submit applications for this grant program, NTIA will review applications based on the priorities enumerated in Section 905(d)(4) of the Act (and set forth in Section I.A of this NOFO) in their statutory order of priority. Thus, NTIA will first sequence all applications that address priority one by proposing a covered broadband project designed to provide broadband service to the greatest number of households in an eligible service area and evaluate them against the objective criteria set forth in Section V.A of the NOFO to determine their eligibility for award. To the extent that funding remains available after NTIA completes its review of priority one applications, NTIA will then review applications that address priority two. NTIA will continue this priority sequencing process until it has awarded all available funding.

2. Merit Review

Applications satisfying the Initial Administrative and Eligibility Review will be evaluated by at least two objective reviewers who have demonstrated expertise in the programmatic aspects of the Broadband Infrastructure Program. They may be federal employees or non-federal persons. During the review process, the reviewers may discuss the applications with each other, but scores will be determined on an individual basis. As applicable, reviewers will be required to sign and submit a nondisclosure and confidentiality form pertaining to the dissemination of confidential information and to potential financial and other conflicts of interest.

NTIA Program Staff will prioritize applications for Merit Review based on the priorities set forth in Section 905(d)(4) of the Act (*see* Section I.A of this NOFO). Reviewers will evaluate applications according to the evaluation criteria provided in Section V.A of this NOFO and independently score each application based on a scale of 0-100. In response to reviewer feedback, NTIA may seek additional clarifying information or corroborating documentation from an applicant during the course of a merit review and may suggest revisions be made to an application to resolve perceived material programmatic or financial weaknesses or deficiencies. In such cases, NTIA will review the feedback from the Merit Reviewers, and will contact the applicant and provide the applicant with an opportunity to respond to the Merit Review feedback. The applicant will have ten (10) calendar days to respond to the reviewer feedback, unless this time period is extended by NTIA. Pursuant to Section 905(e)(2)(B) of the Act, an eligible applicant's failure to remedy application deficiencies in a timely and constructive manner may result in NTIA's denial of the application.

Based on an average of the reviewers' scores, applications will be assigned adjectival ratings for each priority group in accordance with the following scale:

Qualified for Funding – (70-100 points)
Unqualified for Funding – (0-69 points)

NTIA may use its sole discretion to terminate the Merit Review revision process for an applicant if, after multiple opportunities to respond to Merit Review feedback, NTIA determines that the applicant is not sufficiently responding to requests for additional information or remedying application deficiencies.

3. Programmatic Review

NTIA Program Staff will review applications determined to be qualified for funding during the Merit Review process for conformity with programmatic objectives, requirements and priorities. NTIA Program Staff will prioritize applications for Programmatic Review based on the priorities for the Broadband Infrastructure Program set forth in Section 905(d)(4) of the Act (*see* Section I.A of this NOFO).

During Programmatic Review, NTIA may ask applicants to submit additional information, as appropriate, to clarify or to further substantiate the representations made in their applications. NTIA Program Staff will review the supplemental information, along with all information submitted with the application, to confirm eligibility and evaluate the applications with respect to the requirements and priorities of the Broadband Infrastructure Program. NTIA Program Staff will use available data from the FCC, as required in the Act, to validate eligible service areas. The FCC Form 477 data is a data layer in NTIA's National Broadband Availability Map (NBAM), and NTIA will rely on the FCC's data, along with other datasets contained in the NBAM and other available information, to validate applicants' proposed service areas as meeting the Act's definition of eligible service area.⁸

Applicants whose supporting documents are not complete, accurate and timely submitted or that do not adequately substantiate the representations in their applications may be denied. NTIA will request supplemental documentation before deciding to deny such applications and will re-evaluate the application package based on all of the information presented. Applicants will have ten (10) calendar days to submit information responsive to the feedback provided by NTIA, unless this time period is extended by NTIA.

NTIA reserves the right at any time during the Merit and Programmatic Review processes to negotiate with the applicant relative to specific modifications to the application, including but not limited to the resolution of any differences that may exist between the applicant's original

⁸ The NBAM is a geographic information system platform that allows for visualization and analysis of federal, state, and commercially available data sets. This includes data from the Federal Communications Commission, U.S. Census Bureau, Universal Service Administrative Company, U.S. Department of Agriculture, Ookla, Measurement Lab, and the state governments. The mapping platform provides users, including administrators from 29 participating states, with access to the NBAM and its data to better inform broadband projects and funding decisions in their states.

request and NTIA's determination of eligible service areas, eligible costs, and Broadband Infrastructure Program funding priorities. Upon completion of the Programmatic Review, NTIA Program Staff will summarize their analysis for each application reviewed.

C. Selection Factors and Selection Process

At the conclusion of the Programmatic Review, the Associate Administrator for the Office of Telecommunications and Information Applications (OTIA Associate Administrator) will prepare a rank order of applications within a particular priority grouping and present a package or packages of recommended grant awards to the Selecting Official for review and approval. The OTIA Associate Administrator's recommendations to the Selecting Official will consider the following selection factors:

1. The scores and technical comments of the objective expert reviewers during Merit Review;
2. The analysis of NTIA Program Staff during Programmatic Review;
3. Satisfaction of multiple Broadband Infrastructure Program priorities set forth in Section 905(d)(4) of the Act;
4. The extent to which the applicant proposes to contribute non-federal cost share to fund a portion of the total eligible costs of the project;
5. The equitable geographic distribution of the proposed grant awards;
6. The extent to which the infrastructure investment is necessary to provide qualifying broadband service in the proposed service area and is unlikely to be made using private sources of funds;
7. Whether, and the extent to which, the applicant proposes to incorporate strong labor protections into the performance of the construction project, including paying prevailing wages;⁹
8. Avoidance of duplication with the initiatives of other federal agencies, including Department of Agriculture loan and grant programs for broadband services, applicable universal service programs authorized by the Federal Communications Commission; and
9. The availability of funds.

⁹ This means that all laborers and mechanics employed by contractors and subcontractors in the performance of such project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act") or, for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate state entity pursuant to a corollary state prevailing-wage-in-construction law (commonly known as "baby Davis-Bacon Acts").

The Assistant Secretary, or their designee, will serve as the Selecting Official for the Broadband Infrastructure Program. The Assistant Secretary will generally select and recommend applications for funding based on the rank order within each priority grouping prepared by the OTIA Associate Administrator. As the Selecting Official, the Assistant Secretary retains discretion to select and recommend an application for funding that was not recommended by the OTIA Associate Administrator based on one or more of the selection factors enumerated above, or not to select an application that was recommended for funding by the OTIA Associate Administrator. The Assistant Secretary will submit the applications recommended for funding, along with the bases for the selection decisions, to the National Institute of Standards and Technology (NIST) Grants Officer, who serves as the Grants Officer for the Broadband Infrastructure Program. The final approval of selected applications and the issuance of awards will be made by the NIST Grants Officer. The award decisions of the NIST Grants Officer are final.

Awards will be made for each priority grouping (as set forth in Section I.A of this NOFO) once NTIA completes its review and evaluation of all applications within a particular priority group. All awards are subject to the availability of federal award funds at the time of award. Unsuccessful applicants will be notified in writing.

As set forth in Section 905(e)(2)(B)(ii) of the Act, the Assistant Secretary may deny an application submitted under the Broadband Infrastructure Program only if the Assistant Secretary provides the applicant an opportunity to cure any defects in the application; and, after receiving the opportunity to cure any defects in the application, the applicant still fails to meet the requirements of this grant program. The multiple opportunities described in Section V.B of this NOFO for an applicant to remedy any deficiencies with its application satisfy this requirement.

D. Federal Awarding Agency Review of Risk Posed by Applicants

After applications are proposed for funding by the Selecting Official, the NIST Grants Management Division (GMD) will perform pre-award risk assessments in accordance with 2 C.F.R. § 200.206, which may include a review of the financial stability of an applicant, the quality of the applicant's management systems, the history of performance, reports and findings from audits, and/or the applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-federal entities. In addition, prior to making an award where the total federal share is expected to exceed the simplified acquisition threshold (currently \$250,000), NIST GMD will review and consider the non-publicly available information about that applicant in the Federal Awardee Performance and Integrity Information System (FAPIIS). Upon completion of the pre-award risk assessment, NIST GMD will determine whether the applicant is qualified to receive the award and, if so, whether appropriate specific award conditions that correspond to the degree of risk posed by the applicant should be applied to the award.

E. Anticipated Announcement and Award Dates

NTIA expects to complete its review, selection of successful applicants, and award processing by **November 15, 2021**. NTIA expects the earliest start date for awards under this NOFO to be

November 29, 2021. NTIA anticipates announcing awards made under the Broadband Infrastructure Program on a rolling basis during calendar year 2021.

VI. Federal Award Administration Information

A. Federal Award Notices

A grants officer from the NIST Grants Office will serve as the Grants Officer for awards issued pursuant to this NOFO. Applicants will be notified in writing by the NIST Grants Officer if their application is selected for an award. If the application is selected for funding, the NIST Grants Officer will issue the grant award (Form CD-450), which is the authorizing financial assistance award document. By signing the Form CD-450, the recipient agrees to comply with all award provisions, terms, and conditions.

If an applicant is awarded funding, neither NTIA nor NIST is under any obligation to provide any additional future funding in connection with that award or to make any future award(s). Amendment of an award to extend the period of performance is at the discretion of NTIA and the NIST Grants Officer.

B. Notification to Unsuccessful Applicants.

Unsuccessful applicants will be notified by e-mail and will have the opportunity to receive a debriefing after the opportunity is officially closed. Applicants must make a request within 10 business days of the email notification to receive a debrief from NTIA. NTIA will then work with the unsuccessful applicant in arranging a date and time of the debrief.

C. Retention of Unsuccessful Applications.

Unsuccessful applications will be retained in accordance with NTIA recordkeeping requirements.

D. Administrative and National Policy Requirements

Grant recipients will comply with applicable statutes and regulations, including but not limited to:

- 1. Uniform Administrative Requirements, Cost Principles and Audit Requirements.** Through 2 C.F.R. § 1327.101, the Department of Commerce adopted Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200, which apply to awards in this program. Refer to <http://go.usa.gov/SBYh> and <http://go.usa.gov/SBg4>.
- 2. Department of Commerce Financial Assistance Standard Terms and Conditions.** The Department of Commerce will apply to each award in this program, the Financial Assistance Standard Terms and Conditions in effect on the date of award. The current version, dated November 12, 2020, is accessible at [Department of Commerce](#)

Financial Assistance Standard Terms and Conditions. Refer to Section VII of this NOFO, Federal Awarding Agency Contacts, Grant Rules and Regulations, if you need more information.

3. **Pre-Award Notification Requirements.** The Department of Commerce will apply the Pre-Award Notification Requirements for Grants and Cooperative Agreements dated December 30, 2014 (79 FR 78390), accessible at <http://go.usa.gov/hKkR>. Refer to Section VII of this NOFO, Federal Awarding Agency Contacts, Grant Rules and Regulations, for more information.
4. **Environmental and National Historical Preservation Requirements.** Awarding agencies are required to analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) and the National Historic Preservation Act (NHPA) (54 U.S.C. 300101 *et seq.*) for applicant proposals and awardee projects seeking funding under the Broadband Infrastructure Program. Applicants with projects containing construction and/or ground disturbing activities are required to submit all required environmental documentation with their application package or describe in their project narrative the physical project location and included photographs, as described above, and how they will comply with applicable environmental and national historical preservation requirements. It is the applicant's responsibility to obtain all necessary federal, state, and local governmental permits and approvals necessary for the proposed work to be conducted. Applicants are expected to design their projects so that they minimize the potential for adverse impacts on the environment. Applicants also will be required to cooperate with NTIA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposed projects. The failure to do so may be grounds for not making an award. Applications will be reviewed to ensure that they contain sufficient information to allow agency staff to conduct a NEPA analysis so that appropriate NEPA documentation can be submitted to NTIA, along with the recommendation for funding of the selected applications. If additional information is required after an application is accepted for funding, funds can be withheld by NTIA under a specific award condition requiring the awardee to submit additional environmental compliance information sufficient for the agency to make an assessment of any impacts that a project may have on the environment.
5. **Property Trust Relationship and Public Notice Filings for Grant-Acquired Property.** In accordance with 2 C.F.R. § 200.316, real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the recipient or subrecipient as trustee for the beneficiaries of the project or program under which the property was acquired or improved. In this connection, NTIA may require the non-Federal entity to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a Federal award and that use and disposition conditions apply to the property. Awards issued pursuant to this NOFO may contain specific award conditions pertaining to the use and disposition of grant-acquired property and to a requirement

that the recipient or subrecipient file certain public notices (*e.g.*, UCC-1, Covenant of Purpose, Use and Ownership, etc.) with respect to grant-acquired property.

6. **Open Network Requirements.** NTIA will require a recipient receiving funds to deploy broadband infrastructure under this grant program to make the network open for interconnection with other broadband service providers. The requirement to interconnect will apply to applicants that deploy middle mile networks and not last mile networks. Awards issued pursuant to this NOFO may contain a specific award condition imposing a requirement to comply with NTIA's open network requirements, which allows all other carriers to interconnect with these networks on fair and non-discriminatory terms and conditions. Such specific award condition may include the following:
 - **Interconnection:** Recipients shall allow interconnection to grant-funded facilities at any technically feasible point along the network (without exceeding current or reasonably anticipated capacity limitations). This duty includes, at a minimum, the physical interconnection of the recipient's facilities to a requesting party's facilities for the exchange of traffic. In addition, recipients shall connect to the public Internet directly or indirectly and provide requesting parties with an ability to connect to the Internet. Rates and terms for interconnection shall be reasonable and nondiscriminatory.
 - **Negotiate in Good Faith:** Recipients shall negotiate in good faith with all requesting parties (*i.e.*, public, private, non-profit, or other parties) making a bona fide request for interconnection or wholesale services.
 - **Wholesale Broadband Services:** NTIA encourages recipients to offer wholesale broadband services at rates and terms that are reasonable and nondiscriminatory.
7. **Domestic Preference for Procurements (Buy American).** Pursuant to 2 C.F.R. 200.322, a non-federal entity should, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including, but not limited to, iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products pursuant to this program.
8. **Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms.** Pursuant to 2 C.F.R. 200.321, a non-federal entity must take all necessary affirmative steps (as described in 2 C.F.R. 200.321) to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

E. Reporting

1. Reporting Requirements. The following reporting requirements described in Sections A.01, Reporting Requirements, of the Department of Commerce Financial Assistance Standard Terms and Conditions (dated November 12, 2020), apply to awards in this program:

- a. **Financial Reports.** Each award recipient will be required to submit an SF-425, Federal Financial Report on a semi-annual basis for the periods ending March 31 and September 30 of each year. Reports will be due within 30 days after the end of the reporting period to the NTIA Federal Program Officer, Grants Officer and Grants Specialist named in the award documents. A final financial report is due within 120 days after the end of the project period.
- b. **Performance (Technical) Reports.** Each award recipient will be required to submit a technical progress report to the NTIA Federal Program Officer, Grants Officer and Grants Specialist named in the award documents on a semi-annual basis for the periods ending March 31 and September 30 of each year. Reports will be due within 30 days after the end of the reporting period. Technical progress reports shall contain information as prescribed in 2 C.F.R. § 200.329 (<http://go.usa.gov/xkVgP>) and Department of Commerce Financial Assistance Standard Terms and Conditions (dated November 12, 2020), Section A.01.

2. Annual Report.—Not later than one year after receiving grant funds under the Broadband Infrastructure Program, and annually thereafter until the funds have been expended, a covered partnership shall submit to the Assistant Secretary (via email to the NTIA Federal Program Officer listed in the recipient's award documents) a report, with respect to the one-year period immediately preceding the report date, that:

- (a) describes how the covered partnership expended the funds;
- (b) certifies that the covered partnership complied with the requirements of the Act and the Broadband Infrastructure Program, including:
 - (i) a description of each service provided with the grant funds; and
 - (ii) the number of locations or geographic areas at which broadband service was provided using the grant funds; and
- (c) identifies each subrecipient that received a subgrant from the covered partnership and a description of the specific project for which grant funds were provided.

3. Provision Of Information To FCC and USDA.—The Assistant Secretary will provide the information collected under Section VI.E.2 of this NOFO to the Commission and to the Department of Agriculture to be used when determining whether to award funds for the deployment of broadband under any program administered by those agencies. *See Section 905(f)(1)(B) of the Act.*

F. Recipient Integrity and Performance Matters

In accordance with section 872 of Public Law 110-417 (as amended; see 41 U.S.C. 2313), if the total value of a recipient's currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of an award made under this NOFO, then the recipient shall be subject to the requirements specified in Appendix XII to 2 C.F.R. Part 200,¹⁰ for maintaining the currency of information reported to SAM that is made available in the Federal Awardee Performance and Integrity Information System (FAPIIS) about certain civil, criminal, or administrative proceedings involving the recipient.

G. Audit Requirements

2 C.F.R. Part 200, Subpart F, adopted by the Department of Commerce through 2 C.F.R. § 1327.101 requires any non-federal entity that expends federal awards of \$750,000 or more in the recipient's fiscal year to conduct a single or program-specific audit in accordance with the requirements set out in the Subpart. Additionally, unless otherwise specified in the terms and conditions of the award, entities that are not subject to Subpart F of 2 C.F.R. Part 200 (*e.g.*, commercial entities) that expend \$750,000 or more in grant funds during their fiscal year must submit to the Grants Officer either: (i) a financial related audit of each DOC award or subaward in accordance with Generally Accepted Government Auditing Standards; or (ii) a project specific audit for each award or subaward in accordance with the requirements contained in 2 C.F.R. § 200.507. Applicants are reminded that NTIA, the Department of Commerce Office of Inspector General, or another authorized federal agency may conduct an audit of an award at any time.

H. Federal Funding Accountability and Transparency Act of 2006

In accordance with 2 C.F.R. Part 170, all recipients of a federal award made on or after October 1, 2010, are required to comply with reporting requirements under the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. No. 109-282). In general, all recipients are responsible for reporting sub-awards of \$25,000 or more. In addition, recipients that meet certain criteria are responsible for reporting executive compensation. Applicants must ensure they have the necessary processes and systems in place to comply with the reporting requirements should they receive funding.¹¹

VII. Federal Awarding Agency Contact(s)

A. Please direct programmatic inquiries to:

¹⁰ See 2 C.F.R. Part 200, Appendix XII, available at <http://go.usa.gov/cTBwC>.

¹¹ See OMB, Requirements for Federal Funding Accountability and Transparency Act Implementation, Interim final guidance to agencies with opportunity to comment, 75 FR 55663 (Sept. 14, 2010), available at <http://go.usa.gov/hKnQ>.

Jennifer Duane
Senior Broadband Program Specialist
Office of Telecommunications and Information Applications
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW, Room 4874
Washington, DC 20230
Phone: (202) 482-2048
Email: jduane@ntia.gov

B. Please direct grant management inquiries to:

Dean Iwasaki
NIST Grants Officer
Grants Management Division
National Institute of Standards and Technology
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899-1650
Phone: (301) 975-8449
Email: dean.iwasaki@nist.gov

C. Please direct media inquiries to:

Stephen F. Yusko
Public Affairs Specialist
Office of Public Affairs
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue NW, Room 4897
Washington, DC 20230
Phone: (202) 482-7002
Email: press@ntia.doc.gov

VIII. Other Information

A. Protected and Proprietary Information. The applicant acknowledges and understands that information and data contained in applications for financial assistance, as well as information and data contained in financial, performance, and other reports submitted by applicants, may be used by NTIA in conducting reviews and evaluations of its financial assistance programs. For this purpose, applicant information and data may be accessed, reviewed, and evaluated by NTIA employees, other federal employees, federal agents and contractors, and/or by non-federal personnel, all of whom enter into appropriate confidentiality and nondisclosure agreements covering the use of such information. As may be provided in the terms and conditions of a specific financial assistance award, applicants are expected to support program reviews and evaluations by submitting required financial and performance information and data in an accurate and timely manner, and by cooperation with NTIA and external program evaluators. In accordance with 2 C.F.R. § 200.303(e), applicants are reminded that they must

take reasonable measures to safeguard protected personally identifiable information and other confidential or sensitive personal or business information created or obtained in connection with a Department of Commerce financial assistance award.

NTIA will protect confidential and proprietary information from public disclosure to the extent authorized by applicable law, including the Freedom of Information Act (FOIA), as amended (5 U.S.C. 552), the Trade Secrets Act, as amended (18 U.S.C. 1905), and the Economic Espionage Act of 1996 (18 U.S.C. 1831 *et seq.*). Applications submitted in response to this NOFO may be subject to requests for release under the FOIA. In the event that an application contains information or data that the applicant deems to be confidential commercial information that is exempt from disclosure under FOIA, that information should be identified, bracketed, and marked as Privileged, Confidential, Commercial or Financial Information. Based on these markings, the confidentiality of the contents of those pages will be protected to the extent permitted by law.

Additionally, some of the information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law enforcement sensitive or otherwise important to national security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information under federal control is subject to request made pursuant to the FOIA, 5 U.S.C. 552, all determinations concerning the release of information of this nature are made on a case-by-case basis and may fall within one or more of the available exemptions under the FOIA. The applicant is encouraged to consult its own state and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application. The applicant may consult with NTIA regarding concerns or questions about the release of information under state and local laws. The applicant should be familiar with the regulations governing Protected Critical Infrastructure Information (6 C.F.R. Part 29) and Sensitive Security Information (49 C.F.R. Part 1520), as these designations may provide additional protection to certain classes of homeland security information.

B. Announcement of Proposed Service Areas. To ensure that NTIA targets federal funds appropriately to areas lacking qualifying broadband service, NTIA will post an announcement identifying each application from a covered partnership that is currently undergoing NTIA review for funding, along with a description of the eligible service area it proposes to serve through its project, including a list of the census blocks, at <https://www.broadbandusa.ntia.doc.gov>. The posting of this announcement will provide existing broadband service providers with a 15-day window to voluntarily submit to NTIA information about the broadband services they offer in any of the proposed service areas a covered partnership designates for funding. NTIA will consider the comments of existing broadband service providers as a factor in its evaluation of a covered partnership's project proposal provided that they include the following information, some of which will be made public: (1) the name of the company providing information on its broadband service offerings; (2) a summary describing the information the provider has submitted to NTIA; (3) the number of households and businesses that have access to broadband service in that portion of the provider's service territory that overlaps with the applicants' proposed service area by census block and the number

lacking access to qualified broadband service as defined in this NOFO; (4) the type of broadband services the provider offers in its service territory by census block and the technology used to provide those services, including, for wireless carriers, the spectrum that is used; (5) the speed of the broadband services that are offered; (6) the number of subscribers that the provider currently has for each of the broadband services it offers in its service territory by census block; (7) a list of the provider's Points of Presence (POPs) in or near the census blocks listed by the announcement; and (8) such other information that NTIA may request after reviewing the data that the existing broadband service provider submitted. Existing broadband service providers may provide maps indicating where they provide broadband service in an applicants' proposed service area, preferably in shapefiles, .kmz, or .kml formats.

NTIA will treat information submitted by an existing broadband service provider designated as proprietary and confidential consistent with applicable federal law. If any of these responses do contain information or data that the submitter deems to be confidential commercial information that should be exempt from disclosure under FOIA, that information should be identified, bracketed, and marked as Privileged, Confidential, Commercial or Financial Information. Otherwise, the responses will be made publicly available. The information described in items (1) and (2), which includes the identity of the company submitting information and a summary of its response, will be made publicly available. NTIA will post at <https://www.broadbandusa.ntia.doc.gov> a list of the census blocks in which existing broadband service providers have indicated that they provide broadband service. NTIA may consider any information submitted by existing broadband service providers as relevant to its prioritization and review of the eligible service areas proposed for funding in applications from covered partnerships.

C. Funding Availability and Limitation of Liability. Funding for the program listed in this NOFO is contingent upon the availability of appropriations. In no event will NTIA, NIST or the Department of Commerce be responsible for application preparation costs, including, but not limited to, if the program fails to receive funding or is cancelled because of agency priorities. Publication of this NOFO does not oblige NTIA, NIST or the Department of Commerce to award any specific project or to obligate any available funds. NTIA will fund only projects that are deemed likely to achieve the Broadband Infrastructure Program's goals and for which funds are available.

D. Third Party Beneficiaries. The Broadband Infrastructure Program is a discretionary grant program that is not intended to and does not create any rights enforceable by third party beneficiaries.

E. Waiver Authority. It is the general intent of NTIA not to waive any of the provisions set forth in this NOFO. However, under extraordinary circumstances and when it is in the best interest of the federal government, NTIA, upon its own initiative or when requested, may waive the provisions in this NOFO. Waivers may only be granted for requirements that are discretionary and not mandated by statute or other applicable law. Any request for a waiver must set forth the extraordinary circumstances for the request.

F. Paperwork Reduction Act. This NOFO contains an information collection requirement subject to the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). The PRA requires each federal agency to seek and obtain OMB approval before collecting information from the public. Federal agencies may not collect information unless it displays a currently valid OMB control number. For purposes of the Broadband Infrastructure Program, NTIA will use Standard Forms 424 (Application for Federal Assistance), 424C (Budget Information for Construction Programs), 424D (Assurances for Construction Programs), 425 (Federal Financial Report), and SF-LLL (Disclosure for Lobbying Activities) under the respective control numbers 4040-0004, 4040-0008, 4040-0009, 4040-0014, and 4040-0013.

G. Transparency, Accountability, And Oversight Required.—The Assistant Secretary has adopted measures, including audit requirements, to implement the Broadband Infrastructure Program that:

- a. ensure sufficient transparency, accountability, and oversight to provide the public with information regarding the award and use of grant funds under the Broadband Infrastructure Program;
- b. ensure that a recipient of a grant under the Broadband Infrastructure Program uses the grant funds in compliance with the requirements of Section 905 of the Act, this NOFO, and the overall purpose of the Broadband Infrastructure Program; and
- c. deter waste, fraud, and abuse of grant funds.

H. Unauthorized Use of Funds.—To the extent that the Assistant Secretary or the Inspector General of the Department determines that a covered partnership has expended grant funds received under the Broadband Infrastructure Program in violation of the requirements set forth in Section 905 of the Act, the Assistant Secretary will recover the amount of funds that were so expended. *See* Section 905(e)(5) of the Act.



CITY OF ELKO

American Rescue Plan Act (ARPA) of 2021 Overview

NonEntitlement Units (NEUs)



What are NEU's?

- Local Governments serving population under 50,000
- Payments to NEUs flow through the States
- Nevada received \$150,738,524 for distribution to 13 cities
- Distribution allocated based on population

Specific Allocation to City of Elko

- City of Elko allocation maximum of \$27,476,865.36
- 50% payment (\$13,738,432.68) to be received in July, 2021
- 75% Budget Cap – allocation may not exceed 75% of the NEUs most recent budget if affect of January 27, 2020
- Second payment no earlier than 12 months later
- No additional restrictions on funds from States

ARPA Guidance



Timeline/Expenditure

- Costs can be incurred by December 31, 2024 but must be expended by December 31, 2026
- 75% Budget Cap – allocation may not exceed 75% of the NEUs most recent budget if effect as of January 27, 2020
- No additional restrictions on funds from States

Eligible Expenditures

- COVID-19 or a negative economic impact
- Premium pay for eligible workers – directly related to COVID
- For government services to the extent of the loss of revenue
- Investments in water, sewer and broadband infrastructure

ARPA Guidance



City of Elko ARPA Plans

- Public Input Meetings – to be scheduled
- Initial spending plan must be filed with the Treasury by October 31, 2021

Fire Fighter Bargaining Unit
July 1, 2021 - June 30, 2024

Financial Impact

| | Cola % Increase | COLA Increase | Incentive Increase | Linen | Total Impact |
|---------------|------------------------|----------------------|---------------------------|--------------|---------------------|
| Year 1 | 3.5%-.75% | 68,137 | 7,710 | 708 | 76,555 |
| Year 2 | 5.00% | 190,810 | 7,710 | 708 | 199,228 |
| Year 3 | 5.00% | 296,634 | 7,710 | 708 | 305,052 |
| Total | | 555,581 | 23,131 | 2,124 | 580,835 |

Exhibit “E”

EXHIBIT A

| Elko Firefighters Association 3.5 % COLA Increase Effective July 1, 2021 | | | | | | | | |
|---|--------------------------|-----------------------|-----------------------|--------------------|-----------------------|--------------------|--------------------|-----------------------|
| | COLA | Months in Year | Hours Per Year | Pay Periods | | | | |
| | 3.50% | 12 | 2080 | 26 | | | | |
| Classification | Probationary Rate | Annual Rate | Hourly Rate | PPP Rate | Qualified Rate | Annual Rate | Hourly Rate | PPP Rate |
| Captain | 7,021.37 | 84,256.48 | 40.5079 | 3,240.63 | 7,439.40 | 89,272.80 | 42.9196 | 3,433.57 |
| Assistant Fire Marshal | 6,704.60 | 80,455.17 | 38.6804 | 3,094.43 | 7,106.96 | 85,283.56 | 41.0017 | 3,280.14 |
| Fire Prevention Officer | 6,325.05 | 75,900.60 | 36.4907 | 2,919.25 | 6,704.60 | 80,455.17 | 38.6804 | 3,094.43 |
| Driver/Operator II | N/A | | | | 6,704.60 | 80,455.17 | 38.6804 | 3,094.43 |
| Driver/Operator I | N/A | | | | 6,403.55 | 76,842.63 | 36.9436 | 2,955.49 |
| | Start Rate | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Qualified Rate |
| Firefighter | 4,824.07 | 5,002.42 | 5,185.04 | 5,366.24 | 5,548.89 | 5,732.95 | 5,915.57 | 6,099.63 |
| % Increase | | 3.70% | 3.65% | 3.49% | 3.40% | 3.32% | 3.19% | 3.11% |
| Annual Rate | 57,888.90 | 60,029.00 | 62,220.49 | 64,394.89 | 66,586.65 | 68,795.35 | 70,986.84 | 73,195.54 |
| Hourly Rate | 27.8312 | 28.8601 | 29.9137 | 30.9591 | 32.0128 | 33.0747 | 34.1283 | 35.1902 |
| Per Pay Period Amount | 2,226.50 | 2,308.81 | 2,393.10 | 2,476.73 | 2,561.02 | 2,645.98 | 2,730.26 | 2,815.21 |
| | 1 Year Probation | 1 year | 1.5 years | 2 years | 2.5 years | 3 years | 3.5 years | 4 Years |
| FO1 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Elko Firefighters Association 0.75 % PERS decrease Effective July 25, 2021 | | | | | | | | |
| | COLA | Months in Year | Hours Per Year | Pay Periods | | | | |
| | -0.75% | 12 | 2080 | 26 | | | | |
| Classification | Probationary Rate | Annual Rate | Hourly Rate | PPP Rate | Qualified Rate | Annual Rate | Hourly Rate | PPP Rate |
| Captain | 6,968.71 | 83,624.56 | 40.2041 | 3,216.33 | 7,383.60 | 88,603.26 | 42.5977 | 3,407.82 |
| Assistant Fire Marshal | 6,654.31 | 79,851.76 | 38.3903 | 3,071.22 | 7,053.66 | 84,643.93 | 40.6942 | 3,255.54 |
| Fire Prevention Officer | 6,277.61 | 75,331.35 | 36.2170 | 2,897.36 | 6,654.31 | 79,851.76 | 38.3903 | 3,071.22 |
| Driver/Operator II | N/A | | | | 6,654.31 | 79,851.76 | 38.3903 | 3,071.22 |
| Driver/Operator I | N/A | | | | 6,355.53 | 76,266.31 | 36.6665 | 2,933.32 |
| | Start Rate | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Qualified Rate |
| Firefighter | 4,787.89 | 4,964.90 | 5,146.15 | 5,325.99 | 5,507.27 | 5,689.95 | 5,871.20 | 6,053.88 |
| % Increase | | 3.70% | 3.65% | 3.49% | 3.40% | 3.32% | 3.19% | 3.11% |
| Annual Rate | 57,454.73 | 59,578.78 | 61,753.83 | 63,911.93 | 66,087.24 | 68,279.38 | 70,454.43 | 72,646.57 |
| Hourly Rate | 27.6225 | 28.6436 | 29.6893 | 30.7269 | 31.7727 | 32.8266 | 33.8723 | 34.9262 |
| Per Pay Period Amount | 2,209.80 | 2,291.49 | 2,375.15 | 2,458.15 | 2,541.82 | 2,626.13 | 2,709.79 | 2,794.10 |
| | 1 Year Probation | 1 year | 1.5 years | 2 years | 2.5 years | 3 years | 3.5 years | 4 Years |
| FO1 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |

EXHIBIT A

- 1) Firefighters will be hired at the start rate. Upon satisfactory completion of twelve (12) months probationary period, the firefighter's rate will be increased to Step 1. Thereafter, the firefighter's rate will be increased to successive steps after completing six (6) months service between each step. The total time from the start to the qualified rate will be forty-eight (48) months, unless the probationary period is mutually extended.
- 2) Upon satisfactory completion of eighteen (18) months of service (step 3), a firefighter may test for Driver/Operator I (DOI). Those satisfactorily completing the test will be paid six (6) percent of their base rate at step 3, 4, 5, or 6, whichever is applicable, for out of classification as DOI for any full shift assigned by the Fire Chief or his designee and worked by the firefighter. Upon reaching the Qualified Rate, out of classification will be paid solely as outlined in Article 20.
- 3) Driver Operator II accepting the position of Fire Prevention Officer shall receive the qualified rate of the Fire Prevention Officer classification. All others would start at the probationary rate.