

# Vermont Community Broadband Board Meeting Monday, March 11, 2024, 12:00pm to 4:00pm

## Meeting Minutes

### I. Meeting Call to Order, Roll Call, and Approval of Agenda

Patty Richards called the meeting to order at 12:05pm and completed roll call:

- Patty Richards (Remote)
- Laura Sibia (Remote – joined at about 12:45)
- Brian Otley (Remote)
- Holly Groschner (Remote)
- Dan Nelson (Remote)
- Christine Hallquist - Staff (Remote)
- Robert Fish – Staff (Remote)
- Alissa Matthews – Staff (Remote)
- Toni Clithero – Staff (Remote)
- Heryn Herzog – Staff (Remote)
- Britaney Watson – Staff (Remote)
- Alexei Monsarrat - (Remote)
- Kristina Sweet – Staff (Remote)
- Thomas Malinowski – Staff (Remote)

Ms. Hallquist introduced Ms. Sweet as the new VCBB Director of Regulatory Compliance and Risk Management. Ms. Richards made a motion to approve the agenda. Mr. Nelson proposed moving item four on the agenda (Board Policies) to the next meeting. Ms. Richards proposed leaving it on the agenda to do a quick status check-in on the policies, but there will be no action on the Construction Policy. Ms. Richards said they would remove item nine (ECFiber Resolution) from the agenda and add an executive session at the end after item 13 for Board Evaluation and Personnel Matters. The Board voted and approved the changes unanimously.

### II. Public Comment

Irv Thomae raised issues regarding the differences between the mission of Act 71 and the BEAD requirements. Ellie de Villiers stated that Maple Broadband has substantially completed phase one of their build. Christa Shute, NEK Broadband, commented on the fabric challenge they are submitting on almost half of their off-grid addresses. They have worked to find out how many of their off-grid addresses are actually homes. They also submitted an application for a USDA Community Connect Grant, and they are going for a loan from USDA Reconnect Five. Ms. Hallquist confirmed that the VCBB BEAD Vol. 1 plan was accepted, and the BEAD Challenge is beginning March 18, 2024. Ms. Groschner suggested creating a grants cumulative dashboard for the CUDs. Lisa Birmingham commented that Lamoille FiberNet is interested in staff letting them know about any additional funding opportunities.

### III. Meeting Minutes

Ms. Richards abstained from making a motion on the February 6, 2024, minutes because she was not present at that meeting. Ms. Groschner moved the approval of the February 6, 2024, minutes. Mr. Nelson seconded. Ms. Richards asked for the February 6, 2024, minutes to be amended to note that it was a special meeting of the VCBB and that she was absent. The Board voted and unanimously (with Ms. Richards abstaining) approved the meeting minutes with the mentioned changes.

Ms. Richards made a motion to approve the meeting minutes for February 12, 2024, and noted that sections needed corrections. Ms. Groschner seconded. Members discussed changes that need to be made to the minutes. Ms. Richards decided not to take action on the minutes at this meeting, to wait until their next meeting. Board members unanimously voted down the approval of the February 12, 2024, minutes. Ms. Richards asked Ms. Hallquist to have staff revise and resubmit them.

#### **IV. Board Policy Update – Toni Clithero**

Ms. Clithero provided an update to the Board in terms of where the Affordability Policy is and made a recommended minor change or tweak to the Board Approval Policy that was adopted by the Board at the December 11th meeting. There are three policies, Construction Standards Policy, the Consumer Protection Policy, and the Grantee Agreement Policy that have been through a public comment and post-public comment with the subgroup. There were subsequent meetings with the subgroups to make changes and will be posted again for public comment for a period of five days. The three policies should be ready for the next Board meeting. Shortly thereafter we will have a draft of the Affordability Policy for your review. The Annual Report Policy is very comprehensive and will also require a separate meeting. Ms. Clithero recommended the Sunset Provisions Policy for the VCBB be postponed.

With respect to the lien committee, there were significant comments that were received by the NTIA in response to a request for comment that they issued this past summer. NTIA did recently issue a new policy notice with respect to the federal interest period and the uniform guidance. We will need further subgroup meetings to take that into consideration.

Ms. Richards requested that the policies be sent via email to Board members, so they have the latest draft. She asked how our policies fit or don't fit with the next step for BEAD. Do the policies we're writing today apply to grants issued through BEAD? Ms. Clithero responded that there was alignment but there were also differences, and the policies only apply to the extent they're consistent with BEAD. Ms. Groschner stated making Act 71 policies was the priority, and then they can note any changes necessary for BEAD. Ms. Richards requested VCBB identify the staff member who is an expert on BEAD. Ms. Groschner suggested there are staff member(s) who could talk about the distinctions between Act 71 and BEAD and would like to know who they are.

Ms. Clithero requested a change to process by requesting a second public comment review and posting. This led to a discussion where questions by Ms. Groschner, Ms. Richards, and Mr. Otley were asked about why another public posting would be required. Ms. Groschner stated that the Board should get a redline version to know what the changes were rather than just a final version. Ms. Richards stated she wants to go above and beyond and repost it for public comment just to make sure and then have it go to the Board.

Ms. Sibilila joined the meeting and stated her perspective on accountability and overall comment for us to keep in mind about Act 71 was about two things, universality, and accountability.

**V. BEAD Potential Subrecipient Support Program – Rob Fish**

Mr. Fish discussed the selections that we have made, the recommendations we have made for the two recipients of BEAD Potential Subrecipient Support Grant Program – Northwest Fiberworks for \$150,000 and Lamoille FiberNet for \$55,570. They are looking for these funds to do additional community outreach and legal analysis of a model that could involve multiple partners that are currently partnered with a single provider, but that may not be the most cost effective, most efficient way to serve addresses in various parts of their CUD. There were discussions regarding the sub-recipients, the competitive and award process/approval, and the allocation of funds.

Ms. Clithero suggested they move into executive session to discuss the applications on the grounds that information may be proprietary to one or more of the applicants. Ms. Richards moved to go to executive session to discuss the applications. There will be an executive session for each applicant. Ms. Clithero stated it is 1 VSA section 313(A)(1)(a), which protects information concerning premature information concerning contract negotiations. Ms. Richards requested a vote. Ms. Richards, Ms. Groschner, Mr. Otley, and Mr. Nelson voted to approve. Ms. Sibilila voted in opposition. The Board went into executive session at about 12:52 and returned at about 1:20. No action was taken in the executive session. Ms. Richards put forth a motion to approve Lamoille Fibernet’s proposal for BEAD subrecipient support. Ms. Sibilila seconded the motion. The Board voted and approved unanimously. Ms. Richards made a motion to approve Northwest Fiberworks’ grant application. Mr. Nelson seconded the motion. The Board voted and approved unanimously.

**VI. CVFiber Request for Grant Extension/Tiger Team Update**

Ms. Richards requested to move to executive session under 1 VSA section 313(A)(1)(a), which protects information concerning contracts where premature general public knowledge would clearly place the public body or person involved at a substantial disadvantage. Ms. Groschner seconded. The Board voted and approved unanimously. The Board went into executive session at about 1:26 and returned at about 1:56. No action was taken in executive session.

**VII. Legislative Update – Gwynn Zakov**

The legislature has passed the Budget Adjustment Act H839. The bill was sent to the Governor on the 7th for signature, so we can anticipate it being signed by the Governor as early as today or tomorrow. The bill contains the \$20 million that was borrowed from the VCBB back in July of 2023 and will be given back to the VCBB once signed by the Governor.

The second Bill of import is S199. It is an act relating to mergers and governance of the CUDs. It was passed by the Senate and is currently in the House Committee on Environment and Energy, and the bill outlines the processes and procedures for mergers of CUDs. Ms. Richards made a motion that the VCBB should send the committee a letter of support and willingness to testify on S199. Ms. Groschner seconded the motion. The Board voted and approved unanimously.

The third bill is S181, an act relating to the community, media, public benefit fund and is currently in the Senate Finance Committee. It creates a Broadband Affordability program that was added at the very end of the last week of session before they broke for town meeting. Ms. Groschner asked if the bill designated who would receive those funds or anything about the administration of an affordability program. Ms. Zakov answered that no it did not.

Bill H657 passed out of the House Ways and Means Committee and is currently in the House Environment and Energy Committee. Mr. Nelson asked if CUDs are still exempt under this. Ms. Zakov answered yes and that she believes the intent was to include ISPs that were in partnership with CUDs, but that she would have to go back and check.

Ms. Hallquist asked if the Board supports taking up consumer protection at the legislature. Mr. Otley suggested waiting until a bill comes up and being responsive to that. Ms. Richards said they should pass their Consumer Protection Policy first.

**VIII. Limited-Service Position Requests - Legal/Admin Support and Data Management Support (BEAD Funded) - Rob Fish**

Two limited-service positions were discussed; one to support the general counsel and Board activities and the other to support digital equity as a data manager as was discussed in November 2023. Ms. Groschner supports the general counsel support but questions the need for a data manager. The Board discussed the possibility of hiring a contractor rather than an individual. Ms. Watson explained the role and the level of data involved and working with the Digital Navigator program to meet federal and BEAD requirements. The Board recommended that Ms. Hallquist provide information on roles. Many on the Board suggested hiring a contractor instead of more staff for the data manager role. Ms. Richards made a motion to approve moving forward and hiring the legal admin support position. The motion was seconded by Mr. Nelson. The title of the position is Administrative Service Manager. It will be funded through BEAD. The Board voted and approved unanimously. The Data Management position will be discussed in the next meeting.

**IX. VCUDA update**

Rob Vietzke discussed the upcoming RFP for BEAD. He talked about the legislature and current bills and how it relates to CUDs, and he mentioned the Board's in-progress policies.

Ms. Groschner asked Mr. Vietzke for feedback on trying to do something to help people who are losing their ACP benefit as the programs ends. He said it could be a hardship and very complicated for the CUDs to try to take over the benefit.

**X. Public Comment – none**

**XI. March Special Meetings Scheduling & Parking Lot – Christine Hallquist**

Ms. Hallquist said there is a need to schedule a special Board meeting at the end of March to discuss the Accountability Policies. The next regular Board meeting will be held April 1, 2024, moved from April 8 because of the eclipse. There was a discussion about possibly moving back to a twice-monthly meeting schedule. Mr. Otley suggested having a special meeting to get the Board Policies done and then staying with the once-a-month meeting

schedule. There will be a 90-minute policy meeting followed by the usual 4-hour Board meeting in April.

**XII. Agenda Item # 13 – Added**

The Board went into executive session at about 3:09 to discuss Board evaluation and personnel matters. (1 V.S.A. s.313(a)(3) (3), authorizing a public body to hold an executive session to consider personnel matters).

**Action Items:**

- Ms. Groschner suggested creating a grants cumulative dashboard for the CUDs.
- Ms. Groschner suggested there are staff member(s) who could talk about the distinctions between Act 71 and BEAD and would like to know who they are.