

The Yuma County Board of Supervisors met in a special session on January 26, 2022. The meeting was held at 198 South Main Street, Yuma, Arizona.

CALL TO ORDER: At 9:00 a.m., Chairman Marco A. (Tony) Reyes convened the Board of Supervisors in open session, also sitting as the board of directors of all special taxing districts where noted. Supervisors present were: Marco A. (Tony) Reyes, Martin Porchas and Lynne Pancrazi. Supervisor Jonathan W. Lines and Darren Simmons participated electronically.

Others present were: County Administrator Susan Thorpe; County Attorney Jon Smith; Chief Civil Deputy County Attorney Bill Kerekes; Chief Financial Officer Gil Villegas; Community Planning Coordinator Nancy Ngai; and Deputy Clerk/Executive Assistant Desarae Doten.

The Pledge of Allegiance was led by Supervisor Porchas.

CALL TO THE PUBLIC: No public comments were received.

DISCUSSION AND ACTION ITEM(S):

No. 1: *County Administration: Approve a Master Agreement for Network Design and Construction Services and Work Order with ALLO Communications for Broadband Middle Mile Fiber Network.*

The following individuals participated electronically:

Jim Baller and Sean Stokes, Broadband Attorneys at Keller & Heckman

Dwight "Doc" Winingar, Director of External Relations, ALLO Communications

Brad Moline, President, ALLO Communications

Mike Pence, Attorney, ALLO Communications

Attending in person were:

Paul Brierley, Executive Director, University of Arizona Center for Excellence

Barry Olsen, Attorney for Gila Electronics

Harold Hendrick, President/CEO, Gila Electronics

J.P. Mahon, Consultant, Gila Electronics

Chairman Reyes asked Ms. Thorpe to provide a brief recap of the events that have taken place.

Ms. Thorpe reported the Yuma County Board of Supervisors authorized the County Administrator to negotiate into a contract with ALLO Communications for Broadband Middle Mile Fiber Network. Broadband Attorneys at Keller & Heckman assisted with

drafting the Master Agreement and Work Order #1. Ms. Thorpe explained that Work Order #1 is the south and west part of the network. Yuma County is simultaneously working with ALLO Communications to submit a grant proposal to the Arizona Commerce Authority for a match of \$10 million. Yuma County currently has \$20.7 million available so they can only commit to Work Order #1 at this time.

Ms. Thorpe explained that WANRack, L.L.C., issued a suit for a temporary restraining order and the County hired a separate attorney to assist. Judge Kenworthy ruled in Yuma County's favor and WANRack has filed a request for an appeal. Ms. Thorpe noted she has been told that Gila Electronics has filed the same document in court; however, it has not been officially served to/received by the county.

Chairman Reyes asked where the other local communities are with the process. Ms. Thorpe confirmed Yuma County will be committing \$20.7 million of its American Rescue Plan Act (ARPA) funds along with applying for the grant. The City of San Luis has committed to provide a portion of their ARPA funds. Presentations are scheduled to occur soon for the other entities and letters of support have been received from Yuma Regional Medical Center (YRMC), Greater Yuma Economic Development Corporation (GYEDC), and others who are affected by the lack of good internet.

Barry Olsen, Attorney at Law, attending in person on behalf of Gila Electronics, stated they are the local company that installs and maintains broadband throughout the county. He reported he conducted a search and there is no contractor license in Arizona issued to ALLO Communications, which poses a concern since this is a construction contract. Mr. Olsen confirmed that Gila Electronics is a licensed contractor and their proposal submitted was still the lowest price. Further comments were made in reference to Yuma County's Request for Proposal (RFP), procurement policy and potential violations of the gift clause.

Brad Moline and Mike Pence, ALLO Communications, stated they were happy to comply with all regulations and did not anticipate having any issues getting a contractor license.

Chairman Reyes asked the County Attorney if the Board could legally move forward.

Mr. Kerekes recommended the Board take action to include language making the validity of contract contingent upon ALLO Communications showing proof of contractor license.

Mr. Pence commented on other projects ALLO Communications has ongoing in Kingman and Lake Havasu, Arizona. He explained they are an owner in those cases, rather than a contractor, so he would look further into the matter.

Mr. Kerekes noted if they do not have the proper license, it would be unlawful and the contract would be void.

MOTION (PANCRAZI/SIMMONS): Enter into an agreement with ALLO Communications for Broadband Middle Mile Fiber Network contingent on ALLO Communications meeting all Arizona State Statutes that pertain to the project.

VOICE VOTE: The motion carried 4-1, with Supervisor Lines dissenting.

No. 2: County Administration/Grants: Adopt Resolution No. 2022-01, authorizing submission of an application to the Arizona Commerce Authority for the Broadband Development Grant and commitment of matching funds and maintenance cost for the Yuma County Broadband Project.

Ms. Thorpe stated the County will be entering into a separate maintenance contract for the backbone. She reported that Nancy Ngai has been working diligently on this grant application item and the County will put forward the entire network as our proposal and ask the State for \$10 million, which is the maximum available.

Ms. Ngai explained the application is due on January 31, and the grant is a separate issue from the contract. Yuma County is creating a project with the entire middle mile and a portion of the final mile as a contribution from ALLO Communications (or whoever is going to build that). If awarded, the grant requires that Yuma County is able to execute the contract within 60 days, commence work within 3 months and complete the project in two years.

MOTION (PORCHAS/LINES): Approve as presented.

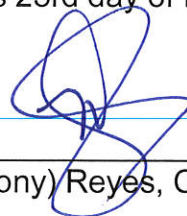
VOICE VOTE: The motion carried 5-0.

EVENTS CALENDAR/CURRENT EVENTS:

Board members and the County Administrator reported on and discussed events attended or to be attended on behalf of the County, presented a brief summary of current events and updated the schedule for future Board of Supervisors meetings as appropriate. *No legal action was taken, pursuant to A.R.S. §38-431.02(K).*

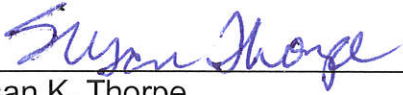
There being no further business to come before the Board, the Regular Session was adjourned at 10:05 a.m.

Adopted this 23rd day of February, 2022.



Marco A. (Tony) Reyes, Chairman

ATTEST:



Susan K. Thorpe
County Administrator/Clerk of the Board

SKT/dd/sp

P:\Motions\2022\01-26-22 S Motions #1.dd sp review - susan edits.doc