

Agenda
Board of Supervisors
Isle of Wight County
September 2, 2021

1. Call to Order (6:00 P.M.)
2. Approval of Agenda
3. Invocation – Vice-Chairman Rosie
4. County Administrator's Report
 - A. Shirley T. Holland Intermodal Park Update
Update Regarding the Shirley T. Holland Intermodal Park
 - B. Business Interruption Grant Program
Staff Report – Business Interruption Grant Program
 - C. Parks and Recreation
Parks and Recreation Facilities and Operations Update
 - D. Consumers of Utilities Tax and Transient Occupancy Tax
Discussion of Proposed Revisions to the Tax on Consumers of Utility Services and Transient Occupancy Tax
 - E. Nike Park Road Extended
Staff Briefing re: Nike Park Road Extended
 - F. Board of Supervisors' Retreat
Discussion of Holding a Strategic Planning Retreat
5. Unfinished / Old Business
 - A. COVID-19 Vaccination and Testing Policy
Resolution to Amend the County's Policy Manual to Add a COVID-19 Vaccination and Testing Policy
 - B. Virginia Technology Initiative Grant Update

Discussion of Local Matching Funds for the Virginia
Technology Initiative (VATI) Grant Application

C. Redistricting Task Force

Appointments to the Redistricting Task Force

6. Adjournment

ISSUE:

Update Regarding the Shirley T. Holland Intermodal Park

BACKGROUND:

Staff will provide an update regarding the Shirley T. Holland Intermodal Park and present a new promotional video.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ISSUE:

Staff Report - Business Interruption Grant Program

BACKGROUND:

Staff will provide a brief report relative to the results of the previously implemented business interruption grants funded by the CARES Act.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ISSUE:

Parks and Recreation Facilities and Operations Update

BACKGROUND:

Staff will provide information regarding the pedestrian and bike trail (access points, parking, etc.) and available activities at the Blackwater River Park (hunting, equestrian, etc.).

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ISSUE:

Discussion of Proposed Revisions to the Tax on Consumers of Utility Services and Transient Occupancy Tax

BACKGROUND:

In reviewing the provisions of the County's consumer utility tax a potential clerical error was discovered. Staff will provide information regarding the impacts for the error and recommended options for amending the ordinance.

Additionally, information will be provided relative to revisions to the County's Transient Occupancy Tax.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Per the Board's discussion and direction.

ISSUE:

Staff Briefing re: Nike Park Road Extended

BACKGROUND:

Staff previously provided information regarding the challenges VDOT is having relative to the costs associated with construction of the Nike Park Extended Smart-Scale Project. The Board may wish to further discuss potential funding options for the project.

BUDGETARY IMPACT:

TBD

RECOMMENDATION:

Per the Board's discussion and direction.

ISSUE:

Discussion of Holding a Strategic Planning Retreat

BACKGROUND:

During 2020, the Board held joint meetings with the School Board and with the Planning Commission to discuss important matters, but prior to COVID-19, its most recent annual planning retreat was held on September 30, 2019, at the Franklin Business Incubator building.

The Board may wish to discuss and consider holding a strategic planning retreat.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Per the Board's discussion.

ISSUE:

Resolution to Amend the County's Policy Manual to Add a COVID-19 Vaccination and Testing Policy

BACKGROUND:

At its regular meeting on August 19, 2021, staff provided information to the Board regarding a proposed policy to address COVID-19 vaccinations and COVID-19 testing for employees, as well as the need to required employees and visitors to wear masks/face coverings in all County buildings and facilities.

Based on feedback from the Board, staff has revised the proposed policy and will provide information regarding the proposed revisions.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Adopt a resolution to amend the County's Policy Manual.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	9/2/2021

RESOLUTION TO AMEND CHAPTER 1: PERSONNEL, ARTICLE V,
SECTION 5.15 AND ARTICLE XI: MISCELLANEOUS POLICIES AND
REGULATIONS OF THE COUNTY POLICY MANUAL

WHEREAS, Isle of Wight County has established guidelines regarding the conditions and requirements of employment under Chapter 1: Personnel; and

WHEREAS, the County as previously adopted a Coronavirus Disease 2019 (COVID-19) vaccination policy; and

WHEREAS, the County and Board of Supervisors have continued to closely monitor the outbreak of COVID-19, as well as the developing guidance from the Centers for Disease Control and Prevention (CDC), and state and local health authorities; and

WHEREAS, notwithstanding a well-established COVID-19 vaccination effort, many adult Americans eligible for vaccination remain unvaccinated, and the COVID-19 Delta variant has caused a dramatic spike in COVID-19 cases and hospitalizations; and

WHEREAS, the safety of County employees, their families and members of the public that enter County buildings and facilities is a critical priority; and

WHEREAS, the risk posed by the spread of the Delta variant supports the adoption of a vaccination and testing policy applicable to employees of Isle of Wight County; and

WHEREAS, the Board of Supervisors desires to amend the current vaccination policy to further address the ongoing COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED that Chapter 1: Personnel, Article V, Section 5.15 and Article XI, Miscellaneous Policies and Regulations of the County Policy Manual are hereby amended as follows:

Chapter 1: Personnel

ARTICLE V - Leave Provisions

(Revised September 1, 2005, December 15, 2005, February 2, 2006, April 5, 2007, October 2, 2008, January 8, 2009, June 19, 2014, October 16, 2014, December 18, 2014, April 1, 2015, January 1, 2018, July 1, 2018, July 1, 2019, March 19, 2020, April 1, 2020, January 7, 2021, January 21, 2021, September 2, 2021)

Section 5.15—Public Health Emergency Leave

(March 19, 2020, Revised April 1, 2020, January 7, 2021, January 21, 2021, September 2, 2021)

~~Isle of Wight County recognizes that in the event of a public health emergency, employees may be asked to or required to remain away from the workplace to care for the medical needs of self and/or immediate family members due to symptoms of and/or a diagnosis of the disease identified in the public health emergency, required quarantine without the ability to telework, and/or other purposes allowed by the County Administrator identified in the public health emergency for the purpose of infectious disease control. The County Administrator will determine based on emergency declarations and/or other public health emergency guidance when public health emergency leave may be granted, for what time period, and for what purposes related to the public health emergency.~~

~~The County may grant, without requirement of repayment, up to eighty (80) hours of public health emergency paid leave (PHE leave) (up to 112 hours for regular full-time employees assigned to a 28-day cycle, as authorized within the 7k work period exemption within the Fair Labor Standards Act, within the Department of Emergency Services) to regular full-time employees. The County may grant, without requirement of repayment, regular part-time employees (those working between 20-29 hours per week on a regular basis) PHE leave in the amount not to exceed the number of work hours the employee is normally scheduled to work in a two-week period. For example, a regular part-time employee who normally works twenty (20) hours per week would be eligible for up to twenty (20) hours of PHE leave per week for two weeks. The County may grant, without requirement of repayment, on-call/intermittent/temporary/or seasonal part-time employees PHE leave in the amount equal to the average number of hours that the employee worked per day, including leave taken, over the 6-month period immediately preceding the request for leave. For example, if the employee requested leave on March 20, 2020 any hours worked or leave taken from September 20, 2019 through March 20, 2020 would be considered in determining the amount of PHE leave permissible under the policy. If the employee did not work over the prior 6-month period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work shall be used to determine the PHE leave permissible under the policy.~~

~~Employees are responsible for requesting PHE leave, if available, through their Department Head, and for providing any required documentation, including medical documentation, requested to the Human Resources Department.~~

~~Once the granted PHE leave has been exhausted, should an employee be asked to or be required~~

~~to remain away from the workplace, the employee's other available leave, if any, will be utilized to cover his/her absence, unless any other leave provisions apply. Once the employee has exhausted all available paid leave, he/she may make a request under the Leave Donation Policy or Leave under the Family and Medical Leave Act Policy (Chapter 1, Article XIII and/or Chapter 1, Article V, Section 5.12) if he/she is eligible for such. Should the employee not be eligible for the Leave Donation Policy and/or have exhausted all paid leave or donated leave, the employee may be placed on leave without pay, pending eligibility and/or approval for such in accordance with policy.~~

~~During a public health emergency, particularly an infectious disease outbreak, it is critical that employees do not report to work while they are ill and/or experiencing the symptoms and for whatever time specified following last experience of symptoms and/or diagnosis) identified by the Centers for Disease Control (CDC) associated with the public health emergency/infectious disease. Employees who report to work ill will be sent home in accordance with the CDC's health guidelines.~~

~~If an employee is out sick or showing symptoms of being ill, it may become necessary to request information from the employee and/or the employee's health care provider or that of the employee's immediate family member. In general, the request for medical information would be for the purpose of confirming the employee's need to be absent, to show whether and how an absence relates to the public health emergency/infectious disease, and to know when it is appropriate for the employee to return to work. As always, we expect and appreciate the cooperation of employees when medical information is sought.~~

Emergency Paid Sick Leave Act

~~During the period beginning April 1, 2020 and ending on March 31, 2021, pursuant to the provisions of the Families First Coronavirus Response Act (H.R.6201), Isle of Wight County will grant the mandated emergency paid sick leave in the form of Public Health Emergency Leave (PHE leave) to all employees for the purposes of:~~

- ~~1) The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.~~
- ~~2) The employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19.~~
- ~~3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.~~
- ~~4) The employee is caring for an individual who is subject to an order of quarantine or isolation and/or is caring for an individual who has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19.~~
- ~~5) The employee is caring for their son or daughter or grandchild if the school or place of care of the son or daughter has been closed, or the childcare provider of the son or daughter is unavailable, due to COVID-19 precautions.~~

- ~~6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor.~~

~~After the first workday (or portion thereof) an employee receives paid sick leave (PHE leave) under this Act, an employer may require the employee to follow reasonable notice procedures in order to continue receiving such paid sick leave (PHE leave). PHE leave needed for dependent care purpose (5) above may be used intermittently.~~

~~All employees eligible for PHE leave under this policy shall be granted the following hours of PHE leave, capped at \$511 per day and \$5,110 in the aggregate, as follows:~~

~~Full-time Employees: up to 80 hours (up to 112 hours for regular full time employees assigned to a 28-day cycle, as authorized within the 7k work period exemption within the Fair Labor Standards Act, within the Department of Emergency Services)~~

~~Part-time Employees:~~

- ~~• Regular part-time employees (those working between 20-29 hours per week on a regular basis): amount not to exceed the number of work hours the employee is normally scheduled to work in a two-week period. For example, a part-time employee who normally works twenty (20) hours per week would be eligible for up to twenty (20) hours of PHE leave per week for two weeks.~~
- ~~• On-call/Intermittent/Temporary/or Seasonal part-time employees: amount equal to the average number of hours that the employee worked per day, including leave taken, over the 6-month period immediately preceding the request for leave. For example, if the employee requested leave on March 20, 2020 any hours worked or leave taken from September 20, 2019 through March 20, 2020 would be considered in determining the amount of PHE leave permissible under the policy. If the employee did not work over the prior 6-month period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work shall be used to determine the PHE leave permissible under the policy.~~

Vaccination Policy

~~In accordance with Isle of Wight County's duty to provide and maintain a workplace that is free of known hazards, we are adopting this policy to safeguard the health of our employees and their families; and the community at large from infectious diseases, such as COVID-19 or influenza, that may be reduced by vaccinations. This policy will comply with all applicable laws and is based on guidance from the Centers for Disease Control and Prevention and local health authorities, as applicable.~~

~~All employees will be notified once a vaccine becomes available and once so notified, are requested to receive such vaccination(s), unless a reasonable accommodation is approved.~~

~~Employees who choose to not receive such vaccination(s) once it becomes available will be ineligible to receive PHE Leave as provided above.~~

~~Employees will be notified as to the type of vaccination(s) covered by this policy and the timeframe(s) for having the vaccine(s) administered. Isle of Wight County will provide either onsite access to the vaccines or a list of locations to assist employees in receiving the vaccine on their own.~~

~~Isle of Wight County will pay for all vaccinations. When not received in house, payment for the vaccinations should be submitted to employees' health insurance where applicable and otherwise be submitted for reimbursement.~~

~~All employees will be paid for time taken to receive vaccinations. For offsite vaccinations, employees are to work with their managers to schedule appropriate time to comply with this policy.~~

~~Before the stated deadlines to be vaccinated have expired, employees will be required to provide either proof of vaccination or an approved reasonable accommodation to be exempted from the requirements.~~

~~Employees in need of an exemption from this policy due to a medical reason, or because of a sincerely held religious belief must submit a completed Request for Accommodation form to the Human Resources Department to begin the interactive accommodation process as soon as possible after vaccination deadlines have been announced. Accommodations will be granted where they do not cause Isle of Wight County undue hardship or pose a direct threat to the health and safety of others.~~

ARTICLE XI - Miscellaneous Policies and Regulations

(Revised April 7, 2005, November 17, 2005, May 18, 2006, October 16, 2006, September 4, 2008, May 21, 2015, September 17, 2015, July 1, 2020, **September 2, 2021**)

Section 11.7.A – COVID-19 VACCINATION and TESTING POLICY

(Adopted September 2, 2021)

Employees of Isle of Wight County must either be vaccinated against the COVID-19 virus, or alternatively: (1) be tested for COVID-19 once a week and provide such test result to County and (2) wear a mask while indoors in County buildings and facilities, while in County vehicles, except when alone inside a private office or vehicle. Anyone with a positive test result will be subject to the then-applicable policy regarding admittance to the County buildings and facilities.

In order to implement the vaccination and testing policy, all County employees are expected to provide proof of vaccination status to the County's Human Resources Department no later than October 1, 2021. Individuals who are in the process but are not yet "fully vaccinated" (defined as two weeks after receiving the second dose of a two-dose vaccine {Pfizer or Moderna} or the single-

dose vaccine {Johnson & Johnson} will be required to follow the health and safety protocols for unvaccinated individuals until they are fully vaccinated.

Beginning Monday, October 4, 2021 and every Monday thereafter, employees, who are not fully vaccinated, prior to beginning their shift, shall submit their COVID-19 test results for a test taken not more than 72 hours prior to submission, to the Human Resource Department.

Should an employee test positive for COVID-19, the employee shall immediately notify the Human Resources Department and follow the Centers for Disease Control and Prevention (CDC) published guidance for follow up testing and quarantine requirements.

The County shall provide and administer the required testing at no cost to the employees. Should it be determined that an employee, as a result of said testing, was required to quarantine and it is later determined that such test provided a false positive result for COVID-19, any leave which the employee was required to use for such quarantine period shall be reimbursed to said employee, provided CDC guidance was followed.

Employees in need of an exemption from this policy due to a medical reason, or because of a sincerely held religious belief must submit a completed Request for Accommodation form to the Human Resources Department to begin the interactive accommodation process as soon as possible after vaccination deadlines have been announced. Accommodations will be granted where they do not cause Isle of Wight County undue hardship or pose a direct threat to the health and safety of others.

The above vaccination and testing policy will take effect October 1, 2021 and will remain in place until further action by the Board of Supervisors. The Human Resources Department shall collect and monitor the proof of vaccination or the once-weekly COVID-19 test results, which should be kept confidential unless there is a sufficient health and safety reason justifying their disclosure.

Adopted this 2nd day of September, 2021.

Richard L. Grice, Chairman

Carey Mills Storm, Clerk

Approved as to Form:

Robert W. Jones, Jr., County Attorney

ISSUE:

Discussion of Local Matching Funds for the Virginia Technology Initiative (VATI) Grant Application

BACKGROUND:

The Board of Supervisors has previously received information relative to the County's efforts to pursue 2022 Virginia Technology Initiative (VATI) Grant program funding to assist with broadband expansion efforts.

Based on information provided by Charter, buildout of the broadband infrastructure to provide universal coverage to the currently unserved households (excluding households identified in the RDOF auction and those to be served by RuralBand) will cost just over \$12.4 million. Charter will provide \$3,517,500 in matching funds for the grant based on a contribution of \$1,500 per passing for the estimated 2,345 homes, businesses, etc. anticipated to be served.

Ideally, the local match (Charter's contribution plus the County's contribution) would be roughly 50% of the overall project cost. In this regard, the County's local match portion would be approximately \$2,711,500.

Staff will provide an update relative to the proposed grant application.

BUDGETARY IMPACT:

TBD

RECOMMENDATION:

Authorize the Chairman to provide a letter of support inclusive of the local matching funds for the grant application.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Resolution	8/20/2021
2022 VATI Guidelines and Criteria	Backup Material	8/11/2021

**RESOLUTION IN SUPPORT OF A VIRGINIA
TELECOMMUNICATIONS INITIATIVE GRANT TO PROVIDE
BROADBAND SERVICE IN ISLE OF WIGHT COUNTY**

WHEREAS, high-speed broadband connectivity is a necessity for families and businesses attempting to access a wide array of services including, but not limited to, education, healthcare, e-commerce, banking, communication, etc.; and,

WHEREAS, a significant portion of the 15,000 homes and 2,000 businesses in Isle of Wight County are underserved or unserved relative to reliable high-speed broadband internet service; and,

WHEREAS, the Board of Supervisors of Isle of Wight County is committed to providing local match funding sufficient to support implementation of the broadband project.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Board of Supervisors of the County of Isle of Wight, Virginia authorizes the submission of a Virginia Department of Housing and Community Development Virginia Telecommunications Initiative Grant application.

BE IT FURTHER RESOLVED that the County Administrator is authorized to sign and submit the appropriate documents for the submittal of the Virginia Telecommunications Initiative Grant proposal and any subsequent contract documents necessary to satisfy program requirements.

Adopted this 19th day of August, 2021.

Richard L. Grice, Chairman

Carey Mills Storm, Clerk

Approved as to Form:

Robert W. Jones Jr., County Attorney

2022 Virginia Telecommunication Initiative (VATI) Program Guidelines and Criteria



Erik C. Johnston
Director

Tamarah Holmes, Ph.D.
Director, Office of Broadband

Table of Contents

Background	3
Summary of Proposed Changes to the 2022 VATI Guidelines and Criteria	4
Eligible Applicants Overview	4
Program Description	9
Freedom of Information Act (FOIA)	9
Eligible Applicants	9
Selection Process	10
Technical Assistance	10
Universal Coverage	10
Eligible Areas	11
Federal Funding	11
Multiple Applications	13
Project Financing	14
Challenge Process	14
Implementation Deadline	16
Organizational and Management Capabilities	16
Proposal Due Date	17
Evaluation Criteria	18
Application Questions	19
List of Required Attachments, PDF Format Required	23
List of Required Attachments, Shapefiles	24
Freedom of Information (FOIA) Policy	25
Definitions	28
Appendix A-Sample VATI Application Notice	30
Appendix B - Received Signal Strength Indicator	32

Background

The digital divide – the lack of universal broadband coverage – is not only a technology issue; it is essential infrastructure for modern community and economic development. Broadband availability promotes sustainability and growth of communities by providing access to health care, particularly through the introduction of telemedicine, which improves the local workforce, provides increased educational opportunities through distance learning, and encourages an entrepreneurial economy where new and existing home-based and small businesses are able to compete globally.

Disconnected communities continue to struggle to retain existing businesses due to slow, sporadic, or limited broadband services. Since the vast majority of businesses rely on the internet to perform business functions such as online banking, e-commerce transactions (i.e. sales and online payment processing), market development (i.e. online ads, websites, bulk-email, etc.), customer service through online chat or emails and internal/external communication, broadband connectivity is vital to the performance of businesses of all sizes. Broadband is a necessity in the twenty-first century economy.

Additional guidance and questions regarding project development or about the VATI, guidelines and criteria should be directed to:

Tamarah Holmes, Ph.D. Director, Office of Broadband

tamarah.holmes@dhcd.virginia.gov
(804) 371-7056

Chandler Vaughan, Broadband Policy Analyst

chandler.vaughan@dhcd.virginia.gov
(804) 801-7124

VATI email address

vati@dhcd.virginia.gov

Please refer questions regarding your application submittal through CAMS to
vati@dhcd.virginia.gov

Summary of Proposed Changes to the 2022 VATI Guidelines and Criteria

Eligible Applicants Overview

Notwithstanding program requirements that applications include a private-sector internet service provider as the co-applicant, the Fiscal Year 2022 round of the Virginia Telecommunication Initiative (VATI) will implement a one-year pilot program in which public broadband authorities may apply directly for VATI funds without investment from the private sector. Such awards, in sum, shall not exceed 10 percent of total available VATI funds in FY2022. Applications submitted without a private sector co-applicant will be evaluated alongside other applications.

Eligible Areas

- For a **wireline project**, a proposed project area is considered eligible if 10 percent or fewer of serviceable units have access to service with no special construction costs from any provider as of the date of the application.
- For a **wireless project**, a proposed area is considered eligible if 25 percent or fewer of serviceable units have access to service with no special construction costs from any provider as of the date of the application. Passings with RSSI below -90dbm are not eligible to be included in a VATI application.

Applicants are strongly encouraged to include passings in application areas that have special construction costs (see definitions for more detail) for low to moderate income residents, as these locations will become increasingly more difficult to connect outside of the VATI application process. These passings include properties where the location has an extended setback from the public right of way beyond the maximum distance between a network access point and the home or business allowed by the co-applicant.

Federal Funding

Rural Digital Opportunity Fund

Areas with service by satellite providers are not considered served under VATI definitions. Therefore, Rural Digital Opportunity Fund (RDOF) areas preliminarily awarded to satellite internet service providers will not be considered as overlap and are allowed to be included in VATI applications.

On December 7, the Federal Communications Commission announced preliminary results of the Phase 1 RDOF auction. To a far greater extent than previous Federal Communication Commission (FCC) auctions, RDOF delivered lower than anticipated level of funding to internet service providers, presenting challenges in their ability to deliver services. To accelerate broadband access in RDOF awarded areas, passings in those areas may be included in VATI application to cover a portion of the infrastructure needed to reach RDOF awarded areas. All RDOF passings included in a VATI application that is awarded funding must be provided access to broadband service within the VATI contractual period. RDOF passings may not exceed VATI passings in the application.

DHCD reserves the right to waive this requirement on a case-by-case basis in instances where this may be impractical in an application. For example, in some localities RDOF locations may outnumber remaining unserved passings that are eligible for VATI. The internet service provider co-applicant must provide a detailed explanation if RDOF passings exceed VATI passings in the application. Any applicant who anticipates RDOF passings exceeding VATI passings should contact the DHCD staff early during project development for technical assistance.

Combining RDOF with VATI

Due to the timing of the release of the final 2022 VATI guidelines and the FCC issuing the Phase I RDOF final long-form results, areas preliminarily awarded RDOF, regardless of bidder, are eligible to be included in a VATI application. RDOF awardees who are not the VATI co-applicant may challenge an application that includes all, or portions of their final RDOF awarded area. If the challenge is determined to be credible, the applicant will be required to remove the area(s) that overlap from their application. The challenging RDOF awardee must commit to providing broadband access in the challenge area(s) within 3 years of the announcement of FY 2022 VATI awards and will be required to enter into a Memorandum of Understanding (MOU) with the VATI applicant committing to construct the removed area(s). Please note; if DHCD determines that a challenge is credible on the basis of a final RDOF award and the RDOF awardee has committed to constructing the challenges area and later defaults, they are prohibited from submitting future VATI applications for that challenged area, unless a unit of local government applicant formally expresses intent in partnering with the defaultee on a future VATI application(s) in that area.

RDOF areas that are not included in the long-form results are considered unserved and fully eligible for VATI funding. If RDOF areas awarded to an internet service provider other than the VATI applicant are included in a VATI application, but not challenged by the RDOF awardee, those will be considered as unserved and scored as such.

If awarded funding, the co-applicant internet service provider must enter into an agreement with DHCD to provide broadband access to an equal number of passings outside of the VATI area, ahead of their RDOF milestone for completion percentage within 3 years of the announcement of the FY2022 VATI awards. Extensions may be considered for these accelerated RDOF areas that encounter delays due to circumstances outside of the applicants' control. Contact DHCD staff for all questions regarding project scope.

Example Scenario

If an internet service provider (ISP) won 1000 RDOF locations, and had to complete 400 of those by year 3, if 200 RDOF passings are accelerated due to VATI funding, the awarded ISP must have completed 600 passings by year three, barring any agreed contract extensions related to extenuating circumstances.

Leveraging RDOF in achieving Universal Coverage

If RDOF areas are included in a VATI application and that application achieves universal coverage in the county, or counties, each RDOF passing included in that VATI application will be awarded $\frac{1}{2}$ of the scoring value of a VATI passing. If multiple applications are submitted with different co-applicants and those applications cumulatively reach universal coverage, RDOF locations included in those applications will be awarded at $\frac{1}{2}$ the scoring value of a VATI passing. If RDOF is included in a VATI application and does not achieve universal coverage in a county, or counties but is part of a universal plan, each passing in the application will be awarded $\frac{1}{4}$ of the scoring value of one VATI passing. RDOF may not be included in a VATI application if it does not achieve universal coverage or is not part of a universal plan. RDOF passing valuations also apply to businesses and community anchor institutions in RDOF awarded areas in the VATI application.

To account for the potential of supplemental action by the Federal Communications Commission in regards to the results of Phase I RDOF auction, DHCD reserves the right to update the guidelines accordingly in response to federal rules changes.

Project Financing

Local Government expenditures incurred after June 17, 2020, one year prior to the application open date, are eligible to be included in the application as match funds. Incurred expenses must be related to the proposed VATI project and meet VATI criteria. DHCD staff reserves the right to make administrative determinations on the validity of matching funds and accept a proportion of the funds when necessary.

Demonstrated local government support through contribution of Local Fiscal Recovery Funds delivered to local governments through the American Rescue Plan is strongly encouraged. Local Fiscal Recovery Funds contributed to a VATI application are considered match funds.

Pending state allocation of State Fiscal Recovery Funds through the American Rescue Plan, DHCD reserves the right to determine the source of funds through which awards are made. Non state general fund awards such as this can fund VATI applications and are subject to the rules of the funding source.

Challenge Process

If an incumbent provider serves one side of a roadway, but will not connect the other side, that unserved side of the road is eligible for VATI funding. In these instances, the applicant must prove the incumbent provider will not connect the unserved side of the roadway.

To streamline the challenge process, challengers must provide point and polygon shapefile(s) as defined in this document. In addition, wireless challengers are required to include shapefiles of heat maps indicating received signal strength indicator (RSSI) measures in the challenged area.

Organizational and Management Capabilities

To better define project area(s), all applicants are required to provide point and polygon shapefile(s) as defined in the definitions section of this document. In addition, wireless co-applicants are required to include shapefiles of heat maps indicating projected received signal strength indicator (RSSI) measures in the application area accounting for terrain and peak vegetation. *Note: Point and polygon shapefiles submitted with VATI applications are subject to the Freedom of Information Act and will not be provided FOIA exemption. RSSI measures in the project area(s) are eligible for Freedom of Information Act exemption.*

Definitions

The following definitions were added:

Adjacent- adjoining parcels sharing a roadway, private or public, other than highways or expressways as a common boundary

Point Shapefiles – shapefiles that show each proposed passing in the application area as a singular mapped point, in the application or challenged area containing attribute data showing the addresses of each point.

Polygon Shapefiles - shapefiles delineating the general project area(s).

RSSI - Received Signal Strength Indicator, or RSSI, is an estimated measure of power level that a wireless client device is receiving from an access point or router. See Appendix B for more information.

Special construction costs - one-time fees above normal service connection fees required to provide broadband access to a premise (i.e. service connection drop fee for serviceable units beyond the ISPs set standard length or require nonstandard equipment)

Evaluation Criteria

Category	2021 Points	2022 Points
Project Description and Need	120	85
Project Readiness	60	40
Budget and Cost Appropriateness	70	135
Commonwealth Priorities	50	40
Total	300	300

New and adjusted evaluation criteria include the following:

- Project Description and Need
 - Combine scoring of business and community anchor institution passing to a single, up-to 10-point section in the Project Description and Need category. *Note: Passings of significant impact are still included under Commonwealth Priorities.*
 - Scoring criteria on universal broadband coverage moved from Commonwealth Priorities category to the Project Description and Need category.
 - Reduced scoring cap on percent of project area that serves areas with less than 10/1 speeds
 - Reduced scoring cap on maximum speeds available in the project area
 - Removed the scoring of project overlap. *Note: This does not eliminate overlap allowance of project areas with existing networks.*
- Project Readiness
 - Increased scoring cap of the project management plan
- Project Budget and Cost Appropriateness
 - Moved the scoring of percent of project funded by matching funds from the Project Readiness category to the Project Budget and Cost Appropriateness category.
 - Moved the scoring of passings from Project Description and Need to the Budget and Cost Appropriateness category
 - *Note: Wireline and wireless applications are evaluated against projects of the same technology type in terms of state requested funding per passing.*

Program Description

Administered by the Virginia Department of Housing and Community Development (DHCD), the Virginia Telecommunication Initiative (VATI) enhances the sustainability and growth of communities throughout the Commonwealth by preparing those communities to build, utilize, and capitalize on telecommunications infrastructure. Consistent with the enabling budget language, DHCD will award up to \$49,725,000 in Fiscal Year (FY) 2022 to eligible applicants to provide last-mile services to unserved areas of the Commonwealth. DHCD reserves the right to award any amount to eligible grantees, depending entirely on the quality and quantity of applications received.

The primary objective of VATI is to provide financial assistance to supplement construction costs by private sector broadband service providers, in partnership with local units of government, to extend service to areas that presently are unserved by any broadband provider.

Freedom of Information Act (FOIA)

Pursuant to Section 2.2-3705.6-32 of the Code of Virginia, DHCD has the legal authority with the following information contained in a public record and is exempt from the mandatory disclosure provisions of the Virginia Freedom of Information Act (FOIA): “information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.” Applicants wishing to receive FOIA exemption must submit a written request to DHCD and follow the FOIA policy, found on page 21. *Note: Point and polygon shapefiles submitted with VATI applications are subject to the Freedom of Information Act and will not be provided FOIA exemption. RSSI measures in the project area(s) are eligible for Freedom of Information Act exemption.*

Eligible Applicants

Applications must be submitted by a unit of government (Towns, Cities, Counties, Economic Development Authorities/Industrial Development Authorities, Planning District Commissions, School Divisions, etc.) with a private sector internet service provider as a co-applicant. Eligible projects must be owned and operated by the private sector co-applicant. Publicly owned networks are eligible for the program when partnered with a private sector co-applicant, so long as the private sector applicant is serving as the customer-facing internet service provider.

Notwithstanding program requirements that applications include a private-sector internet service provider as the co-applicant, the Fiscal Year 2022 round of VATI will implement a one-year pilot program in which public broadband authorities may apply directly for Virginia Telecommunications Initiative funds without investment from the private sector. Such awards, in sum, shall not exceed 10 percent of total available VATI funds in FY2022. Applications submitted without a private sector co-applicant will be evaluated alongside other applications and thus are not guaranteed an award for any pilot projects.

Selection Process

Awardees will be selected through a competitive application process. Application questions will be focused on the applicant's broadband needs as well as information related to ready-to-construct project(s) needing financial assistance to supplement construction costs. The applicant must demonstrate a readiness to proceed with an awarded project in a timely manner by the required deadline.

Any modifications made to an awarded project will be subject to the VATI challenge process detailed on page 10 if a new project area has been added.

Technical Assistance

DHCD staff is available to provide technical assistance on the development of an application and during the challenge process to units of local government, internet service providers, grant writers, consultants, and all other VATI stakeholders. Please reach out to DHCD staff and consult the broadband toolkit available at www.commonwealthconnect.virginia.gov/broadband-toolkit prior to engaging a private consultant. *DHCD staff strongly recommends engagement of technical assistance throughout project development.*

Universal Coverage

Governor Northam has set a goal for universal broadband coverage throughout the Commonwealth by 2028. To that end, DHCD encourages applicants to ensure all projects either achieve, or are part of a plan to achieve universal broadband for the locality or region. Localities can find resources for developing a universal broadband plan on the Commonwealth Connect website at www.commonwealthconnect.virginia.gov/broadband-toolkit. *DHCD recognizes that due to the nature of wireless projects having an inherent potential of overlap it is strongly encouraged that applicants contact DHCD staff for assistance.* Applicants are discouraged from submitting projects that focus on pockets of density while not including nearby unserved, less dense areas. This tactic, also known as cherry picking, hurts the economics of serving the remaining areas in your community and will ultimately make it more difficult and costly to get all Virginians access to broadband coverage.

Eligible Areas

DHCD will award funding to applicants to provide last-mile services, including middle-mile networks, equipment, or other investments required to deliver last-mile service to unserved areas of the Commonwealth. Unserved areas are defined as having broadband speeds below 25 Megabits per second (Mbps) download and 3 Megabits (Mbps) upload. Areas lacking 10 Megabits per second download and 1 Megabit per second upload speeds will be given significant priority in application scoring.

- For a **wireline project**, a proposed project area is considered eligible if 10 percent or fewer of serviceable units have access to service with no special construction costs from any provider as of the date of the application.
- For a **wireless project**, a proposed area is considered eligible if 25 percent or fewer of serviceable units have access to service with no special construction costs from any provider as of the date of the application. Passings with RSSI below -90dbm are not eligible to be included in a VATI application.

Applicants are strongly encouraged to include passings in application areas that have special construction costs (see definitions for more detail) for low to moderate income residents, as these locations will become increasingly more difficult to connect outside of the VATI application process. These passings include properties where the location has an extended setback from the public right of way beyond the maximum distance between a network access point and the home or business allowed by the co-applicant.

Federal Funding

Applicants must do their due diligence to determine if their proposed VATI project area has in whole or in part been awarded federal broadband funds. These programs include, but are not limited to, Connect America Funds II (CAFII), Reconnect, Community Connect, Alternative Connect America Cost Model¹ (ACAM), and the Rural Digital Opportunity Fund (RDOF). Areas with service by satellite providers are not considered served under VATI definitions. Therefore, RDOF areas preliminarily awarded to satellite internet service providers will not be considered as overlap and are allowed to be included in the VATI application. In the event the VATI co-applicant has been awarded federal broadband funds, they cannot use those funds as matching

¹ Established by the 2016 Rate-of-Return Reform Order, the Alternative Connect America Cost Model (ACAM) delivers funding to provide federally identified locations with broadband access. Deployment speed requirements associated with ACAM funding range, depending on an area's population density, from 4 mbps download and 1 mbps, up to the highest required deployment speed of 25 mbps download and 3 mbps upload. To ensure Virginians have access to high-quality broadband that meets the demands of the 21st century, ACAM-funded connections that do not meet broadband speeds, defined as 25 Mbps download and 3 Mbps upload, are eligible to be included in VATI application areas.

funds. However, they are encouraged to leverage their federal award and apply for VATI funding to extend service to areas beyond those that were awarded federal funds or to accelerate construction of federal awards.

Rural Digital Opportunity Fund

Areas with service by satellite providers are not considered served under VATI definitions. Therefore, Rural Digital Opportunity Fund (RDOF) areas preliminarily awarded to satellite internet service providers will not be considered as overlap and are allowed to be included in VATI applications.

On December 7, the Federal Communications Commission announced preliminary results of the Phase 1 RDOF auction. To a far greater extent than previous Federal Communication Commission (FCC) auctions, RDOF delivered lower than anticipated level of funding to internet service providers, presenting challenges in their ability to deliver services. To accelerate broadband access in RDOF awarded areas, passings in those areas may be included in VATI application to cover a portion of the infrastructure needed to reach RDOF awarded areas. All RDOF passings included in a VATI application that is awarded funding must be provided access to broadband service within the VATI contractual period. RDOF passings may not exceed VATI passings in the application. DHCD reserves the right to waive this requirement on a case-by-case basis in instances where this may be impractical in an application. For example, in some localities RDOF locations may outnumber remaining unserved passings that are eligible for VATI. The internet service provider co-applicant must provide a detailed explanation if RDOF passings exceed VATI passings in the application.

Combining RDOF with VATI

Due to the timing of the release of the final 2022 VATI guidelines and the FCC issuing the Phase I RDOF final long-form results, areas preliminarily awarded RDOF, regardless of bidder, are eligible to be included in a VATI application. RDOF awardees who are not the VATI co-applicant may challenge an application that includes all, or portions of their final RDOF awarded area. If the challenge is determined to be credible, the applicant will be required to remove the area(s) that overlap from their application. The challenging RDOF awardee must commit to providing broadband access in the challenge area(s) within 3 years of the announcement of FY 2022 VATI awards and will be required to enter into a Memorandum of Understanding (MOU) with the VATI applicant committing to construct the removed area(s). Please note; if DHCD determines that a challenge is credible on the basis of a final RDOF award and the RDOF awardee has committed to constructing the challenges area and later defaults, they are prohibited from submitting future VATI applications for that challenged area, unless a unit of local government applicant formally expresses intent in partnering with the defaultee on a future VATI application(s) in that area.

RDOF areas that are not included in the long-form results are considered unserved and fully eligible for VATI funding. If RDOF areas awarded to an internet service provider other than the

VATI applicant are included in a VATI application, but not challenged by the RDOF awardee, those will be considered as unserved and scored as such.

If awarded funding, the co-applicant internet service provider must enter into an agreement with DHCD to provide broadband access to an equal number of passings outside of the VATI area, ahead of their RDOF milestone for completion percentage within 3 years of the announcement of the FY2022 VATI awards. Extensions may be considered for these accelerated RDOF areas that encounter delays due to circumstances outside of the applicants' control. Contact DHCD staff for all questions regarding project scope.

Example Scenario

If an internet service provider(ISP) won 1000 RDOF locations, and had to complete 400 of those by year 3, if 200 RDOF passings are accelerated due to VATI funding, the awarded ISP must have completed 600 passings by year three, barring any agreed contract extensions related to extenuating circumstances.

Leveraging RDOF in achieving Universal Coverage

If RDOF areas are included in a VATI application and that application achieves universal coverage in the county, or counties, each RDOF passing included in that VATI application will be awarded $\frac{1}{2}$ of the scoring value of a VATI passing. If multiple applications are submitted with different co-applicants and those applications cumulatively reach universal coverage, RDOF locations included in those applications will be awarded at $\frac{1}{2}$ the scoring value of a VATI passing. If RDOF is included in a VATI application and does not achieve universal coverage in a county, or counties but is part of a universal plan, each passing in the application will be awarded $\frac{1}{4}$ of the scoring value of one VATI passing. RDOF may not be included in a VATI application if it does not achieve universal coverage or is not part of a universal plan. RDOF passing valuations also apply to businesses and community anchor institutions in RDOF awarded areas in the VATI application.

To account for the potential of supplemental action by the Federal Communications Commission in regards to the results of Phase I RDOF auction, DHCD reserves the right to update the guidelines accordingly in response to federal rules changes.

Multiple Applications

An applicant may submit one application with multiple service providers if the applicant can demonstrate how the providers are collaborating to achieve universal coverage for the locality or region. Service providers may submit an application with more than one unit of local government. Units of local government may submit multiple applications with different service providers and may include project areas that cross-jurisdictional boundaries. Multiple applications that when combined reach universal coverage in a county or region, will be awarded maximum points for universality when scored.

An applicant may include non-contiguous service areas in a single application. If designating more than one service area in a single application, each service area must be clearly delineated, and the required data and budget information must be provided by each service area.

Project Financing

VATI funding shall not exceed 80 percent of the total project cost. Applicants should note that the program is competitive however, and that those projects that bring greater match to the application are more likely to receive higher evaluations scores.

Consistent with VATI's enabling budget language; the private co-applicant must contribute a cash match to the total project cost. If the private co-applicant match is below 10% of total project cost, applicants must provide financial details in their applications demonstrating appropriate private investment in relation to the density and scope of the project. Local Government expenditures incurred after June 17, 2020, one year prior to the application open date, are eligible to be included in the application as match funds. Incurred expenses must be related to the proposed VATI project and meet VATI criteria. DHCD staff reserves the right to make administrative determinations on the validity of matching funds and accept a proportion of the funds when necessary.

Demonstrated local government support through contribution of Local Fiscal Recovery Funds delivered to local governments through the American Rescue Plan is strongly encouraged. Local Fiscal Recovery Funds contributed to a VATI application are considered match funds.

Pending state allocation of State Fiscal Recovery Funds through the American Rescue Plan, DHCD reserves the right to determine the source of funds through which awards are made. Non state general fund awards such as this can fund VATI applications and are subject to the rules of the funding source.

VATI Notice of Application

All applicants are required to issue a VATI Notice of Application detailing their intent to apply for VATI funding no later than July 27, 2021, at 5:00 p.m. Applicants must submit a copy of the VATI Notice of Application to DHCD at: vati@dhcd.virginia.gov. The sample notice is located in Appendix A. VATI Notice of Applications will be posted on DHCD's VATI webpage no later than August 3, 2021.

Challenge Process

Prospective challengers are ***strongly encouraged*** to contact applicants directly and discuss the contested project area before submitting a challenge as project areas can often be re-scoped to remove overlap. Evidence of serviceability must be demonstrated by showing a reasonable number of customers within the area of claimed serviceable units.

Planned service to a proposed project area is eligible for the purpose of a challenge if state or federal funds have been awarded and the provider has committed to providing service to the

areas using these state or federal funds. Areas adjacent to state or federally funded areas may be eligible for a challenge if the challenger demonstrates existing awards will cover the adjacent area. If an incumbent provider serves one side of a roadway, but will not connect the other side, that unserved side of the road is eligible for VATI funding. In these instances, the applicant must prove the incumbent provider will not connect the unserved side of the roadway. The challenger must commit to serving the adjacent areas at speeds equal to or greater than the VATI minimum deployment speed.

DHCD will post electronic copies of all submitted applications to the agency website within five business days after the September 14, 2021 application deadline. Providers wishing to submit a challenge must provide the information required in this section no later than 5:00 p.m. on October 21, 2021. Applicants will be notified if their proposed project area is being challenged by October 28, 2021 at 5:00 p.m. and will have 15 business days from notification of a challenge to provide rebuttal information to DHCD.

Providers wishing to submit challenges on multiple applications must submit a separate challenge for each application. Challenges can be made to portions of a proposed project area without invalidating the entire project. DHCD reserves the right to invalidate a portion(s) of a proposed project area, aggregate challenges by different providers to determine the percentage of serviceable units served in a proposed project area, and invalidate insufficient challenges. Challengers must demonstrate that more than 10% for wireline projects, or 25% for wireless projects, of serviceable units in the project area have access to speeds above 25/3 mbps as of the date of the application or that the application is ineligible as a result of committed state or federal funding subject to the conditions described above.

DHCD must receive all of the information detailed below or the challenge will be deemed incomplete and invalid. Challengers must provide:

1. A signed and notarized affidavit affirming the challenge and attached information is true.
2. Current Federal Communications Commission (FCC) Form 477 or equivalent.
3. Minimum/maximum speeds available in the proposed project area.
4. Number of serviceable units within the proposed project area and provide the speeds those serviceable units are able to receive.
5. Street level data of customers receiving service within the proposed project area.
6. Point shapefiles that show each proposed passing in the challenged area, designated by a singular mapped point, in the challenged area containing attribute data showing the addresses of each point. Polygon shapefiles delineating the general challenged area(s). (Note: These files must be provided in .zip file form)
7. For wireless providers: Heat maps indicating received signal strength indicator (RSSI) in the challenged area, accounting for terrain and peak vegetation (Note: These files must be provided in .zip file form)
8. Wireless providers must also note if the bandwidth is shared or dedicated in the challenged area.

9. Using the project area map submitted by the applicant, create a map indicating where the challenger's serviceable units are located in the proposed project area. Challengers are encouraged to submit additional maps and information if necessary.
10. If challenging due to planned state or federal funding, documentation detailing commitment to provide service in or adjacent to the proposed project area.

DHCD will review all applicable challenge and rebuttal information to determine if a challenge is credible. DHCD reserves the right to request verified speed tests at times of peak network usage on all or portion(s) of the challenged area. DHCD reserves the right to re-scope any credibly challenged VATI application and fund the remaining portion(s) of the application. The Department shall notify the applicant and challenger in writing if a challenge is credible no later than 5:00pm on December 3, 2021.

Implementation Deadline

Applicants must demonstrate that projects will be completed within 18 months. The project timeline begins with the contract execution between the applicant and DHCD. DHCD will consider longer project timelines for larger project areas if applicants can sufficiently detail the reasoning for an extended timeline in their application. Applicants are encouraged to phase larger scale projects, and DHCD reserves the right to fund only a phase(s) of a proposed project. Extensions may be considered for awarded projects that encounter delays due to circumstances outside of the applicants' control. Contact DHCD staff for all questions regarding project scope.

Organizational and Management Capabilities

To participate in VATI, applicants and co-applicants must demonstrate suitable organizational and management capabilities. To determine whether applicants meet this criterion, applicants and private sector partner(s), must submit the following documents and/or attest to each of the following:

1. Documentation that proposed project area is unserved based on VATI criteria.
2. Private co-applicant must provide proof that they have filed an FCC Form 477 by the two most recently submitted forms prior to submission of application. If the private co-applicant has not submitted an FCC Form 477 in previous years, the co-applicant must provide reasoning for not submitting, business background, number of customers, overview of assets, or equivalent information.
3. Point shapefiles are shapefiles that show each proposed passing in the application area, designated by a singular mapped point, in the project area containing attribute data showing the addresses of each point. Polygon shapefiles delineating the general project area(s). Polygon shapefiles delineating the general project area(s). (Note: These files must be provided in .zip file form)

4. For wireless providers: Heat maps indicating projected received signal strength indicator (RSSI) in the application area accounting for terrain and peak vegetation (Note: These files must be provided in .zip file form)
5. Projects must be fully-financed through a combination of the total requested VATI funds, committed matching funds from the applicants, and in-kind resources.
6. Private co-applicants must document current assets (i.e. total amount of available cash and equivalents, callable capital, in an amount no less than the proposed committed funding or a commitment letter for financing) in the amount of match funds committed for the project at the time of application. Per VATI's enabling budget language, the private co-applicant must contribute an appropriate level of match to the total project cost.
7. Applicants must be in good standing in performance of any and all existing Commonwealth of Virginia contracts and in compliance with all federal, state, and local laws.

Proposal Due Date

Proposals are to be submitted by **11:59 p.m.** on September 14, 2021. Please note that DHCD offices close at 5:00 p.m. Therefore, staff will not be available to provide CAMS technical assistance after 5:00 p.m.

Evaluation Criteria

Project Description and Need (Maximum of 85 points)

Describe the fundamentals of the project, including:

- Overview of the project area and how it was determined
- Internet speeds to be offered
- Network design
- How the project achieves universal broadband coverage in a locality, or how a project fits into a larger plan for universal broadband coverage. *Note: Applicants will only achieve maximum scoring in this section if the application reaches universal coverage in the county or counties included in the application.*

Project Readiness (Maximum of 40 points)

Describe the capacity to successfully implement the project, including:

- Additional leverage to improve the project
- Marketing activities, including digital literacy efforts, to ensure a sufficient take rate
- Description of the project management plan, including key contacts, projected timeline, and history of managing similar projects/grants

Project Budget and Cost-Appropriateness (Maximum of 135 points)

Describe the project budget, including:

- Detailed project budget, including derivation of costs and documentation of cost estimates, delineated by each service area
- Information to calculate the Cost Benefit Index score
- Number of serviceable units passed and the breakdown of those passings
- Breakdown of matching funds and in-kind resources

Commonwealth Priorities (Maximum of 40 points)

Describe how the project would reflect priorities of the Commonwealth, including:

- Passings of significant impact
- Unique partnerships involved in the project
- Digital equity efforts
- Capacity for scalability

Application Questions

Project Description and Need (85 points)

1. Describe why and how the project area(s) was selected. Describe the proposed geographic area including specific boundaries of the project area (e.g. street names, local and regional boundaries, etc.). Attach a copy of the map of your project area(s). Label map: Attachment 1 – Project Area Map.
2. List existing providers in the proposed project area and the speeds offered. Please do not include satellite. Describe your outreach efforts to identify existing providers and how this information was compiled with source(s).
3. Describe if any areas near the project have received funding from federal grant programs, including but not limited to Connect America Funds II (CAF II), ACAM, ReConnect, Community Connect, and Rural Digital Opportunity Funds (RDOF). If there have been federal funds awarded near the project area(s), provide a map showing these areas, verifying the proposed project area does not conflict with these areas. Label Map: Attachment 2 – Documentation on Federal Funding Area.
4. Describe if any blocks awarded in Rural Digital Opportunity Fund (RDOF), excluding those awarded to satellite internet service providers, are included in the VATI application area. If RDOF areas awarded to terrestrial internet service providers are included in the VATI application, provide a map of these areas and include information on number of passings in RDOF awarded areas within the VATI application area, and Census Block Group ID number for each block group in the project area. Label Attachment: Attachment 3 – RDOF Awarded Areas Form in VATI Area
5. Overlap: To be eligible for VATI, applicants must demonstrate that the proposed project area(s) is unserved. An unserved area is defined as an area with speeds below 25/3 mbps and with less than 25% service overlap within the project area for wireless projects and 10% for wireline projects. Describe any anticipated service overlap with current providers within the project area. Provide a detailed explanation as to how you determined the percentage overlap. Label Attachment: Attachment 4 – Documentation Unserved Area VATI Criteria.
6. Total Passings: Provide the number of total serviceable units in the project area. Applicants are encouraged to prioritize areas lacking 10 Megabits per second download and 1 Megabits per second upload speeds, as they will receive priority in application scoring. For projects with more than one service area, each service area must have delineated passing information. Label Attachment: Attachment 5 – Passings Form.
 - a. Of the total number of VATI passings, provide the number of residential, business, non-residential, and community anchors in the proposed project area.
(Up to 10 points for businesses and community anchor institutions)

- b. If applicable, of the total number of RDOF passings, provide the number of residential, business, non-residential, and community anchors in the proposed project area.
 - c. If applicable, provide the number of passings that will require special construction costs, defined as a one-time fee above normal service connection fees required to provide broadband access to a premise. Describe the methodology used for these projections
 - d. If applicable, provide the number of passings included in the application that will receive broadband access because special construction costs have been budgeted in the VATI application. Describe the methodology used for determining which passings with special construction costs were budgeted in the application.
 - e. Provide the number of passings in the project area that have 10/1 mbps or less. Describe the methodology used for these projections. **(up to 15 points)**
- 7. For wireless projects only: Please explain the ownership of the proposed wireless infrastructure. Please describe if the private co-applicant will own or lease the radio mast, tower, or other vertical structure onto which the wireless infrastructure will be installed.
- 8. Speeds: Describe the internet service offerings, including download and upload speeds, to be provided after completion of the proposed project. Detail whether that speed is based on dedicated or shared bandwidth, and detail the technology that will be used. This description can be illustrated by a map or schematic diagram, as appropriate. List the private co-applicant's tiered price structure for all speed offerings in the proposed project area, including the lowest tiered speed offering at or above 25/3 mbps. **(up to 10 points)**
- 9. Network Design: Provide a description of the network system design used to deliver broadband service from the network's primary internet point(s) of presence to end users, including the network components that already exist and the ones that would be added by the proposed project. Provide a detailed explanation of how this information was determined with sources. Provide information on how capacity for scalability, or expansion, of how the network can adapt to future needs. If using a technology with shared bandwidth, describe how the equipment will handle capacity during peak intervals. For wireless projects, provide a propagation map for the proposed project area with a clearly defined legend for scale of map. Label Map: Attachment 6 – Propagation Map Wireless Project.
- 10. Explain how the proposed project achieves universal broadband coverage for the locality or fits into a larger plan to achieve universal broadband coverage for the locality. If applicable, explain the remaining areas of need in the locality and a brief description of the plan to achieve universal broadband coverage. **(up to 50 points)**

Project Readiness (40 points)

- 11. Describe the current state of project development, including but not limited to: planning, preliminary engineering, identifying easements/permits, status of MOU or MOA, and final design. Prepare a detailed project timeline or construction schedule, identifying

specific tasks, staff, contractor(s) responsible, collection of data, etc., and estimated start and completion dates. Applicants must include Memorandums of Understanding (MOUs) or Memorandums of Agreement (MOAs) between applicants (drafts are allowable). Label Attachments: Attachment 7 – Timeline/Project Management Plan; Attachment 8 – MOU/MOA between Applicant/Co-Applicant; **(up to 20 points)**

12. Has the applicant or co-applicant received any VATI grants? If so, provide a list of these grants, with a detailed summary of the status of each.
13. Matching funds: Complete the funding sources table indicating the cash match and in-kind resources from the applicant, co-applicant, and any other partners investing in the proposed project (VATI funding cannot exceed 80 percent of total project cost). In-kind resources include, but are not limited to: grant management, acquisition of rights of way or easements, waiving permit fees, force account labor, etc. Please note that a minimum 20% match is required to be eligible for VATI, the private sector provider must provide 10% of the required match. If the private co-applicant cash match is below 10% of total project cost, applicants must provide financial details demonstrating appropriate private investment. Label Attachments: Attachment 9 - Funding Sources Table; Attachment 10 – Documentation of Match Funding;
14. Leverage: Describe any leverage being provided by the applicant, co-applicant, and partner(s) in support of the proposed project. **(up to 10 points)**
15. Marketing: Describe the broadband adoption plan.
 - a. Explain how you plan to promote customer take rate, including marketing activities, outreach plan, and other actions to reach the identified serviceable units within the project area. Provide the anticipated take rate and describe the basis for the estimate. **(up to 10 points)**
 - b. Describe any digital literacy efforts to ensure residents and businesses in the proposed project area sufficiently utilize broadband. Please list any partnering organizations for digital literacy, such as the local library or cooperative extension office.
16. Project Management: Identify key individuals who will be responsible for the management of the project and provide a brief description of their role and responsibilities for the project. Present this information in table format. Provide a brief description of the applicant and co-applicant's history and experience with managing grants and constructing broadband communication facilities. Please attach any letters of support from stakeholders. If the applicant is not a locality(s) in which the project will occur, please provide a letter of support from that locality. Attachment 11 – Letters of Support.

Project Budget and Cost Appropriateness (135 points)

17. Budget: Applicants must provide a detailed budget that outlines how the grant funds will be utilized, including an itemization of equipment, construction costs, and a justification of proposed expenses. If designating more than one service area in a single application, each service area must have delineated budget information. For wireless projects, please include delineated budget information by each tower. Expenses should be substantiated by clear cost estimates. Include copies of vendor quotes or documented cost estimates supporting the proposed budget. Label Attachments: Attachment 12 – Derivation of Costs; Attachment 13 - Documentation of Supporting Cost Estimates. **(up to 10 points)**
18. The cost benefit index comprises state cost per unit passed. Individual cost benefit scores are calculated and averaged together to create a point scale for a composite score. Provide the following:
 - a. Total VATI funding request
 - b. Number of serviceable units
 - i. **(up to 125 points)**

Commonwealth Priorities (40 points)

19. Additional points will be awarded to proposed projects that reflect Commonwealth priorities. If applicable, describe the following:
 - a. Businesses, community anchors, or other passings in the proposed project area that will have a significant impact on the locality or region because of access to broadband.
 - b. Unique partnerships involved in the proposed project. Examples include electric utilities, universities, and federal/state agencies.
 - c. Digital equity efforts to ensure low to moderate income households in the proposed project area will have affordable access to speeds at or above 25/3 mbps.

Additional Information

20. Provide any other information that the applicant desires to include. Applicants are limited to four additional attachments.

List of Required Attachments, PDF Format Required

*All Attachments **MUST** be uploaded in PDF format

1. Map(s) of project area, including proposed infrastructure.
 - Label Attachment: Attachment 1 – Project Area map
2. Documentation of Federal Funding (CAF/ACAM/USDA/RDOF, etc...) in and/or near proposed project area.
 - Label Attachment: Attachment 2 – Documentation of Federal Funding Area
3. Documentation of RDOF awarded area in VATI project area, If needed
 - Label Attachment: Attachment 3 – RDOF Awarded Areas included in VATI Application
4. Documentation that proposed project area is unserved based on VATI criteria
 - Label Attachment: Attachment 4 – Documentation Unserved Area VATI Criteria
5. Passings Form (Please use template provided)
 - Label Attachment: Attachment 5 – Passings Form
6. Propagation Map and Heat Map if Wireless Project
 - Label Attachment: Attachment 6 – Propagation Map (Wireless Projects only)
7. Timeline/Project Management Plan
 - Label Attachments: Attachment 7 – Timeline Project Management Plan
8. MOU/MOA between applicant/co-applicant (can be in draft form)
 - Label Attachment: Attachment 8 – MOU.MOA between Applicant/Co-Applicant
9. Funding Sources Table
 - Label Attachment: Attachment 9 – Funding Sources Table
10. Documentation for match funding
 - Label Attachment: Attachment 10 – Documentation of Match Funding
11. Letters of Support
 - Label Attachment: Attachment 11 - Letters of Support
12. Derivation of Cost (Project Budget)
 - Label Attachment: Attachment 12 – Derivation of Costs
13. Documentation supporting project costs (e.g. vendor quotes)
 - Label Attachment: Attachment 13 – Documentation of Supporting Cost Estimates
14. Two most recent Form 477 submitted to FCC
 - Label Attachment: Attachment 14 – Two most recent Form 477 submitted to the FCC or equivalent
15. Point and Polygon shapefiles, in .zip file form, showing proposed passings and project area
 - Label Attached .Zip Folder: Attachment 15 - Point and Polygon Shapefiles
16. For wireless applicants: shapefiles, in .zip file form, indicating RSSI projections in the application area
 - Label Attached .Zip Folder: Attachment 16 – RSSI Projection Shapefiles
17. Label Additional Attachments as:
 - Attachment 17 – XXXXXXXX
 - Attachment 18 – XXXXXXXX
 - Attachment 19 – XXXXXXXX
 - Attachment 20 – XXXXXXXX

List of Required Attachments, Shapefiles

*All shapefiles **MUST** be functional

1. Point shapefiles that show each proposed passing in the application area as a singular mapped point containing attribute data showing the addresses of each point.
2. Polygon shapefiles delineating the general challenged area(s).
3. For wireless providers: Shapefiles displaying heat maps indicating received signal strength indicator (RSSI) in the application area accounting for terrain and vegetation.

Virginia Telecommunication Initiative (VATI) Freedom of Information (FOIA) Policy

Effective July 1, 2019

§ 2.2-3705.6:

(32) Information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the appropriations act.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;*
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and*
- c. Stating the reasons why protection is necessary.*

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

Virginia Telecommunication Initiative (VATI) Freedom of Information (FOIA) Policy

All entities requesting Freedom of Information (FOIA) exemption for information pertaining to the VATI program shall submit the request for exemption in writing detailing the documentation to vati@dhcd.virginia.gov. DHCD FOIA exemptions do not extend to local government co-applicants. Only materials submitted to DHCD directly are subject to consideration for a FOIA-exemption. Pursuant to 2.2-3705.6-32, the Department of Housing and Community Development (DHCD) will make a written determination within ten (10) days of the request as to whether FOIA-exemption will be afforded as well as the nature and scope of the protection. Upon receipt of the written determination from DHCD documents must be submitted to vati@dhcd.virginia.gov. All exempted information will be securely maintained and accessed by VATI staff only.

Grant Applications

Consistent with VATI Guidelines, DHCD will continue to make available online submitted VATI applications. DHCD respects the right of the public to access to public information about the VATI program and encourages applicants to only request a FOIA-exemption when absolutely necessary. Applications submitted through CAMS must only include information that is open to the public. Applicants may request to submit supplementary information to the application that includes a FOIA-exemption, pursuant to “§ 2.2-3705.6” for information related to a grant application that may make the application more competitive. FOIA-exemption requests must be sent directly to vati@dchd.virginia.gov, and the applicant must indicate for which VATI application the information corresponds. Applicants wishing to submit multiple FOIA exemption requests for multiple VATI applications must do so individually in separate requests.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;*
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and*
- c. Stating the reasons why protection is necessary.*

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

Challenge Applications

Prospective challengers are strongly encouraged to contact applicants directly and discuss the contested project area before submitting a challenge. Many issues can be resolved without a formal challenge process.

Entities wishing to request FOIA exemption on information related to a VATI application challenge must submit any requested information directly to vati@dhcd.virginia.gov. Incumbents with information such as existing street level data in a proposed project area are required to submit a challenge. Challengers wishing to request exemption for multiple challenges must do so individually, in separate requests. Applicants who have received a challenge will be notified and may request FOIA exemption, pursuant to “§ 2.2-3705.6-3” of the Code of Virginia for information pertaining to their rebuttal.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;*
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and*
- c. Stating the reasons why protection is necessary.*

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

Grant Monitoring

Projects awarded VATI funds currently work with DHCD to monitor the completion and success of those projects. Entities wishing to request FOIA exemption on information relevant to evaluating the success of awarded projects, including take rate, must submit any requested information directly to: vati@dhcd.virginia.gov

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;*
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and*
- c. Stating the reasons why protection is necessary*

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

Definitions

Adjacent – adjoining parcels sharing a roadway, private or public, other than highways or expressways as a common boundary

Business – An organization or entity that provides goods or services in order to generate profit. Businesses based in residential homes can count if they are a registered business (BPOL, LLC, etc.).

Community Anchor - schools, libraries, medical and health care providers, public safety entities, community colleges and other institutions of higher education, and other community support organizations and agencies that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by vulnerable populations, including low-income, unemployed, and the aged.

Digital Subscriber Line (DSL) – A technology for bringing high-bandwidth information to homes and small businesses over ordinary copper telephone lines.

Eligible Project Costs – Expenses eligible for reimbursement under the VATI grant.

Fiber-to-the-Home (FTTH) – A network that delivers internet service over optical fiber directly to an end-user home, business, or other Unit.

Fixed Wireless – Wireless devices or systems that are situated in fixed locations.

Hybrid Fiber Coaxial (HFC) – A broadband network combining optical fiber and coaxial cable.

Last-Mile – Components of a network that provide broadband service to end-user premises or devices through an intermediate point of aggregation (e.g. remote terminal, fiber node, wireless tower, or other equivalent access point).

Leverage-Non-match cash or non-match in-kind resources committed to a proposed project that do not qualify as match (i.e. federally funded projects like CAFII, A-CAM, etc.) or being used as match (i.e. volunteer labor, engineering or design, etc.).

Middle-Mile – Network components that provide broadband service from one or more centralized facilities (e.g. the central office, the cable head-end, the wireless switching station, or other equivalent centralized facilities) to an Internet point of presence.

Non-Residential Passing – Places of worship, federal, state, or local facilities or other potential customers that are neither a residence, business, or a community anchor institution (as defined above).

Passing – any structure that can receive service. Multi-unit structures may be counted as more than 1 passing, provided individual connections and accounts are planned at that structure.

Peak Interval - Weekdays from 7:00 p.m. – 11:00 p.m. local time.

Point Shapefiles – shapefiles that show each proposed passing as a singular mapped point, in the application or challenged area, containing attribute data showing the addresses of each point.

Polygon Shapefiles - shapefiles delineating the general project area(s).

RSSI - Received Signal Strength Indicator, or RSSI, is an estimated measure of power level that a wireless client device is receiving from an access point or router. See Appendix B for more information.

Service Area – Refers to the geographic territory in which an applicant has proposed to provide service.

Serviceable Units – Properties that are eligible for broadband service without additional special construction costs from the property owner/subscriber.

Special construction costs - one-time fees above normal service connection fees required to provide broadband access to a premise (i.e. service connection drop fee for serviceable units beyond the ISPs set standard length or require non standard equipment)

Street Level Data – Address ranges or specific addresses from an existing provider along with the existing number of customers within those ranges. No personal information on specific customers will be requested.

Unserved – Properties that currently have access to internet speeds below 25 Megabits per second (Mbps) download and 3 Megabits (Mbps) upload.

Appendix A-Sample VATI Application Notice

2022 Virginia Telecommunication Initiative SAMPLE VATI APPLICATION NOTICE FORMAT

[Insert Date]

Tamarah Holmes, Ph.D
Director
Office of Broadband
Department of Housing and Community Development
600 East Main Street, Ste 300
Richmond, VA 23219

Dear Dr. Holmes:

I am providing this VATI Application Notice to notify the Virginia Department of Housing and Community Development of **[insert name of unit of local government] and [private provider (optional)]**'s may submit an application for the FY2022 Virginia Telecommunication Initiative (VATI).

[Name of unit of local government, organization] and [private provider (optional)] intends to submit an application for **[summary description of Project to be funded]** within approximately **[proposed Project Area(s)]**.

[Name] will be our main point of contact for the purposes of the application process, and can be reached at:

[Mailing Address]

[Phone Number]

[Email Address]

[Name of applicant government, organization and [private provider (optional)] understands that this VATI Application Notice is required in order to submit an application for the 2022 Virginia Telecommunication Initiative and that this notice is not binding on the entity represented by the undersigned, Virginia Department of Housing and Community Development.

[Type the closing]

[signature]

Type the sender's name]

[Type the sender's title]

Appendix B - Received Signal Strength Indicator

Received Signal Strength Indicator

RSSI: Received Signal Strength Indicator is an estimated measure of power level that a wireless client device is receiving from an access point or router.

At larger distances, the signal becomes weaker and the wireless data rates become slower, leading to a lower overall data throughput. RSSI is measured in decibels from 0 to -120, the closer the value to 0 the stronger the signal will be, -55 is considered the best possible signal with measures of -90 and below considered unusable signal. Indoor best practices for mixed use networks see RSSI values of -75 to -80 and for session based networks (Video Conferencing, WiFi calling, etc) -60 to -65

Below figure (1) shows an example of the RSSI distribution around a wireless site.

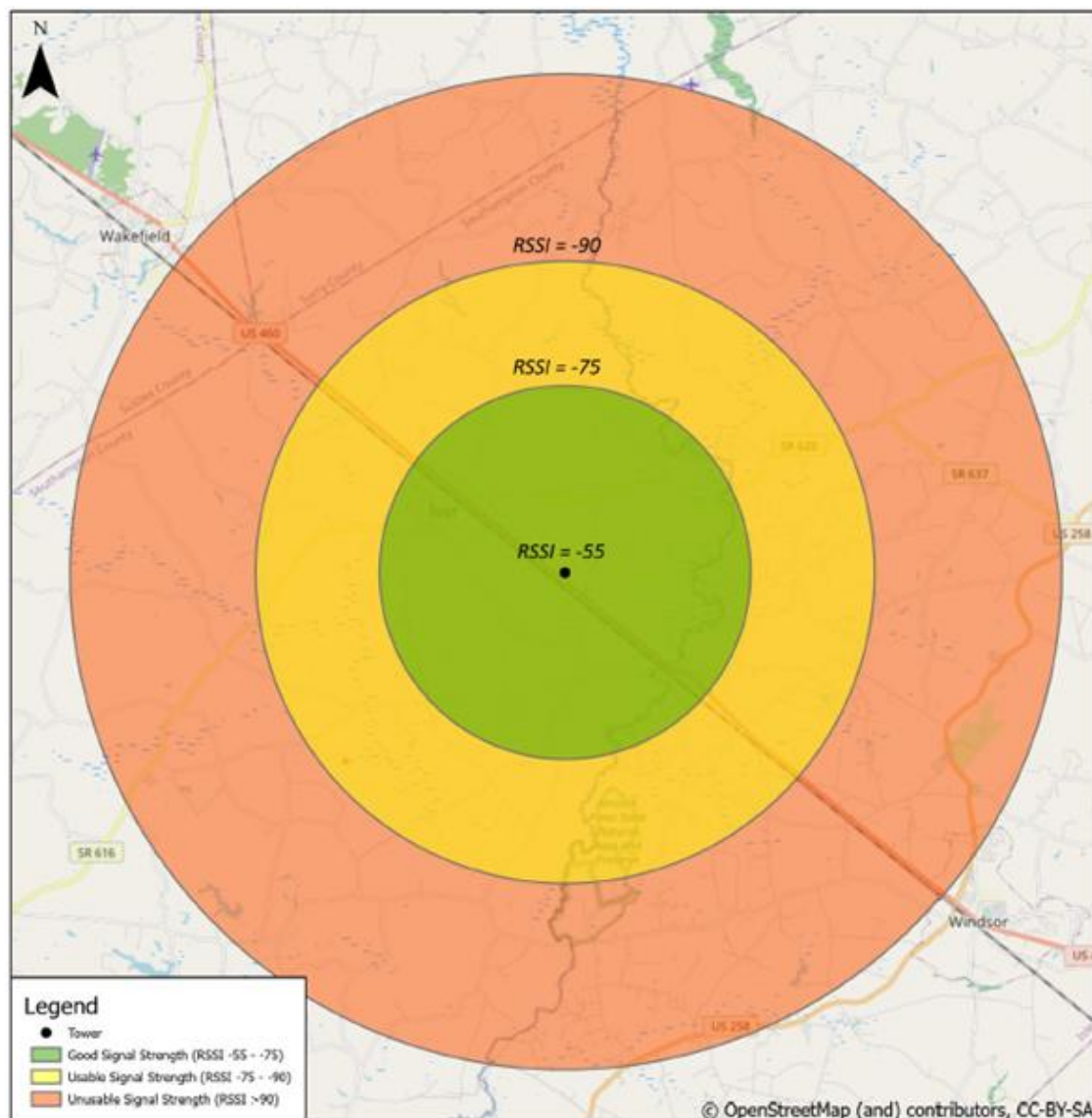


Figure (1)

ISSUE:

Appointments to the Redistricting Task Force

BACKGROUND:

At its regular meeting on August 19, 2021, the Board expressed its desire to appoint individuals to serve on a citizen task force to provide input into the redistricting process.

The Board previously discussed the inclusion of 1 representative from each of the current election districts and 2 at-large representatives to serve on the task force.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

Appoint individuals to serve on the Redistricting Task Force.

ATTACHMENTS:

Description	Type	Upload Date
Mission Statement	Backup Material	8/27/2021

Mission

The Isle of Wight County Redistricting Task Force was created on September 2, 2021 by the Isle of Wight County Board of Supervisors. The Task Force's mission is to reapportion the representation among the County's five election districts in order to provide, as nearly as is practicable, fair and effective representation for all citizens of the County, including racial, ethnic, and language minorities, in a transparent process, in conformance with the requirements of the Constitutions of the United States and Virginia, as well as state and federal law.