

DRAFT RESOLUTION _____

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA
AUTHORIZING EXECUTION OF EASEMENT DEED TO GOLDEN STATE
CONNECT AUTHORITY AND ESTABLISHING LEASE AND/OR FRANCHISE FEES
FOR PRIVATE UTILITY USE OF COUNTY PROPERTY AND RIGHTS-OF-WAY**

WHEREAS, the County of _____ ("County") owns that certain real property ("Property") currently identified by the _____ County Assessor as A.P.N. _____; and

WHEREAS, Golden State Connect Authority ("GSCA") proposes to finance, construct, own, and operate a municipal open access broadband network, portions of which will be located within the unincorporated area of County; and

WHEREAS, the County is a full member of GSCA, and shares the common power to acquire, construct, improve, and maintain broadband infrastructure and operate broadband internet access service under Government Code section 26231; and

WHEREAS, the County desires to promote and facilitate the construction and operation of GSCA's proposed network, which will provide significant benefits for County residents; and

WHEREAS, in order to construct and operate the proposed municipal open access broadband network, GSCA requires an easement for placement of a "fiber hut" upon the Property, as more fully set forth in the Easement Deed attached hereto as Attachment "1" and incorporated herein; and

WHEREAS, construction and operation of the proposed network by GSCA serves the public purposes of the County, and provides adequate consideration for the above-described easement; and

WHEREAS, pursuant to Government Code sections 6504 and 25526.6, the County may convey real property interests to other public agencies when the conveyance of the real property interests is determined to be in the public interest and the interest in land conveyed will not substantially conflict or interfere with the use of the property by the County; and

WHEREAS, the Board of Supervisors of the County of _____ finds and determines that granting the above-described easement to GSCA is in the best interest of the public and does not substantially conflict or interfere with the primary use of the Property by the County;

WHEREAS, the County of [Name] holds title to public lands, rights-of-way, and related infrastructure in trust for the benefit of its residents; and

WHEREAS, private utility companies, including but not limited to broadband, telecommunications, electricity, and gas providers, derive significant commercial benefit from occupying, traversing, or otherwise using county-owned property; and

WHEREAS, California law, including Public Utilities Code §§ 6001–6005, authorizes counties to grant franchises and collect fees for the special privilege of using public property for private enterprise; and

WHEREAS, such lease and franchise fees are recognized as a legitimate form of compensation for the exclusive use of public assets, and are not considered general taxes under California Constitution Article XIII C; and

WHEREAS, establishing such fees ensures that public property generates fair market value for its use, prevents the subsidization of private enterprise with taxpayer-funded assets, and aligns with the County’s fiduciary responsibility to protect and enhance public resources; and

WHEREAS, revenues from lease and franchise fees provide a critical non-tax funding source to support essential county services, including road maintenance, broadband expansion into underserved areas, public safety, and environmental stewardship; and

WHEREAS, the adoption of lease and franchise fees will also promote accountability by requiring utilities to comply with agreed-upon performance standards, including timely restoration of property, environmental safeguards, and the implementation of modern infrastructure practices to reduce public risk; and

WHEREAS, other counties within California have successfully implemented similar fee structures, creating a tested and legally defensible precedent;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Tehama, State of California, that:

1. Authorization to Negotiate & Execute Agreements

- The County Administrative Officer, or designee, is hereby authorized to negotiate and execute lease and/or franchise agreements with private utility companies for the use of county-owned property and rights-of-way.

2. Establishment of Lease and Franchise Fees

- Such agreements shall include compensation in the form of lease payments and/or franchise fees based on fair market value, usage extent, and the commercial benefit derived by the utility.
- Fees may be structured as a flat rate, percentage of gross revenue, per-linear-foot rate, or other method deemed in the County’s best interest.

3. Community Benefit Provisions

- Agreements should, where practicable, include community benefits such as discounted services to public facilities, infrastructure investment in unserved areas, or local workforce development programs.

4. Accountability & Compliance

- All agreements shall include enforceable provisions for maintenance, restoration, safety, and environmental protection, as well as penalties for non-compliance.

5. Use of Revenues

- Revenues collected from such agreements shall be deposited into a dedicated fund to support infrastructure maintenance, broadband equity, public safety, and other community priorities as determined by the Board; and

that the Chair of this Board of Supervisors is hereby authorized to sign said Easement Deed on behalf of the County of _____.

PASSED AND ADOPTED this ____ day of _____ 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair of the Board of Supervisors

Clerk of the Board of Supervisors