

PART XIII
IOWA BROADBAND DEPLOYMENT GOVERNANCE BOARD
CHAPTER 410
BOARD STRUCTURE AND PROCEDURES

261—410.1(83GA,SF376) Purpose. Pursuant to 2009 Iowa Acts, Senate File 376, section 13(5), the Iowa broadband deployment governance board is charged with establishing a comprehensive broadband plan and a competitive process for granting funds to deploy and sustain high-speed broadband services. The Iowa broadband deployment governance board was established by the IUB, IDED and ITTC. Administrative support and planning costs will be provided jointly by the IUB, IDED and ITTC.
[ARC 8218B, IAB 10/7/09, effective 9/17/09]

261—410.2(83GA,SF376) Definitions. As used in these rules, unless the context otherwise requires:
“*Administrative support and planning costs*” means costs that include, but are not limited to, providing staff to perform the following functions for the governance board:

1. Review and summarize grant applications.
2. Offer technical and other advice to the board.
3. Prepare and distribute public notices, record meetings, prepare minutes, attend board meetings, and complete other tasks related to board meetings.
4. Assist and advise the board in preparing a comprehensive plan for high-speed broadband access.
5. Assist and advise the board in developing and implementing a competitive process for disbursing funds.

6. Establish and maintain separate accounts for the use of bond proceeds and non-bond proceeds.
“*Board*” or “*governance board*” means the Iowa broadband deployment governance board created by IUB, IDED, and ITTC as authorized by 2009 Iowa Acts, Senate File 376, section 13(5).

“*IDED*” means the Iowa department of economic development created by Iowa Code section 15.103.

“*ITTC*” means the telecommunications and technology commission created by Iowa Code section 8D.3.

“*IUB*” means the Iowa utilities board created by Iowa Code section 474.1.

[ARC 8218B, IAB 10/7/09, effective 9/17/09]

261—410.3(83GA,SF376) Iowa broadband deployment governance board.

410.3(1) Composition. The board shall be comprised of one member from each of the following categories:

1. Educational users.
2. Cities.
3. Counties.
4. Urban residential users.
5. Rural residential users.
6. Cable providers.
7. Wireline providers.
8. Wireless providers.
9. Utilities board.
10. Economic development board.
11. Telecommunications and technology commission.
12. House majority party (nonvoting member).
13. House minority party (nonvoting member).
14. Senate majority party (nonvoting member).
15. Senate minority party (nonvoting member).

410.3(2) Quorum. A quorum of the board shall be a majority of the voting members.

410.3(3) Terms. Board members shall be appointed for three-year terms.

410.3(4) Officers. The board shall annually elect a chairperson of the board and a vice-chairperson of the board. The board may annually elect such other officers as the board deems proper. The chairperson,

vice-chairperson, and any other officers of the board shall be elected by a majority vote of the voting members who are present.

410.3(5) Board committees.

a. Advisory committees. The board may establish an application review committee and may create such other advisory committees as deemed necessary by the board to perform its duties. The board shall elect the members of committees by majority vote. The board chairperson shall designate the chairperson and vice-chairpersons of all committees.

b. Nominations committee. The board chairperson may appoint a nominations committee for the purpose of making recommendations regarding the election of a board chairperson, board vice-chairperson, and membership on board committees and the appointment of committee chairpersons and committee vice-chairpersons.

[ARC 8218B, IAB 10/7/09, effective 9/17/09]

261—410.4(83GA,SF376) Board duties. The board shall perform the duties as outlined in 2009 Iowa Acts, Senate File 376, section 13(5), and other functions as necessary and proper to carry out its responsibilities. The board's duties include the following:

410.4(1) Comprehensive plan for broadband access. The board shall establish a comprehensive statewide plan for the deployment and sustainability of high-speed broadband access in areas capable of timely implementation of such access. The plan shall be consistent with federal requirements established for federal funds made available for the purposes of projects that may be considered by the board. The plan shall require collaboration involving qualified private providers and public entities as appropriate. The plan shall allow for the participation of public entities to accomplish project purposes that are financially feasible in areas of the state that remain unserved or underserved as a result of a lack of private sector investment.

410.4(2) Competitive grant program for broadband deployment. The board shall establish a competitive process for the disbursement of funds in the form of grants for the deployment and sustainability of high-speed broadband services.

410.4(3) Legislative recommendations. The board shall make recommendations to the general assembly regarding any necessary legislation needed to further the purposes of the board.

410.4(4) Program oversight and transparency. The board shall establish a process for the oversight and transparency of grants distributed by the board.

[ARC 8218B, IAB 10/7/09, effective 9/17/09]

261—410.5(83GA,SF376) Board and committee procedures.

410.5(1) Meetings and agendas. Meetings of the board and committee(s) are generally held monthly. By notice of the regularly published meeting agenda, the board and committee may hold regular or special meetings at locations within the state. Meeting agendas are available at the following Web site: www.broadband.iowa.gov.

410.5(2) Meeting procedures.

a. Any interested party may attend and observe board and committee meetings except for such portion as may be closed pursuant to Iowa Code section 21.5.

b. Observers may use cameras or recording devices during the course of a meeting so long as the use of such devices does not materially hinder the proceedings. The chairperson may order that the use of these devices be discontinued if they cause interference and may exclude any person who fails to comply with that order.

c. Open-session proceedings may be electronically recorded. Minutes of open meetings shall be available for viewing at www.broadband.iowa.gov.

[ARC 8218B, IAB 10/7/09, effective 9/17/09]

261—410.6(83GA,SF376) Conflicts of interest.

410.6(1) Definition.

“Conflict of interest” means that a member of the board:

1. Has a significant employment relationship with an applicant; or

2. Is a member of the board of directors or a stockholder of a corporate applicant; or
3. Has a financial relationship with an applicant, including but not limited to an investor, a contractor, or a consultant; or
4. Is an immediate family member of a person who has a conflict of interest under this rule. For the purposes of this rule, “immediate family” means a member’s spouse, children, grandchildren and parents.

410.6(2) Procedures. As soon as a member of the board or a committee becomes aware of a conflict of interest in a project for which applications are filed with the board or for which potential applications are discussed by the board or committee, the member shall follow these procedures:

- a.* If the conflict is known before a meeting, the member shall fully disclose the interest to the chairperson of the board in writing at least 24 hours before the meeting.
- b.* If the conflict is discovered during a meeting, the member shall orally inform the board, and the nature of the conflict shall be reported in writing to the chairperson of the board within 24 hours after the meeting.
- c.* The member who has the conflict shall not participate in discussion or vote on any issues concerned with the project.

[ARC 8218B, IAB 10/7/09, effective 9/17/09]

These rules are intended to implement 2009 Iowa Acts, Senate File 376, section 13(5).

[Filed Emergency ARC 8218B, IAB 10/7/09, effective 9/17/09]