



## ADMINISTRATIVE IMPACT STATEMENT

**Date:** March 23, 2021

**Ordinance/Resolution No. 2021-R019:** *To request that the Chief Administrative Officer cause the development of a digital connectivity map, including both vertical assets and infrastructure owned by the City and of existing fiber networks, for the purpose of developing a strategy to provide universal broadband access across the city of Richmond for all residents.*

**Patron:** President Newbille, Vice President Robertson, CM Addison, CM Lynch, CM Trammell, CM Larson, CM Jordon, CM Jones.

**Legislative History:** 3/9/2021 Introduced and referred to Governmental Operations Standing Committee

**Administrative Staff Presenting:** Bob Steidel, DCAO of Operations; Charles Todd, Director of Information Technology

**Staff Position:** Further discussion needed

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**Impact Statement Summary:** The Administration would like to have further discussion with Council on the best method to expand broadband access across the City. The Administration has concerns about cybersecurity, legal risks, and operational responsibility and resources.

**Administrative Impact Statement of draft Ordinance/Resolution No. 2021-R019:**

The city GIS system, open to the public with some basic information for its data shared on our website, contains the detailed information of the municipal operations in its files. That detailed information in the city system is protected by cyber policy and limited to users that need to access the in data in performance of their duties. The fiber optic layer is in the city system but not shared publicly and the select users of the data must comply with cyber policy for access and use.

The Department of Information Technology (DIT) considers that any document or map containing information about City IT networks and infrastructure should be classified as confidential or secret in accordance with Administrative Regulation 2.6. Such information cannot be disclosed without the permission of the Director of the DIT. These documents should never be revealed

to the public in any venue or via any means. FOIA requests for such information should be reviewed with extreme caution, leveraging exemptions for information whenever possible. Any outside entities with access to the information should be bound by confidentiality agreements between the party and DIT.

The City designed its existing network for the primary purpose of transmitting data utilized by the City government in the conduct of operations. The physical and technological protection of that infrastructure and the data that pass through it are of the utmost importance. We have been successful in offering public WiFi at limited City locations in a manner (A) that does not impact data speed and traffic for government use and (B) separates the government and public data flows. In February, we expanded that access to these locations:

- Westover Community Center
- Blackwell Community Center
- Calhoun Community Center
- Creighton Court Community Center
- Powhatan's Hill Community Center
- Thomas B Smith Community Center
- Whitcomb Community Center

Utilizing this infrastructure for the delivery of broadband services directly to citizens will require significant planning to identify, assess, and mitigate operational, cyber/ information security, and legal risks. Further discussion with City Attorneys are warranted on the following items:

1. **Origin of network segments:** There may be certain portions of the City fiber that were gifted or otherwise transferred to the City by local carriers and that there could be restrictions on use beyond routine operations of the government. All decisions must be in compliance with Existing Franchise Agreements.
2. **Right-of-way agreements:** Negotiated agreements typically specific the purpose for which the network lines can be used. Broadband delivery to citizens should be in keeping with the agreements, and not confused with the delivery of government data.
3. **Liability:** If the City allows use of its infrastructure for the delivery of broadband to citizens, does the City have liability for the availability or mis-use of such?
4. **Dark Fiber Connections:** There is much "dark fiber" owned by the City. This was laid when the streets were opened for other purposes to avoid the cost of future installation. There are gaps that must be connected in order to light segments of the fiber for use.
5. **Transportation and Public Safety:** Often there are specific legal requirements that affect infrastructure intended for transportation functions or public safety.

### **Fiscal Impacts and Opportunities**

Administration and RPS staff are preparing for application of the American Rescue Plan and a new infrastructure investment plan. City and RPS staff are awaiting more information on the

rules and eligible uses for those funds and will act very fast to operationalize those dollars for priority needs.

Earlier in March 2021, Virginia Senator Mark Warner made mention that the bill includes over \$17 billion in funding to increase affordability and access to broadband for Virginians.