

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Accepting a Broadband
Equity, Access, and Deployment Program
Grant, Approving the Formation of the
Columbia Community Broadband
Corporation, and Agreeing to Accept Title to
all assets of the Corporation Upon
Retirement of all Indebtedness

RESOLUTION NO. 30-2026

WHEREAS, recent events has amplified the need for available, reliable and affordable high speed broadband services throughout Columbia County; and

WHEREAS, a digital divide exists within Columbia County with many communities lacking adequate high speed broadband access. This digital divide is acute in the more rural communities that are part of Columbia County; and

WHEREAS, in today's world all residents, businesses and institutions need high speed broadband services where they work, live, learn and play; and

WHEREAS, high speed broadband enables Work from Home, driving job creation throughout the County, and connects customers and partners worldwide to goods and services; and

WHEREAS, high speed broadband greatly expands the ability of residents to access medical, behavioral, oral health services and the capacity of public health officials to monitor and respond to health threats; and

WHEREAS, high speed broadband enables greater civic participation and brings communities together, helps improve public safety, and makes our transportation systems more resilient and efficient; and

WHEREAS, effective emergency services require using high speed broadband to integrate data in real time from all available sources, so decision makers have access to the information necessary for the protection of lives and property; and

WHEREAS, for the above reasons closing the digital divide in Columbia County is important and provides long-term community benefits that include the ability to fully engage in the digital economy, access existing and emerging services, expand economic opportunities and bridge the economic divide; and

WHEREAS, to accelerate the deployment of high-speed broadband throughout the County, including underserved areas, Columbia County has expended public moneys to explore the possible creation of a self-sustaining Broadband Network; and

WHEREAS, because of these efforts, Columbia County has been awarded a \$9.5 million dollar grant under the federal Broadband Equity, Access, and Deployment (BEAD) Program to construct a broadband network delivering reliable high-speed broadband internet to underserved locations in the Scappoose, Veronia, and Rainier school districts; and

WHEREAS, Columbia County has also received a Notice Of Intent To Award an additional \$6.5 million dollar BEAD grant to construct a broadband network delivering reliable high-speed broadband internet to underserved locations in the St Helens school district; and

WHEREAS, the grant amounts cover approximately half the amount needed to build the proposed broadband network; and

WHEREAS, Columbia County lacks the resources to fill that gap in funding; and

WHEREAS, Internal Revenue Service ("IRS") Revenue Ruling 63-20 and Revenue Procedure 82-26 provide a mechanism whereby a nonprofit corporation may issue tax-exempt obligations to finance public infrastructure "on behalf of" a political subdivision of a State; and

WHEREAS, organizers proposed the formation of an Oregon public benefit nonprofit corporation named the Columbia Community Broadband Corporation (the "Corporation") to design, finance, construct, acquire, own, and operate a public open-access broadband telecommunications and fiber-optic network (the "Broadband Network") located within the geographical boundaries of Columbia County. The Corporation shall be structured in compliance with IRS Revenue Ruling 63-20 and Revenue Procedure 82-26; and

WHEREAS, following the formation of the Corporation, Columbia County intends to enter a subgrant agreement with the Corporation permitting the transfer of funds received under the BEAD grant to the Corporation in exchange for the Corporation's financing, construction and operation of the broadband networks required as a condition of the BEAD grant; and

WHEREAS, the Board of County Commissioners finds that the creation of the Corporation and the development of the Broadband Network is in the best interest of the citizens of Columbia County and will serve a vital public and charitable purpose for the citizens of Columbia County; and

WHEREAS, Section 4.06 of IRS Revenue Procedure 82-26 requires that the governmental unit on whose behalf the obligations are issued to formally approve the formation of the corporation and, within one year prior to issuance, approve each bond issuance; and

WHEREAS, the Board of County Commissioners finds that the creation of the Corporation and the development of the Broadband Network serve a vital public and charitable purpose for the citizens of Columbia County.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON, ADOPT THE ABOVE RECITATIONS AS FINDINGS.

FURTHER, IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON, AS FOLLOWS:

SECTION 1: APPROVAL OF GRANT AGREEMENT

The Board of County Commissioners hereby approves C101-2026, Broadband Equity, Access, and Deployment (BEAD) Program Grant Agreement and Authorize the Chair to Sign.

SECTION 2: APPROVAL OF CORPORATION FORMATION

The Board of County Commissioners hereby approves the formation of the **Columbia Community Broadband Corporation** as an Oregon public benefit nonprofit corporation, operating "on behalf of" Columbia County pursuant to Revenue Ruling 63-20 and Revenue Procedure 82-26. Staff is authorized to retain counsel to draft and file with the Secretary of State the Articles of Incorporation and Bylaws which shall be approved by the Board prior to their filing. The proposed Articles of Incorporation and Bylaws of the Corporation shall provide that:

1. The Corporation will engage in activities essentially public in nature; and
2. The Corporation will not be organized for profit, and no private inurement shall occur; and
3. The Corporation shall be authorized to issue tax-exempt revenue bonds, and to secure other forms of financing, to fund the Broadband Network; and
4. Before the issuance of any bonds or entering any other form of financing, approval of the Columbia County Board of Commissioners shall be obtained; and
5. Upon the retirement, satisfaction, or defeasance of all such bonds and satisfaction of all such other financial obligations, full legal title to the Broadband Network and all corporate assets shall immediately vest in and be transferred to Columbia County, Oregon.
6. The Corporation shall include as a term of any bond or financing agreement the requirement that the County's senior right to cure defaults and purchase or assume the legal title of the assets in the event of financial or operational default by the Corporation.

SECTION 4: ACCEPTANCE OF BENEFICIAL INTEREST AND ASSET TITLE

Columbia County hereby accepts a beneficial interest in the Corporation and its assets while the authorized bond indebtedness and other forms of financing remain outstanding. Furthermore, Columbia County hereby unconditionally agrees to accept full legal title to and take ownership of the Broadband Network, including all physical infrastructure, hardware, software, rights-of-way, and remaining corporate property, immediately and automatically upon the complete retirement, satisfaction, or defeasance of all bond issues and satisfaction of any other forms of financing, in strict compliance with Section 4.05 of Revenue Procedure 82-26.

SECTION 5: DEFAULT AND ACQUISITION RIGHTS

The Board approves the inclusion as a term of any bond or documentation of any other form of financing the County's senior right to cure defaults and purchase or assume the legal title of the assets in the event of financial or operational default by the Corporation to safeguard public assets and ensure continuity of broadband operations.

SECTION 6: NO COUNTY FINANCIAL LIABILITY

This resolution does not constitute a pledge of the faith, credit, or taxing power of Columbia County, Oregon. The bonds as well as any other form of financing issued by the Corporation shall be special, limited obligations of the Corporation, payable solely from the revenues generated by the Broadband Network, and shall never constitute a debt, liability, or general obligation of Columbia County.

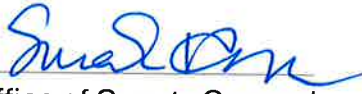
SECTION 7: EFFECTIVE DATE

This Resolution shall take effect immediately upon its adoption.

Dated this 11th day of September, 2026.

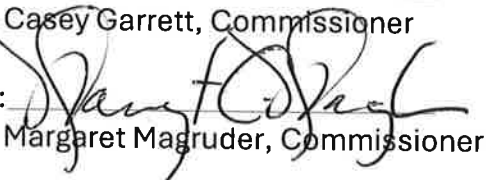
BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form:

By: 
Office of County Counsel

By: 
Kellie Jo Smith, Chair

By: _____
Casey Garrett, Commissioner

By: 
Margaret Magruder, Commissioner