

**Kenosha County
Administrative Proposal Form**

1. Proposal Overview

Division: Information Technology Department: Executive

Proposal Summary (attach explanation and required documents):

The need for equitable access to high-speed Internet is an essential element of any community, no longer a luxury but now a necessity. Grant opportunities exist, and the Public Service Commission (PSC) of Wisconsin manages many of those grants. The PSC has published the Broadband Forward! Ordinance as a model for improving the processes associated with broadband projects. Communities that have adopted Broadband Forward! receive additional points on grant applications.

Dept./Division Head Signature:  Date: 1/28/2022

2. Department Head Review

Comments:

Recommendation: Approval ☐ Non-Approval ☐

Department Head Signature: _____ Date: _____

3. Finance Division Review

Comments:

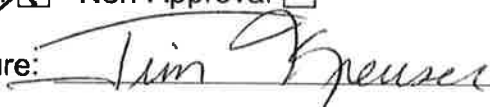
Recommendation: Approval ☒ Non-Approval ☐

Finance Signature:  Date: 1/31/2022

4. County Executive Review

Comments:

Action: Approval ☒ Non-Approval ☐

Executive Signature:  Date: 1-31-22

Kenosha



County

BOARD OF SUPERVISORS

ORDINANCE NO. _____

Subject: AN ORDINANCE TO CREATE CHAPTER 22 OF THE MUNICIPAL CODE OF KENOSHA COUNTY ENTITLED "BROADBAND FORWARD! COMMUNITY ORDINANCE"			
Original ☒	Corrected ☐	2nd Correction ☐	Resubmitted ☐
Date Submitted: January 28, 2022		Date Resubmitted:	
Submitted By: Public Works/Facilities and Finance/Administration Committee			
Fiscal Note Attached ☐		Legal Note Attached ☐	
Prepared By: Shawn Smith, Chief Information Officer		Signature: 	

AN ORDINANCE TO CREATE CHAPTER 22 OF THE MUNICIPAL CODE OF KENOSHA COUNTY ENTITLED "BROADBAND FORWARD! COMMUNITY ORDINANCE"

WHEREAS, broadband access is increasingly important to our economy, education and daily living and Kenosha County has an interest in expanding broadband access and usage in underserved areas of Kenosha County; and

WHEREAS, the Public Service Commission of Wisconsin (the "PSC Commission") has been authorized to certify communities as "broadband ready" by issuing a Broadband Certification that signals a local unit of government has taken steps to reduce obstacles to broadband infrastructure investment; and

WHEREAS, the PSC Commission has prepared this model ordinance to facilitate certification and statewide consistency and if a political subdivision adopts this model ordinance that meets the statutory criteria in Wis. Stat. § 196.504(5) it is eligible for Broadband Forward! Certification; and

WHEREAS, political subdivisions that obtain the Broadband Forward! Certification are encouraged and eligible to apply for Broadband Expansion Grants that are awarded annually.

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors does hereby ordain that Chapter 22 of the Municipal Code of Kenosha County be and hereby is created to read as follows:

**CHAPTER 22
BROADBAND FORWARD! COMMUNITY ORDINANCE**

Chapter 1. Broadband Network Project Applications

SECTION 1. GENERAL PROVISIONS.

1.1 Purpose and policy. The purpose of this chapter is to encourage the development of broadband access in Kenosha County by reducing administrative obstacles to broadband service providers and coordinating the review of applications to ensure such applications are timely processed. This chapter shall at all times be construed consistent with the aforesated purpose.

1.2 Definitions. In this chapter:

(1) "Applicant" means a person applying for a permit for a broadband network project.

(2) "Broadband network project" means the construction or deployment of wireline or wireless communications facilities to provide broadband communications services in Kenosha County.

(3) "Permit" means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.

(4) "Written" or "in writing" means information that is inscribed on a tangible medium or that is stored in an electronic or other intangible medium and is retrievable in perceivable form.

1.3 Point of contact. Kenosha County shall appoint a single point of contact for all matters related to a broadband network project. Kenosha County shall provide on its public website the contact information, including the e-mail address, for the point of contact authorized to receive a broadband network project application.

SECTION 2. ELECTRONIC SUBMISSION OF APPLICATIONS. An applicant may sign and file all forms, applications and documentation related to a broadband network project electronically.

SECTION 3. REVIEW OF APPLICATIONS. Notwithstanding any other provision in Kenosha County's ordinances, resolutions, regulations, policies or practices to the

contrary, the following process shall apply exclusively upon receiving a broadband network project application:

3.1.1 Completeness review. Upon receiving a broadband network project application Kenosha County shall:

- (1) Determine whether an application is complete and notify the applicant of the determination by Kenosha County in writing within 10 calendar days of receiving an application. If Kenosha County does not notify the applicant in writing of its completeness determination within 10 calendar days of receiving the application, the application shall be considered complete.
- (2) If Kenosha County determines that an application is not complete, then written notification to the applicant shall specify in detail the required information that is not complete. The applicant may resubmit an application as often as necessary until the application is complete.

3.1.2 Approval or denial of complete applications.

- (1) Within 60 calendar days of receiving an application that is complete, or considered complete under sub. (1) Kenosha County shall approve or deny the application and provide the applicant written notification of the approval or denial. If Kenosha County does not notify the applicant of its approval or denial within 60 calendar days of receiving a complete application, the application shall be considered approved and any required permit shall be considered issued.
- (2) If Kenosha County denies an application, the written notification of the denial under sub. (1) shall include evidence that the denial is not arbitrary and capricious.

SECTION 4. FEES. Any fee imposed by Kenosha County to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable. An application fee that exceeds \$100 is unreasonable.

SECTION 5. INITIAL APPLICABILITY. The treatment of this ordinance first applies to applications received by Kenosha County on or after the effective date of this ordinance.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect on the day after publication.

Approved by:

PUBLIC WORKS/FACILITIES COMMITTEE

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
<u>Supervisor Bill Grady (Chair)</u>	☐	☐	☐	☐
<u>Supervisor John Franco (Vice-Chair)</u>	☐	☐	☐	☐
<u>Supervisor Laura Belsky</u>	☐	☐	☐	☐
<u>Supervisor Andy Berg</u>	☐	☐	☐	☐
<u>Supervisor Zach Rodriguez</u>	☐	☐	☐	☐
<u>Supervisor Gabe Nudo</u>	☐	☐	☐	☐
<u>Supervisor Sharon Pomaville</u>	☐	☐	☐	☐

Approved by:

FINANCE AND ADMINISTRATION COMMITTEE

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
<u>Supervisor Jeff Gentz (Chair)</u>	☐	☐	☐	☐
<u>Supervisor Ron Frederick (Vice-Chair)</u>	☐	☐	☐	☐
<u>Supervisor Jeff Wamboldt</u>	☐	☐	☐	☐
<u>Supervisor Ed Kubicki</u>	☐	☐	☐	☐
<u>Supervisor Monica Yuhas</u>	☐	☐	☐	☐
<u>Supervisor John Franco</u>	☐	☐	☐	☐