

AGENDA

Eau Claire County

• Broadband Committee •

Thursday, February 6, 2020

4:00 P.M.

Courthouse - Room #3312

721 Oxford Avenue • Eau Claire, WI

1. Call to order and confirmation of meeting notice
2. Public Comment (limit to 3 minutes per person)
3. Review/Approval of Committee Minutes – **Discussion/Action**
 - a. January 16, 2020
4. Motion to move into Closed Session
 - a. Closed Session pursuant to Wisconsin Statutes 19.85 (1)(e) for the purpose of discussing and sharing proprietary information from an outside agency in regard to research and potential revenue of that agency

RE: 24/7 and TriCounty Telecom

6. Ordinance 19-20/079 - Create Chapter 12.74; relating to approval of broadband network projects – **Discussion/Action**
7. Legislative Status Update – **Discussion**
8. Broadband Telecommuter Resolutions Update - **Discussion**
9. Next Steps and future meetings – **Discussion/Action**
10. Adjourn

Prepared by: Samantha Cole, Administration

Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 839-4710 (FAX) 839-1669 or (TDD) 839-4735 or by writing to the ADA Coordinator, Human Resources Department, Eau Claire County Courthouse, 721 Oxford Ave., Eau Claire, Wisconsin 54703.

MINUTES

Eau Claire County

• Broadband Committee •

Thursday, January 16, 2020

4:00 P.M.

Courthouse - Room #3312
721 Oxford Avenue • Eau Claire, WI

Members: Collin Pomplun, Donald Mowry, Sarah Lipke, Scott Hoffman, Tim Laubach, Mark Zuber

Staff: Rodney J. Eslinger – Director of Planning and Development, Frank Draxler – Administrative Operations Manager, Dave Hayden – Director of Information Systems

Others Present: Terry McHugh - WEAU, Ron Viste – WEAU, Doug Carlson, Steve Mason - Astrea, John Lebrun, Luke Hanson - EDC

Press: Ryan Patterson, Leader Telegram

1. Call to order and confirmation of meeting notice
Chairperson Mowry call to order the meeting at 4:00 p.m. and he confirmed that the meeting was properly noticed.
2. Public Comment (limit to 3 minutes per person)
Doug Carlson, Town of Brunswick resident, asked the committee to consider future technologies when considering broadband coverage solutions and use caution when proceeding.
3. Review/Approval of Committee Minutes from November 14, 2019 – **Discussion/Action**
Mark Zuber motioned to approve the minutes with the correction to remove the second Scott Hoffman under members present, Collin Pomplun seconded the motion; all in favor.
4. Closed Session pursuant to Wisconsin Statutes 19.85 (1)(e) for the purpose of discussing and sharing proprietary information from an outside agency in regard to research and potential revenue of that agency.

Collin Pomplun moved to go into closed session, Mark Zuber seconded the motion; all in favor.

Mark Zuber moved to go out of closed session, Tim Laubach seconded the motion; all in favor.
5. Broadband Survey Questions – **Discussion/Action**
Rod Eslinger reviewed a draft of the online broadband survey with the committee. The committee suggested several changes and Mr. Eslinger agreed to bring back a final draft to the next meeting for approval.
6. Broadband Forward Resolution – **Discussion/Action**
This item was postponed to the next meeting.
7. Next Steps and future meetings – **Discussion/Action**
The next meeting will be February 6, 2020.
8. Adjourn

Action: Meeting adjourned by unanimous consent at 5:32 p.m.

Respectively submitted by,

Rodney J. Eslinger
Director of Planning and Development

FACT SHEET

To File NO. 19-20/079

The Committee on Planning and Development held a hearing on January 28, 2020 to review ordinance 19-20/079 to create chapter 12.74 of the Eau Claire County Code of Ordinance for approving broadband network projects in the County.

Broadband access is increasingly important to the economy, education, and daily life. The state of Wisconsin as a whole as well as its citizens, local units of government, broadband providers, schools and businesses all have an interest in expanding broadband access and usage in underserved areas of the state. The Public Service Commission of Wisconsin (Commission) has been authorized to certify communities as being "broadband ready" by issuing a Broadband Forward! Certification that signals a local unit of government has taken steps to reduce obstacles to broadband infrastructure investment.

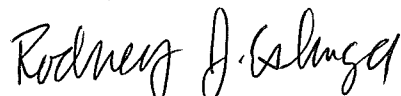
Under Wis. Stat. § 196.504(4) a city, village town or county may apply to the Commission for certification as a Broadband Forward! Community. The Commission has prepared this Broadband Community Model Ordinance and application form to facilitate certification and statewide consistency. If a political subdivision adopts this model ordinance, or enacts its own ordinance and submits a certification that its ordinance meets the statutory criteria in Wis. Stat § 196.504(5), it is eligible for Broadband Forward! Certification.

Enacting the Broadband Forward! Community Model Ordinance and obtaining Broadband Forward! Certification ensures the Public Service Commission of Wisconsin and the people of the state of Wisconsin the Eau Claire County has: 1) streamlined its administrative procedures by appointing a single point of contact for all matters relating to a broadband network project, 2) established a timely approval process, 3) charges only reasonable fees for reviewing applications and issuing permits, 4) imposes only reasonable conditions for issuing a permit, and 5) does not discriminate between telecommunication service providers.

After considering the staff's recommendation and reviewing the ordinance, the committee voted 4-0-0 to approve ordinance 19-20/079.

Fiscal Impact: It is anticipated to expect a decrease of approximately \$1,000 in revenue from fees that would have been possible from the potential projects.

Sincerely,



Rodney J. Eslinger

Director, Eau Claire County Planning & Development

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3 -CREATE CHAPTER 12.74; RELATING TO APPROVAL OF BROADBAND NETWORK
4 PROJECTS

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6 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

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8 Chapter 12.74. Broadband Network Project Applications

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10 **SECTION 1. GENERAL PROVISIONS**

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12 **1.1 Purpose and policy.** The purpose of this chapter is to encourage the
13 development of broadband access in Eau Claire County (County) by reducing
14 administrative obstacles to broadband service providers and coordinating the review of
15 applications to ensure such applications are timely processed. This chapter shall at all
16 times be construed consistent with the forestated purpose.

17
18 **1.2 Definitions. In this chapter:**

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

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

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

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

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31 **1.3 Point of contact.** The County shall appoint a single point of contact for all
32 matters related to a broadband network project. The County shall provide on its public
33 website the contact information, including the e-mail address, for the point of contact
34 authorized to receive a broadband network project application.

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36 **SECTION 2. ELECTRONIC SUBMISSION OF APPLICATIONS.** An applicant
37 may sign and file all forms, applications, and documentation related to a broadband
38 network project electronically. Due to the large size of maps, the applicant shall also
39 submit one hard copy of the application.

40
41 **SECTION 3. REVIEW OF APPLICATIONS.** Notwithstanding any other provision in
42 the County's ordinances, resolutions, regulations, policies, or practices to the contrary,
43 the following process shall apply exclusively upon receiving a broadband network project
44 application. Unless noted in this Ordinance, all existing regulatory review and approval
45 processes set forth in County Ordinances, are not amended, repealed or otherwise
46 modified. The County shall continue to adhere to all other regulatory requirements set
47 forth in the County Ordinances, the Wisconsin Statutes, the Wisconsin Administrative
48 Codes, or other applicable statutes, codes or laws.

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3.1 Completeness review. Upon receiving a broadband network project application the County shall:

- (1) Determine whether an application is complete and notify the applicant of the determination by the County in writing within 10 calendar days of receiving an application. If the 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 the County determines that an application is not complete, the 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.

3.2 Approval or denial of complete applications.

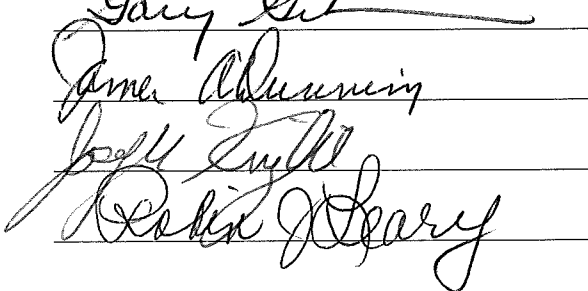
- (1) Within 60 calendar days of receiving an application that is complete, or considered complete under sub. (1), the County shall approve or deny the application and provide the applicant written notification of the approval or denial. If the County does not notify the applicant of its approval or 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 the 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 the 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 \$100.00 is unreasonable.

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

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

ENACTED:



Committee on Planning and Development

FD/sc

Dated this 28th day of January, 2020.