

Chapter 114 - UTILITIES

ARTICLE IX. – SUPERIOR BROADBAND UTILITY

Sec. 114-255 – Findings and necessity.

- (a) The city finds that access to reliable broadband internet is crucial for cultural development, economic growth, education, healthcare, social progress, and overall community function. The existing telecommunication infrastructure within the City of Superior is insufficient to meet the needs of residents, businesses, and community organizations. The progress of the 21st century has demonstrated the urgent need for equitable broadband access to support remote work, online education, tele-health, commerce, and other essential activities. The City Council has declared broadband to be essential public infrastructure and recognizes the need for public investment, oversight, and regulation of this vital service. After careful research and analysis, the city finds that the creation of a municipal broadband utility is the most effective and sustainable solution to meet the needs of the community for affordable, high-speed broadband service. The city shall comply with all state and federal laws and regulations applicable to the creation, construction, and operation of the broadband utility.
- (b) The purpose of this ordinance is to create a fiber-optic broadband utility for the City of Superior to own and operate in order to provide reliable, affordable, and accessible high-speed internet to all residents, businesses, and institutions within the city. Through its provision of broadband services, the city aims to enhance economic development opportunities, support existing businesses, attract new businesses, improve educational resources, and enhance the overall quality of life for its residents.

Sec. 114-256 Creation of the Superior Broadband Utility.

Pursuant to Wis. Stat. chs. 62 and 66 and, without limitation, Wis. Stat. § 62.11(5), the City of Superior hereby exercises its authority to create a municipal broadband utility as a separate utility within the City of Superior. The Superior Broadband Utility shall be an enterprise fund of the city, and all revenues of the utility shall be used solely for the purposes of design, development, acquisition, construction, improvement, operation, and maintenance of the utility and may not be transferred to any other fund or account of the city or used for any other purposes.

Sec. 114-257 Management and operation.

- (a) The operation of the Superior Broadband Utility will be under the charge and management of the Common Council or its designee, which may exercise all powers necessary or desirable to effect its purposes.
- (b) The Common Council shall appoint a Broadband Director who shall be responsible for the day-to-day operation of the Superior Broadband Utility and shall carry out any and all duties the Common Council so delegates to the director.

Sec. 114-258 Funding sources.

- (a) The city is authorized to accept grants on for the purpose of paying part of all of the cost of design, development, acquisition, construction and equipping of the broadband system and any additions, betterments, extensions, and improvements thereto, from any authorized agency of the state or from the federal government or any federal or public agency or department of the Utility States or any private agency, corporation, or individual.
- (b) The city is authorized to make grants to the Superior Broadband Utility for the purpose of paying part or all of the cost of design, development, acquisition, construction and equipment of the broadband system and any additions, betterments, extension, and improvements thereto and for the purpose of funding start-up and operating expenses.
- (c) All fees collected and any other revenues appropriated to or attributable to the operation of, the Superior Broadband Utility shall be maintained in a segregated Superior Broadband Utility Enterprise Fund. Any revenues in excess of expenditures from utility operations in a given year shall be maintained in the Enterprise Fund and shall be used in future years exclusively for purposes consistent with this Article IX.

Sec. 114-259 Powers and duties.

- (a) The Superior Broadband Utility shall be responsible to investigate and plan, and upon authorization by the Common Council, acquire, construct, extend, improve, maintain, operate, lease, dispose of, regulate, and manage a municipal broadband system to provide, among other things, broadband, data, Internet, video, and information services within the City of Superior.
- (b) The city, acting through the Superior Broadband Utility, may acquire, construct, lease, own, operate, maintain, expand and finance such equipment and facilities as are deemed proper and reasonably necessary for a fiber-optic broadband system.
- (c) The Broadband Director shall prepare an annual budget for the Superior Broadband Utility, which shall include all operation, maintenance and capital costs, debt service and other costs related to the operation of the utility. The budget shall be subject to approval by the Common Council in accordance with the procedures and requirements of Wis. Stat. § 65.90.
- (d) The Common Council shall establish such rates and charges as are necessary to finance any necessary property or easement acquisition and the planning, design, construction, maintenance and operation of the Superior Broadband Utility.

RESOLUTION # R23-13667**RESOLUTION INTRODUCED TO SET A PUBLIC HEARING FOR COMMENT ON BROADBAND FEASIBILITY STUDY AND CREATION OF A BROADBAND UTILITY**

WHEREAS, the City of Superior developed a Broadband Master Plan as part of a planning effort to improve high-speed internet services in Superior. The Broadband Master Plan provided a set of alternatives that the City could consider to improve internet services in Superior and recommendations that the City should consider in determining its role in broadband;

WHEREAS, the City of Superior Fiber To The Home Feasibility Study and the companion Broadband Master Plan, demonstrates a feasible approach for the City to build and operate an open-access fiber infrastructure. The infrastructure as designed will support the City's goals of improving access to high-speed internet in Superior for its residents and businesses;

WHEREAS, The City finds that access to reliable broadband internet is crucial for economic growth, education, healthcare, and overall community development. The existing telecommunication infrastructure with the City of Superior is insufficient to meet the needs of residents, businesses, and community organizations. The COVID-19 pandemic has further emphasized the urgent necessity for equitable broadband access to support remote work, online education, telehealth, and other essential activities. After careful research and analysis, the city finds that the creation of a municipal broadband utility is determined to be the most effective and sustainable solution to meet the needs of the community for affordable, high-speed broadband service. The city shall comply with all state and federal laws and regulations applicable to the creation, construction, and operation of the broadband utility;

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held by the Common Council of the City of Superior at 6:30 p.m. on the 7th day of November, 2023, in Room 201 of the Government Center, 1316 North 14th Street.

Passed and adopted this 3rd day of October, 2023.

Approved this 3rd day of October, 2023.

Jim Paine, Mayor

Attest:

Heidi Blunt, City Clerk