

RESOLUTION NO. 036:2024

Date Adopted: February 21 2024

Date Published: \_\_\_\_\_

**A RESOLUTION AMENDING CHAPTER 22, ARTICLE II OF THE SEDGWICK COUNTY CODE TO ADD PROVISION REGARDING BROADBAND READY COMMUNITY PROJECTS.**

WHEREAS, Sedgwick County Resolution No. 2-1982 established certain requirements for the use and administration of highway permit agreements and utility permit agreements by contractors and public utilities that use and occupy public rights-of-way in the County's unincorporated areas, which are included within the Sedgwick County Code as Chapter 22, Article II, with subsequent amendments; and

WHEREAS, the Kansas Office of Broadband Development recently created the ability for Kansas communities to be designated as "Broadband Ready Communities"; and

WHEREAS, Sedgwick County, Kansas finds that broadband internet availability in the Sedgwick County is of critical importance to all people living, visiting, and doing business in Sedgwick County, Kansas; and

WHEREAS, Sedgwick County, Kansas seeks to promote private investment in broadband infrastructure; and

WHEREAS, Sedgwick County, Kansas seeks to be designated as a Broadband Ready Community.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, THAT:

**SECTION 1: AMENDMENT TO CHAPTER 22, ARTICLE II.**

Chapter 22 of the Sedgwick County Code is amended by the addition of the following article and shall read as follows:

**Sec. 22-36. - Broadband Ready Community Projects.**

- (a) As used in this Section of the Code, "permit" means any utility permit, local permit, license, certificate approval, registration, or similar form of approval required by policy, administrative rule, regulation, County Code, or resolution with respect to a broadband network project.
- (b) As used in this Section of the Code, "project" means the construction or deployment of wireline or wireless communications facilities to provide communications services in a unit.
- (c) Notwithstanding any other provision of the Sedgwick County Code, the following shall apply:
  - (1) Single Point of Contact. Sedgwick County shall designate a single point of contact for all matters related to a broadband network project:

Commissioners present and voting were:

PETER F. MEITZNER  
SARAH LOPEZ  
DAVID T. DENNIS  
RYAN K. BATY  
JAMES M. HOWELL

*aye*  
*aye*  
*aye*  
*aye*

Dated this 21 day of February, 2024.

ATTEST:

*[Signature]*  
KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

*[Signature]*  
RYAN BATY, Chairman  
Commissioner, Fourth District

*[Signature]*  
SARAH LOPEZ, Chair Pro Tem  
Commissioner, Second District

APPROVED AS TO FORM:

*[Signature]*  
ARMAND SHUKAEV  
Assistant County Counselor

*[Signature]*  
PETER F. MEITZNER  
Commissioner, First District

*[Signature]*  
DAVID T. DENNIS  
Commissioner, Third District

*[Signature]*  
JAMES M. HOWELL  
Commissioner, Fifth District

- (a) The single point of contact documentation shall be posted on the Sedgwick County's permit application web page and shall include the following:
  - (1) Position & Title
  - (2) Name (first, last)
  - (3) Work Phone Number
  - (4) Email
- (b) The single point of contact shall be available for matters related to a broadband network project or a related liaison who may direct such inquiry in real time, with general scope and responsibilities to include permitting and right-of-way; and
- (c) In order to maintain the single point of contact information up to date, any such change to the information shall be updated on the permit web page and associated sources within 15 days of change.

(2) Sedgwick County shall:

- (a) Establish procedures to allow all forms, applications, and documentation related to a project be reviewed and either approved or denied within thirty (30) business days after the application is submitted;
- (b) Establish procedures to allow electronic filings of permit applications and supporting documentation submitted by the public utility provider for a project pursuant to this section of the Code, where possible.

(3) Sedgwick County shall not:

- (a) Impose a fee for reviewing an application or issuing a permit for a project beyond what is permissible in Sec. 22-27 of the County Code;
- (b) Discriminate among broadband, telecommunications, utilities, or cable service providers with respect to granting access to public rights-of-way, infrastructure, poles access, or any other physical assets owned or controlled by Sedgwick County.

(d) Sedgwick County acknowledges that:

- (1) A Kansas certified Broadband Ready Community has an affirmative duty to notify the Kansas Office of Broadband Development of any changes to the information submitted as part of its application; and failure to notify the Kansas Office of Broadband Development of changes may result in revocation of Sedgwick County's Broadband Ready Certification, should the certification be granted.

## **SECTION II: SEVERABILITY CLAUSE.**

Should any section, clause or provision of this resolution be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this resolution as a whole, or any part thereof, other than the part so declared to be invalid.

## **SECTION III: PUBLICATION AND EFFECTIVE DATE.**

The Sedgwick County Clerk is directed to publish this resolution once in the official county newspaper. This resolution shall take effect upon its publication.