

AMENDED

Resolution No. 38 - 07/21

Appropriating up to ~~\$115,000~~ \$205,000 of ARPA SLCFR Funding from the Recovery Grants Fund for the Purpose of Partnering with Whitewater Wideband LLC, d/b/a Edge Broadband, a Wisconsin Limited Liability Company, in the Wisconsin Public Service Commission ARPA Broadband Access Grants for Broadband Expansion and Authorizing the Necessary Ancillary Steps

1 Moved/Sponsored by: See Policy and Fiscal Note, section IV

2
3 **WHEREAS**, On April 20, 2021, County Board Resolution No. 03-04/21 Accepting U.S.
4 Department of Treasury (Treasury) American Rescue Plan Act (ARPA) State and Local
5 Coronavirus Fiscal Recovery (SLCFR) funds allocation provided the County framework to allow
6 the County to accept and begin to plan for the receipt of over \$20 million in federal funding to
7 assist the County and local economy with recovering from the pandemic; and,
8

9 **WHEREAS**, On May 11, 2021, County Ordinance No. 1240-05/21 Amending Section 30-173 of
10 the Walworth County Code of Ordinances Relating to Establishment of a Recovery Grants Fund
11 provides a new separate special revenue fund to account for the financial resources surrounding
12 the American Rescue Plan (ARP); and,
13

14 **WHEREAS**, State of Wisconsin ARPA funds are available for the Wisconsin Public Service
15 Commission's (PSC) ARPA Broadband Access Grant, and Walworth County ARPA SLCFR
16 funds are similarly allowable expenditures, as determined by the Act and the Treasury-provided
17 guidance on the eligible use of funds, which specifically includes use for broadband expansion
18 meeting certain standards; and,
19

20 **WHEREAS**, Partnering with a broadband provider dramatically enhances and leverages the
21 investment of the County's ARPA resources, while participating in an ARPA-funded PSC grant
22 ensures compliance with the Act and leverages the oversight and protections provided by the
23 PSC's administration of their grant funds; and,
24

25 **WHEREAS**, the PSC's ARPA Broadband Access Grant application deadline is July 27, 2021,
26 which will award \$100 million in broadband expansion grants.
27

28 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
29 does hereby appropriate within the Recovery Grant Department up to ~~\$115,000~~ \$205,000 of
30 ARPA SLCFR funding from the County's allocation for the purpose partnering in a grant
31 application for the PSC's Broadband Access Grant with Whitewater Wideband LLC, d/b/a Edge
32 Broadband, a Wisconsin Limited Liability Company, or an affiliate or broadband construction
33 partner of Whitewater Wideband (hereafter "Whitewater Wideband").
34

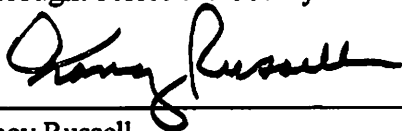
35 **BE IT FURTHER RESOLVED** that the Finance Director is authorized to execute a vendor
36 contract or agreement with Whitewater Wideband, subject to the following:

- 37 a) the form of the contract or agreement has been approved by the County Administrator
38 and Corporation Counsel;

- 1 b) the contract or agreement provides matching funds for the following two general project
- 2 areas i) an approximately \$200,000 to \$250,000 total cost project area with a County
- 3 ARPA-funded cost share not to exceed ten percent of the total project cost, and ii) an
- 4 approximately \$1.5 to \$1.8 million total cost project areas with a County ARPA-funded
- 5 cost share not to exceed ~~five~~ ten percent of the total project cost; both based upon
- 6 projects that may be awarded to Whitewater Wideband by the PSC;
- 7 c) the contract or agreement provides that all reimbursement payments by Walworth
- 8 County shall be after payment has been approved and awarded by the PSC and shall be
- 9 proportional to that amount based on the proportions of the total cost share as awarded
- 10 by the PSC;
- 11 d) the grant application for the smaller project shall result in or require that no less than half
- 12 the County ARPA-funded match create an offset to the requested PSC contribution
- 13 below the 50% cap and the grant application for the larger project shall result in or
- 14 require that no less than three-quarters of the County ARPA-funded match create an
- 15 offset to the requested PSC contribution below the 50% cap;
- 16 e) the grant application will not duplicate areas for which Whitewater Wideband may have
- 17 received federal Rural Digital Opportunity Fund (RDOF) awards; and,
- 18 f) the contract or agreement will stipulate that the County is not responsible for any cost
- 19 overruns.
- 20

21 **BE IT FURTHER RESOLVED** that the County Administrator, following review and approval
 22 by Corporation Counsel as to form, is authorized to execute any necessary grant documents or
 23 letters of support necessary to effectuate the intent herein of partnering in the PSC grant process.
 24

25 **BE IT FURTHER RESOLVED** that the Walworth County Board of Supervisors authorizes
 26 staff to utilize the County's budget amendment process to transfer line items within this
 27 established budget appropriation for purposes listed in this resolution, but all new purposes will
 28 be brought before the County Board for further action prior to allocation of funding.
 29

30 



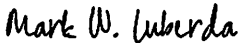
31 _____
 32 Nancy Russell
 33 County Board Chair

30 

31 _____
 32 Kimberly S. Bushey
 33 County Clerk

34
 35 County Board Meeting Date: July 13, 2021

36
 37 Action Required: Majority Vote _____ Two-thirds Vote X Other _____

Policy and Fiscal Note is attached.		Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:	
DocuSigned by:  Michael P. Cotter Corporation Counsel	7/16/2021 Date	DocuSigned by:  Jessica Conley Finance Director	7/16/2021 Date
DocuSigned by:  Mark W. Lubberda County Administrator	7/19/2021 Date	This Resolution/Ordinance was: <input checked="" type="checkbox"/> Adopted : Roll Call <input checked="" type="checkbox"/> V.C. /Voice <input type="checkbox"/> AS Amended <input type="checkbox"/> Rejected/Referred/Laid Over Ayes: _____ Noes: _____ Absent: _____ Date <u>July 13, 2021</u>	
If unsigned, exceptions shall be so noted by the County Administrator.			

Policy and Fiscal Note
Resolution No. 38 - 07/21

I. Title: Appropriating up to ~~\$115,000~~ \$205,000 of ARPA SLCFR Funding from the Recovery Grants Fund for the Purpose of Partnering with Whitewater Wideband LLC, d/b/a Edge Broadband, a Wisconsin Limited Liability Company, in the Wisconsin Public Service Commission ARPA Broadband Access Grants for Broadband Expansion and Authorizing the Necessary Ancillary Steps

II. Purpose and Policy Impact Statement: The purpose of this funding and project is to help expand broadband access to rural underserved areas of the County. The State has used ARPA funding to create a \$100 million grant opportunity administered through the PSC. The grants require the same minimum or allowable specifications as is required for use of the County ARPA funds. Although future rounds of grants are likely, this massive first investment may provide for less relative competition, as more units of local government will be prepared to apply in the future.

Partnering with Whitewater Wideband increases their potential for approval of a PSC grant award within Walworth County. A local government contribution can become a contributing factor in final determination of awards since the federal guidelines, or “preferences,” are narrow in scope. Whitewater Wideband is a smaller provider generally serving portions of the northwestern quadrant of Walworth County. Whitewater Wideband Charter is addressing “last mile connections” and installing only fiber optics, the top preference of the grant review. Initially, the project was expected to be limited in total scope with the County’s total contribution not exceeding ten percent, depending upon the final project area offered. Subsequently, a second, larger project area was added for which the County’s total contribution would not exceed five percent, consistent with the project considered with Charter.

III. Budget and Fiscal Impact: No General Fund or property tax dollars are used. Local ARPA funding is being leveraged to help gain access to significant private investment and State ARPA funding. Please note that if both providers submit applications for the same area, the PSC will evaluate proposals and will only grant one award, which would reduce the County’s overall cost.

IV. Referred to the following standing committees for consideration and date of referral:

The Finance Committee recommended a Committee of the Whole meeting be held to discuss certain potential ARPA funded projects that generally had time constraints involved. The Committee of the Whole met on June 29, 2021, and recommended that

this item be drafted and placed on the County Board Agenda. The Committee of the Whole did not provide a recommendation related to approval consideration.

County Board Meeting Date: July 13, 2021

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

DocuSigned by:
Michael Cotter 7/16/2021

Michael P. Cotter Date
Corporation Counsel

DocuSigned by:
Jessica Conley 7/16/2021

Jessica Conley Date
Finance Director

DocuSigned by:
Mark W. Luberda 7/19/2021

Mark W. Luberda Date
County Administrator