



CITY OF SOUTH BEND
MAYOR JAMES MUELLER
OFFICE OF THE MAYOR

CITY OF SOUTH BEND, INDIANA

EXECUTIVE ORDER NO. 03-2022

**COMMITMENT TO DESIGNATION OF SOUTH BEND AS A “BROADBAND
READY CITY”**

WHEREAS, this Administration seeks to promote private investment in broadband infrastructure; and

WHEREAS, this Administration is committed to narrowing South Bend’s digital divide alongside civic, university, and industry partners; and

WHEREAS, this Administration seeks to future proof South Bend as a 21st Century City with the wireline and wireless infrastructure required for its government, residents, businesses, and nonprofits to innovate and thrive in a global economy; and

WHEREAS, this Administration seeks to be designated as a Broadband Ready Community pursuant to Ind. Code 5-28-28.5.

NOW THEREFORE, I, James Mueller, by virtue of the authority vested in me as the Mayor/Chief Executive and Administrative Officer of the City, do decree and order as follows:

Section 1. Executive Declaration

To narrow South Bend’s digital divide with cooperation of civic, university, and industry partners; to assert its role as a 21st Century City with the wireline and wireless infrastructure required for its government, residents, businesses, and nonprofits; and to innovate and thrive in a global economy, South Bend shall seek designation under State law as a “Broadband Ready City” (Ind. Code Section 8-1-32.5-3).

Section 2. Definitions

As used in this Executive Order the terms below shall have the following definitions:

- (a) "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 project.
- (b) "Project" means the construction or deployment of wireline or wireless communications facilities to provide communications services (as defined in IC 8-1-32.5-3) in the City of South Bend.

Section 3. *South Bend Connectivity Coalition*

- (a) The City of South Bend's Department of Innovation & Technology will establish and facilitate a Connectivity Coalition to spark and sustain local collaboration and resource sharing regarding broadband and digital equity programming. This taskforce will be open to any and all interested organizations and meet at least quarterly with the shared goal of bridging South Bend's digital divide. The Connectivity Coalition will be established within three (3) months of this Executive Order.

Section 4. *Local Digital Equity Plan*

- (a) The Department of Innovation & Technology, in collaboration with local partners, will publish a South Bend Digital Equity Plan. The Plan will define the current state of South Bend's digital divide, list ongoing efforts to fill access and learning gaps, and define goals, activities, and benchmarks for the City to work toward. The Plan will be published within six (6) months of the effective date of this Executive Order and be updated at least every five (5) years.

Section 5. *Broadband Ready Projects, Application Process*

- (a) As part of its designation as a Broadband Ready City, South Bend hereby shall establish efficient, accessible, user-friendly processes for broadband expansion with external partners. Notwithstanding any other provision of this Executive Order, the following shall apply to all projects:
 - i. A single point of contact shall be appointed for all matters related to a project; and
 - ii. Procedures shall be established to allow all forms, applications, and documentation related to a project to be filed or submitted and signed by electronic means; and
 - iii. All applications for a permit related to a project shall be reviewed and approved or rejected within ten (10) business days after an application is filed or submitted; and
 - iv. After an application is approved pursuant to subsection (a)(iii), any inspections, including any additional necessary approvals, related to a project will occur in a timely and expeditious manner.

Section 6. *Broadband Ready Processes & Procedures*

- (a) As part of its designation as a Broadband Ready City, South Bend shall adopt adequate processes and procedures to implement this Section 5. Processes and procedures established hereunder shall not:
- i. Require an applicant to designate a final contractor to complete a project; or
 - ii. Impose a fee to review an application or issue a permit for a project; or
 - iii. Impose a seasonal moratorium on the issuance of permits for a project; or
 - iv. Discriminate among communications service providers or utilities with respect to any action described in this section or otherwise related to a project, including granting access to public rights-of-way, infrastructure and poles, river and bridge crossings, and any other physical assets owned or controlled by South Bend.

Section 7. *Notice of Executive Order*

The Clerk of the City of South Bend, pursuant to Ind. Code 10-4-3-29(a), shall cause a notice of this Executive Order to be filed promptly in the office of the City Clerk for public inspection, and a copy shall be posted promptly on the City's website.

Section 8. *Effective Date*

The Executive Order shall become effective immediately upon execution.

DATED this 30th day of August, 2022

CITY OF SOUTH BEND, INDIANA


James Mueller, Mayor

ATTEST:


Dawn Jones, City Clerk

Approved as to Form and Legality:


Sandra Kennedy, Corporation Counsel

