

1 **238-062023**

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3 **RESOLUTION: Recommending Revision to State Renewable Energy Contract Regulations**
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5 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

6 **WHEREAS**, the Wisconsin Legislature has limited how counties can regulate solar and wind energy
7 systems. See Wis. Stats. 66.0401, 196.02, 196.025 & 196.378; and

8 **WHEREAS**, the Wisconsin Public Service Commission ("PSC") has promulgated rules that limit how counties
9 can regulate wind energy systems. See PSC 128 of the Wisconsin Administrative Code; and

10 **WHEREAS**, Planning and Zoning is a fundamental regulatory function and authority of Wisconsin counties;
11 and

12 **WHEREAS**, Winnebago County residents have expressed concerns about contractual provisions proposed by
13 both solar and wind renewable energy companies in renewable energy easement agreements; and

14 **WHEREAS**, the Winnebago County Planning & Zoning Committee and the Winnebago County Board of
15 Supervisors have concerns about the use of renewable energy systems and their impacts on our residents,
16 agricultural land and production, as well as our water ways; and

17 **WHEREAS**, the Winnebago County Planning and Zoning Committee and the Winnebago County Board of
18 Supervisors have concerns about the regulatory limitations placed on the counties by PSC 128, Chapter 66, and
19 Chapter 196 Wisconsin Statutes.

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21 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it recommends
22 and requests the Wisconsin Public Service Commission and the Wisconsin State Legislature revise PSC 128 and
23 Chapters 66 & 196 of the Wisconsin Statutes to address the following concerns:

24 a. Some renewable energy contracts under the current regulations appear to bind owners and their
25 property to decades worth of encumbrances while allowing renewable energy companies to
26 terminate the contracts at any time for any or no reason.

27 b. The law does not prohibit energy companies from shifting liability created by the renewable energy
28 company to the landowners. This includes liability for stray voltage, diminished property values,
29 neurological problems, cancer, and death that the renewable energy companies cause.

30 c. The law prohibits the regulation of the density and footprint of renewable energy systems by
31 municipalities and prohibits Winnebago County from requiring bonding certain to ensure proper
32 decommissioning of renewable energy systems.

33 d. Winnebago County has concerns about the use of renewable energy systems and their impact on
34 agricultural land and production at a time when food chains are disrupted, food shortages exist, and
35 domestically uncontrolled inflation abounds.

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37 **NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that the
38 County Clerk forward a copy of this Resolution to Governor Tony Evers, all members of the State Legislature, the
39 Wisconsin Counties Association, and all other Wisconsin Counties.

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41 *Fiscal Note: No fiscal impact.*

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Respectfully submitted by:
LEGISLATIVE COMMITTEE

Committee Vote: **9-0**

Vote Required for Passage: **Three-Fourths of Members Present**

Approved by the Winnebago County Executive this ____ day of _____, 2023.

Jonathan D. Doemel
Winnebago County Executive