

SAMPLE MODEL ORDINANCE

**AN ORDINANCE AUTHORIZING THE ESTABLISHMENT
OF A COUNTY-WIDE 9-1-1 SYSTEM, IMPOSING A SURCHARGE
AND
AUTHORIZING A REFERENDUM UPON THE ESTABLISHMENT
OF THE 9-1-1 SYSTEM AND SURCHARGE**

WHEREAS, the State of Illinois has enacted into law the Emergency Telephone Act (the "Act"); and:

WHEREAS, the Act enables counties and municipalities to impose a surcharge upon all telephone subscribers passed through telecommunications carriers at a rate per network connection in order to implement and/or upgrade and maintain a 9-1-1 emergency telephone system; and

WHEREAS, the Act allows the telecommunications carrier collecting the surcharge to deduct 3% of the gross amount of surcharge collected; and

WHEREAS, the Act further provides that before the surcharge may be imposed it must be authorized by a majority of the voters in a referendum by the county or municipality; and

NOW, THEREFORE, be it ordained by the County Board of Effingham as follows:

Section One. A surcharge is hereby imposed, subject to the provisions of Section Two, upon all telecommunications carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of the County and terminating within the State of Illinois for funding of a "9-1-1" emergency telephone system.

Section Two. A referendum shall be placed by the County Clerk on November 8, 1994 ballot for all legal voters residing in the County to vote upon the following question:

SHALL THE COUNTY OF EFFINGHAM IMPOSE A SURCHARGE OF UP TO \$2.75 PER MONTH PER NETWORK CONNECTION, WHICH SURCHARGE WILL BE ADDED TO THE MONTHLY BILL YOU RECEIVE FOR TELEPHONE OR TELECOMMUNICATIONS CHARGES FOR THE PURPOSE OF INSTALLING OR IMPROVING A 9-1-1 EMERGENCY SYSTEM AND TO PAY THE COST OF RURAL ADDRESSING.

_____ YES

Section Three. If the majority of the votes cast upon the question are in favor thereof, a surcharge is hereby imposed at a rate of up to \$2.75 per month per in-service network connection, as hereinafter defined. A network connection shall not be deemed to be in service where a subscriber's account is uncollectable.

Section Four. For purpose of this ordinance the following definitions shall apply;

- a. "Network Connection" means the number of voice grade communication channels directly between a subscriber and a telecommunications carrier's public switched network without intervention of any other telecommunications carriers switched network which would be required to carry the subscriber's interpremises traffic.
- b. "Transmitting Messages" shall have the meaning ascribed to the term in section 8-11-2 of the Illinois Municipal Code.
- c. "Telecommunications Carrier" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this State, or a receiver, trustee, conservator, or other representative appointed by order of any court engaged in the business of transmitting messages by means of electricity.
- d. For the purposes of this Act "telecommunications carrier" does not include a cellular or other mobile communication carrier.
- e. "Rural Addressing" all means assigning names to roads in those areas of the County within which the roads have not been officially named, and numbers to subscribers alone said roads, and acquiring and installing street or road location identifications signs and numbers to enable positive identification of each such subscriber.

Section Five. The County Clerk shall provide any telecommunications carrier subject to the surcharge with a certified list of those network connections to be exempt from imposition of the surcharge. The certified list may be revised by the County sixty (60) days prior written notice provided to the telecommunications carrier.

Section Six. The surcharge shall be imposed on the first day of the month following the expiration of ninety (90) days from the date the County Clerk certifies to the individual telecommunications carrier subject to the surcharge that the referendum referred to in Section Two has passed.

Section Seven. In lieu of the telecommunications carrier imposing a 3% accounting and collection charge on its subscribers as permitted under the Act, each instructed to recover said accounting and

collection charge by deducting 3% from the gross amount of surcharge collected otherwise due and owing the County prior to remittance under Section Eight of this ordinance.

Section Eight. The amount of surcharge collected by the telecommunications carrier shall be paid to the particular municipality or County or Joint Emergency Telephone System Board to be hereafter established by the County no later than thirty (30) days after the surcharge is collected, net of any network or other 9-1-1 or sophisticated 9-1-1 system charges then due the particular telecommunications carrier, as shown on an itemized bill and the 3% accounting and collection charge described in Section Seven.

Section Nine. Simultaneously with the remittance described in Section Eight above each telecommunications carrier shall make a return to the County Treasurer for the period to which the remittance applies stating as follows:

1. The nature of the telecommunications carrier.
2. The telecommunications carrier's principal place of business.
3. The number of network connections to which the surcharge applies.
4. The amount of surcharge due.
5. Such other reasonable and related information as the corporate authorities may require.

Section Ten. If it shall appear that an amount of surcharge has been paid which was not due under the provisions of this ordinance, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any surcharge due, or to become due, under this ordinance from the telecommunications carrier who made the erroneous payments; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefore shall be so credited. Ninety (90) days error notice shall be given to the Emergency Telephone system Board on any credit against a surcharge due.

Section Eleven. No action to recover any amount of surcharge due under the provisions of this ordinance shall be commenced more than three (3) years after the due date of such amount.

Section Twelve. The county shall, by ordinance passed hereafter, establish and empower the Joint Emergency Telephone System Board pursuant to Statue to administer the 9-1-1 system.

PASSED THIS 18th day of July 1994.

County Board President

Attest: /s/ Robert Behrman
County Clerk

STATE OF ILLINOIS

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COUNTY OF EFFINGHAM

I, Robert Behrman, County Clerk and Recorder in and for said County, in the State aforesaid, do hereby certify that I am a keeper of the records, files, and seal of said County and by law required to keep and, maintain said records in the performance of my official duties a Clerk and Recorder, and that the foregoing is true, perfect and complete copy as the same appears from the records and files now in this office remaining. IN TESTIMONY WHEREOF, I have hereunto set my hand and fixed the seal office at my office in Effingham, this 18th day of JULY, 1994.

County Clerk and Recorder