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ORDINANCE NO. 92-2

CONSOLIDATED EMERGENCY COMMUNICATION SYSTEM

SECTION 1.0:

CREATION OF EMERGENCY COMMUNICATION SYSTEM: There is hereby created, for the purpose of providing for the public health, safety, and welfare of the public, a consolidated emergency communication system, also know as a 911 telephone system, in Butte County, State of Idaho, all as permitted and sanctioned by Idaho Code Title 31, Chapter 48. The purpose for the creation of the emergency communication system is to provide a county wide 911 telephone system.

SECTION 2.0:

DEFINITIONS:

(a) "Administrator" means the person, officer, or agency designated to operate a consolidated emergency communication system, and to receive funds for such an operation.

(b) "Consolidated Emergency Communication System" or "Emergency Communication System" means facilities, equipment, and dispatching services directly related to establishing, maintaining, or enhancing a 911 emergency communications service.

(c) "Governing Board" means the Board of County Commissioners of Butte County.

(d) "911 Service Area" shall mean the entire area of Butte County, in which area the residents have voted to establish a consolidated emergency communication system.

SECTION 3.0:

FINANCING OF SYSTEM: The financing of the monthly telephone charges and equipment for the consolidated emergency communication system shall be by telephone line user fee in an amount not greater than $1.00 per month per exchange access line, trunk line, network access register, or equivalent. The financing of the costs of 24 hour dispatch service shall be by county ad valorem taxes.

SECTION 4.0:

SERVICE AREA: The service area for the emergency communication system shall be the entirety of Butte County as described at Idaho Code Section 31-114.

SECTION 5.0:

GOVERNING BOARD: The governing board of the emergency communication system shall be the board of county commissioners for Butte County as duly elected.

SECTION 6.0:

ADMINISTRATOR: The administrator for the emergency communication system shall be such person, officer, or agency designated to operate the emergency communication system as appointed by the governing board.

SECTION 7.0:

NET SAVINGS: The net savings from the operating expenditures realized by any taxing district within Butte County from the implementation of consolidated emergency communication system shall be used by that taxing district for a reduction in the ad valorem tax charges of said taxing district.

SECTION 8.0:

TELEPHONE LINE USER FEE: The telephone line user fee shall be a uniform amount not to exceed $1.00 per month per exchange access line, trunk line, network access register, or equivalent, and such fee shall be used exclusively to finance the initiation, maintenance, or enhancement of the consolidated emergency communication system within Butte County. The fee shall be collected from customers on a monthly basis by all telecommunications entities which provide local telephone line service within Butte County and may be listed as a separate item on customers' monthly billings.

SECTION 8.1:

LINE USER FEE COLLECTION: All telephone companies who collect the telephone line user fee shall remit such fee to the County Treasurer's office or to the Administrator as designated by the Governing Board. From every remittance to the governing body made on or before the date when the same becomes due, the telephone company required to remit the same shall be entitled to deduct and retain 3/4 of one percent (.75%) of the collected amount as the cost of administration for collecting the charge. Local exchange companies will be allowed to list the surcharge a separate item on the telephone subscriber's bill, and shall have no obligation to take any legal action to enforce the collection of any charge, nor be held liable for such uncollected amounts.

SECTION 9.0:

ESTABLISHMENT OF JOINT POWERS BOARD FOR OPERATION OF EMERGENCY COMMUNICATION SERVICE: Within One Hundred Eighty (180) days following voter approval of a telephone line user fee, a

Governing Board or Administrator may be established under a joint powers agreement pursuant to Idaho Code Title 67, Chapter 23. Such Joint Powers Board or Administrator shall be responsible for establishing, maintaining, and governing a consolidated emergency communication system. Providing a emergency communication service shall be considered a governmental function.

SECTION 10.0:

AUTHORIZATION OF GOVERNING BOARD TO APPOINT OFFICIAL: In the absence of an agreement to form a Joint Powers Board or Administrator as provided in Section 9.0 herein, the Governing Board is hereby authorized to appoint an Official or Administrator to maintain and govern a consolidated emergency communication system.

SECTION 11.0:

RIGHT TO FEE NOT AFFECTED BY NON-SERVICE: Any governmental entity within Butte County that has an already established emergency communication system using 911 call access, upon resolution duly adopted and approved and presented to the Joint Powers Board or in their absence to the Board of County Commissioners, may ask that their existing emergency communication system area be excluded and such area shall be excluded from the county-wide emergency communication service, but such exclusion shall not affect the right of the Board of County Commissioners to levy the fees as herein provided. Whenever any area is excluded pursuant to this section, the Board of County Commissioners shall remit to the excluded entity One Hundred percent (100%) of the fees collected in the excluded area as provided herein. Any area excluded pursuant to this section may be subsequently included upon resolution duly adopted and approved and presented to the Joint Powers Board or, in their absence, to the Board of County Commissioners.

SECTION 12.0:

TREASURER'S ACCOUNT: The Butte County Treasurer is authorized to establish a fund to be designated the "Emergency Communication Fund", in which all fees collected pursuant to this ordinance shall be deposited, and such fund shall be used exclusively for the purposes of this ordinance. The monies collected and the interest earned in this fund shall be appropriated by the County Commissioners, or Governing Board, for expenses incurred by the emergency communication system as set forth in an annual budget prepared by the Joint Powers Board, or in their absence, the County Commissioners, and incorporated into the annual county budget.

SECTION 13.0:

PAY PHONES CONVERSION: Every provider of telephone services

or other owner of a pay station telephone within Butte County must convert every pay station telephone to permit dialing 911 or the telephone company operator without deposit of a coin or other charge to the caller. Said conversion must be completed by or before the time the emergency telephone system is operational.

SECTION 14:0:

VOTER APPROVAL: The Governing Board shall cause to have placed upon a primary or general county wide ballot the following question, which must be approved by a 60% majority of the votes cast in favor of the question, prior to the implementation of the emergency communication system.

QUESTION:

"Shall the governing board of Butte County be authorized to institute a telephone line user fee in an amount no greater than one dollar ($1.00) per month to be used to fund an emergency telephone system, commonly known as 911 service?"

SECTION 15.0:

VOTER NON-APPROVAL: In the event that the voters of Butte County shall reject the creation of the emergency communication system, the Board of County Commissioners shall either (1) adopt by resolution creation of a county-wide consolidated emergency communication system on a non-telephone line user fee, or (2) terminate the consolidated emergency communication system. The termination of the consolidated emergency communication system shall cause this ordinance to become null and void.

SECTION 16.0:

EFFECTIVE DATE: This ordinance having been approved by the majority of votes cast in the primary election held on May 26, 1992, shall become effective upon its passage and due publication as provided by law.

PASSED AND APPROVED by the Board of County Commissioners, Butte County, ID this 27 day of July, 1992.

BUTTE COUNTY BOARD OF COMMISSIONERS

James O. Andreason, Chairman

ATTEST:

Judith R. Bailey, Clerk

(SEAL)

SEAL

NOTICE TO TAXPAYERS

PROPOSED 911 EMERGENCY COMMUNICATIONS SYSTEM

Section 3.0 of the Butte County Ordinance 1992-1, "Consolidated Emergency Communications System, adopted by the Butte County Board of Commissioners on March 23, 1992 provides as follows:

"The Financing of the monthly telephone charges and equipment for the consolidated emergency communications systems shall be by telephone line user fee in an amount not greater than $1.00 per month per exchange access line, trunk line, network access register, or equivalent. The financing of the costs of 24 hour dispatch service shall be by county ad valorem taxes.

The county has not intended to use Payment in Lieu of Taxes (PILT) Monies in order to finance the operations of the proposed 911 systems. This notice is intended to clarify any misconceptions that may have arisen as to the intended sources of funding of the proposed 911 system.

BUTTE COUNTY BOARD OF COMMISSIONERS

May 11, 1992