

ORDINANCE NO. UCC-2006-002

AN ORDINANCE ENTITLED, UCC2006-002 "An Ordinance providing for an Enhanced 911 Emergency Telephone Reporting System as defined in said Ordinance."

Whereas, the Union County Commissioners hereafter referred to as "Commission" believes an Enhanced 911 emergency reporting telephone service is in the best interests of the residents of Union County; and

Whereas, the Commission, for the public welfare, desires to establish, manage and control a 911 emergency reporting telephone service; and

Whereas, Ordinance UC93-001, Section V, AMENDMENT, reserves the right to its Board of Commissioners to amend this ordinance; and

Whereas, Ordinance UC 93-001, Section III, SURCHARGE USE AND PROCEDURE, provides for the discontinuation of the Basic 911 system in contemplation in establishing an Enhanced 911 service; and

Whereas, SDCL 34-45 provides authority for the parameters of the establishments, management and control of an Enhanced 911 emergency reporting telephone service by a governing body; then, therefore

BE IT ORDAINED BY THE UNION COUNTY COMMISSIONERS:

That an Enhanced 911 emergency telephone reporting system is established with management and control of said system vested in the Commission or its authorized designate.

I. JURISDICTIONAL SERVICE AREA

The Enhanced 911 system is to be provided for a service area including the following described jurisdictional area: all of the area within the legal boundaries of the limits of Union County, South Dakota except those areas in the Master Street Address guide of the city of Beresford and the Master Street Address Guide of the Dakota Valley Fire District.

II. INSTALLATION, OPERATION AND SURCHARGE

The Commission shall be responsible for the costs incurred for installment, maintenance or operation of the system. In order to pay for the costs incurred, the Commission may impose a uniform monthly Enhanced 911 emergency surcharge. The surcharge rate shall be seventy-five cents (\$0.75) for each local exchange access line, including cellular telephones, as is hereby established effective September 27, 2006. The remittance shall be made to the Union County Auditor. (This ordinance updates and renews the surcharge which was originally established on April 1, 1993.)

### III. SURCHARGE USE AND PROCEDURE

The proceeds of the surcharge shall be utilized to pay for *nonrecurring* and recurring costs of the Enhanced 911 related service. This charge may be imposed at any time subsequent to the execution of an agreement with the provider of such service at the discretion of the Commission. No such charge may be imposed upon more than one hundred local exchange access lines or the equivalent per customer billing.

At least once every calendar year, prior to September first, the Commission shall at their discretion review the current charge and establish a rate of charge to be effective on the next January first not to exceed the amount authorized.

Immediately upon making such determination and fixing such rate, the Commission shall publish its new rate, and shall notify by registered mail every local exchange access company at least ninety days before such new rate will become effective.

All funds collected from the surcharge shall be credited to a special fund, apart from the general fund of the County, for payment of nonrecurring and recurring costs and for the general operational expense of the Enhanced 911 related service, including but not limited to the personnel costs of the dispatchers or the monthly contract costs billed by the public safety answering point. Said fund shall be administered by the Commission or its authorized designate.

Any amount collected in excess of expenses within a given year shall, be carried forward to the next year.

If the Enhanced 911 system is discontinued, any money remaining in the fund after all payments to the service supplier pursuant to this section have been made shall be transferred proportionately to the general funds of each participating public agency.

### IV. SERVICE AGREEMENTS

The Commission may enter into an agreement directly with the service supplier or may contract or cooperate with any public agency or with other states or their political subdivision for the administration of a 911 system as provided by law.


V. SEVERABILITY AND SAVING CLAUSE

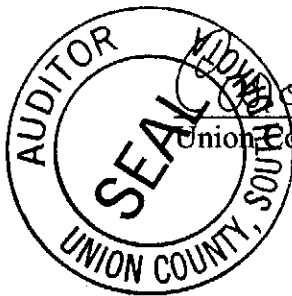
If any provision of this ordinance shall be held invalid, it shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this saving purpose, the provisions of this ordinance are hereby declared to be severable.

First Reading: August 1, 2006

Second Reading: August 15, 2006

Adopted this 15<sup>th</sup> day of August, 2006

  
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Chairman, Union County Board of  
County Commissioner

  
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Union County Auditor