

O R D I N A N C E 94-28

WHEREAS, the State of Illinois has enacted into law the "Emergency Telephone System Act" (the "Act"), 50 ILCS 750/0.01;

WHEREAS, the Act enables counties and municipalities to impose a surcharge on telephone communication 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 County Board of Iroquois County deemed it to be in the best interest of the citizens of Iroquois County to implement an enhanced "9-1-1" Emergency Telephone System and to impose a surcharge on telephone subscribers collected by the telecommunication carriers to pay for the costs associated therewith; and

WHEREAS, the referendum to impose a surcharge pursuant to the Act was submitted to the voters of Iroquois County at the General Election held on the 8th day of November, 1994, wherein the electors approved a surcharge of up to two dollars (\$2.00) per month per network connection.

NOW, THEREFORE, BE IT ORDAINED by the County Board of Iroquois County, Illinois as follows:

Section One A Surcharge of \$2.00 per month per in-service connection, as hereinafter defined, is hereby imposed upon all telephone subscribers passed through telecommunication carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of Iroquois County, Illinois and terminating within the State of Illinois for the funding of an enhanced "9-1-1" Emergency Telephone System. A network connection shall not be deemed to be in service where a subscriber's account is uncollectable.

Section Two 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 the 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 adventure, corporation, municipal corporation or political subdivision of this State, or a receiver, trustee, conservator or other representative appointed by order of any court engagd in the business of transmitting messages by means of electricity.

Section Three The Iroquois County Clerk shall provide any telecommunication carrier subject to the surcharge with a certified list of those network connections assigned to the County of Iroquois to be exempt from imposition of the surcharge. The certified list may be revised by Iroquois County on 60 days prior written notice provided to the telecommunication carriers.

Section Four The surcharge shall be imposed on the first day of the month following the expiration of 90 days from the date the County Clerk certifies to the individual telecommunication carriers subject to the surcharge that the referendum referred to herein has passed.

Section Five In lieu of the telecommunication carriers imposing a 3% accounting and collection charge on its subscribers as permitted under the Act, each telecommunications carrier is hereby authorized and instructed to recover said accounting and collection charge by deducting 3% from the gross amount of surcharge collected and otherwise due and owing, prior to remittance under Section Six of this ordinance.

Section Six The amount of surcharge collected by the telecommunications carrier shall be paid to the Iroquois County Treasurer, as custodian, not later than 30 days after the surcharge liability accrues, net of any network or other "9-1-1" or sophisticated "9-1-1" system charges then due the particular telecommunication carrier, as shown on an itemized bill, and the 3% accounting and collection charge described herein above.

Section Seven Simultaneously with the remittance described in Section Six above, each telecommunication carrier shall make a return to the Iroquois County Treasurer for the period to which the remittance applies stating as follows:

1. The name of the telecommunication carrier.
2. The telecommunication 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 Eight 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 telecommunication 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 days prior notice shall be given to the Emergency Telephone System Board on any credit against a surcharge due.

Section Nine 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 Ten All monies received pursuant to the surcharge shall be deposited into an emergency telephone system fund. The Treasurer of Iroquois County be and he is hereby designated as the custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund by the custodian except upon the direction of the Emergency Telephone System Board by resolution passed by a majority of all members of the Board. Expenditures may be made only to pay for the costs associated with the following:

1. The design of the Emergency Telephone System.
2. The coding of an initial Master Street Address Guide data base, and update and maintenance thereof.
3. The repayment of any monies advanced for the implementation of the system.
4. The charge for Automatic Number Identification and

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Automatic Location Identification equipment, and maintenance, replacement and update thereof.

5. The non-recurring charges related to the installation of the Emergency Telephone System and the ongoing network charges.

6. Other products and services necessary for the implementation, upgrade and maintenance of the system and any other purpose related to the operation of the system, including costs attributable directly to the construction, leasing or maintenance of any buildings or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an emergency telephone system do not include the costs of public safety agency personnel who are and equipment that is dispatched in response to an emergency call.

ADOPTED and PASSED this 13th day of December, 1994.

Ayes 20 Nays 1

Dale Widholm
Dale Widholm, Chairman
Iroquois County Board

ATTEST:

John M. Kuntz
CLERK IROQUOIS COUNTY

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STATE OF ILLINOIS }
IROQUOIS COUNTY } SS
FILED FOR RECORD ON

DEC 19 1994

AT 9:06 A M
John M. Kuntz
RECORDER

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