

Be it ordained by the Board of County Commissioners of Madison County.

AN ORDINANCE OF MADISON COUNTY ENTITLED "CONSOLIDATED 911 EMERGENCY COMMUNICATION SYSTEM", PROVIDING FOR THE CREATION OF A CONSOLIDATED EMERGENCY COMMUNICATIONS SYSTEM; PROVIDING DEFINITIONS THEREFORE; PROVIDING FOR THE FINANCING THEREOF; DESCRIBING THE SERVICE AREA THEREOF; ESTABLISHING THE GOVERNING BOARD AND ADMINISTRATOR THEREOF; ESTABLISHING A TELEPHONE LINE USER FEE; PROVIDING FOR THE ESTABLISHMENT OF A JOINT POWERS AGREEMENT AND GOVERNING BOARD; PROVIDING FOR THE CLERK TO CREATE A COMMUNICATION FUND; PROVIDING FOR THE CONVERSION OF PAY PHONES; PROVIDING FOR A PUBLIC VOTE TO BE HELD ON THE TELEPHONE LINE USER FEE; PROVIDING FOR THE EFFECT OF VOTER NON-APPROVAL; AND, PROVIDING FOR THE EFFECTIVE DATE HEREOF.

I. NAME OF ORDINANCE

"CONSOLIDATED 911 EMERGENCY COMMUNICATION SYSTEM" of Madison County Ordinance Number 161, as enacted September 30, 1992.

II. GENERAL STATEMENT

1. Declaration of Policy.

There is hereby created, for the purpose of providing for the health, safety, and welfare of the public, a consolidated emergency communication system, also known as a 911 telephone system, in Madison 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.

2. Definitions.

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

(b) "Consolidated Emergency Communication System" or "Emergency Communication System" means facility, equipment, and dispatching services directly related to

communications service.

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

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

III. FINANCING OF SYSTEM

The anticipated financing of the emergency communication system shall be wholly through a line user fee in an amount not greater than One Dollar (\$1.00) per month.

IV. SERVICE AREA

The service area for the emergency communication system shall be the entirety of Madison County as described in Idaho Code §31-124 and such other counties as may enter into a cooperative agreement with Madison County.

V. ADMINISTRATION

1. Governing Board

The governing board of the emergency communication system shall be the duly elected or appointed Board of County Commissioners for Madison County together with the assistance of the duly elected or appointed Sheriff of Madison County.

2. Administrator

The administrator of the emergency communication system shall be the duly elected or appointed Sheriff of Madison County.

3. Servicing Agency

The Agency that shall service the 911 emergency calls shall be the Madison County Sheriff's Department.

VI. TELEPHONE LINE USER FEE

1. Telephone Line User Fee and Administrative Costs

The telephone line user fee shall be a uniform amount not to exceed One Dollar (\$1.00) per month per exchange access line, trunk line, network access register, or equivalent, and such fee shall be used exclusively to

ORDINANCE
1170C

finance the initiation, maintenance, or enhancement of the consolidated emergency communication system within Madison County. The cost of administration for collecting the fee shall also be collected from customers on a monthly basis.

2. Line User Fee Collection

All telecommunication entities which provide local telephone line service within Madison County shall collect and remit the telephone line user fee to the County Treasurer's Office or to the Administrator as designated by the Governing Board. From every remittance to the governing board or administrator 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. Local exchange companies will be allowed to list the surcharge as a separate item in the telephone subscriber's bill, and shall not be obligated to take any legal action to enforce the collection of any charge, nor be held liable for such uncollected amounts.

3. Clerk's Account

The Madison County Clerk is authorized to establish a dedicated 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 apportioned by Governing Board for expenses incurred by the emergency communication system as set forth in the annual budget prepared by the joint powers Board, or in their absence, the County Commissioners, and incorporated into the annual county budget. All monies collected and not so expended shall be held in trust by the Clerk pending commencement of the budget year for FY 1994.

4. Net Savings

The net savings, if any, from the operating expenditures realized by Madison County from the implementation of the consolidate emergency communication system shall be used by Madison County for the reduction of the ad valorem tax charges of said taxing district.

VII. JOINT POWERS BOARD

Within one hundred eighty (180) days following voter approval of a telephone line user fee, the Governing Board or

ORDINANCE
1170C

in 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 an emergency communication service shall be considered a government function.

VIII. PAY PHONES CONVERSION

Every provider of telephone services or other owner of pay station telephone within Madison 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.

IX. VOTER APPROVAL

The governing board shall submit the question of whether to institute a telephone line user fee in an amount no greater than one dollar (\$1.00) per month to the electorate of Madison County. The question shall be placed on the general county wide ballot and it must be approved by sixty percent (60%) of the majority of votes cast in favor of the question, prior to the implementation of the emergency communication system.

X. VOTER NON-APPROVAL

In the event that the voters of Madison County shall reject the creation of the emergency communication system, the Board of County Commissioners shall either (1) adopt by resolution creating 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.

ORDINANCE
1170C

This ordinance shall be in full force and effect from and after its passage, all as provided by law, on October 31, 1992.

PASSED AND APPROVED by the Board of County Commissioners, Madison County, Idaho, this 30 day of September, 1992.

BOARD OF COUNTY COMMISSIONERS
MADISON COUNTY

Moses Dell Barney
Moses Dell Barney

Reed B. Sommer
Reed Sommer

David J. Rasmussen
David Rasmussen



Beth B. Reese
Beth B. Reese, Clerk

MICROFILMED

State of Idaho)
County of Madison) SS **244138**

I hereby certify that the within instrument was
filed OCT. 23 1992

19 at 10:00 M., and

recorded on File 244138 Fee 0

by BETH B. REESE, Recorder Deputy

At the request of Beth B. Reese

ORDINANCE
1170C