

ORDINANCE 9003-55

RESOLUTION: BE IT RESOLVED THAT THE 911 EMERGENCY TELEPHONE REPORTING SYSTEM ORDINANCE BE HEREBY ADOPTED ON MOTION BY KOOPSMA AND SECONDED BY JEPSON AS FOLLOWS:

911 EMERGENCY TELEPHONE REPORTING SYSTEM

WHEREAS THE LINCOLN COUNTY COMMISSION, HEREAFTER REFERRED TO AS THE "COMMISSION," BELIEVES THAT A 911 EMERGENCY REPORTING TELEPHONE SERVICE IS IN THE BEST INTERESTS OF THE RESIDENTS OF LINCOLN COUNTY; AND

WHEREAS, THE COMMISSION, FOR THE PUBLIC WELFARE, DESIRES TO ESTABLISH, MANAGE AND CONTROL A 911 EMERGENCY REPORTING TELEPHONE SERVICE; AND

WHEREAS, SDCL 34-45 PROVIDES AUTHORITY FOR THE ESTABLISHMENT, MANAGEMENT AND CONTROL OF A 911 EMERGENCY REPORTING TELEPHONE SERVICE BY A GOVERNING BODY; NOW, THEREFORE

BE IT ORDAINED BY THE LINCOLN COUNTY COMMISSION:

THAT A 911 EMERGENCY TELEPHONE REPORTING SYSTEM BE, AND THE SAME HEREBY IS ESTABLISHED WITH THE MANAGEMENT AND CONTROL OF SAID SYSTEM VESTED IN THE COMMISSION OR ITS AUTHORIZED DESIGNATE.

SECTION ONE

JURISDICTIONAL SERVICE AREA

THE 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 COUNTY OF LINCOLN, STATE OF SOUTH DAKOTA, EXCEPT: SUCH AREA AS MAY BE WITHIN THE INCORPORATED LIMITS OF THE CITY OF SIOUX FALLS AND THE CITY OF BERESFORD, LINCOLN COUNTY, SOUTH DAKOTA.

SECTION TWO

INSTALLATION, OPERATION AND SURCHARGE

THE COMMISSION SHALL BE RESPONSIBLE FOR THE COSTS INCURRED FOR THE INSTALLATION, MAINTENANCE AND/OR OPERATION OF THE SYSTEM. IN ORDER TO PAY FOR SUCH COSTS AS MAY BE INCURRED. THE COMMISSION MAY IMPOSE A UNIFORM MONTHLY 911 EMERGENCY SURCHARGE. THE INTIAL SURCHARGE RATE SHALL BE FIXED AT SEVENTY-FIVE (\$0.75) FOR EACH LOCAL EXCHANGE ACCESS LINE, SUCH SURCHARGE TO BE EFFECTIVE ON AND AFTER THE 1ST DAY OF AUGUST, 1990. NO SURCHARGE SHALL BE IMPOSED UPON MORE THAN ONE HUNDRED LOCAL EXCHANGE ACCESS LINES OR THE EQUIVALENT PER CUSTOMER BILLING. ALL REMITTANCE FOR SAID SURCHARGE SHALL BE MADE PAYABLE TO THE ORDER OF THE LINCOLN COUNTY TREASURER.

SECTION THREE

SURCHARGE USE AND PROCEDURE

THE PROCEEDS OF THE SURCHARGE SHALL BE UTILIZED TO PAY FOR NON-RECURRING AND RECURRING COSTS OF THE 911 RELATED SERVICE. THIS CHARGE MAY BE IMPOSED AT ANY TIME SUBSEQUENT TO THE EXECUTION OF AN AGREEMENT WITH THE PROVIDER OF SUCH SERVICE IN THE DISCRETION OF THE COMMISSION.

AT LEAST ONCE IN EACH CALENDAR YEAR, PRIOR TO THE 1ST DAY OF SEPTEMBER, THE COMMISSION SHALL 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 SAID RATE, THE COMMISSION SHALL PUBLISH ITS NEW RATE, AND SHALL NOTIFY BY REGISTERED MAIL EACH LOCAL EXCHANGE COMPANY. THE NOTICE PROVIDED HEREIN SHALL BE GIVEN NOT LESS THAN NINETY (90) DAYS PRIOR TO THE EFFECTIVE DATE OF ANY CHANGE IN THE SURCHARGE RATE.

ALL FUNDS RECEIVED FROM THE SURCHARGE SHALL BE CREDITED TO A SPECIAL FUND, SEPARATE AND APART FROM THE GENERAL FUND OF LINCOLN COUNTY, FOR PAYMENT OF NON-RECURRING AND RECURRING COSTS, AND TO PAY FOR THE GENERAL OPERATIONAL EXPENSE OF THE 911 RELATED SERVICE, INCLUDING BUT NOT LIMITED TO, 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.

ANY FUNDS COLLECTED IN EXCESS OF EXPENSES WITHIN A GIVEN YEAR SHALL BE CARRIED FORWARD TO THE NEXT YEAR.

IF, AND IN THE EVENT THAT, THE 911 SYSTEM IS DISCONTINUED, ANY FUNDS REMAINING IN THIS ACCOUNT AFTER ALL PAYMENTS TO THE SERVICE SUPPLIER PERSUANT TO THIS SECTION SHALL HAVE BEEN MADE SHALL BE TRANSFERRED TO THE GENERAL FUND OF LINCOLN COUNTY, OR PROPORTIONATELY TO THE GENERAL FUNDS OF EACH PARTICIPATING PUBLIC AGENCY SHOULD THE COMMISSION EXERCISE ITS OTHER POWERS TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS RELATING TO THE 911 EMERGENCY TELEPHONE SERVICE.

SECTION FOUR

SERVICE AGREEMENT

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 SUBDIVISIONS FOR THE ADMINISTRATION OF A 911 SYSTEM AS PROVIDED BY LAW.

SECTION FIVE

SEVERABILITY AND SAVING CLAUSE

IF ANY PROVISION OF THIS ORDINANCE SHALL BE DETERMINED TO BE 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.

ADOPTED ON THIS, THE 27TH DAY OF MARCH, 1990. ALL COMMISSIONERS VOTED "AYE",

DATED: MARCH 27, 1990

BOARD OF COMMISSIONERS

MARVIN SKIE, CHAIRMAN

First Reading: March 6, 1990

Second Reading: March 13, 1990