

**PETERSBURG BOROUGH
ORDINANCE #2014-06**

**AN ORDINANCE PROVIDING FOR CHAPTER 4.50 (E-911 EMERGENCY COMMUNICATIONS FUND) OF
THE MUNICIPAL CODE, AND UPDATING CURRENT LANGUAGE TO REFLECT BOROUGH
INCORPORATION**

Whereas, on January 3, 2013 the Election Division for the State of Alaska, certified the election results of the December 18, 2012 incorporation election for the Petersburg Borough; and

Whereas, the certified election confirmed the incorporation of the Petersburg Borough and dissolved the City of Petersburg, and

Whereas, Petersburg Borough Charter, Section 19.06 requires all ordinances, resolutions, regulations, orders and rules in effect for the former City of Petersburg continue in full force and effect within the Petersburg Borough, Service Area 1, until expressly reaffirmed, revised or repealed by the assembly.

Therefore the Petersburg Borough ordains, the existing provisions for providing an enhanced 911 system within the Borough, as noted with amendments below, are hereby approved and adopted as a borough ordinance to be administered on an areawide (borough-wide) basis.

Section 1. Classification: This ordinance is of a permanent nature and shall be codified in the Petersburg Borough Code.

Section 2. Purpose: The purpose of this ordinance is to provide for an enhanced 911 system, and for the continued imposition, collection and remittance of an E-911 surcharge.

Section 3. Substantive Provisions: The provisions of the former City of Petersburg (Service Area 1) Municipal Code, Chapter 4.50, are hereby transferred and incorporated into this borough ordinance. Chapter and section numbers from the prior city code are retained for future referencing and codification of the Borough Code.

Chapter 4.50 of Title 4 (Revenue and Finance) of the Petersburg Borough Code shall read as follows:

Chapter 4.50 - E-911 EMERGENCY COMMUNICATIONS FUND

Sections:

4.50.010 - Authorizationty.

~~4.50.020 - Purpose.~~

4.50.0230 - Definitions.

4.50.0340 - Enhanced-911 surcharge established.

4.50.0450 - Creation of fund.

4.50.050 - Collection and Remittance

4.50.060 - Use of funds.

4.50.010 - Authorizationty.

(A) Pursuant to AS 29.35.131-.137, Authority is provided in Alaska statutes for municipalities that operate an Enhanced 911 (E-911) system may to impose a surcharge, not to exceed two dollars per month, on all local exchange access lines for wireline telephone numbers and all wireless telephone numbers within their jurisdiction that are served by their E-911 system; and to require the local wireline and wireless telephone and cell phone companies service providers to bill for, collect and remit to the city municipality those surcharges through their normal billing processes.

(B) The Petersburg Borough operates an E-911 system, and the entirety of the borough is hereby designated as the E-911 service area for the municipality, under AS 29.35.137(2). Any local exchange or wireless telephone company providing service within the borough shall, together with the borough's emergency service providers, cooperate in the establishment and/or operation of an E-911 system within the E-911 service area.

4.50.020 - Purpose.

The purpose of this chapter is to establish an enhanced E-911 surcharge per local exchange access line and wireless telephone number that is within the jurisdiction of the city of Petersburg Borough and served by its E-911 system; and to establish a special revenue fund to account for expenditure of the revenues and restrict the expenditures from the fund for operation, maintenance and improvement of the city of Petersburg's Borough's enhanced E-911 emergency communication systems.

4.50.0230 - Definitions.

"Enhanced-911 equipment" means the equipment dedicated to the operation of, or use in, the establishment, operation, or maintenance of an ~~enhanced E-911~~ system, including customer premises equipment, automatic number identification or automatic location identification controller and display units, printer, cathode ray tubes, recorders, software, and other essential ~~communication~~ equipment required by the system.

"Enhanced-911 service area" means the area within a municipality's ~~jurisdiction~~ that has been designated to receive enhanced-911 service; the designation of an area to receive an enhanced-911 system under AS 29.35.131(a) does not designate the area as a "service area" for purposes of Article X, Section 5, Constitution of the State of Alaska.

"Enhanced-911 system" means a telephone system consisting of network, database, and enhanced-911 equipment that uses the single three digit number, 911, for reporting a police, fire, medical, or other emergency situation, and that enables the users of a public telephone system to reach a public safety answering point to report emergencies by dialing 911; an enhanced-911 system includes the personnel required to acquire, install, operate, and maintain the system and its facilities and to dispatch the calls generated by the system.

"Local exchange access line" means a telephone line that connects a local exchange service customer to the local exchange telephone company's switching office and has the capability of reaching local public safety agencies, but does not include a line used by the carrier to provide interexchange services.

"Local exchange telephone company" means a telephone utility certificated to provide local exchange service.

"Public safety answering point" means a 24-hour local jurisdiction communications facility that receives 911 service calls and directly dispatches emergency response services or that relays calls to the appropriate public or private safety agency.

"Wireless telephone company" means any telephone company that provides wireless telephone service through cellular, satellite, broadband, mobile or radio-based telephone or data transport service, and bills or sells wireless telephone service to a customer with an address within the designated E-911 service area.

"Wireless telephone" means a telephone that is not a wireline telephone and includes cellular, mobile, radio-based, satellite and broad-band telephones; each wireless telephone number is considered to be a separate wireless telephone for purposes of the surcharge.

"Wireline telephone" means any telephone that uses a local exchange access line.

4.50.0340 - Enhanced-911 surcharge established.

~~An enhanced-911 surcharge, in the amount of one dollar per month, shall be imposed on each local exchange access line and each wireless telephone number within the jurisdiction of Petersburg and served by its E-911 system. All proceeds of this surcharge that are remitted to the city will be used only for the enhanced-911 system. This surcharge shall be administered, applied and collected in strict compliance with all terms and requirements of AS 29.35.131, including annual review of the surcharge by city council to determine whether the current level is adequate, excessive, or insufficient to meet anticipated enhanced-911 system needs.~~

(A) A surcharge, in the actual amount to be set by assembly resolution or ordinance, but not to exceed \$2.00 per month for each local exchange access line for wireline telephones and for each wireless telephone number that is billed or sold to a customer with a billing address within the Petersburg Borough, is hereby imposed.

(B) The assembly shall annually review the amount of the surcharge to determine whether the level of surcharge is adequate, excessive, or insufficient to meet the anticipated E-911 system needs. The review may be part of the borough budget process. If the amount of the surcharge is changed, the borough shall notify in writing the telephone customers subject to the surcharge and provide an explanation of what the surcharge will be used for.

(C) A wireline telephone or wireless telephone customer may not be subject to more than one E-911 surcharge per local exchange access line or per wireless telephone number. A customer that has more than 100 wireline access lines from a wireline telephone company in the borough is liable for the 911 surcharge only on 100 wireline access lines.

4.50.0450 - Creation of fund.

~~There is created a special revenue fund to account for expenditure of the revenue received from the enhanced E-911 surcharge. At a regular meeting held not less than ten days prior to the end of the fiscal year, the council shall by resolution adopt a budget for the following fiscal year for the E-911 communications fund and make an appropriation of the money needed therefore. If the council does not adopt a budget prior to the third day preceding the commencement of the next fiscal year, the budget proposal of the city manager shall become an appropriation and the budget for the next fiscal year without further council action.~~

4.50.0560 - Use of funds Collection and Remittance.

~~Revenues received from the enhanced-911 surcharge shall only be used for the operation, maintenance and improvement of the city of Petersburg's enhanced-911 emergency communication systems.~~

(A) The telephone companies shall bill and collect the E-911 surcharge each month from its wireline and wireless customers in the E-911 service area. The surcharge billed shall be accounted for separately from other charges.

(B) On or before 60 days following the end of the month in which the surcharge was billed, the telephone company shall submit to the finance director a return, upon forms provided by the finance director, and submit payment for the surcharge due the Borough. From each remittance made in a timely manner, the telephone company is entitled to deduct the greater of one percent of the amount collected, or a total of \$150 per month, as the cost of administration for collecting the 911 surcharge. The return shall be signed, under oath, by the agent of the telephone company and include:

- (1) the name and address of the telephone company;

- (2) the name and title of the person preparing the return;
- (3) the month being reported for which the surcharges were billed;
- (4) the amount of gross surcharges billed for the month of the return;
- (5) the deduction claimed for the surcharges previously billed and remitted to the finance director, but charged off as uncollectible during the month being reported;
- (6) the prorated recoveries representing the month's collection of surcharges previously written off as uncollectible;
- (7) the amount of deduction claimed for the telephone company's administrative costs to collect the surcharges, which may be the greater of \$150 or one percent of amounts collected;
- (8) the net amount of remittance due to the Borough; and
- (9) other information and supporting documentation which may be required by the Borough.

(C) The telephone company shall annually furnish to the borough a complete list of amounts due for nonpayment of E-911 surcharges, together with the names and addresses of those customers who carry a balance of what can be determined by the company to be for nonpayment of the surcharge.

(D) The borough may, at its own expense, require an annual audit of a telephone company's books and records concerning collection and remittance of the surcharge.

(E) A wireline or wireless telephone customer is liable for payment of the E-911 surcharge in the amounts billed by the telephone company until the amounts have been paid to the telephone company.

4.50.060 - Use of funds.

Revenues received from the ~~enhanced~~E-911 surcharge shall only be used for the operation, maintenance and improvement of the ~~city of Petersburg's~~ Petersburg Borough's enhanced E-911 emergency communication systems, as authorized under AS 29.35.131(i).

Section 4. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected.

Section 5. Effective Date: This Ordinance shall become effective immediately upon final passage.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this _____day of _____, 2014.

Mark Jensen, Mayor

ATTEST:

Kathy O'Rear, Clerk

Adopted:
Published:
Effective: