

AMENDED COUNTY ORDINANCE NO. 1991-1

FOR AN ORDINANCE ENTITLED, A 911 EMERGENCY TELEPHONE REPORTING SYSTEM

BE IT ORDAINED BY THE BUTTE COUNTY COMMISSION HEREAFTER REFERRED TO AS "COMMISSION" BELIEVES A 911 EMERGENCY REPORTING TELEPHONE SERVICE IS IN THE BEST INTEREST OF THE RESIDENTS OF THE 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 PARAMETERS OF THE ESTABLISHMENT, MANAGEMENT AND CONTROL OF A 911 EMERGENCY REPORTING TELEPHONE SERVICE BY A GOVERNING BODY, THEN, THEREFORE

BE IT ORDAINED BY THE BUTTE COUNTY COMMISSION:

THAT A 911 EMERGENCY TELEPHONE REPORTING SYSTEM IS ESTABLISHED WITH 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 LIMITS OF BUTTE COUNTY.

SECTION TWO -- INSTALLATION, OPERATION AND SURCHARGE

THE COMMISSION SHALL BE RESPONSIBLE FOR THE COSTS INCURRED FOR INSTALLATION, MAINTENANCE OR OPERATION OF THE SYSTEM. IN ORDER TO PAY FOR THE COSTS INCURRED, THE COMMISSION MAY IMPOSE A UNIFORM MONTHLY 911 EMERGENCY SURCHARGE. THE INITIAL SURCHARGE RATE SHALL BE SEVENTY-FIVE CENTS (\$.75) FOR EACH LOCAL EXCHANGE ACCESS LINE, AND TO INCLUDE CELLULAR TELEPHONES, IS HEREBY ESTABLISHED EFFECTIVE JANUARY 2, 1996.

SECTION THREE --- SURCHARGE USE AND PROCEDURE

THE PROCEEDS OF THE SURCHARGE SHALL BE UTILIZED TO PAY FOR NONRECURRING 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 AT THE DISCRETION OF THE COMMISSION. NO SUCH CHARGE MAY BE IMPOSED UPON MORE THAN ONE HUNDRED LOCAL EXCHANGE ACCESS LINES, TO INCLUDE CELLULAR TELEPHONES, OR THE EQUIVALENT PER CUSTOMER BILLING.

AT LEAST ONCE EVERY CALENDAR YEAR, PRIOR TO SEPTEMBER FIRST, THE COMMISSION SHALL REVIEW THE CURRENT CHARGE AND ESTABLISH A RATE OF CHARGE TO BE EFFECTIVE ON THE NEXT JANUARY 1ST 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 AND CELLULAR TELEPHONE 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 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 ENHANCED 911 COMMITTEE PURSUANT TO INTERGOVERNMENTAL AGREEMENT APPROVED DECEMBER 31, 1980 AND AS AMENDED.

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

IF THE 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.

SECTION FOUR -- 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.

SECTION FIVE -- SEVERABILITY AND SAVING CLAUSE

IF ANY PROVISION OF THIS ORDINANCE SHALL BE HELD INVALID, IT SHALL NOT EFFECT 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 5th DAY OF December, 1995, AS WITNESSED

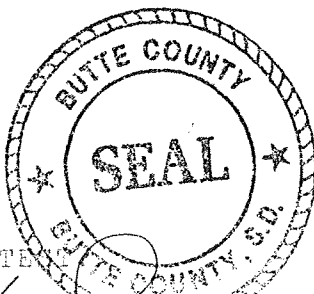
Richard Reder
RICHARD REDER - CHAIRMAN

Ed Goss
ED GOSS - VICE-CHAIRMAN

Donald Kivimaki
DONALD KIVIMAKI - COMMISSIONER

William J. Hannah
WILLIAM J. HANNAH - COMMISSIONER

Renny Kudlock
RENNY KUDLOCK



ATTEST
Sally Blawie

COUNTY OF BUTTE
STATE OF SOUTH DAKOTA

COUNTY COMMISSION MEETING MAY 7, MAY 14 _____, 1991
COUNTY ORDINANCE NO. 1991-1

FOR AN ORDINANCE ENTITLED, A 911 EMERGENCY TELEPHONE REPORTING SYSTEM

BE IT ORDAINED BY THE BUTTE COUNTY COMMISSION HEREAFTER REFERRED TO AS "COMMISSION" BELIVES A 911 EMERGENCY REPORTING TELEPHONE SERVICE IS IN THE BEST INTEREST OF THE RESIDENTS OF THE 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 PARAMETERS OF THE ESTABLISHMENT, MANAGEMENT AND CONTROL OF A 911 EMERGENCY REPORTING TELEPHONE SERVICE BY A GOVERNING BODY, THEN, THEREFORE

BE IT ORDAINED BY THE BUTTE COUNTY COMMISSION:

THAT A 911 EMERGENCY TELEPHONE REPORTING SYSTEM IS ESTABLISHED WITH 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 BOUNDRIES OF THE LIMITS OF BUTTE COUNTY.

SECTION TWO -- INSTALLATION, OPERATION AND SURCHARGE

THE COMMISSION SHALL BE RESPONSIBLE FOR THE COSTS INCURRED FOR INSTALLATION, MAINTENANCE OR OPERATION OF THE SYSTEM. IN ORDER TO PAY FOR THE COSTS INCURRED, THE COMMISSION MAY IMPOSE A UNIFORM MONTHLY 911 EMERGENCY SURCHARGE. THE INITIAL SURCHARGE RATE SHALL BE SEVENTY-FIVE CENTS (\$.75) FOR EACH LOCAL EXCHANGE ACCESS LINE, IS HEREBY ESTABLISHED EFFECTIVE JUNE 12, 1991. THE REMITTANCE SHALL BE MADE TO THE BUTTE COUNTY TREASURER.

SECTION THREE -- SURCHARGE USE AND PROCEDURE

THE PROCEEDS OF THE SURCHARGE SHALL BE UTILITZED TO PAY FOR NONRECURRING 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 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 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 911 RELATED SERVICE, INCULDING 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 ENHANCED 911 COMMITTEE PURSUANT TO INTERGOVERNMENTAL AGREEMENT APPROVED DECEMBER 31, 1980 AND AS AMENDED.

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

IF THE 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.

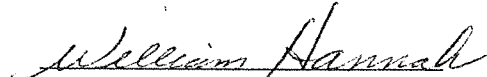
SECTION FOUR -- SERVICE AGREEMENTS


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.

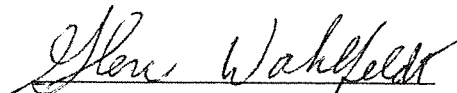
SECTION FIVE -- SEVERABILITY AND SAVING CLAUSE


IF ANY PROVISION OF THIS ORDINANCE SHALL BE HELD INVALID, IT SHALL NOT EFFECT 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 14 DAY OF MAY, 1991, AS WITNESSED

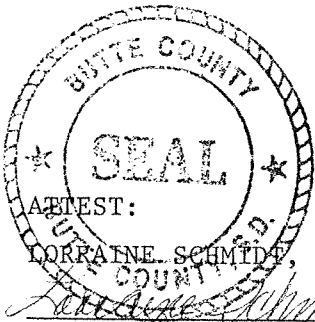

WILLIAM HANNAH, CHAIRMAN


RICHARD REDER, VICE CHAIRMAN


GLEN WAHLFELDT, COUNTY COMMISSIONER


FRANK WALTON, COUNTY COMMISSIONER


KENNY KUDLOCK, COUNTY COMMISSIONER



PASSED FIRST READING: MAY 7, 1991

PASSED SECOND READING: MAY 14, 1991