

SUMMARY: Imposes a fee on telecommunications to pay for enhanced 911 services in Elko County.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE CREATING A NEW CHAPTER 6 IN TITLE 11 OF THE ELKO COUNTY CODE TO IMPOSE AN FEE ON TELECOMMUNICATIONS WITH THE PROCEEDS BEING USED TO ENHANCE EMERGENCY DISPATCH SERVICES, AND ALL OTHER MATTERS RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ELKO DOES ORDAIN:

Section 1: Title 11 of the Elko County Code is amended by adding new Chapter 6 to read as follows:

Chapter 6

Surcharge for Enhancement or Improvement of Telephone System used for Reporting Emergency

Sections:

- 11-6-1: Authority and Purpose
- 11-6-2: Definitions
- 11-6-3: Establishment of an advisory committee to develop a plan to enhance or improve telephone system for reporting emergency
- 11-6-4: Chairman, election, and duties
- 11-6-5: Rules and Regulations
- 11-6-6: Quorum
- 11-6-7: Meetings
- 11-6-8: Creation of special revenue fund; use of money in fund
- 11-6-9: Imposition of telephone surcharge
- 11-6-10: Penalty for failure to remit surcharges

11-6-1: AUTHORITY AND PURPOSE

This chapter is enacted pursuant to NRS 244A.7641 through 244A.7647 for the following purposes:

- A. To establish an advisory committee to develop a five (5) year master plan for the enhancement or improvement of the telephone system for reporting emergencies in Elko County and to oversee any money allocated for that purpose.
- B. To impose a surcharge for the enhancement or improvement of the telephone system for reporting an emergency in Elko County on:
 - 1. Each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines in Elko County; and
 - 2. The mobile telephone services provided to each customer of that service whose place of primary use is in Elko County.

11-6-2: DEFINITIONS

As used in this chapter, the words and terms defined in this section have the meanings ascribed to them unless the context requires otherwise.

- A. **INCUMBENT LOCAL EXCHANGE CARRIER.** Has the meaning ascribed to it in 47 U.S.C. 251(h) (1), as that section existed on October 1, 1995, and includes a local exchange carrier that is treated as an incumbent exchange carrier pursuant to that section.
- B. **MOBILE TELEPHONE SERVICE.** Cellular or other service to a telephone installed in a vehicle or which is otherwise portable.
- C. **PLACE OF PRIMARY USE.** Has the meaning ascribed to it in 4 U.S.C. 124(8), as that existed on August 1, 2002.
- D. **SUPPLIER.** A person authorized by the Federal Communications Commission to provide mobile telephone service.
- E. **TELEPHONE SYSTEM.** A system for transmitting information between or among points specified by the user that does not change the form or content of the information regardless of the technology, facilities or equipment used. A telephone system may include, without limitation:
 - 1. Wireless or Internet technology, facilities or equipment; and
 - 2. Technology, facilities or equipment used for transmitting information from an emergency responder to the user or from the user to an emergency responder.

F. TRUNK LINE. A line that provides a channel between a switchboard owned by a customer of a telecommunications provider and the local exchange of the telecommunications provider.

11-6-3: ESTABLISHMENT OF AN ADVISORY COMMITTEE TO DEVELOP A PLAN TO ENHANCE OR IMPROVE TELEPHONE SYSTEM FOR REPORTING EMERGENCY.

The Board of County Commissioners creates a five (5) member advisory committee to develop a five (5) year master plan to enhance or improve the telephone system for reporting an emergency in Elko County and to oversee any money allocated for that purpose (the Committee). The master plan must include an estimate of the cost of the enhancement or improvement of the telephone system and all proposed sources of money for funding the enhancement or improvement.

- A. Members shall serve without compensation
- B. A member appointed to the Committee shall:
 - 1. Be a resident of Elko County.
 - 2. Possess knowledge concerning telephone systems for reporting emergencies; and
 - 3. Not be an elected public officer.
- C. As Elko County has a population of less than 100,000, at least one member of the Committee shall be a representative of an incumbent local exchange carrier which provides services to persons in Elko County.
- D. Members shall be selected at large by the Board of County Commissioners at its discretion.
- E. The Board of County Commissioners shall appoint members for a term of two years, except for the initial term, and may reappoint any member to subsequent terms of two years. Any vacancy occurring during a member's term will be filled by the Board of County Commissioners. A person appointed to fill a vacancy occurring during a term must serve out the unexpired term of the member replaced. On the effective date of this ordinance, the Board of County Commissioners must set the initial appointed members' terms to provide for the terms of three of the appointed members to end on June 30, 2017, and for the terms of two of the appointed members to end on June 30, 2019.

11-6-4: CHAIRMAN, ELECTION AND DUTIES.

- A. The committee shall elect from its membership a chairman and vice chairman.
- B. The chairman will preside at meetings and be the signatory of any correspondence necessitated by operation of the committee.

11-6-5: RULES AND REGULATIONS

The committee may adopt rules and regulations regarding its meetings and procedures.

11-6-6: QUORUM

Three members of the committee shall constitute a quorum. The approval of a majority of all members present to vote is necessary on any action the committee desires to take.

11-6-7: MEETINGS

The committee shall hold a public meeting on a regular day each calendar quarter. The Committee is subject to Nevada's Open Meeting Law, N.R.S. Chapter 241.

11-6-8: CREATION OF SPECIAL REVENUE FUND; USE OF MONEY IN FUND

- A. The Board of County Commissioners creates a special revenue fund for the deposit of any money collected pursuant to NRS 244A.7643. The money in the fund must be used only for the following purposes:
 - 1. To enhance the telephone system for reporting an emergency so that the number and address from which a call received by the system is made may be determined, including only:
 - a. Paying recurring and nonrecurring charges for telecommunication services necessary for the operation of the enhanced telephone system.
 - b. Paying costs for personnel and training associated with the routine maintenance and updating the database for the system.
 - c. Purchasing, leasing or renting equipment and software necessary to operate the enhanced telephone system; and
 - d. Paying costs associated with any maintenance, upgrade and replacement of equipment and software necessary for the operation of the enhanced telephone system.
 - 2. To improve the telephone system for reporting emergencies in the county.
- B. If the balance of the fund created pursuant to subsection 1 which has not been committed for expenditure exceeds \$1,000,000.00 at the end of any fiscal year,

the Board of County Commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$1,000,000.00.

11-6-9: IMPOSITION OF TELEPHONE SURCHARGE

- A. The Board of County Commissioners imposes a surcharge for the enhancement of the telephone system for reporting an emergency in Elko County on:
 - 1. Each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines are located within Elko County; and
 - 2. The mobile telephone service provided to each customer of that service whose place of primary use is in Elko County as determined.
- B. The surcharge on access lines to the local exchange of telecommunications provider will be twenty-five cents per month per line.
- C. The surcharge on trunk lines to the local exchange of a telecommunications provider will be two dollars and fifty cents per month per line
- D. The surcharge for each telephone number assigned to a customer by a supplier of mobile telephone services will be twenty-five cents per month per line.
- E. A telecommunications provider that provides access or trunk lines in Elko County and a supplier that provides mobile telephone service to customers in Elko County must collect the surcharge from its customers each month. Except as otherwise provided in NRS 244A 7647, each telecommunications provider and supplier must remit the surcharge it collects to the treasurer of the county in which the surcharge is imposed no later than the 15th day of the month after the month it receives payment of the surcharge from its customer. In accordance with NRS 244A.7647, a telecommunications provider or supplier which collects the surcharge imposed pursuant to this section is entitled to retain an amount of the surcharge collected which is equal to the cost to collect the surcharge.
- F. Telecommunications providers and mobile telephone service suppliers affected by this ordinance must begin imposing the surcharge described in this section within 60 days after the Board of County Commissioners approves the 5-year master plan for the enhancement or improvement of the telephone system for reporting emergencies in the county commencing with a full monthly billing cycle.

G. The County Manager may adopt procedures as necessary to effectuate the provisions of this section.

11-6-10: PENALTY FOR FAILURE TO REMIT SURCHARGES

Any telecommunications provider or mobile telephone service supplier that fails to remit surcharges due within 90 days after the date on which the telecommunications provider or supplier must otherwise remit the surcharges to the County Treasurer will be subject to a penalty of 5% of the cumulative amount of surcharges owed by the telecommunications provider or supplier.

DRAFT

Proposed this ____ day of _____, 2016, by

Elko County Commissioner _____, 2016.

Passed and adopted this ____ day of _____, 2016.

Vote: Ayes: _____

Nays: _____

Absent: _____

Chairman of the Board of Commissioners

ATTEST:

CAROL FOSMO
Elko County Clerk

This Ordinance shall be in full force and effect from and after the ____ day of _____, 2016, after required publication.

CV # CV-98-02499-01

DRAFT