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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
[redacted] of Montgomery
[redacted]
[redacted]
Local Law No. 3 of the year 19 90

A local law Imposing a Surcharge on the Customers of Every Telephone Service
Supplier Providing Local ^(Insert title) Exchange Service Within Montgomery County
to Pay the Costs Associated with an Enhanced 911 Emergency Telephone
System Serving Montgomery County

Be it enacted by the Board of Supervisors of the
(Name of Legislative Body)

County
[redacted] of Montgomery as follows:
[redacted]

SECTION 1. LEGISLATIVE INTENT.

The Montgomery County Board of Supervisors does hereby recognize the importance of the health, safety and welfare of the residents of the County. It further recognizes that when the lives or property of its residents are in imminent danger, then timely and appropriate assistance must be rendered. The Board has determined that the enhanced emergency telephone system known as "E911" provides substantial benefits beyond basic 911 systems through the provision of selective routing and automatic number and location identification and that these enhancements not only significantly reduce the response time of emergency services but also represent the state-of-art in fail-safe emergency telephone system technology.

The New York State Legislature has recognized that the cost of implementing, maintaining and upgrading an E911 system is costly and has adopted Chapters 756 and 757 of the Laws of 1989 amending the County Law and the Tax Law to provide counties with a funding mechanism to assist in the payment of the costs associated with establishing and maintaining an E911 system. It is the intent of the Board of Supervisors to provide for the health, safety and welfare of the residents of Montgomery County by adopting this local law imposing a surcharge on the customers of every telephone service supplier within the County to pay for the costs associated with planning, designing, purchasing, operating and maintaining telecommunication equipment and telephone services needed to provide and maintain an enhanced 911 emergency telephone system to serve Montgomery County.

SECTION 2. ESTABLISHMENT OF COUNTY SURCHARGE FOR ENHANCED EMERGENCY TELEPHONE SYSTEM.

The County of Montgomery hereby adopts the applicable provisions of Chapters 756 and 757 of the Laws of 1989 as they pertain to county and emergency telephone systems and hereby imposes a surcharge in an amount of Thirty-Five Cents (\$.35) per access line, per month, on the customers of every telephone service supplier within the County of Montgomery to pay for the costs associated with the planning, design, purchase, obtaining, operating and maintaining of telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system to serve Montgomery County.

(If additional space is needed, please attach sheets of the same size as this and number each)

SECTION 3. DEFINITIONS.

All words and phrases used in this local law shall have the same meaning as defined in Chapter 756 of the Laws of 1989 and as specifically defined in this local law as follows:

- a.) "E911 system" means an enhanced emergency telephone service which automatically connects a person dialing the digits 9-1-1 to an established public service answering point and which shall include, but not be limited to, selective routing, automatic number identification and automatic location identification.
- b.) "911 service area" means the area within the geographic boundaries of Montgomery County.
- c.) "Service supplier" means a telephone corporation which provides local exchange access service within a 911 service area.

SECTION 4. EFFECTIVE DATE OF IMPOSITION OF SURCHARGE.

All telephone service suppliers which provide local exchange access service within the 911 service area in Montgomery County shall add and impose such surcharge to the billing of its customers commencing January 1, 1991.

SECTION 5. APPLICATIONS; LIMITATION; EXEMPTIONS.

a.) The surcharge established pursuant to this local law and Chapters 756 and 757 of the Laws of 1989 shall be imposed on a per access line basis on all current bills rendered for local exchange access service within the 911 service area in Montgomery County.

b.) No surcharge shall be imposed upon more than fifty (50) exchange access lines per customer per location.

c.) Lifeline customers and the County of Montgomery shall be exempt from the surcharge imposed under this local law.

SECTION 6. COLLECTION OF SURCHARGE.

a.) The appropriate service supplier or suppliers serving the 911 service area in Montgomery County shall act as collection agents for the County and shall remit the funds collected as the surcharge to Montgomery County Treasurer every two months. Such funds shall be remitted no later than thirty (30) days after the last business day of such period.

b.) The service supplier shall be entitled to retain as an administrative fee an amount equal to two percent (2%) of its collections of the surcharge.

c.) The surcharge required to be collected by the service supplier shall be added to and stated separately in its billings to the customer.

d.) The service supplier shall annually provide to the County an accounting of the surcharge amounts billed and collected.

SECTION 7. LIABILITY FOR SURCHARGE.

a.) Each service supplier customer who is subject to the provisions of this local law shall be liable to the County for the surcharge until it has been paid to the County, except that payment to a service supplier is sufficient to relieve the customer from further liability for such surcharge.

b.) The service supplier shall have no obligation to take any legal action to enforce the collection of any surcharge. However, whenever the service supplier remits the funds collected as the surcharge to the County, it shall also provide the County with the name and address of any customer refusing or failing to pay the surcharge imposed by this local law and shall state the amount of such surcharge remaining unpaid.

SECTION 8. SYSTEM REVENUES; ADJUSTMENT OF SURCHARGE.

All surcharge monies remitted to the County by a service supplier and all other monies dedicated to the payment of system costs from whatever source derived or received by the County shall be expended only upon authorization of the Board of Supervisors and only for payment of system costs as permitted by Chapters 756 and 757 of the Laws of 1989. The County shall separately account for and keep adequate books and records of the amount and source of all such revenues and of the amount and object or purpose of all expenditures thereof. If at the end of any fiscal year the total amount of all such revenues exceeds the amount necessary and expended for payment of system costs in such fiscal year, such unencumbered cash surplus shall be carried over for the payment of system costs in the following fiscal year. However, if at the end of any fiscal year such unencumbered cash surplus exceeds an amount equal to five percent (5%) of that necessary for the payment of system costs in such fiscal year, the Board of Supervisors shall, by local law, reduce the surcharge for the following fiscal year to a level which more adequately reflects the system costs requirements of its E911 system. The Board may also, by local law, reestablish or increase such surcharge, subject to the provisions of Chapters 756 and 757 of the Law of 1989 and this local law, if the revenues generated by such surcharge and by any other source are not adequate to pay for system costs.

SECTION 9. SAVING CLAUSE.

If any clause, sentence or paragraph of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder of the local law which shall as to such remainder remain in effect.

SECTION 10. EFFECTIVE DATE.

This local law shall take effect upon its filing thereof in the office of the Secretary of State.