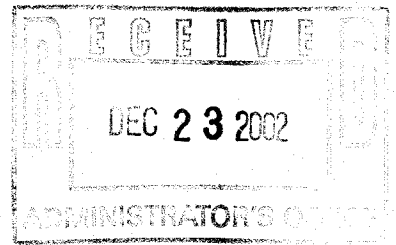




STATE OF NEW YORK  
DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231-0001



GEORGE E. PATAKI  
GOVERNOR

RANDY A. DANIELS  
SECRETARY OF STATE

December 17, 2002

MONTGOMERY COUNTY  
COUNTY ANNEX BUILDING  
Park St, PO Box 1500  
FONDA, NY 12068

RE: County of Montgomery, Local Law 11, 2002, filed 11/29/2002

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

A handwritten signature in black ink that reads "Linda Lasch".

Linda Lasch  
Principal Clerk  
State Records & Law Bureau  
(518) 474-2755

(Use this form to file a local law with the Secretary of State.)

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

of MONTGOMERY

Local Law No. 11 of the year 2002

A local law *(Insert Title)* Imposing a Surcharge on Wireless Communication Devices, Whose Place of Primary Use is Within Montgomery County, to Defray Costs of the Public Safety Communications System Serving Montgomery County

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

County

of Montgomery as follows:

SECTION 1. Definitions

(a) "Place of primary use" shall mean the street address that is representative of where the customer's use of the wireless communications service primarily occurs, which address must be: (1) residential street address or the primary business street address of the customer; and (2) within the licensed service area of the wireless communications service supplier.

(b) "Wireless communications service supplier" means a telecommunications corporation that provides service within Montgomery County.

(c) "System costs or other costs" means the costs associated with maintaining the telecommunications equipment and the telephone services necessary to provide an E911 system and costs associated with the design, construction, operation, maintenance, and administration of public safety communications networks serving Montgomery County.

SECTION 2. Pursuant to Chapter 424 of 2002 Laws of New York, there is hereby imposed a surcharge of thirty cents (\$.30) per month per wireless communications device which shall be reflected and made payable on bills rendered for wireless communications service that is provided to a customer whose place of primary use is within the County of Montgomery. Wireless communication service suppliers shall begin to add the surcharge to all current service bills rendered on or after February 1, 2003. Any wireless communications service supplier required to collect the surcharge pursuant to the provisions of this

(If additional space is needed, attach pages the same size as this sheet, and number each.)

section shall be given a minimum of forty-five (45) days written notice prior to the date it shall begin to add such surcharge to the billings of its customers or prior to any modification to or change in the surcharge amount.

(a) Each Wireless communications service supplier serving the County of Montgomery shall act as a collection agent for the County and shall remit the funds collected pursuant to the surcharge imposed under the provisions of this section to the Montgomery County Treasurer every month. Such funds shall be remitted no later than thirty (30) days after the last business day of the month.

(b) Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to two percent (2%) of its collections of the surcharge imposed under the provisions of this section.

(c) The surcharge required to be collected by a wireless communications service supplier shall be added to and stated separately in its billings to customers.

(d) Each wireless communications service customer who is subject to the provisions of this section shall be liable to the County of Montgomery for the surcharge until it has been paid to the County except that payment to a wireless communications service supplier shall be sufficient to relieve the customer from further liability for such surcharge.

(e) No wireless communications service supplier shall have a legal obligation to enforce the collection of the surcharge imposed under the provisions of this section, provided, however, that whenever the wireless communications service supplier remits the funds collected to the County of Montgomery, it shall also provide the County of Montgomery with the name and address of any customer refusing or failing to pay the surcharge imposed under the provisions of this section and shall state the amount of such surcharge remaining unpaid.

(f) Each wireless communications service supplier shall annually provide to the County of Montgomery an accounting of the surcharge amounts billed and collected.

(g) All surcharge monies remitted to the County of Montgomery by a wireless communications service supplier shall be expended only upon authorization of the Montgomery County Board of Supervisors and only for payment of system costs or other costs associated with the design, construction, operation, maintenance, and administration of public safety communications networks serving Montgomery County. The County of Montgomery shall separately account for and keep adequate books and records of the amount and source of all such monies 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 monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

SECTION 3. The County of Montgomery shall be exempt from the surcharge imposed under this local law.

SECTION 4. This local law shall take effect on February 1, 2003 provided, however, that a wireless communications service provider may treat the address used by such supplier for any wireless communications customer under a service contract or agreement in effect on July 28, 2002, as that wireless communications customer's place of primary use for the remaining term of such service contract or agreement, for purposes of determining the taxing jurisdiction with respect to taxes on wireless communication service.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 11 of 2002 of the (County)( ) of Montgomery was duly passed by the Board of Supervisors on November 26 2002, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

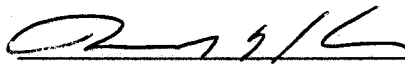
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

  
\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

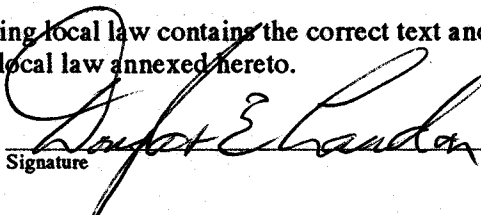
Date: November 27, 2002

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Montgomery

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
\_\_\_\_\_  
Signature  
COUNTY ATTORNEY  
\_\_\_\_\_  
Title

County  
of MONTGOMERY

Date: November 27, 2002