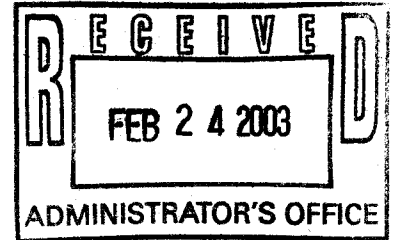




STATE OF NEW YORK  
DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231-0001



GEORGE E. PATAKI  
GOVERNOR

RANDY A. DANIELS  
SECRETARY OF STATE

February 19, 2003

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

RE: County of Montgomery, Local Law 1, 2003, filed 02/04/2003

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

Sincerely,

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

# Local Law Filing

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

(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

City

Town

Village

of MONTGOMERY

Local Law No. 1 of the year 2003

A local law Amending Local Law No. 3 of 1990, Which Imposed a Surcharge on the  
(Insert Title)  
the Customers of Every Telephone Service Supplier Providing Local  
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

of Montgomery as follows:

## 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 service 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 One Dollar (\$1.00) 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.

**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 laws 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 April 1, 2003.

**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 purposes 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 adjudications 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.

(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. 1 of 2003 of the (County) Montgomery of Montgomery Board of Supervisors on January 28 2003, was duly passed by the Board of Supervisors on January 28 2003, 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.  
*(Name of Legislative Body)*  
*(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.  
*(Name of Legislative Body)*  
*(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.  
*(Name of Legislative Body)*  
*(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.)

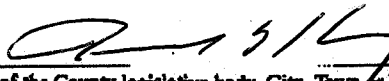
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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

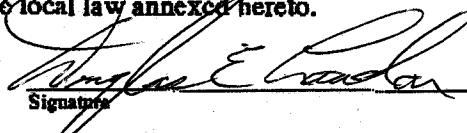
(Seal)

Date: January 31, 2003

(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 \_\_\_\_\_

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: January 31, 2003