

Chapter 410

EMERGENCY TELEPHONE SYSTEM BOARD

Sec. 410-1 Definitions.

For the purpose of this ordinance the following definitions shall apply:

"Network Connection" means the number of voice grade communication channels directly between a subscriber and a telecommunication carrier's public switches network without the intervention of any other telecommunication carriers switched network which would be required to carry the subscriber's interpremises traffic.

"Transmitting Messages" shall have the meaning ascribed to the term in Section 8-11-2 of the Illinois Municipal Code.

"Telecommunication Carriers" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this State, or a receiver, trustee, conservator or other representative appointed by order of any court engaged in the business of transmitting messages by means of electricity.

For the purposes of this Act "telecommunication carrier" does not include a cellular or other mobile communication carrier.

Sec. 410-2 Surcharge Imposed.

A surcharge is hereby imposed, subject to the provisions of this chapter and the Emergency Telephone System Act, upon all telephone subscribers passed through telecommunication carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of Carroll County and terminating within the State of Illinois for funding of a "9-1-1" emergency telephone system. The surcharge imposed shall be at the rate of \$1.75 (one dollar and seventy-five cents) per month per network connection.

Sec. 410-3 Certified List of Connections.

The County Clerk shall provide any telecommunication carrier subject to the surcharge with a certified list of those network connections assigned to the county to be exempt from imposition of the surcharge. The certified list may be revised by the county on 60 days prior written notice provided to the telecommunication carriers.

Sec. 410-4 Collection of the Surcharge.

(a) The surcharge shall be imposed on the first day of the month following the expiration of 90 days from the date the County Clerk certifies to the individual telecommunication carriers subject to the surcharge that the referendum referred to in Section Two has passed.

(b) In lieu of the telecommunication carriers imposing a 3% accounting and collection charge on its subscribers as permitted under the Act, each telecommunication carrier is hereby authorized and instructed to recover said accounting and collection charge by deducting 3% from the gross amount of surcharge collected otherwise due and owing the county prior to remittance under this ordinance.

(c) The amount of surcharge collected by the telecommunication carrier shall be paid to the county or Joint Emergency Telephone System Board not later than 30 days after the surcharge is collected, net of any network or other 9-1-1 or sophisticated communication carrier, as shown on an itemized bill and the 3% accounting and collection charge described in this ordinance.

(d) Simultaneously with the remittance described herein, each telecommunication carrier shall make a return to the County Treasurer for the period to which the remittance applies stating as follows:

- (1) The name of the telecommunication carrier.
- (2) The telecommunication carrier's principal place of business.
- (3) The number of network connections to which the surcharge applies.
- (4) The amount of surcharge due.

(5) Such other reasonable and related information as the Emergency Telephone System Board may require.

(e) If it shall appear that an amount of surcharge has been paid which was not due under the provisions of this ordinance, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any surcharge due, or to become due, under this ordinance from the telecommunication carrier who made the erroneous payments; provided that amount erroneously paid more than three (3) years prior to the filing of a claim therefore shall be so credited. Ninety days prior notice shall be given to the Emergency Telephone System Board on any credit against a surcharge due.

(f) No action to recover any amount of surcharge due under the provisions of this ordinance shall be commenced more than three (3) years after the due date of such amount.

Sec. 410-6 Emergency Telephone System Board Established.

There is established under the Emergency Telephone System Act an Emergency Telephone System Board for Carroll County, which may be referred to as the Carroll County 911 Board.

Sec. 410-7 Membership of the Emergency Telephone System Board.

(a) The Board shall consist of ten members, one member who is public member and a resident of the local exchange service territory included in the 911 coverage area; the sheriff, or, an alternative on a permanent basis, his designee as he deems appropriate; eight members who shall be representative of the public safety agencies, one from each of the following communities or the area commonly referred to as the "Fire District" served by each of the following communities: Chadwick, Lanark, Milledgeville, Mount Carroll, Shannon, and Thomson; and two from Savanna; all appointed on the basis of their ability or experience. The members shall serve without compensation, but may be reimbursed for actual and necessary expenses from the funds of the Board.

(b) Members shall be appointed by the Carroll County Board to serve a term of three years. To prevent disruption of the Board in the future, the appointments effective February 18, 1993, shall be staggered utilizing a system of districts composed of the fire district combined as follows: District one shall consist of Savanna and Thomson; District two shall consist of Mt. Carroll, Chadwick and

Milledgeville; and District three consisting of Shannon, Lanark, and the citizen member of the Board. Each member of those districts shall draw at random, either a one, two or three-year term for that District, with all subsequent appointments to be a three-year term. The Sheriff or his permanent designee shall be considered a standing member of the Board and therefore not subject to re-appointment. No member shall be limited to the number of terms they may serve.

Sec. 410-7 Powers of the Emergency Telephone System Board.

The powers of the Board shall be:

- (a) to plan a county-wide 911 system;
- (b) to coordinate and supervise the implementation, upgrading and maintenance of the system, including the establishment of equipment specifications and coding systems;
- (c) to receive monies from the surcharge imposed under the Act and from any other source for deposit into an Emergency Telephone System Fund;
- (d) to authorize all disbursements from the Fund;
- (e) to hire any staff necessary for the implementation or upgrade of the system.
- (f) to establish by-laws which shall assure its operation in accordance with the Act.

Sec. 410-8 Emergency Telephone System Fund Established.

There is established in the County an Emergency Telephone System Fund, under the custody of the Carroll County Treasurer, which shall hold all monies collected within the County pursuant to the Act. All interest accruing on the Fund shall remain in the Fund, and no expenditures may be made from the Fund except on the direction of the Carroll County 911 Board by a resolution passed by a majority of all members of the Board. Expenditures from the Fund may be made only in accordance with the Act.

History: Ordinance No. 08-90 approved August 16, 1990; Ordinance No. 12-90
approved December 20, 1990; Ordinance No. 23-33 approved February 18, 1993;
Amended June 10 1999.

