

CITY OF VALDEZ, ALASKA

ORDINANCE NO. 17-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, AMENDING CHAPTER 3.20 TITLED ENHANCED 911 SERVICES BY REPEALING CUSTOMER SURCHARGES

WHEREAS the City Council has directed the repeal of all customer surcharges associated and collected by the city for the purpose of funding the enhanced 911 system.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that

Section 1: Chapter 3.20 is hereby amended as follows:

**Chapter 3.20
ENHANCED 911 SERVICES**

- 3.20.010 Establishment, service area.**
- 3.20.020 Definitions.**
- 3.20.030 Acquisition of equipment and services.**
- ~~**3.20.040 Customer surcharge.**~~
- ~~**3.20.050 Remittance.**~~
- ~~**3.20.070 Annual review.**~~

3.20.010 Establishment, service area.

A. Pursuant to AS 29.35.131 through 29.35.137, any wireline or wireless telephone company providing service within the city shall, together with the police department, fire department and other emergency service providers using the system, cooperate in the establishment of an enhanced 911 emergency reporting system to serve the entire city.

B. The city hereby designates the entire city as the enhanced 911 service area for the city under AS 29.35.137(2).

3.20.020 Definitions.

A. For the purposes of this chapter, any word or term not interpreted or defined by this section shall be used with a meaning of common or standard utilization.

B. The following words and phrases shall have the meanings respectively ascribed to them by this section:

~~“Amounts collected” means amounts billed, less amounts written off, plus net recoveries of amounts previously written off. Based on collection experience, this may be initially calculated on an estimated basis with periodic adjustment to reflect actual experience.~~

~~“Customer” means each separately billed account.~~

[Strikeout indicates deletions / Redline indicates additions

“Enhanced 911 equipment” means any equipment dedicated to the operation of, or use in, the establishment, operation or maintenance of an enhanced 911 system, including customer premises’ equipment, automatic number identification or automatic location identification controllers and display units, printers, cathode ray tubes, recorders, software and other essential communication equipment.

“Enhanced 911 system” or “system” means a telephone system consisting of network, database and enhanced 911 equipment that uses the single three-digit number “911” for reporting a police, fire, medical or other emergency situation, and which enables the users of a public telephone system to reach a public safety answering point to report emergencies by dialing 911. An enhanced 911 system includes the personnel required to acquire, install, operate and maintain the system and its facilities and to dispatch the calls generated by the system.

~~“Local exchange access line” means a telephone line that connects a local exchange service customer to the wireline telephone company switching office and has the capability of reaching local public safety agencies, but does not include a line used by a carrier to provide interexchange services. However, local exchange access lines shall not include public pay phones, interoffice trunks, toll trunks, direct inward dialing trunks or cellular or wireless telephones.~~

“Local exchange service” means the transmission of two-way interactive switched voice communications furnished by a local exchange telephone company within the city, including access to enhanced 911 systems.

“Local exchange telephone company” or “wireline telephone company” means any telephone utility certified to provide local exchange service or wireline telephone service in the city by the Regulatory Commission of Alaska.

“911 service area” and “enhanced 911 service area” mean the area within the city that has been designated to receive an enhanced 911 system. An area designated to receive an enhanced 911 system is not a service area under Article X, Section 5 of the state constitution or Charter Section 9.01.

“Public safety answering point” means a twenty-four-hour local communications facility that receives 911 service calls and directly dispatches emergency response services or that relays calls to the appropriate public or private safety agency.

~~“Surcharge” means an enhanced 911 system surcharge imposed on wireline telephones for support of the enhanced 911 system.~~

“Wireline telephone” means any telephone that uses a local exchange access line.

3.20.030 Acquisition of equipment and services.

The city may purchase, lease or contract for any enhanced 911 equipment or services required to establish, maintain, or upgrade an enhanced 911 system at public safety

answering points from a wireline telephone company, wireless telephone company, or other qualified vendor of an enhanced 911 system.

3.20.040 Customer surcharge.

~~A.—A surcharge to be established by a formal resolution of the city council shall not exceed the amount per month per local access line as established in AS 29.35.131(a) and shall be collected only to fund the enhanced 911 system. The city council shall annually review this surcharge to determine whether the level of surcharge is adequate, excessive or insufficient to meet the anticipated enhanced 911 system needs. A wireline telephone customer may not be subject to more than one 911 surcharge per local exchange access line. A customer that has more than one hundred wireline access lines from a wireline telephone company in the city is liable for the 911 surcharge only on one hundred wireline access lines.~~

~~B.—The telephone company shall bill and collect the 911 surcharge from its wireline customers. The 911 surcharge billed shall be accounted for separately from other charges.~~

~~C.—The telephone company shall remit that portion of the surcharge receipts allocable to the city no later than sixty days after the end of the month in which the amount was collected. From each remittance made in a timely manner, the telephone company is entitled to deduct the greater of one percent of the amount collected or a total of one hundred fifty dollars per month as the cost of administration for collecting the 911 surcharge. The telephone company shall annually furnish a complete list of amounts due for nonpayment of surcharges, together with the names and addresses of those customers who carry a balance of what can be determined by the company to be for nonpayment of the surcharge.~~

~~D.—The city may, by its own expense, require an annual audit of a telephone company's books and records concerning collection and remittance of the surcharge.~~

~~E.—A wireline customer is liable for payment of the enhanced 911 surcharge in the amounts billed by the telephone company until the amounts have been paid to the telephone company.~~

3.20.050 Remittance.

~~A.—On or before sixty days following the end of the month in which the surcharge was billed, the telephone company shall submit to the finance director a return, upon forms provided by the finance director, and submit payment for the surcharge due the city.~~

~~B.—The return shall be signed by the agent of the telephone company and include:~~

~~1.—The name and address of the telephone company;~~

~~2.—The name and title of the person preparing the return;~~

- ~~3.— The month being reported for which the surcharges were billed;~~
- ~~4.— The amount of gross surcharges billed for the month of the return;~~
- ~~5.— The deduction claimed for the surcharges previously billed and remitted to the finance director, but charged off as uncollectible during the month being reported;~~
- ~~6.— The prorated recoveries representing the month's collection of surcharges previously written off as uncollectible;~~
- ~~7.— The amount of deduction claimed for the telephone company's administrative costs to collect the surcharges, which may be the greater of one percent of the collected amount or one hundred fifty dollars;~~
- ~~8.— The net amount of remittance due to the city; and~~
- ~~9.— Other information and supporting documentation that may be required by the city.~~

~~3.20.070 Annual review.~~

~~The city council shall annually, in conjunction with the city manager and in connection with preparation of the municipal budget, review the revenues generated from the surcharge and the expenses incurred for operation, maintenance, and upgrade of the enhanced 911 system to determine whether the level of surcharge is adequate, excessive or insufficient to meet the enhanced 911 system needs.~~

Section 2: This ordinance shall take effect immediately upon passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this _____ day of August, 2017

CITY OF VALDEZ, ALASKA

Ruth E. Knight, Mayor

ATTEST:

Sheri L. Pierce, MMC, City Clerk

APPROVED AS TO FORM:

Brena, Bell & Clarkson, P.C.

Anthony S. Guerriero, City Attorney

First Reading:
Second Reading:
Adoption:
Yeas:
Nays:
Absent:
Abstain: