

ORDINANCE # 88-23

WHEREAS, the State of Illinois has enacted into law the Emergency Telephone System Act (the "Act"); and

WHEREAS, the Act enables counties and municipalities to impose a surcharge on telecommunication carriers at a rate per network connection in order to implement and/or upgrade and maintain a "9-1-1" emergency telephone system; and

WHEREAS, the Act allows the telecommunication carrier to recover the surcharge including a 3% collection charge from its subscribers residing within the corporate limits of the county or municipality imposing the surcharge; and

WHEREAS, the Act further provides that before the surcharge may be imposed it must be authorized by a majority of the voters in a referendum by the county or municipality; and

WHEREAS, the County Board of Kendall County deem it to be in the best interest of the County to implement and/or upgrade and maintain a "9-1-1" emergency telephone system and to impose a surcharge on telecommunication carriers to be passed through to its subscribers to pay for the costs associated therewith;

NOW, THEREFORE, be it ordained by the County Board of Kendall, as follows:

Section One. A surcharge is hereby imposed, subject to the provisions of Section two, upon all telecommunication carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of Kendall County and terminating within the State of Illinois for funding of a "9-1-1" emergency telephone system.

Section Two. A referendum shall be placed by the County Clerk on the NOVEMBER 8 1988 ballot for all legal voters residing in the County to vote upon the following question:

Shall the County of Kendall impose a surcharge of up to 75 cents per month per network connection on telecommunication carriers, which surcharge expense will be added to the monthly bill you receive for telephone or telecommunication charges for the purpose of installing (or improving) a 9-1-1 emergency telephone system? \_\_\_\_\_ yes \_\_\_\_\_ no

Section Three. If a majority of the votes cast upon the question are in favor thereof, a surcharge is hereby imposed at a rate of 75¢ per month per in-service network connection, as hereinafter defined. A network connection shall not be deemed to be in-service where a subscriber's account is uncollectable.

Section Four. For purposes of this ordinance the following definitions shall apply:

- a. "Network Connection" means the number of voice grade communication channels directly between a subscriber and a telecommunications carrier's public switched network without the intervention of any other telecommunications carriers switched network which would be required to carry the subscriber's interpremises traffic.
- b. "Transmitting Messages" shall have the meaning ascribed to the term in Section 8-11-2 of the Illinois municipal code.
- c. "Telecommunications Carrier" 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.

Section Five. The County Clerk shall provide any telecommunication carrier subject to the surcharge with a certified list of those network connections assigned to the County on 60 days prior written notice provided to the telecommunication carriers.

Section Six. 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 any of the telecommunication carriers who are subject to the surcharge that the referendum referred to in Section two has passed.

Section Seven. 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 amount of surcharge otherwise due and owing the County, prior to remittance under Section Eight of this ordinance.

Section Eight. Every telecommunication carrier shall remit to the County Treasurer the amount of surcharge due and owing for each calendar month within 30 days following expiration of each month to which the surcharge applies, net of any network or other "9-1-1" or sophisticated "9-1-1" system charge then due the particular telecommunication carrier as shown on an itemized bill and the 3% accounting and collection charge described in Section Seven.

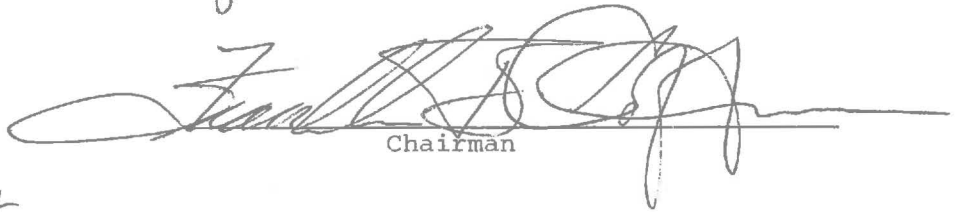
Section Nine. Simultaneously with the remittance described in Section Eight and each telecommunication carrier shall make a return to the County Treasurer for the period to which the remittance applies stating as follows:

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 such charge due.
5. Such other reasonable and related information as the corporate authorities may require.

Section Ten. 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 no amounts 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.

Section Eleven. 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.

ADOPTED THIS 9 DAY OF August, 1988.

  
Chairman

ATTEST: Jean P. Brady  
Clerk

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\* A municipality or county may extend this date by delaying the date of certification.