LOCAL LAW NO. 2 OF 2004
COUNTY OF OTSEGO, NEW YORK

A LOCAL LAW PROVIDING FOR THE ESTABLISHMENT
OF AN E-911 WIRELESS SURCHARGE

BE IT ENACTED, by the Board of Representatives of the County of Otsego as follows:

SECTION 1: The County of Otsego hereby adopts a surcharge on wireless communications service in the County of Otsego. The surcharge shall be imposed on each wireless communications device and 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. For purposes of this section, the term “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: (a) residential street address or the primary business street address of the customer; and (b) within the licensed service area of the wireless communications service supplier.

SECTION 2: The amount of the surcharge shall be thirty cents ($0.30) per month on each wireless communications device and the date on which the wireless communications service supplier shall begin to add such surcharge to the billings of its customers shall be January 1, 2005. Any wireless communications service supplier within the County of Otsego which has imposed a surcharge pursuant to the provisions of this section shall be given a minimum of forty-five 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.

SECTION 3:

(A) Each wireless communications service supplier serving the County of Otsego shall act as collection agent for the County and shall remit the funds collected pursuant to a surcharge imposed under the provisions of this section to the chief fiscal officer of the County of Otsego every month. Such funds shall be remitted no later than thirty 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 of its collections of a surcharge imposed under the provisions of this section.

(C) Any surcharge required to be collected by a wireless communications 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 for the surcharge until it
has been paid to the County of Otsego, except that payment to a wireless communications service supplier is 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 any 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 Otsego, it shall also provide the County of Otsego with the name and address of any customer refusing or failing to pay a 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 Otsego an accounting of the surcharge amounts billed and collected.

   **SECTION 4:** All surcharge monies remitted to the County of Otsego by a wireless communications service supplier shall be expended only upon authorization of the County Board of Representatives 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 such county. The County of Otsego shall separately account for and keep adequate books and records of the amount and source of all such monies and 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 5:** This Local Law shall take effect immediately.
RESOLUTION NO. 358-2004

RESOLUTION - ADOPTING A LOCAL LAW FOR THE YEAR 2004
(A LOCAL LAW PROVIDING FOR THE ESTABLISHMENT OF AN
E-911 WIRELESS SURCHARGE)

BATEMAN, RELIC, FELDSTEIN

WHEREAS, there was duly presented to the Board of Representatives of the
County of Otsego at a regular meeting duly held in the Meeting Room of the Board of
Representatives in the Otsego County Office Building, Cooperstown, New York on
October 6, 2004, a local law for the year 2004 entitled "A Local Law Providing For The
Establishment Of An E-911 Wireless Surcharge"; and

WHEREAS, a public hearing was duly held on the proposed Local Law at the
Meeting Room for the Board of Representatives in the Otsego County Office Building,
Cooperstown, New York on the 3rd day of November, 2004 at 10:00 a.m., at which time
all interested persons were heard; now, therefore, be it

RESOLVED, that a local law of the County of Otsego for the year 2004, as above
set forth, be and the same is hereby adopted.

STATE OF NEW YORK :
: SS
COUNTY OF OTSEGO :

I, Laura A. Child, Clerk of the Board of Representatives of Otsego County,
New York, DO HEREBY CERTIFY that I have compared the foregoing copy of
resolution with the original resolution on file in my office and that the same is a true
and complete copy thereof as duly adopted by said Board of Representatives while
in session on the 3rd day of November, 2004.

WITNESS my hand and the official seal of the Board of Representatives of
Otsego County, New York, this 4th day of November, 2004.

(SEAL)

Clerk, Board of Representatives
Otsego County, New York