COUNTY OF OTSEGO, NEW YORK

LOCAL LAW NO. 3 OF 1991

A LOCAL LAW IMPOSING A SURCHARGE ON THE CUSTOMERS OF EVERY TELEPHONE SERVICE SUPPLIER PROVIDING LOCAL EXCHANGE SERVICE WITHIN OTSEGO COUNTY TO PAY THE COSTS ASSOCIATED WITH AN ENHANCED 911 EMERGENCY TELEPHONE SYSTEM SERVING OTSEGO COUNTY

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

SECTION 1. LEGISLATIVE INTENT

The Board of Representatives recognizes the paramount importance of the health, safety and welfare of the residents of the County and that when the lives or property of its residents are in imminent danger that 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 Representatives to fulfill its obligation to provide for the health, safety and welfare of the residents of Otsego 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 obtaining and maintaining telecommunication equipment and telephone
services needed to provide and maintain an enhanced 911 emergency
television system to serve Otsego County.

Section 2. ESTABLISHMENT OF COUNTY SURCHARGE FOR
ENHANCED EMERGENCY TELEPHONE SYSTEM.

The County of Otsego hereby adopts the applicable provisions
of Chapters 756 and 757 of the Laws of 1989 as it pertains to the
County and its emergency telephone system and hereby imposes a
surcharge in an amount of Thirty-Five Cents ($ .35) per access
line, per month, on the customers of every telephone service
supplier within the County of Otsego to pay for the costs
associated with obtaining and maintaining the telecommunication
equipment and telephone services needed to provide an enhanced
911 emergency telephone system to serve Otsego 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 Law 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 that area within the
geographic boundaries of Otsego 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 Otsego County shall
add and impose such surcharge to the billing of its customers commencing February 4, 1992.

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 Otsego County.
b). No surcharge shall be imposed upon more than seventy-five (75) exchange access lines per customer per location.
c). Lifeline customers and Otsego County shall be exempt from the surcharge imposed under this Local Law.

Section 6. COLLECTION OF SURCHARGE.

a). The appropriate service supplier or suppliers serving 911 service area in Otsego County shall act as collection agents for the County and remit the funds collected as the surcharge to the Otsego County Treasurer every month. 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 Representatives 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 purpose 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 Representatives shall, by Local Law, reduce the surcharge for the following fiscal year to a level which more
adequately reflects the system cost 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 Laws 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. EFFECTIVE DATE.

This Local Law shall take effect immediately.

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 Local Law No. 3 of 1991 with the original local law 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 17th day of December, 1991.

WITNESS my hand and the official seal of the Board of Representatives of Otsego County, New York, this 18th day of December, 1991.

(SEAL) Clerk, Board of Representatives Otsego County, New York
RESOLUTION NO. 322
RESOLUTION - ADOPTING A LOCAL LAW
FOR THE YEAR 1991
SCHOONOVER, JENNINGS, NADER

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 December 4, 1991, a Local Law for the year 1991 entitled "A Local Law Imposing a Surcharge on the Customers of Every Telephone Service Supplier Providing Local Exchange Service within Otsego County to Pay the Costs Associated with an Enhanced 911 Emergency Telephone System Serving Otsego County"; 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 17th day of December, 1991 at 7:30 p.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 1991, as above set forth, be and the same is hereby adopted.

STATE OF NEW YORK:

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 17th day of December, 1991.

WITNESS my hand and the official seal of the Board of Representatives of Otsego County, New York, this 18th day of December, 1991.

(SEAL)

Laura A. Child
Clerk, Board of Representatives
Otsego County, New York