

68-O-96

AN ORDINANCE

Placing a Referendum for
An Increase in the Surcharge for
E911 Services on the November 5, 1996 Ballot

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 upon all telephone subscribers passed through 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 upgrade existing public safety communications system; and

WHEREAS, the Act allows the telecommunications carrier collecting the surcharge to deduct 3% of the gross amount of surcharge collected; and

WHEREAS, on June 11, 1990, the City Council of Evanston adopted Ordinance 43-O-90 placing a referendum for E911 services on the November 6, 1990 ballot to impose a surcharge on subscribers collected by the telecommunications carrier to pay for the costs associated therewith; and

WHEREAS, upon passage of the referendum, the City of Evanston did implement said surcharge for E911 services; and

WHEREAS, the Emergency Telephone System Board has determined it is necessary to raise the surcharge rate in order to keep the Emergency Dispatch Center

operational at its peak ability and to plan for equipment replacement, enhanced features, and fiscal soundness;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: An increase in the surcharge from \$.75 to \$1.50 per month per network is hereby imposed, subject to the provisions of Section Two, 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 Evanston and terminating within the State of Illinois for funding of a "9-1-1" emergency telephone system.

SECTION 2: A referendum shall be placed by the City Clerk on the November 5, 1996 ballot for all legal voters residing in the City of Evanston to vote upon the following question:

Shall the City of Evanston increase its per network connection 911 emergency telephone system surcharge from \$.75 to \$1.50, an increase of \$.75 per month per network connection, which surcharge will be added to the monthly bill received for telephone or communications charges for the purpose of maintaining and improving the present enhanced 911 emergency telephone system.

Yes No

SECTION 3: If a majority of the votes cast upon the question are in favor thereof, an increase of \$.75 in the surcharge is hereby imposed 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 uncollectible.

SECTION 4: For purpose 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.
- d. For the purposes of this Act "telecommunications carrier" does not include a cellular or other mobile communication carrier.

SECTION 5: The City Clerk shall provide any telecommunication carrier subject to the increase in the surcharge with a certified list of those network connections assigned to the City of Evanston to be exempt from imposition of the increase in the surcharge. The certified list may be revised by the City of Evanston on 60 days prior written notice provided to the telecommunication carriers.

SECTION 6: The increase in the surcharge shall be imposed on the first day of the month following the expiration of 90 days from the date the City Clerk certifies to the individual telecommunication carriers subject to the increase in the surcharge that the referendum referred to in Section Two has passed.

SECTION 7: 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 the increase in the surcharge collected

otherwise due and owing the City prior to remittance under Section Eight of this ordinance.

SECTION 8: The amount of the increase in the surcharge collected by the telecommunications carrier shall be paid to the City of Evanston Finance Director or his designee not later than 30 days after the increase in the surcharge is collected, net of any network or other 9-1-1- or sophisticated 9-1-1 system charges then due the particular telecommunication carrier, as shown on an itemized bill and the 3% accounting and collection charge described in Section Seven.

SECTION 9: Simultaneously with the remittance described in Section Eight above each telecommunication carrier shall make a return to the City of Evanston Finance Director 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 increase in the surcharge applies.
4. The amount of the increase in the surcharge due.
5. Such other reasonable and related information as the corporate authorities may require.

SECTION 10: If it shall appear that an amount of the increase in the surcharge has been paid which was not due under the provisions of this ordinance, whether as the result of a mistake or 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 telecommunications carrier who made the erroneous payments; provided that no 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.

SECTION 11: No action to recover any amount of the increase in the surcharge due under the provisions of this ordinance shall be commenced more than three (3) years after the due date of such amount.

SECTION 12: All ordinances or parts of ordinances in conflict wherewith are hereby repealed.

SECTION 13: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: June 10, 1996

Adopted: June 24, 1996

1996

Approved: June 27, 1996

Lorraine H. Norton

Mayor

ATTEST:

Kristen Davis
City Clerk

Approved as to form:

[Signature]
Corporation Counsel

