

HAINES BOROUGH
ORDINANCE No. 15-05-410 **Adopted**

An Ordinance of the Haines Borough establishing a surcharge for enhanced 911 (E-911) service.

WHEREAS, to help defray the costs of the enhanced 911 system, and under the authority of AS 29.35.131(a), the Haines Borough intends to implement a surcharge of \$1.51 per month on each local exchange line that provides wireline service within the borough and implement a surcharge of \$1.51 per month on each wireless telephone number that is billed to an address in the borough; and

WHEREAS, on November 12, 2013 the borough assembly adopted Resolution 13-11-517 awarding a contract for the design and installation of an enhanced 911 (E-911) telephone system to replace the outdated public safety answering points hardware and software and provide improved emergency telephone service at public safety answering points from a local exchange telephone company; and

WHEREAS, this system upgrade is necessary in order for the borough to comply with federal regulations that require all wireless carriers to provide call-back and caller location information to public safety answering points for wireless calls; and

WHEREAS, the upgrade to the E-911 system will result in increased operating costs for the borough; and

WHEREAS, in 2005, the state of Alaska amended AS 29.25.131 to authorize municipalities to implement an E-911 surcharge of up to \$2.00 per month for each wireless telephone number and each local exchange access line; and

WHEREAS, the \$1.51 per month surcharge for each access line and wireless number is sufficient to only partially fund the E-911 system, the remaining costs being funded with general tax dollars; and

WHEREAS, it is in the public interest to create the E-911 surcharge so as to provide for the collection of revenues necessary for the system; and

WHEREAS, it is fair and reasonable to assess the costs of the system against all the telephone users who benefit from it,

NOW THEREFORE BE IT ORDAINED by the Haines Borough Assembly that it is determined to be for a public purpose and in the public interest of the borough to establish a surcharge for E-911 service.

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall become effective August 1, 2015.

Section 4. Imposition of Surcharge. There is implemented a surcharge of \$1.51 per month for each local exchange access line within the Haines Borough and each wireless telephone number that is billed to an address within the Haines Borough.

Section 5. Administration of Surcharge. A local exchange telephone company, or a wireless telephone company, that provides telephone service within the Haines Borough or to customers with billing addresses within the Haines Borough, in accordance with AS 29.35.131-137:

- A. shall include the E-911 surcharge in the bills delivered to its customers;
- B. shall remit the amounts collected to the Haines Borough;
- C. may deduct limited administrative costs;
- D. shall prorate partial payments made by its customers;
- E. shall provide the Haines Borough with a list of amounts due for nonpayment of E-911 surcharges;
- F. shall, at the election and expense of the Haines Borough, be subject to an annual audit of its books and records concerning the collection and remittance of the E-911 surcharge; and
- G. shall otherwise comply with the requirements and be entitled to the benefits of state law with respect to E-911 systems.

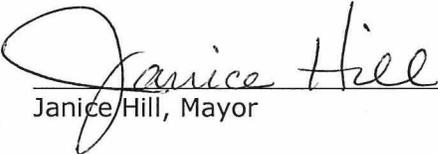
Section 6. Notification of Telephone Customers. The Haines Borough shall work with the telephone companies to ensure the telephone customers are notified in writing of this surcharge and provide an explanation of what the surcharge will be used for, in accordance with AS 29.35.131(a).

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 9th DAY OF JUNE, 2015.

Attest:


Julie Cozzi, MMC, Borough Clerk




Janice Hill, Mayor

Date Introduced: 05/12/15
Date of First Public Hearing: 05/26/15
Date of Second Public Hearing: 06/09/15 - Adopted