

COUNTY ORDINANCE #38

FOR AN ORDINANCE ENTITLED, A 911 TELEPHONE REPORTING SYSTEM

Whereas, the Marshall County Commission hereafter referred to as "Commission" believes a 911 emergency reporting telephone service is in the best interests of the residents of the County; and

Whereas, the Commission, for the public welfare, desires to establish, manage and control a 911 emergency reporting telephone service; and

Whereas, SDCL 34-35 provides authority for the parameters of the establishments, management and control of a 911 emergency reporting telephone service by a governing body; then, therefore

BE IT ORDAINED BY THE MARSHALL COUNTY COMMISSION:

That a 911 emergency telephone reporting system is established with management and control of said system vested in the Commission or its authorized designate.

SECTION ONE - JURISDICTIONAL SERVICE AREA

The 911 system is to be provided for a service area including the following described jurisdictional area: all of the area within the legal boundaries of the limits of Marshall County.

SECTION TWO - INSTALLATION, OPERATION AND SURCHARGE

The Commission shall be responsible for the costs incurred for installation, maintenance or operation of the system. In order to pay for the costs incurred, a uniform monthly 911 emergency surcharge may be imposed. The surcharge rates shall be one dollar and twenty-five cents (\$1.25) for each local exchange access line or any other unit of measurement as authorized by South Dakota Codified Laws. The remittance shall be made to the South Dakota Department of Revenue. In the event of any change to the maximum surcharge in the South Dakota Codified Laws, this Ordinance shall authorize imposition of any amount not to exceed the new state maximum, if done in accord with State law and this Ordinance.

SECTION THREE A- SURCHARGE USE AND PROCEDURE

The proceeds of the surcharge shall be utilized to pay for nonrecurring and recurring costs of the 911 related service. No such charge may be imposed upon more than one hundred local exchange access lines or equivalent per customer billing.

All funds collected for the surcharge shall be credited to a special fund, apart from the general fund of the County, for payment of nonrecurring and recurring costs for the general operational expense of the 911 related service, including but not limited to the personnel costs for employees and/or monthly contract costs billed by the public safety answering point.

Any amount collected in excess of expenses within any given year shall be carried forward to the next year. If a 911 system is discontinued, any money remaining in the fund after all payment to the service supplier pursuant to this section have been made shall be transferred proportionately to the general funds of each participating public agency.

SECTION FOUR - SERVICE AGREEMENTS

The Commission may enter into an agreement directly with the service supplier or may contract or cooperate with any other public agency, or other States and/or their political subdivisions, for the administration of a 911 system as provided by law, and may remit the surcharges collected to any such agency or entity.

SECTION FIVE - SEVERABILITY AND SAVING CLAUSE

If any provision of this ordinance shall be held invalid, it shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this saving purpose, the provisions of this ordinance are hereby declared to be severable.

Adopted this 17th day of July, 2012.

APPROVED BY THE COMMISSION:

A handwritten signature in blue ink, appearing to read "Douglas Medhaug", written over a horizontal line.

Douglas Medhaug, Chairman

ATTEST:

A handwritten signature in blue ink, appearing to read "Megan Beal", written over a horizontal line.

Auditor

(SEAL)

FIRST READING: July 3, 2012

SECOND READING: July 17, 2012

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