

- 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.

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

Section 6. The surcharge shall be imposed on the first day of the month following the expiration of 90 days from the date the County Clerk certifies to any of the telecommunication carriers who are subject to the surcharge that the referendum referred to in Section 2 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 amount of surcharge otherwise due and owing the county prior to remittance under Section 8 of this ordinance.

Section 8. Every telecommunication carrier shall remit to the County Treasurer the amount of surcharge due and owing for each calendar month within 30 days following expiration of each month to which the surcharge applies, net of any network or other "9-1-1" or sophisticated "9-1-1" system charge then due the particular telecommunication carrier as shown on an itemized bill and the 3% accounting and collection charge described in Section 7.

Section 9. Simultaneously with the remittance described in Section 8 above each telecommunication carrier shall make a return to the County Treasurer 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 surcharge applies.
4. The amount of 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 surcharge has been paid which was not due under the provisions of this ordinance, whether as the result of a mistake of 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 telecommunication carrier who made the erroneous payments; provided that no amounts 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 Systems Board on any credit against a surcharge due.

Section 11. No action to recover any amount of 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. The DeKalb County Board does hereby adopt the Memorandum of Understanding dated June 1, 1989, a copy of which is attached to this Ordinance and incorporated by reference. The Board hereby directs the ETS Board, once appointed, to abide by the conditions of the aforementioned Memorandum of Understanding.

Section 13. The manner of appointment and composition of the ETS Board is not to be altered except as expressly provided in the Memorandum of Understanding.

Section 14. The surcharge must be established at 84¢ and maintained at that level except as herein provided.

Section 15. Once initial capitalization of the basic E-911 System is complete and after annual operating costs have been appropriated by the ETS Board, there shall be proportionate allocation of remaining revenues to the jurisdictions requesting funding under the Act.

Section 16. The 84¢ surcharge may not be lowered while eligible E-911 requests are pending before the ETS Board

Section 17. Lowering of the 84¢ surcharge by the ETS Board shall be accomplished only after all eligible requests have been funded, annual operating costs have been accounted for and sufficient funds have been set aside to account for depreciation of basic and enhanced system equipment. Should additional eligible requests be placed before the Board, the Board will once again raise the surcharge to a level not to exceed 84¢ to fund these eligible requests.

Section 18. If any provision of this Ordinance or any application thereof should be rendered or declared unlawful, invalid, or unenforceable by virtue of any judicial action, or by any existing or subsequently enacted Federal or State legislation, the remaining provisions of this Ordinance shall remain in full force and effect.

ADOPTED AT SYCAMORE, ILLINOIS, THIS 16TH DAY OF AUGUST 1989, A.D.


Chairman, DeKalb County Board

ATTEST:


County Clerk