

Chapter 21 – E-911 SYSTEM

Sec. 21-1 E-911 System

- A. For purpose of this section, the following definitions shall apply:
1. *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 inter-premises traffic.
 2. *Transmitting messages* shall have the meaning ascribed to the term in Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2).
 3. *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.
- B. A surcharge is hereby imposed, subject to the provisions of Section 2 of Ordinance No. 89-14, calling the referendum on the surcharge levied under this section, 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 the County and terminating within the state for funding of a 911 emergency telephone system.
- C. A surcharge is hereby imposed at a rate of \$0.84 per month per in-service network connection. A network connection shall not be deemed to be in service where a subscriber's account is uncollectible.
- D. 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.
- E. In lieu of the telecommunication carriers imposing a three-percent accounting and collection charge on its subscribers as permitted under the act (50 ILCS 750/0.01 et seq.), each telecommunication carrier is hereby authorized and instructed to recover the accounting and collection charge by deducting three percent from the amount of surcharge otherwise due and owing the County prior to remittance under Subsection G of this section.
- F. The amount of surcharge collected by the telecommunications carrier shall be paid to the County treasurer not later than 30 days after the surcharge is collected, net of any network or other 911 or sophisticated 911 system charges then due the particular telecommunication carrier, as shown on an itemized bill and the three-percent accounting and collection charge described in Subsection F of this section.
- G. Simultaneously with the remittance described in Subsection G of this section 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.

- H. If it shall appear that an amount of surcharge has been paid which was not due under the provisions of this section, 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 section from the telecommunication carrier who made the erroneous payments; provided that no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited. Ninety days' prior notice shall be given to the emergency telephone systems (ETS) Board on any credit against a surcharge due.
- I. No action to recover any amount of surcharge due under the provisions of this section shall be commenced more than three years after the due date of such amount.
- J. The County Board does hereby adopt the Memorandum of Understanding dated June 1, 1989, which is hereby incorporated by reference. The Board hereby directs the ETS Board, once appointed, to abide by the conditions of the Memorandum of Understanding.
- K. The manner of appointment and composition of the ETS Board is not to be altered except as expressly provided in the Memorandum of Understanding.
- L. The surcharge must be established at \$0.84 and maintained at that level except as provided in this section.
- M. 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 (50 ILCS 750/0.01 et seq.).
- N. The surcharge of \$0.84 may not be lowered while eligible E-911 requests are pending before the ETS Board.
- O. Lowering of the \$0.84 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 \$0.84 to fund these eligible requests.

(Ord. No. 89-2014, §§ 1, 3—5, 7—17, 6-21-1989; Ord. of 8-16-1989; Ord. of 1-17-1990)

Editor's Note: Referendum passed November 7, 1989; Votes: 5,981 = yes, 1,964 = no.