

CITY OF WEST LIBERTY

ORDINANCE RELATING TO ESTABLISHMENT TO AN ENHANCED 911 (E-911)  
EMERGENCY TELEPHONE SERVICE WITHIN THE CITY OF WEST LIBERTY, KENTUCKY

ORDINANCE 07-24-1995

**WHEREAS**, 9-1-1 is the three-digit number designated throughout the United States as the emergency telephone number to be used by the public to obtain law enforcement, medical, fire, rescue, and other emergency services; and

**WHEREAS**, Basic 9-1-1 (B911) Service includes lines and equipment necessary for the answering, transferring, and dispatching of public emergency telephone calls by persons within the serving area who dial 911 and this service automatically routes 911 calls to a Public Safety Answering Point (PSAP), but provides no information about the location or telephone number of the caller, and

**WHEREAS**, Enhanced Universal Emergency Number Service, also referred to as Enhanced 911 Service or E-911 is a telephone exchange communication service similar to Basic 911 Service whereby a Public Safety Answering Point (PSAP) designated by the customer may receive telephone calls dialed to the telephone number 911; and

**WHEREAS**, E-911 service includes lines and equipment necessary for the answering, transferring, and dispatching of public emergency telephone calls by persons within the serving area who dial 911; and

**WHEREAS**, E-911 service is different from Basic 911 primarily in the provisioning of Automatic Location Identification (ALI) which provides the customer's name, primary service address (street names and numbers), and telephone number associated with the calling party's telephone number and is forwarded to the E-911 display unit on a per call basis, and

**WHEREAS**, pursuant to KRS 65.760, local governments are authorized to establish fees to be paid by the general public as telephone users to pay the cost of establishing and maintaining emergency telephone services; and

**WHEREAS**, Mountain Rural Telephone Cooperative, Incorporated is the provider of the local telephone service in the City of West Liberty, Kentucky; and

**WHEREAS**, Mountain Rural Telephone Cooperative, Incorporated Service has available Enhanced 911 Emergency Telephone Service which will meet the emergency telephone service needs of West Liberty, Kentucky; and

**WHEREAS**, the West Liberty City Council recognizes that the Public Service Commission regulates the area of telephone service and must approve subscriber rate increases and West Liberty as a contracting party of "911" would be a subscriber for any rate modifications requested by the Phone Company; and

**WHEREAS**, the West Liberty City Council, after extensive study and review, has determined that it is in the best interest of the health, safety and welfare of the citizens of West Liberty, Kentucky, to establish and enhanced emergency telephone service.

**NOW THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST LIBERTY, COMMONWEALTH OF KENTUCKY;

**SECTION 1: ENACTMENT**

There shall be and hereby is established an ENHANCED UNIVERSAL EMERGENCY NUMBER SERVICE to provide a single telephone number for emergency services within the City of West Liberty, Kentucky, which shall be known as "Enhanced 911" or E-911.

**SECTION 2: AGREEMENT**

(a.) Subject to the approval of the West Liberty City Council, Mayor of the City of West Liberty shall be and hereby is authorized to enter into any all agreements with Mountain Rural Telephone Cooperative Incorporated and any other entity (hereinafter referred to as "Phone Companies") necessary to provide for the construction, implementation and ongoing maintenance of Enhanced 911 within West Liberty, Kentucky. Said agreement shall be for a period of one (1) year commencing on the 1<sup>st</sup> day of January, 1996, of the said twelve (12) month period either party notifies the other of its intention to modify and/or terminate said agreement.

(b.) Said agreement shall reflect the installation costs and the current tariffed recurring charges for Enhanced 911 service charged during the contract period.

### **SECTION 3: "ENHANCED 911" FEE**

(a.) There shall be and hereby established an initial Enhanced 911 Emergency Telephone Service fee of One (\$1.00) Dollar per month for each exchanged telephone subscriber within West Liberty, including all municipal corporations within West Liberty, which is levied as a special tax, license, or fee as provided in Kentucky Revised Statutes 65.760. Such fee shall be paid by each exchange telephone subscriber in Morgan County on an individual exchange basis, limited to a maximum of twenty five (25) exchange lines per account commencing on the 1<sup>st</sup> day of January, 1996, and each month thereafter unless modified by subsequent ordinance of the West Liberty City Council. All WATS, public pay station lines, foreign exchange lines, incoming only lines or non-originating lines shall be exempt from each fee.

(b.) The West Liberty Enhanced 911 Board, as hereinafter established, shall contact with any or all providers of local telephone service in Wet Liberty, Kentucky to collect the Enhanced 911 Emergency Telephone Service fee from the Telephone subscriber and remit said fee to West Liberty Enhanced 911 Board to be used in accordance with Kentucky Revised Statute 65.760.

### **SECTION 4: GOVERNING BOARD**

(a.) There shall be and hereby is established a governing board for the West Liberty Enhanced 911 Emergency Telephone Service which shall be known as the "West Liberty Enhanced 911 Board," hereinafter referred to as "Board". The Board shall receive and manage all funds generated under Section III hereof. In accordance with Kentucky Revised Statute 65.760, the Board shall utilize said funds for the establishment, maintenance, management and operation of an Emergency Telephone Service or, in the alternative, for contracting with a competent and qualified agency or entity for the establishment, maintenance,

management and operation of an Emergency  
Telephone Service utilizing Enhanced 911

(b.)The board shall consist of the following persons:

- (1) William S. Wells, Mayor of city of West Liberty
- (2) Dwayne Nickell, Council Member
- (3) Jim Rupe, Council Member
- (4) Jake Bradley, Council member
- (5) Belinda Jordan, Council Member
- (6) Roger Fannin, Council Member
- (7) Grady Kegley, Council Member

(c.)The Mayor of West Liberty shall serve as Chairman of the West Liberty Enhanced 911 Board.

(d.) The term of any member of the board who holds his/her position of the Board by virtue of his/her position in government or that individual's designee shall not exceed that person's tenure in office.

(e.) The Board shall meet as least quarterly, or when so directed by the Chairman, and shall meet when not less than three (3) members deliver written notice to the office of the Mayor of West Liberty requesting a meeting. Special meetings may be called by the Chairman or the Secretary upon 48 hours written or oral notice delivered to each member.

(f.) The Board shall be a body corporate for all purposes and may contract and be contracted with, may enter into satellite agreements to receive information from other law enforcement agencies, may purchase equipment and supplies in compliance with the Kentucky Procurement Code, KRS Chapter 45 A, laws amendatory thereto or supplementary thereof, and generally, do all things necessary and proper to provide for a proficient and efficient dispatching service for all emergency services within West Liberty, Kentucky. He board may prosecute and defend suits, may retain and pay attorneys for the purpose of such suits and shall have all powers conferred upon Boards of Commissions by Kentucky Statutes.

(g.) No member of the board shall receive any compensation for service upon the board. The board may however, reimburse any member for reasonable

out of pocket expenses incurred at the direction of the board. All reimbursement shall be supported by documentary evidence, satisfactory to the board that such expense has been paid by the member.

(h.) No individual member, or any member of his family, has a direct or indirect financial or pecuniary interest in such agreement. In any matter pending before the Board, should any member have a real or apparent conflict of interest, the Board member shall make such fact known to the Board and shall not thereafter participate in the decision making or in the vote upon such subject matter.

(i.) A majority of the Board shall constitute a quorum. A majority of members present shall be sufficient to pass any matter pending before the Board unless a greater number is specifically required by statute.

(j.) The Board may adopt By-Laws and amend same, may establish rules and regulations for the conduct of its business.

#### **SECTION 5: SEVERABILITY**

The provisions of this ordinance are severable. If any sentence, clause, section or part of this ordinance, or the application thereof is for any reason found to be unconstitutional or invalid, such unconstitutionality or invalidity shall not effect or repeal any of the remaining provisions, sentences, clauses, sections or parts of this ordinance.

#### **SECTION 6: EFFECTIVE DATE**

This ordinance shall become effective immediately upon passage and publication.

FIRST READING 06-26-1995

SECOND READING 07-24-1995

SIGNED BY- William S. Wells, Mayor of West Liberty

ATTEST BY- Linda Bradley, Clerk

