

Item #9

**City of Carson City
Agenda Report**

Date Submitted: 5-6-08

Agenda Date Requested: 5-15-08

Time Requested: 5 minutes

To: Board of Supervisors

From: Stacey Giomi, Fire Chief

Subject Title: ACTION TO ADOPT ON SECOND READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 4 LICENSES AND BUSINESS REGULATIONS, BY ADDING CHAPTER 4.05 SURCHARGE FOR ENHANCEMENT OR IMPROVEMENT OF TELEPHONE SYSTEM USED FOR REPORTING EMERGENCIES, SECTION 4.05.010 AUTHORITY AND PURPOSE, SECTION 4.05.020 DEFINITIONS, SECTION 4.05.030 ESTABLISHMENT OF AN ADVISORY COMMITTEE TO DEVELOP A PLAN TO ENHANCE OR IMPROVE THE TELEPHONE SYSTEM FOR REPORTING EMERGENCIES, SECTION 4.05.040 COMPOSITION OF THE ADVISORY COMMITTEE, SECTION 4.05.050 REGULATIONS, SECTION 4.05.060 QUORUM, SECTION 4.05.070 MEETINGS, SECTION 4.05.080 IMPOSITION OF THE TELEPHONE SURCHARGE, SECTION 4.05.090 CREATION OF SPECIAL REVENUE FUND; USE OF THE MONEY IN THE FUND, SECTION 4.05.100 PENALTY FOR FAILURE TO REMIT SURCHARGE, AND OTHER MATTERS PROPERLY RELATED THERETO.

Staff Summary: Nevada Revised Statute (NRS) 244A.7641 et. seq. allows the Board of Supervisors to create an advisory committee to establish a five-year master plan for the enhancement and improvement of the telephone system for reporting emergencies. Upon approval of the master plan, the Board of Supervisors has the authority to impose a surcharge in the amount of twenty-five cents (\$0.25) per month on all access lines, a surcharge in the amount of two dollars and fifty cents (\$2.50) per month on all trunk lines, and a surcharge in the amount of twenty-five cents (\$0.25) per month on all telephone numbers assigned to a customer by a supplier of mobile telephone service.

Type of Action Requested: (check one)
☐ Resolution ☒ Ordinance (Second Reading)
☐ Formal Action/Motion ☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: I MOVE TO ADOPT ON SECOND READING, BILL NO. 119, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 4 LICENSES AND BUSINESS REGULATIONS, BY ADDING CHAPTER 4.05 SURCHARGE FOR ENHANCEMENT OR IMPROVEMENT OF TELEPHONE SYSTEM USED FOR REPORTING EMERGENCIES, SECTION 4.05.010 AUTHORITY AND PURPOSE, SECTION 4.05.020 DEFINITIONS, SECTION 4.05.030 ESTABLISHMENT OF AN ADVISORY COMMITTEE TO DEVELOP A PLAN TO ENHANCE OR IMPROVE THE TELEPHONE SYSTEM FOR REPORTING EMERGENCIES, SECTION

4.05.040 COMPOSITION OF THE ADVISORY COMMITTEE, SECTION 4.05.050 REGULATIONS, SECTION 4.05.060 QUORUM, SECTION 4.05.070 MEETINGS, SECTION 4.05.080 IMPOSITION OF THE TELEPHONE SURCHARGE, SECTION 4.05.090 CREATION OF SPECIAL REVENUE FUND; USE OF THE MONEY IN THE FUND, SECTION 4.05.100 PENALTY FOR FAILURE TO REMIT SURCHARGE, AND OTHER MATTERS PROPERLY RELATED THERETO.

Explanation for Recommended Board Action: By approving this ordinance the Board will begin the process for staff to establish an advisory committee and for that committee to meet and develop a master plan. The master plan will be presented to the Board for approval. Once the master plan is approved the surcharge can be levied.

Applicable Statute, Code, Policy, Rule or Regulation: NRS 244A.7641 et. seq.

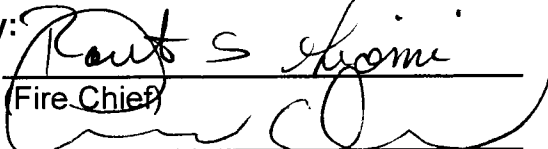
Fiscal Impact: The estimated annual revenue collected is \$254,000. Per NRS 244A.7645, this revenue must be placed into a special revenue fund and can only be used for the purposes described in the master plan.

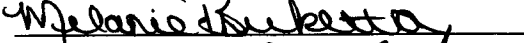
Funding Source: Surcharge

Supporting Material: Ordinance

Prepared By: M. Bruketta, S. Giomi

Reviewed By:


(Fire Chief)

(City Manager)

(District Attorney)

(Finance Director)

Date: 5-6-08

Date: 5-6-08

Date: 5-6-08

Date: 5-6-08

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

(Vote Recorded By)

Bill No. 119

Ordinance No. _____

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 4 LICENSES AND BUSINESS REGULATIONS, BY ADDING CHAPTER 4.05 SURCHARGE FOR ENHANCEMENT OR IMPROVEMENT OF TELEPHONE SYSTEM USED FOR REPORTING EMERGENCIES, SECTION 4.05.010 AUTHORITY AND PURPOSE, SECTION 4.05.020 DEFINITIONS, SECTION 4.05.030 ESTABLISHMENT OF AN ADVISORY COMMITTEE TO DEVELOP A PLAN TO ENHANCE OR IMPROVE THE TELEPHONE SYSTEM FOR REPORTING EMERGENCIES, SECTION 4.05.040 COMPOSITION OF THE ADVISORY COMMITTEE, SECTION 4.05.050 REGULATIONS, SECTION 4.05.060 QUORUM, SECTION 4.05.070 MEETINGS, SECTION 4.05.080 IMPOSITION OF THE TELEPHONE SURCHARGE, SECTION 4.05.090 CREATION OF SPECIAL REVENUE FUND; USE OF THE MONEY IN THE FUND, SECTION 4.05.100 PENALTY FOR FAILURE TO REMIT SURCHARGE, AND OTHER MATTERS PROPERLY RELATED THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 4 of the Carson City Municipal Code is hereby amended as follows:

Title 4 LICENSES AND BUSINESS REGULATIONS

Chapter 4.04 BUSINESS LICENSES

Chapter 4.05 SURCHARGE FOR ENHANCEMENT OR IMPROVEMENT OF TELEPHONE SYSTEM USED FOR REPORTING EMERGENCIES

Chapter 4.08 ROOM RENTAL TAX

Chapter 4.13 LIQUOR BOARD AND LIQUOR LICENSING AND SALES

Chapter 4.14 GAMING LICENSES AND REGULATIONS

Chapter 4.16 SOLICITORS AND CANVASSERS

Chapter 4.25 TRANSIENT FACILITY CHILD-TENDING AGENCIES

Chapter 4.27 BICYCLES*

Chapter 4.28 ASSEMBLIES

Chapter 4.29 MESSAGE ESTABLISHMENTS*

Chapter 4.30 INVASIVE BODY DECORATION ESTABLISHMENTS

SECTION II:

That Chapter 4.05 of the Carson City Municipal Code is hereby added as follows:

Chapter 4.05 SURCHARGE FOR ENHANCEMENT OR IMPROVEMENT OF
TELEPHONE SYSTEM USED FOR REPORTING EMERGENCIES

Sections:

- 4.05.010 Authority and Purpose.
- 4.05.020 Definitions.
- 4.05.030 Establishment of an advisory committee to develop a plan to
enhance or improve the telephone system for reporting emergencies.
- 4.05.040 Composition of the Advisory Committee.
- 4.05.050 Rules and regulations.
- 4.05.060 Quorum.
- 4.05.070 Meetings.
- 4.05.080 Imposition of telephone surcharge.
- 4.05.090 Creation of the special revenue fund; use of the money in fund.
- 4.05.100 Penalty for failure to remit surcharge.

SECTION III:

That Section 4.05.010 of the Carson City Municipal Code is hereby added as follows:

4.05.010 Authority and Purpose.

1. This chapter is enacted pursuant to NRS 244A.7641 through 244A.7647 for
the following purposes:

a. To establish an advisory committee to develop a 5-year master plan for
the enhancement or improvement of the telephone system for reporting emergencies in
Carson City and to oversee any money allocated for that purpose.

b. To impose a surcharge for the enhancement or improvement of the
telephone system for reporting an emergency in Carson City on:

1. Each access line or trunk line of each customer to the local
exchange of any telecommunications provider providing those lines in Carson City; and

2. The mobile telephone service provided to each customer of that service whose place of primary use is in Carson City.

SECTION IV:

That Section 4.05.020 of the Carson City Municipal Code is hereby added as follows:

4.05.020 Definitions.

As used in this chapter, the words and terms defined in this section have the meanings ascribed to them unless the context requires otherwise.

1. **Incumbent local exchange carrier-** Has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.

2. **Mobile telephone service -** Means cellular or other service to a telephone installed in a vehicle or which is otherwise portable.

3. **Place of primary use-** Has the meaning ascribed to it in 4 U.S.C. § 124(8), as that section existed on August 1, 2002.

4. **Supplier-** Means a person authorized by the Federal Communications Commission to provide mobile telephone service.

5. **Trunk line-** Means a line that provides a channel between a switchboard owned by a customer of a telecommunications provider and the local exchange of the telecommunications provider.

SECTION V:

That Chapter 4.05.030 of the Carson City Municipal Code is hereby added as follows:

4.05.030 Establishment of an advisory committee to develop a plan to enhance or improve telephone system for reporting emergency.

1. The Board hereby creates a five member advisory committee called the "9-1-1 Surcharge Advisory Committee" to develop a 5-year master plan for the enhancement or improvement of the telephone system for reporting an emergency in Carson City and to oversee any money allocated for that purpose. The master plan must include an estimate of the cost of the enhancement or improvement of the telephone system and all proposed sources of money for funding the enhancement or improvement.

a. Members will serve without compensation.

b. A member appointed to the Committee must:

1. Be a resident of Carson City.

2. Possess knowledge concerning telephone systems for reporting emergencies; and

3. Not be an elected public officer.

c. As Carson City has a population of less than 100,000, at least one member of the Committee must be a representative of an incumbent local exchange carrier which provides service to persons in Carson City.

2. Members will be selected at large by the Board at its discretion.

3. The Board must appoint members for a term of two years, except for the initial terms. In order to stagger the terms, the Board must set the initial appointed members' terms to provide for terms of three of the appointed members to end on December 31, 2009, and for the terms of two of the appointed members terms to end on December 31, 2008. A member may be reappointed to subsequent terms of two years. Any vacancy occurring during a member's term will be filled by the Board. A person appointed to fill a vacancy occurring during a term must serve out the unexpired term of the member replaced.

SECTION VI:

That Section 4.05.040 of the Carson City Municipal Code is hereby added as follows:

4.05.040 Chairman, election, and duties.

1. The committee must elect from its membership a chairman and vice-chairman.

2. The chairman will preside at meetings and be the signatory of any correspondence necessitated by operation of the committee.

3. The vice-chairman will carry out the duties of the chairman in his/her absence.

SECTION VII:

That Section 4.05.050 of the Carson City Municipal Code is hereby added as follows:

4.05.050 Rules, regulations and bylaws.

The committee may adopt rules, regulations and/or bylaws regarding its meetings and procedures.

SECTION VIII:

That Section 4.05.060 of the Carson City Municipal Code is hereby added as follows:

4.05.060 Quorum.

Three members of the committee will constitute a quorum. The approval of a majority of all members present to vote is necessary on any action the committee desires to take.

SECTION IX:

That Section 4.05.070 of the Carson City Municipal Code is hereby added as follows:

4.05.070 Meetings.

The committee must hold a public meeting not less than quarterly. Any member of the committee may request a meeting of the committee for special purposes. Such requests shall be made to the chairman, or in his absence, the vice-chairman. Notice of the meetings and the conduct of the meetings of the committee, including the taking of minutes and their transcription and retention, must comply with the provisions of chapter 241 of NRS, Nevada Open Meeting Law.

SECTION X:

That Section 4.05.080 of the Carson City Municipal Code is hereby added as follows:

4.05.080 Imposition of telephone surcharge.

1. Imposition of the surcharges set forth in this section will not commence until the Board adopts a five year master plan as set forth in CCMC 4.05.030.

2. When the Board imposes a surcharge for the enhancement of the telephone system for reporting an emergency in Carson City, the surcharge will be placed on:

(a) Each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines in Carson City; and

(b) The mobile telephone service provided to each customer of that service whose place of primary use is in Carson City.

3. The surcharge on access lines to the local exchange of a telecommunications provider will be twenty-five cents (\$0.25) per month per line.

4. The surcharge on trunk lines to the local exchange of a telecommunications provider will be two dollars and fifty cents (\$2.50) per month per line.

5. The surcharge for each telephone number assigned to a customer by a supplier of mobile telephone service will be twenty-five cents (\$0.25) per month per telephone number.

6. A telecommunications provider that provides access lines or trunk lines in Carson City and a supplier that provides mobile telephone service to customers in Carson City must collect the surcharge from its customers each month. Except as otherwise provided in NRS 244A.7647, each telecommunications provider and supplier must remit the surcharge it collects to the treasurer of the county in which the surcharge is imposed not later than the 15th day of the month after the month it receives payment of the surcharge from its customers. In accordance with NRS 244A.7647, a telecommunications provider or supplier which collects the surcharge imposed pursuant to this section is entitled to retain an amount of the surcharge collected which is equal to the cost to collect the surcharge.

7. Telecommunications providers and mobile telephone service suppliers affected by this ordinance must begin imposing the surcharges described in this section within 60 days after the Board approves a 5-year master plan for the enhancement or improvement of the telephone system for reporting emergencies in the county commencing with a full monthly billing cycle.

8. The committee or City Manager may adopt procedures as necessary to effectuate the provisions of this section.

SECTION XI:

That Section 4.05.090 of the Carson City Municipal Code is hereby added as follows:

4.05.090 Creation of special revenue fund; use of money in fund.

1. The Board hereby creates a special revenue fund for the deposit of any money collected pursuant to NRS 244A.7643 and CCMC 4.05.080. The money in the fund must be used only for the following purposes:

(a) To enhance the telephone system for reporting an emergency so that the number and address from which a call received by the system is made may be determined, including only:

(1) Paying recurring and nonrecurring charges for telecommunication services necessary for the operation of the enhanced telephone system;

(2) Paying costs for personnel and training associated with the routine maintenance and updating of the database for the system;

(3) Purchasing, leasing or renting the equipment and software necessary to operate the enhanced telephone system; and

(4) Paying costs associated with any maintenance, upgrade and replacement of equipment and software necessary for the operation of the enhanced telephone system.

(b) To improve the telephone system for reporting emergencies in the county.

2. If the balance in the fund created pursuant to subsection 1 which has not been committed for expenditure exceeds \$500,000 at the end of any fiscal year, the Board must reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$500,000.

SECTION XII:

That Section 4.05.100 of the Carson City Municipal Code is hereby added as follows:

4.05.100 Penalty for failure to remit surcharges

Any telecommunications provider or mobile telephone service supplier that fails to remit surcharges due within 90 days after the date on which the telecommunications provider or supplier must otherwise remit the surcharges to the County Treasurer will be subject to a penalty of 5% of the cumulative amount of surcharges owed by the telecommunications provider or supplier.

SECTION XIII:

No other provisions of Chapter 4.05 of the Carson City Municipal Code are affected by this ordinance.

Proposed on May (month) 1 (day) 2008.

Proposed by Supervisor Shelly Aldean.

Passed _____ (month) _____ (day) 2008.

Vote:

Ayes: Supervisors _____

Nays: Supervisors _____

Absent: Supervisors _____

Attest:

Alan Glover, Clerk/Recorder

Marv Teixeira, Mayor

This ordinance shall be in force and effect from and after the ____ day of the month of _____ of the year 2008.