

Item # 10

**City of Carson City
Agenda Report**

Date Submitted: 2-9-10

Agenda Date Requested: 2-18-10

Time Requested: <5 minutes

To: Carson City Board of Supervisors

From: Stacey Giomi, Fire Chief

Subject Title: Action to adopt on second reading, Bill # 101, an ordinance amending Carson City Municipal Code Chapter 4.05 Surcharge for Enhancement or Improvement of Telephone System used for Reporting Emergencies, Section 4.05.010 Authority and purpose, by deleting reference to "master plan", amending Section 4.05.020 Definitions, by adding the definition of a "Telephone System", amending Section 4.05.030 Establishment of an advisory committee to develop a plan to enhance or improve telephone system for reporting emergency, by deleting the reference to the "master plan", amending Section 4.05.080 Imposition of telephone surcharge, by requiring the Board of Supervisors to review the master plan on an annual basis and deleting certain out-of-date provisions regarding the implementation of the surcharges, amending Section 4.05.090 Creation of special revenue fund; use of money in fund, by identifying specific software that can be purchased or leased and increasing the allowable fund balance from \$500,000 to \$1,000,000, adding Section 4.05.110 Dispute of amount of surcharge or designation of place of primary use by customer of supplier of mobile telephone service: Notice by customer; review by supplier; refund, credit or explanation, that sets forth a process whereby a customer can seek review of the charge that is applied to his phone service and other matters properly related thereto. (Stacey Giomi, Fire Chief)

Staff Summary: Carson City adopted an ordinance in 2008 that allowed the Board of Supervisors to create a master plan to be used to enhance or improve the telephone system in Carson City for reporting emergencies. This ordinance is similar to state law set forth in Nevada Revised Statute Chapter 244A. The proposed amendments reflect changes that were made to the state law during the last legislative session.

Type of Action Requested: (check one)
☐ Resolution ☒ Ordinance- First 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 #101, an ordinance amending Carson City Municipal Code Chapter 4.05 Surcharge for Enhancement or Improvement of Telephone System used for Reporting Emergencies, Section 4.05.010 Authority and purpose, by deleting reference to "master plan", amending Section 4.05.020 Definitions, by adding the definition of a "Telephone System", amending Section 4.05.030 Establishment of an advisory committee to

develop a plan to enhance or improve telephone system for reporting emergency, by deleting the reference to the "master plan", amending Section 4.05.080 Imposition of telephone surcharge, by requiring the Board of Supervisors to review the master plan on an annual basis and deleting certain out-of-date provisions regarding the implementation of the surcharges, amending Section 4.05.090 Creation of special revenue fund; use of money in fund, by identifying specific software that can be purchased or leased and increasing the allowable fund balance from \$500,000 to \$1,000,000, adding Section 4.05.110 Dispute of amount of surcharge or designation of place of primary use by customer of supplier of mobile telephone service: Notice by customer; review by supplier; refund, credit or explanation, that sets forth a process whereby a customer can seek review of the charge that is applied to his phone service and other matters properly related thereto.

Explanation for Recommended Board Action: During the last legislative session, state law changed regarding the surcharge fees that municipalities can impose for the enhancement or improvement of the telephone system when reporting emergencies. Adoption of this ordinance will reflect the changes made to state law. Some of the proposed changes include: 1. Requiring the Board of Supervisors to review the master plan on an annual basis; 2. Requiring the advisory committee to create a plan to carry out the goals of the master plan; 3. Allowing the Board of Supervisors to increase the fund balance from \$500,000 to \$1,000,000; and 4. Establishing a process for customers to follow who wish to dispute the fee.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 4.05, NRS 244A

Fiscal Impact: N/A

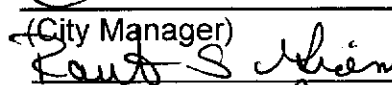
Funding Source: N/A

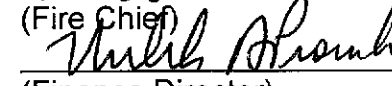
Supporting Material: Proposed Ordinance, SB 59

Prepared By: Melanie Bruketta, Chief Deputy D.A.

Reviewed By:



(City Manager)


(Fire Chief)


(Finance Director)

Date: 2/9/2010

Date: 2-9-10

Date: 2/9/2010

Board Action Taken:

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

(Vote Recorded By)

1 ORDINANCE NO. _____

2 BILL NO. 101

3 An ordinance amending Carson City Municipal Code Chapter 4.05 Surcharge for
4 Enhancement or Improvement of Telephone System used for Reporting Emergencies,
5 Section 4.05.010 Authority and purpose, by deleting reference to "master plan", amending
6 Section 4.05.020 Definitions, by adding the definition of a "Telephone System", amending
7 Section 4.05.030 Establishment of an advisory committee to develop a plan to enhance or
8 improve telephone system for reporting emergency, by deleting the reference to the "master
9 plan", amending Section 4.05.080 Imposition of telephone surcharge, by requiring the Board
10 of Supervisors to review the master plan on an annual basis and deleting certain out-of-date
11 provisions regarding the implementation of the surcharges, amending Section 4.05.090
12 Creation of special revenue fund; use of money in fund, by identifying specific software that
13 can be purchased or leased and increasing the allowable fund balance from \$500,000 to
14 \$1,000,000, adding Section 4.05.110 Dispute of amount of surcharge or designation of place
15 of primary use by customer of supplier of mobile telephone service: Notice by customer;
16 review by supplier; refund, credit or explanation, that sets forth a process whereby a customer
17 can seek review of the charge that is applied to his phone service and other matters properly
18 related thereto.

19 THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

20 SECTION I:

21 That Chapter 4.05 Surcharge for Enhancement or Improvement of Telephone System
22 used for Reporting Emergencies of the Carson City Municipal Code is hereby amended as
23 follows:

24 Sections:

25 4.05.010 Authority and purpose.

26 4.05.020 Definitions.

27 4.05.030 Establishment of an advisory committee to develop a plan to enhance or improve
28 telephone system for reporting emergency.

4.05.040 Chairman, election and duties.

4.05.050 Rules, regulations and bylaws.

4.05.060 Quorum.

4.05.070 Meetings.

4.05.080 Imposition of telephone surcharge.

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

4.05.100 Penalty for failure to remit surcharges

4.05.110 Dispute of amount of surcharge or designation of place of primary use by customer
of supplier of mobile telephone service: Notice by customer; review by supplier; refund, credit
or explanation.

1 SECTION II:

2 That Section 4.05.010 Authority and purpose, of the Carson City Municipal Code is
3 hereby amended as follows:

4 4.05.010 Authority and purpose.

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

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

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

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

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

16 SECTION III:

17 That Section 4.05.020 Definitions, of the Carson City Municipal Code is hereby
18 amended as follows:

19 4.05.020 Definitions.

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

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

25 "Mobile telephone service" means cellular or other service to a telephone installed in a vehicle
26 or which is otherwise portable.

27 "Place of primary use" has the meaning ascribed to it in 4 U.S.C. § 124(8), as that section
28 existed on August 1, 2002.

"Supplier" means a person authorized by the Federal Communications Commission to
provide mobile telephone service.

"Telephone system" means a system for transmitting information between or among points
specified by the user that does not change the form or content of the information regardless
of the technology, facilities or equipment used. A telephone system may include, without
limitation:

(a) Wireless or Internet technology, facilities or equipment; and

(b) Technology, facilities or equipment used for transmitting information from an emergency
responder to the user or from the user to an emergency responder.

"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 IV:

1 That Section 4.05.030 Establishment of an advisory committee to develop a plan to
2 enhance or improve telephone system for reporting emergency, of the Carson City Municipal
Code is hereby amended as follows:

3 4.05.030 Establishment of an advisory committee to develop a plan to enhance or improve
4 telephone system for reporting emergency.

5 1. The board hereby creates a five member advisory committee called the "9-1-1 surcharge
6 advisory committee" to develop a [5-year master] plan [for] to [the] enhance[ment] or
7 improve[ment] [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.]

8 a. Members will serve without compensation.

9 b. A member appointed to the committee must:

10 (1) Be a resident of Carson City.

(2) Possess knowledge concerning telephone systems for reporting emergencies; and

(3) Not be an elected public officer.

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

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

14 3. The board must appoint members for a term of two years, except for the initial terms. In
15 order to stagger the terms, the board must set the initial appointed members' terms to provide
16 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.

17 SECTION V:

18 That Section 4.05.080 Imposition of telephone surcharge, of the Carson City Municipal
19 Code is hereby amended as follows:

20 4.05.080 Imposition of telephone surcharge.

21 1. [Imposition of the surcharges set forth in this section will not commence until the board
22 adopts a five year master plan as set forth in CCMC 4.05.030.] For the duration of the
23 imposition of the surcharges, the Board of Supervisors shall, at least annually, review and if
necessary, update the master plan.

24 2. [When t]The board imposes [a] surcharges for the enhancement of the telephone system
for reporting an emergency in Carson City[, the surcharge will be placed] on:

25 (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

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

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

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

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

2 6. A telecommunications provider that provides access lines or trunk lines in Carson City and
3 a supplier that provides mobile telephone service to customers in Carson City must collect the
4 surcharge from its customers each month. Except as otherwise provided in NRS 244A.7647,
5 each telecommunications provider and supplier must remit the surcharge it collects to the
6 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 [7. Telecommunications providers and mobile telephone service suppliers affected by this
8 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
9 telephone system for reporting emergencies in the county commencing with a full monthly
billing cycle.]

10 8. The committee or city manager may adopt procedures as necessary to effectuate the
11 provisions of this section.

12 SECTION VI:

13 That Section 4.05.090 Creation of special revenue fund; use of money in fund, of the
14 Carson City Municipal Code is hereby amended as follows:

15 4.05.090 Creation of special revenue fund; use of money in fund.

16 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:

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

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

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

21 (3) Purchasing, leasing or renting the equipment and software necessary to operate the
enhanced telephone system, including, without limitation, equipment and software that
22 identify the number or location from which a call is made; and

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

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

25 2. If the balance in the fund created pursuant to subsection 1 of this section which has not
26 been committed for expenditure exceeds [\$500,000.00] \$1,000,000 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 [\$500,000.00] \$1,000,000.

27 SECTION VII:

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1 That Section 4.05.110 Dispute of amount of surcharge or designation of place of
2 primary use by customer of supplier of mobile telephone service: Notice by customer; review
3 by supplier; refund, credit or explanation, of the Carson City Municipal Code is hereby added
4 as follows:

5 **4.05.110 Dispute of amount of surcharge or designation of place of primary use by**
6 **customer of supplier of mobile telephone service: Notice by customer; review by**
7 **supplier; refund, credit or explanation.**

8 1. If a customer of a supplier of mobile telephone service believes that the amount
9 of a surcharge imposed pursuant to NRS 244A.7643 or the designation of a place of primary
10 use is incorrect, the customer may notify the supplier of mobile telephone service in writing of
11 the alleged error. The notice must include:

- 12 (a) The street address for the place of primary use of the customer;
13 (b) The account number and name shown on the billing statement of the
14 account for which the customer alleges the error;
15 (c) A description of the alleged error; and
16 (d) Any other information which the supplier of mobile telephone service may
17 reasonably require to investigate the alleged error.

18 2. Within 60 days after receiving a notice sent pursuant to subsection 1, the
19 supplier of mobile telephone service shall review the records that the supplier of mobile
20 telephone service uses to determine the place of primary use of its customers.

21 3. If the review indicates:

22 (a) That the alleged error exists, the supplier of mobile telephone service
23 shall correct the error and refund or credit the customer for the amount which was
24 erroneously collected for the applicable period, not to exceed the 24 months immediately
25 preceding the date on which the customer notified the supplier of mobile telephone service of
26 the alleged error.

27 (b) That no error exists, the supplier of mobile service shall provide a written
28 explanation to the customer who alleged the error.

4. A customer may not bring a cause of action against a supplier of mobile
telephone service for surcharges incorrectly imposed pursuant to NRS 244A.7643 unless he
first complies with this section.

SECTION VIII:

That no other provisions of Chapter 4.05 are affected by this ordinance.

PROPOSED on ____ (month) ____ (day), 2010.

PROPOSED by Supervisor _____.

PASSED ____ (month) ____ (day), 2010.

VOTE:

AYES:

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NAYES:

ABSENT:

ATTEST:

ALAN GLOVER, Clerk/Recorder

ROBERT L. CROWELL, Mayor

This ordinance shall be in force and effect from and after the ____day of the month of _____ of the year 2010.