

No action at this time.

Madison Co. Ky

IN RE: ORDINANCE 90-09 (911 EMERGENCY SYSTEM)

Motion by Larry Combs, seconded by Forniss Park that the following or be given a first reading: 90=09

ORDINANCE NO. 90.09

AN ORDINANCE OF MADISON COUNTY, KENTUCKY, AUTHORIZING THE ESTABLISHMENT OF A 911 FEE FOR MADISON COUNTY AND ESTABLISHING A JOINT-911 SYSTEM BETWEEN MADISON COUNTY AND THE CITIES OF RICHMOND, BEREA, AND THE KENTUCKY STATE POLICE.

WHEREAS, the legislative bodies of the Cities of Richmond and Berea and the County of Madison have previously expressed their support for the establishment of a 911 emergency system and related public service answering points; 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 costs of establishing and maintaining an emergency telephone service system; and

WHEREAS, South Central Bell Telephone Company and General Telephone, hereinafter referred to as "Phone Companies" are the providers of the local phone service in the Cities of Richmond and Berea and has available 911 emergency telephone service which will meet the emergency phone service needs of Madison County; and

WHEREAS, the Madison County Fiscal Court has determined that it is in the best interest of the health, safety, and welfare of the citizens of Madison County to establish a joint 911 emergency telephone service with the Cities of Richmond and Berea; and

WHEREAS, the City of Richmond, County of Madison, have each appropriated \$50,000.00 and the City of Berea appropriated \$25,000.00 July, 1991 and the Kentucky State Police has appropriated \$50,000.00 in 1991; and

WHEREAS, the above sums are to be used to partially implement and purchase the 911 system and those amounts along with user fees beginning immediately are necessary to initiate the system;

NOW, THEREFORE, BE IT ORDAINED by the County of Madison, Commonwealth of Kentucky, as follows:

1. Madison County, Kentucky, by and through the Madison County Judge/Executive, is hereby authorized to enter into an agreement with South Central Bell Telephone Company and General Telephone to provide for the construction, implementation and ongoing maintenance of a joint 911 emergency system with the Cities of Richmond and Berea, Kentucky. Said agreement shall reflect the actual costs of construction, the projected direct and indirect costs of construction, the projected direct and indirect costs of maintaining the 911 emergency system by the "Phone Companies" and the rate charged by the "Phone Companies" for the contract.

2. There is established a "911 Fee" of eighty-three cents (\$.83) per month for each exchange telephone subscriber which is levied as a special tax, license and/or fee to be paid by each exchange telephone subscriber in the local area on an individual exchange line basis, limited to a maximum of 25 exchange lines per account by the 1st day of October, 1990, and each month thereafter.

3. The "Phone Companies" shall collect the 911 fee from the subscriber beginning October 1, 1990 and remit said fee to Madison County according to the terms of the agreement.

# ORDERS

MADISON COUNTY FISCAL

COURT

Term, JULY Day, 3 Day of JULY 19 90

4. The South Central Bell Telephone Company and General Telephone shall pay said sums to the Treasurer of Madison County within 20 days after the end of each month, and the Treasurer shall deposit said sums in a special account which shall be used only for the purchase of equipment for the 911 emergency system and/or operating expenses of said system. The money so deposited shall not be used for any other purpose.

5. The Madison County Judge/Executive be and is hereby authorized to execute and enter into an agreement with the Cities of Richmond, Berea and the Kentucky State Police to establish a Joint 911 system and related public safety answering points (PSAP's) for Madison County, Kentucky.

6. This ordinance further requires collection of a surcharge from each subscriber of telephone service of South Central Bell and General Telephone in Madison County, Kentucky, in an amount of eighty-three cents (\$.83) per individual exchange line or as otherwise established by the Madison County Fiscal Court and further authorizes payment of said funds by the telephone company to Madison County to establish and maintain the 911 system and related public safety answering points as determined to be necessary by the Fiscal Court.

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

On motion by LARRY COMBS, Seconded by FORNISS PARKS, approved at the first reading by the Madison County Fiscal Court on the 3rd day of JULY, 1990,

George William Robbins  
GEORGE WILLIAM ROBBINS  
MADISON COUNTY JUDGE/EXECUTIVE

ATTEST:  
Mary Jase Ginter  
MARY JASE GINTER, CLERK

Second reading and adoption of ordinance approved on Motion of \_\_\_\_\_, Seconded by \_\_\_\_\_, and adopted at a regular

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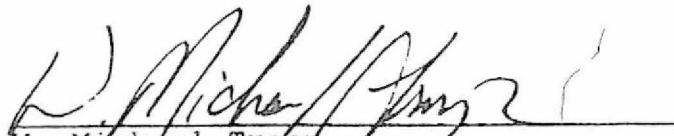
WHEREAS, the City of Richmond, County of Madison, have each appropriated \$50,000.00 and the City of Berea appropriated \$25,000.00 July, 1991 and the Kentucky State Police has appropriated \$50,000.00 in 1991; and

INTERLOCAL COOPERATION AGREEMENT  
BETWEEN THE KENTUCKY STATE POLICE AND THE COUNTY OF MADISON,  
CITY OF RICHMOND, AND THE CITY OF BEREA  
FOR THE ESTABLISHMENT AND OPERATION  
OF A PUBLIC SAFETY ANSWERING POINT  
FOR AN ENHANCED 911 EMERGENCY TELEPHONE SERVICE

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MAR 21 10 51 AM '91  
CLERK

I hereby certify that I am the chief executive officer for the Kentucky State Police and that this document is a true and accurate copy of the original Interlocal Cooperation Agreement which is filed of record under my custody and control in the official files of the Kentucky State Police.

Witness my hand and seal this 13th day of March, 1991.

  
W. Michael Troop  
Secretary, Justice Cabinet

Acting Commissioner  
Department of State Police

RECEIVED

Mar 19 1991

SECRETARY OF  
COMMONWEALTH

INTERLOCAL COOPERATION AGREEMENT

This Interlocal Cooperation Agreement made and entered into on this  
13 day of March, 1991, pursuant to the Kentucky Interlocal  
Cooperation Act, being KRS 65.210, et seq. by and between

Madison County Kentucky  
By and through George William Robbins  
County Judge Executive  
Madison County Courthouse  
Richmond, Kentucky 40475

and

The City of Richmond, Kentucky  
By and through Ann L. Durham  
Mayor  
Box 250  
Richmond, Kentucky 40476-0250

and

The City of Berea, Kentucky  
By and through Dr. Clifford Kerby  
Mayor  
Berea City Hall  
Berea, Kentucky 40403

and

The Kentucky State Police  
By and through W. Michael Troop  
Commissioner  
919 Versailles Road  
Frankfort, Kentucky 40601

for the establishment of Public Safety Answering Point(s) hereinafter called  
PSAP(s) in Madison County, Kentucky, to answer all calls for emergency ser-  
vices originating from Madison County through the enhanced 911 Emergency  
Service System (E911) which is to be established, now

WITNESS:

WHEREAS, the establishment of an Enhanced 911 Emergency Service System will greatly contribute to the public safety and benefit the citizens of Madison County; and

WHEREAS, the successful implementation and efficient operation of the local E911 system requires PSAPs equipped with modern equipment, operated continuously by trained personnel, and housed in secure facilities; and

WHEREAS, it is cost effective to have as few PSAPs as practical for the above-named entities; and

WHEREAS, the Kentucky State Police and the above-named governments have determined that it is mutually advantageous and beneficial to combine resources and enter into a cooperative arrangement for the establishment of a PSAP at the Richmond Police Department; a PSAP at the Kentucky State Police Post in Richmond; and a PSAP at the Berea Police Department, all of which will serve Madison County.

NOW THEREFORE, the parties hereto, acting through their respective chief executive officers pursuant to lawful and duly delegated authority, agree as follows:

TERM

The term of this Interlocal Cooperative Agreement shall be for three (3) years from the date of the execution by the last signatory and is to be reviewed by the PSAP Board sixty (60) days prior to its anniversary date.

ESTABLISHMENT OF THE PSAPs

A. There is hereby established at the Richmond Post of the Kentucky State Police a Public Safety Answering Point (PSAP) which will answer all E911 calls from the unincorporated areas of Madison County and which will be responsible for routing the calls immediately to the appropriate police, fire, or ambulance service for emergency response.

B. There is hereby established at Richmond Police Department a PSAP which will answer all E911 calls originating within the city limits of Richmond and which will be responsible for routing the calls immediately to the appropriate police, fire, or ambulance service for emergency response.

C. There is hereby established at the Berea Police Department a PSAP which will answer all E911 calls originating within the city limits of Berea and which will be responsible for routing the calls immediately to the appropriate police, fire or ambulance service for emergency response.

D. The PSAPs shall be under the administrative and operational control

of the respective Chief of Police or Post Commander, with the exceptions hereinafter set forth. Each PSAP shall select a PSAP manager.

PSAP ADVISORY BOARD

There shall be established an eight (8) member PSAP Advisory Board which shall consist of the Commander of the Richmond Post of the Kentucky State Police or his designee, the Commander of the Kentucky State Police Communications Section or his designee, and the County Judge Executive of Madison County and a member designated by the Madison Fiscal Court and the Mayor of the City of Richmond and a member designated by the Richmond City Commission and the Mayor of the City of Berea and a member designated by the Berea City Council. The County Judge Executive and Mayors may be represented on the Board by their designees. The Madison County Judge Executive or his designee shall serve as Chairman of the Board.

The Board shall meet upon the call of the Chairman with a 24 hour notice and shall be apprised by the PSAP managers of all significant plans and events. The Board shall have access to all PSAP records and shall maintain confidentiality as to any records or portions thereof which would reveal any unlisted telephone number or which have been classified by the PSAP managers as confidential. The Board may inspect the PSAP facility or observe PSAP operations. The Board, acting through its chairman, may inquire of the PSAP Manager as to any aspect of the PSAP operations and shall be entitled to a response, in writing if so requested, within a reasonable time. The Board

shall make its own rules for the conduct of meetings or other business not set forth in this agreement.

The Board shall be responsible for the resolution by the majority vote of all disputes between the parties to this agreement which are related to the operation of the PSAP. At the direction of the majority, the chairman shall issue an order to resolve the dispute and such order shall have binding force and effect upon the parties in dispute. Five members of the Board (at least one from each body) shall constitute a quorum for the resolution of disputes or transactions of any other business.

The Board is empowered to allocate and expend the proceeds from the collected E911 user fees to effect the operation of the E911 system.

AUTHORIZING LEGISLATION

As an essential condition precedent to the validity of the agreement Madison County and the Cities of Richmond and Berea must authorize and approve this agreement. The County of Madison has enacted an ordinance authorizing the collection of a fee from each subscriber by the local telephone companies and the payment of all funds collected to the Madison Fiscal Court to purchase equipment and services and establish and maintain the PSAPs as approved by the PSAP Board.

GEOGRAPHICAL INFORMATION

Madison County agrees to furnish the local telephone companies and the PSAP Board with geographical information consisting of unique street addresses for all subscribers and all specific premises and real estate parcels in the county. The geographical information shall be in a form acceptable to the local telephone companies and the Kentucky State Police.

FUNDING AND FISCAL ADMINISTRATION

The PSAP Board shall develop a budget and allocate appropriate and necessary funds towards the initial purchase of equipment and renovation of facilities. A surcharge of Eighty Three cents (\$.83) per exchange line per month, as previously authorized, and as limited by KRS 65.760 (3), shall be applied to fund the operation of the E911 system. The ordinance has determined the first month in which the fee is to be charged and the PSAP Board shall approve a budget. The amount of the monthly surcharge shall be subject to annual review by the PSAP Board. The PSAP Board shall recommend any modification of the amount of the surcharge, based upon projected costs as set forth in the annual budget.

The monthly surcharge shall be collected by the local telephone companies. After retention by the local telephone companies of an agreed-upon percentage of the total surcharge collected monthly, said retention as authorized by ordinance of the fiscal court, the remainder of the amount collected shall be paid by the local telephone companies to the Madison Fiscal

Court, where it shall be deposited in a separate trust and agency account solely dedicated to the establishment and operation of the E911 service.

The implementation date of the E911 system and the PSAPs shall be as soon as practicable after the date of this agreement.

EQUIPMENT, SUPPLIES AND FACILITIES

The PSAP Board shall purchase, install and maintain all necessary equipment, supplies, and facilities, including furnishings and renovations, from funds received from the subscriber fees, as set forth above. All purchases from said funds shall be for purposes directly related to the operation of the PSAPs and for no other purpose.

PERSONNEL

The respective PSAP bodies shall hire, pay, train, supervise and discipline all personnel necessary for the operation of the respective PSAPs. All personnel employed at the KSP PSAP shall be state employees and members of the classified service and the Kentucky Employees Retirement System. The Madison Fiscal Court may contract with the Kentucky State Police for dispatching services for a county PSAP at the KSP Post 7. The cities shall provide adequate personnel and space for their PSAPs.

### PSAPS POLICIES AND PROCEDURES

The PSAP Board shall determine policy and procedure to govern the uniform operations of the PSAPs. The KSP Communications section shall provide professional input into these policies and procedures. The PSAPs shall be managed and directed by and under the above policies and procedures.

It is expressly understood and agreed to by the parties hereto, however, that the PSAPs shall adhere to the practice of routing all emergency calls for police services to the police agency of appropriate jurisdiction which can respond most quickly.

### LIABILITY

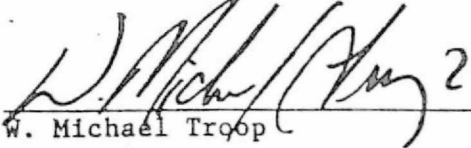
It is expressly understood and agreed that the execution of this agreement does not alter or constitute a waiver in whole or in part of any of the privileges or immunities otherwise enjoyed by the governmental entities which are parties hereto. Madison County agrees to hold harmless and indemnify the Kentucky State Police from any liability claims or damages arising by reason of the negligence or other wrongful acts of any officer, agent, or employee of said county. The PSAP Board shall carry appropriate liability and errors and omissions insurance.

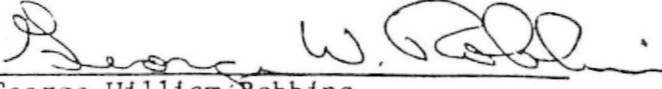
EXECUTION AND VALIDITY


This agreement shall be valid and binding only when all the following acts have occurred:

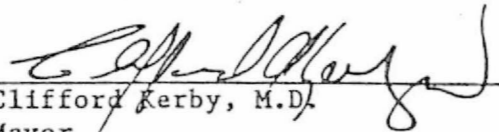
1. Execution by the Commissioner of the Kentucky State Police;
2. Execution by the County Judge Executive of Madison County and Mayors of the cities of Richmond and Berea as authorized by the respective legislative bodies;
3. Approval by the Attorney General of the Commonwealth of Kentucky pursuant to KRS 65.260;
4. Filing of attested copies with the Secretary of State of the Commonwealth of Kentucky and the County Clerk of Madison County as required by KRS 65.290.

IN WITNESS WHEREOF, we have hereunto set our hands pursuant to the law of the Commonwealth of Kentucky and duly enacted county ordinances, copies of which are attached hereto, authorizing the execution of this agreement.

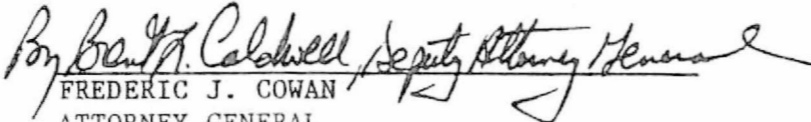
  
\_\_\_\_\_  
W. Michael Troop  
Commissioner  
Kentucky State Police  
Date: 2/20/91

  
\_\_\_\_\_  
George William Robbins  
County Judge Executive  
Madison County  
Date: 2/19/91

  
\_\_\_\_\_  
Ann L. Durham  
Mayor  
City of Richmond  
Date: Jan 22, 1991

  
\_\_\_\_\_  
Clifford Kerby, M.D.  
Mayor  
City of Berea  
Date: Jan 15, 1991

APPROVED, pursuant to KRS 65.260 this 3<sup>rd</sup> day of March, 1991.

  
\_\_\_\_\_  
FREDERIC J. COWAN  
ATTORNEY GENERAL  
COMMONWEALTH OF KENTUCKY