

**MADISON COUNTY FISCAL COURT
MADISON COUNTY, KY
ORDINANCE 2024-07**

**AN ORDINANCE RELATING TO THE FUNDING OF ENHANCED 911
EMERGENCY COMMUNICATIONS CENTER OPERATIONS
FOR THE CITY OF BEREА, THE CITY OF RICHMOND
AND THROUGHOUT MADISON COUNTY, KENTUCKY
AND REPEALING ORDINANCE 07-11**

WHEREAS, in 2008 Madison County implemented a joint safety answering service to provide a single telephone number for emergency services creating a joint-911 center for City of Berea and Madison County; and

WHEREAS in 2010, the City of Richmond joined the joint 911 Emergency Communications Center; and

WHEREAS, at the time of its establishment, Madison County, the City of Berea and the City of Richmond provided for the funding of this vital service through a monthly fee levied on each landline telephone subscriber in Madison County, which was collected through telephone service providers, and which was authorized by Ordinance 07-11; and,

WHEREAS, at the time of the 911 service and fee were established, most households communicated through landline telephones, as there were few cellular telephones in existence; and,

WHEREAS, the percentage of households in Madison County having landline telephone service has decreased in favor of cellular phone usage; and

WHEREAS, the fee levied on landline telephone service is no longer sufficient to fund, maintain and operate an E-911 service as the Madison County Emergency Communications Center; and

WHEREAS, Madison County is a political subdivision of the Commonwealth of Kentucky, and pursuant to KRS 67.083, has the authority to provide and finance various governmental services within broad functional areas specified in the statute, AND;

WHEREAS, the establishment, maintenance and operation of the Madison County Emergency Communications Center is an essential public safety service used by residents of the City of Berea, the City of Richmond and Madison County, as well as workers and travelers while situated in the county; and

WHEREAS, it is essential to the health, safety and welfare of the residents of Madison County that quality 911 emergency services be provided by the Madison County Emergency Communications Center; and

WHEREAS, the Madison County Fiscal Court previously authorized a 911 service fee apportioning the required annual operational appropriation for 911 services on landline phones, but this ordinance sets the 911 fee among five (5) classifications of real property based on an analysis of the percentage of 911 calls for service made to the Madison County Emergency Communications Center during the preceding year as follows;

- a) 911 Fee Classification **Single Family/Farm Dwellings** to include properties zoned as: (or current zoning regulations guidelines)
 - i) A-1, AG, R-7, RC-7, UC-7
- b) 911 Fee Classification **Multi Family Dwellings** to include properties zoned as: (or current zoning regulations guidelines)
 - i) PUD, R-2, R-3, UC-2
- c) 911 Fee Classification **Business Properties** to include properties zoned as: (or current zoning regulations guidelines)
 - i) B-1, B-2, B-3, B-4, C-1, C-4, C-7, P-1, RC-3, RC-4, UC-3, UC-4, UC-4IC
- d) 911 Fee Classification **Industrial Properties** to include properties zoned as: (or current zoning regulations guidelines)
 - i) I-1, I-2, UC-5
- e) 911 Fee Classification **Public Use Properties** to include properties zoned as: (or current zoning regulations guidelines)
 - i) INS, PSF, PSP, RC-7, S, UC-6

WHEREAS, the financial burden of funding 911 Emergency Communication Center dispatch services can be most equitably distributed among the citizens of Madison County by undertaking an analysis of the volume of calls for services being provided to various classifications of real property from the prior calendar year for properties that are situated within the County, as determined by the current zoning classification applicable to each parcel (hereinafter “Classification”); and by then allocating the annual funding requirements of the 911 Emergency Communication Center above and beyond any other collateral funding sources (hereinafter “Unfunded Budget”), to be determined as of January 1 each year, as determined from the records of the Madison County Property Valuation Administrator’s Office and Madison County Emergency Communication Center; and

WHEREAS, the procedure outlined above yields a percentage of total annual 911 Emergency Communication Center dispatch services provided to each classification of property; and

WHEREAS, the percentage of total 911 calls for each classification shall then be multiplied by the total Unfunded Budget amount to calculate the actual dollar amount needed per classification; and

WHEREAS, the Rate applicable to each property owner shall be determined by dividing the actual dollar amount needed for each classification by the total square footage within that classification, which yields a Rate per each square foot within that classification; and

WHEREAS, an outline of Rates attributable to each class of property is attached hereto as Exhibit A; and

WHEREAS, a 911 Service Fee (hereinafter "Fee") shall be assessed as an annual fee imposed upon each parcel of real property located within the County by applying the Rate applicable to said parcel multiplied by the total improved square footage of each parcel; and

WHEREAS, in lieu of payment based on square footage, and in light of the lower call volume attributable to uninhabited real property, owners of unimproved Single Family/Farm parcels shall pay a minimum flat fee for each unimproved parcel of real property in the amount of \$25.00, as reflected on attached Exhibit A; and

WHEREAS, in lieu of payment based on square footage, and considering the lower call volume attributable to uninhabited real property, owners of unimproved Exempt/Business parcels shall pay a flat fee for each unimproved parcel of real property in the minimum amount of \$47.00, as reflected on attached Exhibit A; and

WHEREAS, in lieu of payment based on square footage, public educational institutions within the County (Madison County Board of Education, Berea Community Schools, Berea College and Eastern Kentucky University) shall pay fees based on their percentage of total calls to the public education institutions multiplied by the total budget; and

WHEREAS, in no event shall the Fee associated with any single-family dwelling or farm dwelling be less than twenty-five (\$25) dollars, and in no event shall the Fee associated with any exempt property, business property or industrial property be less than forty-seven (\$47) dollars; and

WHEREAS, properties owned by the City of Richmond, the City of Berea, Madison County Fiscal Court, or any entity that is paying a portion of the funded budget through a contractual agreement greater than their calculated contribution as recommended by the

Madison County Public Safety Board shall not be assessed a 911 service fee on their parcels; and

WHEREAS, the Fee shall be used for the delivery of enhanced 911 emergency telephone service, as provided for by KRS 65.760, and the associated maintenance of systems and devices, including but not limited to, operating costs of the Madison County Communication Center (Dispatch Center), E-911 equipment, communications infrastructure, including expenditures to train communications personnel and to inform the public of the availability and proper use of 911 service; and

WHEREAS, the Madison County Fiscal Court hereby creates a 911 Service Fee Appeals Board (hereinafter "Appeals Board"), which shall be comprised of the following members:

- 1) The Madison County Fiscal Court Clerk
- 2) Voting members of the Madison County Public Safety Board;
- 3) The Madison County Property Valuation Administrator; and
- 4) The County Attorney, serving ex officio; and

WHEREAS, The County Attorney and Fiscal Court Clerk shall be a non-voting members whose presence shall not be counted towards a quorum for purposes of conducting the business of the Appeals Board but required for the appeals process. The presence of four or more voting members shall constitute a quorum. The Appeals Board shall be charged with considering and resolving any claims of incorrect classification or assessment of property pursuant to the terms of this Ordinance; and

WHEREAS, a property owner may appeal the classification or square footage of their property as follows:

- (1) Any property owner desiring an appeal shall complete and electronically submit a 911 Service Fee Appeal & Refund Request Form, available on the County's website, to the Madison County Fiscal Court, sufficiently identifying the property in question, the basis for the appeal, the desired classification of the parcel, and any supporting facts for the Appeals Board's consideration. Any property owner who is unable to submit their appeal electronically may contact the Office of the Madison County Judge Executive, who shall make available appropriate resources to allow said property owner to complete and submit their appeal electronically.
- (2) Appeals shall be submitted not later than March 1st of each year.
- (3) The property owner shall bear the burden of proof to establish, by clear and convincing evidence, that the property has been misclassified or incorrectly assessed.

- (4) A property owner may appeal the assessment of a fee against unimproved real property (vacant land) which is contiguous to improved property which is the owner's primary dwelling.
- (5) The Madison County PVA shall have the limited authority to conduct an initial review of any appeal and reclassify any parcel without a hearing or approval of the full Appeals Board so long as the reclassification ordered by the PVA is consistent with the classification requested by the property owner in their Appeal form. In the event the PVA does not, or is unable to, reclassify the parcel under his or her limited authority herein, the Appeals Board shall consider any evidence presented by the property owner, along with any public records of the Property Valuation Administrator, aerial maps, site photographs, building plans and permits, surveys, plats, deeds, official documents, advertisements, site visits, or any other evidence which may aid the Appeals Board in the determination of the classification or assessment of a parcel.
- (6) Reclassification or reassessment of any parcel pursuant to an appeal under this section shall be done by a majority vote of the members present, excepting therefrom any reclassification based on an initial review of the Madison County PVA under this section.

NOW THEREFORE, BE IT ORDAINED BY THE MADISON COUNTY FISCAL COURT OF THE COUNTY OF MADISON, COMMONWEALTH OF KENTUCKY:

1. That, pursuant to KRS 65.760, which authorizes the funding of 911 emergency services through the establishment of a special fee in collaboration with the City of Berea, and the City of Richmond, an annual E-911 fee shall be assessed against each agricultural, residential, multi-family, business, industrial, religious, charitable or educational parcel of real property located within the territorial limits of Madison County, as determined from the records of the Madison County Property Valuation Administrator's office and Madison County E-911, calculated as set forth above, and as reflected in the attached Exhibit A.
2. A residential/farm dwelling shall be defined as each residential space designed and/or utilized for occupancy for residential purposes as a separate residential unit.
3. A commercial unit shall be defined as a non-residential building space of any size designed and/or utilized for occupancy by an individual non-residential business or public or private enterprise.
4. A religious unit shall be defined as a non-residential building space of any size designed and/or utilized for occupancy for religious activities and/or worship and should be considered commercial based on the 911 fee classification system outlined

in Exhibit A and attached hereto.

5. A charitable unit shall be defined as a non-residential building space of any size designed and/or utilized for occupancy for the carrying out of a charitable purpose as determined by Section 501(c)(3) of the Internal Revenue Code should be considered commercial based on the 911 fee classification system outlined in Exhibit A and attached hereto.
6. An educational entity shall be defined as a non-residential, business/exempt building space of any size designed and/or utilized for occupancy for the purpose of education, the administration thereof or extracurricular activities associated therewith should be considered business based on the 911 fee classification system outlined in Exhibit A and attached hereto.
7. The E-911 fee shall be placed upon the Madison County ad valorem property tax bills prepared by the Madison County Clerk, pursuant to KRS 133.220(2) for the year beginning January 1, 2025, and continuing every year thereafter. For those religious, charitable and educational organizations which are tax-exempt, the E-911 fee shall be billed at the same time and said bill will only include the 911 fee.
8. All E-911 services fees shall be collected by the Madison County Sheriff and transferred to the Madison County Fiscal Court to the 911 Fund in a timely basis. The Madison County Sheriff shall be entitled to a 4.0% collection fee to defray the actual costs of collection and disbursement of E-911 fees.
9. The E-911 fees collected shall be used exclusively for the delivery of Enhanced 911 emergency communication service as provided for by KRS 65.760.
10. The failure of any owner of the real property of a residential, commercial, non-for-profit or educational unit to pay the E-911 fee as set forth in this Ordinance shall be punishable as a Class B Misdemeanor and/or by civil collection process and turned over to the Madison County Attorney's Office for prosecution.
11. Emergency Communications Center call data shall be reviewed annually. The applicable Rate for each property owner should not be adjusted so long as the percentage of calls attributable to any particular classification does not vary by more than two percent (.02) from applicable percentages in the prior year as applied to the unfunded budget.

12. The County is hereby authorized to enter into appropriate interlocal agreements with the City of Berea and the City of Richmond as is necessary to carry out the intent and purpose of this Ordinance.

13. The provisions of this Ordinance are severable and if any portion of this Ordinance or the application thereof is for any reason found to be unconstitutional or invalid, such shall not affect or repeal any of the remaining provisions of this Ordinance or the provisions of previous ordinances.

14. Effective January 1, 2026, this Ordinance repeals that portion of Ordinance 07-11 which established a landline telephone subscriber fee. The termination of the landline telephone subscriber fee shall become effective January 1, 2026.

THIS ORDINANCE SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION.

DATE OF FIRST READING: 5/28/2024

MOTION BY: BOTKIN

SECONDED BY: COMBS

VOTE:	YES	NO
Magistrate James Brian Combs	<u>✓</u>	_____
Magistrate Stephen Lochmueller	<u>✓</u>	_____
Magistrate Billy Ray Hughes	<u>✓</u>	_____
Magistrate Tom Botkin	<u>✓</u>	_____
Judge Executive Reagan Taylor	<u>✓</u>	_____

DATE OF SECOND READING: 6-11-2024

MOTION BY: Combs

SECONDED BY: Hughes

VOTE:

YES

NO

Magistrate James Brian Combs
Magistrate Stephen Lochmueller
Magistrate Billy Ray Hughes
Magistrate Tom Botkin
Judge Executive Reagan Taylor

Signed:



Madison County Judge Executive

Attested:



Madison County Clerk, Kenny Barger

SQFT Model			
Revenue Source	Multiplier	RATE	REVENUE
911 Wireless	450,000	1.00	\$450,000.00
EMS	60,000	1.00	\$60,000.00
Eastern Kentucky University (.01%)	\$4,704,705	1.02%	\$47,987.99
Madison County Schools (.03%)	\$4,704,705	3.24%	\$152,432.45
Berea College (.004%)	\$4,704,705	0.45%	\$21,171.17
Berea Community Schools (.002%)	\$4,704,705	0.23%	\$10,820.82
Single Family/Farm Dwellings (SQFT)	72,468,067	\$0.016	\$1,159,489.07
Multi Family Dwellings (SQFT)	9,051,308	\$0.065	\$588,335.02
Occupied Exempt Properties (SQFT)	548,318	\$0.122	\$66,894.80
Occupied Business Properties (SQFT)	16,000,000	\$0.122	\$1,952,000.00
Occupied Industrial Properties (SQFT)	5,206,782	\$0.0103	\$53,629.85
Land Only Single Family/Farm	5,168	\$25.00	\$129,200.00
Land Only Exempt	89	\$47.00	\$4,183.00
Land Only Business	355	\$47.00	\$16,685.00
Land Only Industrial	0	\$45.00	\$0.00

	Total Single Family/Farm	\$	1,288,689.07
	Total Multi Family	\$	588,335.02
	Total Exempt	\$	71,077.80
\$2,039,762.80	Total Business	\$	1,968,685.00
	Total Industrial	\$	53,629.85
	Total 911 Fee Collection	\$	3,970,416.74

Total Other Revenue	\$	510,000.00
Total Fee Collections	\$	3,970,416.74
Total Contracts	\$	232,412.44
Total Revenue Collected	\$	4,712,829.18

2027 Budget Needs	\$4,704,705.20
Educational Contract Revenue	\$232,412.44
Agency Contract Revenue	\$60,000.00
Other Revenue	\$450,000.00
Needs to be 911 Fee Collected	\$3,962,292.76