

RESOLUTION NO. _____

ACKNOWLEDGING INTRODUCTION OF PROPOSED LOCAL LAW NO. 7 FOR THE YEAR 2020 AND CALLING FOR A PUBLIC HEARING

WHEREAS, Supervisor Nirelli has duly introduced proposed Local Law No. 7 for the year 2020, entitled "A Local Law Amending Local Law #2 of 1991 and Imposing an Additional Surcharge on the Customers of Every Telephone Service Supplier Providing Access Line ("Land Line") Service Within Madison County to Pay the Costs of Operating and Maintaining an Enhanced 911 (E911) System in Madison County"; and

WHEREAS, a copy of said proposed local law has been furnished to each Supervisor;

NOW, THEREFORE BE IT RESOLVED, that a public hearing be held on the proposed Local Law in the Chambers of the Board of Supervisors at the Madison County Office Building on July 28, 2020 at 9:00 a..m.; and

BE IT FURTHER RESOLVED that the Clerk of the board duly publish a notice of this hearing in the official newspapers of the County at least five days prior to the scheduled hearing date.

Dated: July 14, 2020

Yvonne M. Nirelli, Chairwoman
Finance Ways and Means Committee

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PROPOSED LOCAL LAW NO. 7 FOR THE YEAR 2020

A LOCAL LAW AMENDING LOCAL LAW #2 OF 1991 AND IMPOSING AN ADDITIONAL SURCHARGE ON THE CUSTOMERS OF EVERY TELEPHONE SERVICE SUPPLIER PROVIDING ACCESS LINE (“LAND LINE”) SERVICE WITHIN MADISON COUNTY TO PAY THE COSTS OF OPERATING AND MAINTAINING AN ENHANCED 911 (E911) SYSTEM IN MADISON COUNTY

Be it enacted by the BOARD OF SUPERVISORS of the COUNTY of MADISON, as follows:

SECTION 1. LOCAL LAW NO. 2 OF THE YEAR 1991 entitled: “A Local Law Imposing a Surcharge on the Customers of Every Telephone Service Supplier Providing Local Exchange Service Within Madison County to Pay the Costs Associated with Creation and Operation of an Enhanced 911 Emergency Telephone System Serving Madison County”, is hereby AMENDED as follows:

SECTION 2. IMPOSITION OF ACCESS LINE (“LAND LINE”) SURCHARGES:

(a) Pursuant to the authority of County Law §336, there are hereby imposed and there shall be paid an additional surcharge of Sixty-Five Cents (\$.65) per access line (“land line”) per month on the customers of every telephone service supplier within the territorial limits of the County of Madison. This Sixty-Five Cent (\$.65) surcharge shall be in addition to the Thirty-Five Cent (\$.35) surcharge currently imposed pursuant to County Law §303.

(b) The surcharge established pursuant to this Local Law shall be imposed on a per access line basis on all current bills rendered for local exchange access service within the 911 service area.

(c) Service suppliers shall begin to add such surcharge to the billings of its customers commencing September 1, 2020; provided, however, that any service supplier which has imposed a surcharge pursuant to this Local Law shall be given a minimum of forty-five days written notice prior to the date it shall begin to add such surcharge to the billings of its customers.

(d) No such surcharge under this Local Law shall be imposed upon more than seventy-five exchange access lines per customer per location.

(e) Lifeline customers, a public safety agency, and the County of Madison shall be exempt from the surcharge imposed under this Local Law.

SECTION 3. APPLICABILITY OF STATE LAW: All the provisions of Tax Law § 186-g shall apply to the surcharges imposed by this Local Law with the same force and effect as if those provisions had been set forth in full in this Local Law, except to the extent that any of those provisions is either inconsistent with or not relevant to the surcharges imposed by this Local Law.

SECTION 4. USE AND PURPOSE: Net collections received by the County of Madison from the surcharges imposed by this Local Law shall be expended only upon authorization of the Board of Supervisors of the County of Madison and only for payment of system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, installation, construction, operation, or maintenance of public safety communications networks or a system to provide enhanced wireless 911 service serving such County, including, but not limited to, hardware, software, consultants, financing and other acquisition costs. The County shall separately account for and keep adequate books and records of the amount and object or purpose of all expenditures of all such monies. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

SECTION 5. LEGISLATIVE INTENT: This additional surcharge will generate money for Madison County to help maintain and upgrade its E911 system. Additionally, it will help the County with future maintenance and upgrades with the implementation of next generation 911 technology. This is important to protecting public safety in Madison County.

SECTION 6. EXISTING LAW: Any portion of Local Law #2 of 1991 not otherwise modified or superseded by this Local Law shall remain in full force and effect.

SECTION 7. SEVERABILITY: If any clause, sentence, paragraph, section, subdivision or other party of this Local Law or its applications shall be adjudged by a court of competent jurisdiction to be invalidated or unconstitutional, provided that such judgment does not invalidate this Local Law or prohibit its administration, such order or judgment shall not affect, impair or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE: This Local Law shall take effect September 1, 2020, and shall expire and be deemed repealed November 30, 2029.