

SUMMERS COUNTY ENHANCED 911 ORDINANCE

ARTICLE I - GENERAL PROVISIONS

SECTION 1 - DEFINITIONS:

As used in this ordinance, unless the context clearly otherwise indicates, the following words and phrases shall have the meanings set forth below:

- (a) "Answering point" means a facility to which enhanced emergency telephone system calls for the county are initially routed for response, and where trained county emergency personnel respond to specific requests for emergency service by directly dispatching the appropriate emergency service provider, relaying a message to the appropriate provider or transferring the call to the appropriate provider.
- (b) "County Commission" means the County Commission of Summers County, West Virginia.
- (c) "County" means Summers County, West Virginia.
- (d) "Emergency service provider" means any emergency services organization or public safety unit,
- (e) "Enhanced emergency telephone system" means a telephone system which automatically connects the person dialing the primary emergency number to the county answering point and in which the telephone network system automatically provides to personnel receiving the call, immediately on answering the call, information on the location and the telephone number from which the call is being made, and upon direction from the personnel receiving the call routes or dispatches such call by telephone, radio or any other appropriate means of communication to emergency service providers that serve the location from which the call is made.
- (f) "Local exchange service line" means the same as defined in the contract attached to this plan as Appendix A.
- (g) "Telephone company" means a public utility which is engaged in the provision of telephone service.

ARTICLE II - MINIMUM REQUIREMENTS

Pursuant to Article 6, Chapter 24 of the West Virginia Code and General Order 187.3, Rules 8.01, 8.02, and 8.03 of the West Virginia Public Service Commission's Rules and Regulations for the Government of Telephone Utilities, minimum requirements for the enhanced emergency telephone system in Summers County shall include the following:

SECTION 1 - TERRITORY INCLUDED IN SYSTEM

- (a) All territory in the county, including every municipal corporation in the county, which is served by telephone company central office equipment that will permit an enhanced emergency telephone system to be established is to be included in the system.

- (b) The municipal corporations included in the system shall include, but not necessarily be limited to, the following: City of Hinton.

SECTION 2 - COUNTY ANSWERING POINT

- (a) The county answering point shall be operated constantly and shall provide full service, including access for the hearing impaired, 24-hours per day.
- (b) There will be one county answering point. The location of such answering point shall be as follows: Summers County Memorial Building, First Avenue and James Street, Hinton, West Virginia.
- (c) The above answering point will serve the entire County of Summers including the City of Hinton.
- (d) The answering point will be required to respond to calls as follows:
 - 1. Summers County Sheriff's Department - Direct Dispatch of Emergency Service Provider;
 - 2. Hinton City Police - Direct Dispatch of Emergency Service Provider;
 - 3. Hinton City Fire Department - Direct Dispatch of Emergency Service Provider;
 - 4. County Volunteer Fire Department Listed Below by Direct Dispatch of Emergency Service Provider:
 - A. Summers County;
 - B. Jumping Branch/Nimitz;
 - C. Talcott;
 - D. Pipestem;
 - E. Green Sulphur; and
 - F. Forest Hill
 - 5. Summers County EMS - Direct Dispatch of Emergency Service Provider; and
 - 6. State Police and Department of Natural Resources - By Direct Dispatch or Relaying Message to Emergency Service Provider.
- (e) The county answering point shall be connected to the telephone company's telephone network by dedicated automatic number identification trunks.

SECTION 3 - EMERGENCY SERVICE PROVIDERS; RESOLUTION OF DISPUTES; HANDLING OF MISDIRECTED CALLS; PUBLICLY ACCESSIBLE TELEPHONE NUMBERS

- (a) Every emergency service provider that provides emergency services within the territory of the county will be required to participate in the enhanced emergency telephone system.

(b) The emergency service providers referred to in subsection (a), above, shall include but not be limited to the following:

Summers County Sheriff's Department;

Hinton City Police;

Hinton City Fire Department;

All County Volunteer Fire Departments:

- A. Talcott;
- B. Summers County;
- C. Jumping Branch/Nimitz;
- D. Green Sulphur;
- E. Pipestem; and
- F. Forest Hill

Hinton Detachment West Virginia State Police;

Local Dept. of Natural Resources Offices/Officer; and

Summers County EMS.

(c) In the event of a dispute between the County and one or more emergency service providers, such dispute, upon application to the Public Service Commission of West Virginia by any party to the dispute, may be resolved by order of the Public Service Commission of West Virginia.

(d) Misdirected Provider: When an emergency service provider realizes a call for assistance should have gone to another provider, the misdirected provider will contact the E911 Dispatch Center immediately, so that corrective action may be taken; and, if practical, establish contact with the correct provider to jointly resolve the error, while taking a course of action that will result in delivery of service to the distressed party in the most timely and effective manner. Under no circumstances will the caller who placed the original call to request emergency services be required to make another call. However, if trained personnel at the county answering point determine that a call is not an emergency; the personnel may provide the caller with the direct, local number of the appropriate emergency service provider.

(e) Each emergency service provider participating in the enhanced emergency telephone system shall maintain a publicly accessible 7-digit telephone number, which shall be appropriately listed in appropriate telephone directories, in addition to any telephone numbers provided in the system.

(f) Caller Complaints: If a caller attempting to utilize the enhanced emergency telephone system should have any complaints about the enhanced emergency telephone system, including but not limited to the handling of their call for emergency services, such complaint shall be set forth in writing and submitted to the Summers County Enhanced 9-1-1 System at Post Office Box 97, Hinton, West Virginia 25951. The Director shall contact the complainant and

investigate the facts surrounding the complaint in an attempt to resolve the complaint. However, if no resolution can be reached, such complaint shall be discussed at the next meeting of the Summers County Commission at which the complainant shall have the right to appear.

ARTICLE III - PROJECTION OF COSTS

SECTION 1 - INSTALLATION COSTS

- (a) The initial capital and installation costs of the enhanced emergency telephone system are projected to be as follows: See Attached Appendix (B).
- (b) The annual costs of the first five years of recurring maintenance and dispatcher costs are projected to be as follows: See Attached Appendix (C).
- (c) The initial costs associated with establishing, equipping and furnishing the county answering point is projected to be as follows: Office furniture \$1,000.00.
- (d) The annual costs of the first five years of operating and maintaining the answering point is projected to be as follows: While the first five years of operating and maintaining the answering point have been spent in an existing County owned and maintained building, additional expenses in the coming years are projected for the answering point as the current answering point no longer has sufficient space to adequately serve the community. Accordingly, projected expenses in the coming years include construction costs associated with the building of a new building to house the answering point. Projected expenses also include expenses associated with furnishing said new building and purchasing additional electronic equipment used in the handling of emergency calls.

ARTICLE IV - CONSUMER FEE

SECTION 1 - IMPOSITION OF FEE; ADOPTION OF BILLING CONTRACT; ESTABLISHMENT OF SEPARATE ENHANCED 9-1-1 FUND; PAYMENT OF COSTS NOT RECOVERED THROUGH FEE

- (a) The imposition, pursuant to Section three-cc, Article one, Chapter seven (7-1-3cc) of the West Virginia Code, of a fee of \$3.85 per month per local exchange service line or line equivalent, except for Tel-Assistance lines, is proposed to finance the projected costs of the enhanced emergency telephone system. Fee revenues may only be used for the capital, installation, administration, operation, and maintenance costs of the enhanced emergency telephone system and of the conversion to city-type addressing and including the reasonable costs associated with establishing, equipping, furnishing, operating, or maintaining a county answering point. Such fee is proposed to be reduced when the capital and installations costs have been recovered to offset recurring operational, maintenance and

Appendix B1

Projection of Costs Initial Capital & Installation Costs

Two position radio dispatch console	175,000.00
Radio system upgrades	200,000.00
Emergency Medical Dispatch System	20,000.00
IT system upgrades	20,000.00
Contribution to Building & Equipment Fund	100,000.00
Total	515,000.00

SUMMERS COUNTY ENHANCED 9-1-1 SYSTEM
Appendix C1 Operational Cost Projection

	FY 2010 - 2011	FY 2011 - 2012	FY 2012 - 2013	FY 2013 - 2014
	actual	actual	budgeted	proposed
SALARY	172,631.56	222,219.31	270,000.00	350,000.00
FICA TAX	13,206.32	17,097.65	22,000.00	26,000.00
INSURANCE	32,214.39	42,929.51	52,000.00	64,000.00
RETIREMENT	18,614.29	29,042.76	37,000.00	40,000.00
OVERTIME	-	1,100.79	10,000.00	5,000.00
EXTRA HELP	-	-	3,000.00	-
TELEPHONE	29,922.40	34,070.35	40,000.00	45,000.00
PRINTING	790.00	695.00	2,000.00	2,000.00
UTILITIES	3,089.44	6,944.51	7,000.00	8,000.00
TRAVEL	2,540.66	1,765.08	3,000.00	3,000.00
M&R BUILDINGS	39,606.32	49,100.02	40,000.00	40,000.00
M&R EQUIPMENT	12,895.62	13,397.86	40,000.00	45,000.00
M&R AUTOS	204.64	2,063.50	2,000.00	2,000.00
POSTAGE	828.60	1,075.71	1,000.00	1,000.00
ADVERTISING	-	-	500.00	500.00
TRAINING	8,155.36	13,822.88	20,000.00	25,000.00
DUES & SUBSCRIPTIONS	1,416.00	1,758.32	2,000.00	2,000.00
PROFESSIONAL SERVICES	12,965.98	2,449.30	5,000.00	5,000.00
CONTRACTED SERVICES	22,526.00	30,964.94	50,000.00	50,000.00
BANK CHARGES	-	-	-	-
SUPPLIES & MATERIALS	21,615.14	18,878.20	25,000.00	25,000.00
AUTOMOBILE SUPPLIES	3,902.40	3,719.00	4,000.00	4,000.00
UNIFORMS	-	-	-	-
COMPUTER SOFTWARE	929.77	77,546.44	20,000.00	25,000.00
CAPITAL OUTLAY - EQUIPMENT	10,384.48	252,148.69	250,000.00	415,000.00
CONT / TRANSFERS TO OTHER	-	24,134.08	-	-
Building & Equipment Fund	408,439.37	846,923.90	905,500.00	1,282,500.00

dispatcher costs only. Such fee is proposed to become effective beginning on January 1, 2013.

- (b) The County Commission of Summers County plans to adopt and ratify the contract attached hereto as Appendix A for the billing of the enhanced emergency telephone system fee by Frontier Communications Corporation.
- (c) All fees remitted under the contract referred to in subsection (b), above, are proposed to be deposited in a separate "Enhanced 9-1-1 Fund."
- (d) Additional costs associated with establishing, equipping, furnishing, operating or maintaining the county answering point shall be paid for with Summers County General Revenue funds.
- (e) In the event of any conflict arising between any emergency service provider and the Summers County Commission or between the Summers County Commission and the telephone company regarding the enhanced emergency telephone system, any party may advise the West Virginia Public Service Commission of such conflict, and the Public Service Commission shall resolve such conflict.

SECTION 2 - TELEPHONE COMPANY

- (a) Upon the adoption of this plan, the terms and conditions, of the telecommunications services and facilities provided by the telephone company will be governed by the applicable tariffs on file with and approved by the Public Service Commission. of West Virginia, the rules, regulations, and orders of the Public Service Commission of West Virginia and the laws of the State of West Virginia.
- (b) The telephone company that will provide the services and facilities identified in subsection (a) is as follows: Frontier Communications Corporation.

ARTICLE V - PROHIBITIONS AND PENALTY

SECTION 1 - MISUSE OF ENHANCED EMERGENCY TELEPHONE SYSTEM

- (a) No person may knowingly use 911, the telephone number of the enhanced emergency telephone system of Summers County, to report an emergency if he or she knows that no such emergency exists. No person may knowingly misuse 911 in such a manner as to render the system less able to properly operate.
- (b) No person may disclose or use, for any purpose other than for the enhanced emergency telephone system service of Summers County, any information contained in the database used for the enhanced emergency telephone system pursuant to this ordinance.
- (c) Any person who violates any provision of this section is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00), or imprisoned in the county jail

not more than one (1) year, or both fined and imprisoned.

ARTICLE VI - LIMITATION OF LIABILITY

Section 1 - PROTECTIONS

- (a) Pursuant to Section eight, Article six, Chapter twenty-four (24-6-8) of the West Virginia Code Any public agency participating in the enhanced emergency telephone system established in Summers County and any officer, agent or employee of such public agency is not liable for damages in a civil action for injuries, death, or loss of persons or property arising from any act or omission, except willful and wanton misconduct, in connection with the development and adoption of any plan or agreement made pursuant to this ordinance, or otherwise bringing into operation an enhanced emergency telephone system pursuant to this ordinance.

ARTICLE VII - ADOPTION PROCEDURES

SECTION 1 - PUBLIC HEARING

- (a) The Summers County Commission shall conduct a public hearing regarding the plan outlined in this ordinance to explain the enhanced emergency telephone system and receive comments from other public officials and interested parties.
- (b) Copies of this ordinance shall be made available for public inspection in the offices of the County Commission and the County Clerk during normal working hours.
- (c) At least thirty (30) days, but no more than sixty (60) days, before the public hearing, the County Commission shall publish a notice in a newspaper of general circulation of the date, purpose, and location of the meeting and identifying where a copy of the proposal may be examined.

SECTION 2 - ADOPTION

- (a) At the conclusion of the public hearing, the Summers County Commission will make a decision regarding the plan, under which the enhanced emergency telephone system will be adopted, taking into consideration all written and oral comments received.

SECTION 3 - FILING OF PLAN WITH THE PUBLIC SERVICE COMMISSION

- (a) Upon completion and adoption of the final plan for the County enhanced emergency telephone system, the County Commission will send a signed copy of such plan to the Public Service Commission of West Virginia.

SECTION 4 - AMENDMENTS

- (a) The final plan adopted as a result of this ordinance shall be amended only after notice of the proposed amendments is given, as provided in Article VII, Section 1 above. The only changes

excepted from the formal amendment process shall be any action to lower the consumer fee charged, any rate and tariff adjustment by the Public Service Commission, or adjustment to the startup payoff schedule that does not require any increase in the consumer fee, or any agreement entered into with a public agency regarding participation in the county answering point or specific arrangements for handling a municipality's emergency calls.


SECTION 5 - TARIFFS, RULES AND REGULATIONS, AND LAWS

- (a) The final plan for the County enhanced emergency telephone system will be supplemented and superseded by the applicable tariffs on file with and approved by the Public Service Commission of West Virginia, the rules, regulations, and orders of the Public Service Commission of West Virginia, and the laws of the State of West Virginia. Such tariffs, rules, regulations, orders and laws will be deemed incorporated in the final plan as if fully set out herein.

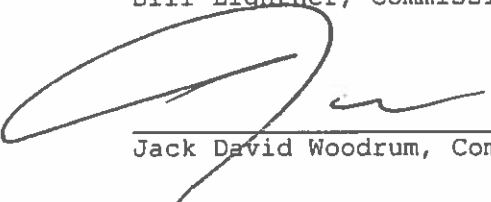
It is hereby ordered that this ordinance be adopted this 28th day of December, 2012.



Jerry Berry, President



Bill Lightner, Commissioner



Jack David Woodrum, Commissioner