

ORDINANCE NO. 2499

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING AND DIRECTING SOUTHWESTERN BELL TELEPHONE COMPANY TO CHARGE TELEPHONE SUBSCRIBERS A 9-1-1 EMERGENCY SERVICE FEE; AUTHORIZING EXECUTION OF A WRITTEN CONTRACT WITH SOUTHWESTERN BELL FOR COLLECTION OF FEES; PROVIDING EXCEPTIONS; PROVIDING FOR A PUBLIC HEARING; PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EMERGENCY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Mesquite has determined that it is in the best interest of the public health, safety and general welfare for a 9-1-1 emergency service system to be implemented within the City; and

WHEREAS, the cost of such implementation should be billed to telephone subscribers located within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. There is hereby imposed on each telephone subscriber's local exchange access line, or its equivalent, in the City of Mesquite, a 9-1-1 emergency service fee of Fifty Cents (\$.50) per month for each residential line, Twenty Five Cents (\$.25) per month for each business line, or Fifty Cents (\$.50) per month for each business trunk line. Such fees shall be used only to provide for the purchase, installation, operating and maintenance expenses of emergency service to be furnished pursuant to the service application of August 20, 1986, between the City of Mesquite and Southwestern Bell Telephone Company.

SECTION 2. The Mayor of the City of Mesquite is authorized to execute a contract on behalf of the City of Mesquite with Southwestern Bell Telephone Company pursuant to the provisions of this ordinance to preform billing of this service fee for telephone subscribers located within the boundaries of the City of Mesquite.

SECTION 3. The 9-1-1 emergency service fee imposed by this ordinance shall be subject to the following restrictions and limitations:

- A. The fee shall not be imposed upon more than one hundred (100) local exchange access lines per telephone subscriber per location.
- B. The fee shall not be imposed upon any coin operated or coin/card reader operated telephone equipment.
- C. The fee shall be separately stated on each subscriber's bill.
- D. The fee shall not exceed six percent (6%) of the Telephone Company's base rate (recurring charge, exclusive of all taxes, fees, license costs or similar charges) for local exchange access lines or trunks or their equivalent.
- E. The fee shall be uniformly applied to local exchange lines within the City limits.

SECTION 4. The fees imposed by this ordinance shall not be imposed until the 9-1-1 service is fully operational within the City. The Telephone Company shall be advised in writing by furnishing of a certified copy of this ordinance at least ninety (90) days prior to the desired first billing date of the fees imposed by this ordinance. One (1) or more public hearings shall be conducted prior to the amendment of the emergency service fees imposed by this ordinance. In the event the City Council desires to amend such fees, it will provide Southwestern Bell Telephone Company at least ninety (90) days written notice prior to the desired implementation date of such amended fees.

SECTION 5. The Telephone Company will provide the City with a list of subscribers who have specifically refused to pay the 9-1-1 emergency service fee. Such list shall be provided not more than once per calendar year. The Telephone Company will not be obliged to take any legal action to enforce the collection of any billed emergency service fees. The Telephone Company will not be obliged to disconnect any subscriber's telephone service for failure to pay the emergency service fees.

SECTION 6. The Telephone Company will retain records of the fees collected pursuant to this ordinance. Such records will be retained for a period not to exceed two (2) years from the date of collection. The City may, at its sole cost and expense, audit the Telephone Company's records of the collected fees not more often than once annually.

SECTION 7. The Telephone Company will remit the collected 9-1-1 emergency service fees to the City on a periodic basis, not more frequently than monthly on or before the sixtieth (60th) day after the close of the month in which such fees were collected. The Telephone Company will retain, from its remittance to the City, two percent (2%) of the collected 9-1-1 emergency service fees as its compensation for providing such collection.

SECTION 8. Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 9. The fact that the present ordinances of the City of Mesquite do not adequately protect the safety of the inhabitants of the City creates an urgency and emergency and in the preservation of the public health, safety and welfare requires that this ordinance shall become effective immediately from and after its passage and the publication of caption, as the law and in such cases provides, but the fees imposed hereby shall only take effect at such time as the 9-1-1 service is operating within the City and the notices required hereby have been accomplished.

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DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 21st day of December, 1987.

George A. Venner Sr.
George A. Venner, Sr.
Mayor

ATTEST:

Lynn Prugel
Lynn Prugel
City Secretary

APPROVED:

Jonathan Graham
Jonathan Graham
City Attorney

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