

BEFORE THE COUNTY COMMISSION OF MORGAN COUNTY, WEST VIRGINIA

AN AMENDED ORDINANCE OF MORGAN COUNTY, WEST VIRGINIA PROVIDING FOR THE ESTABLISHMENT OF AN ENHANCED EMERGENCY TELEPHONE SYSTEM, AND FOR THE IMPOSITION OF A FEE FOR THE CAPITAL, INSTALLATION AND MAINTENANCE COST OF SUCH SYSTEM.

WHEREAS, Section three (3cc), Article one (1), Chapter seven (7) (§7-1-3cc) of the West Virginia Code grants authority to County Commissions to establish an enhanced emergency telephone system and to impose a fee for the capital, installation and maintenance costs thereof:

WHEREAS, Article six (6), Chapter twenty-four (24) (§24-6-1, *et seq.*) of the West Virginia Code requires the preparation of a proposal, the holding of a public meeting and the timely placement of an advertisement concerning such proposal and meeting before a final plan for the implementation of such an enhanced emergency telephone system may be adopted:

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION OF MORGAN COUNTY, WEST VIRGINIA , PURSUANT TO AND IN ACCORDANCE WITH SECTION THREE (3CC), ARTICLE ONE (1), CHAPTER SEVEN (7) (§7-1-3CC) AND ARTICLE SIX (6), CHAPTER TWENTY-FOUR (24) (§24-6-1, *et seq.*) OF THE WEST VIRGINIA CODE, THAT AN EMERGENCY TELEPHONE SYSTEM BE ESTABLISHED AS PROVIDED FOR IN THE FINAL PLAN ATTACHED HERETOM THAT SUCH FINAL MAINTENANCE OF SUCH SYSTEM BE IMPOSED IN ACCORDANCE WITH THE PROVISION OF SUCH FINAL PLAN.

FINAL PLAN FOR THE ENHANCED EMERGENCY TELEPHONE SYSTEM OF MORGAN COUNTY, WEST VIRGINIA:

SECTION 1- DEFINITIONS

As used in this final plan, unless the context clearly requires a different meaning:

- (a) **“COUNTY ANSWERING POINT”** means a facility to which enhanced emergency telephone system calls for a county are initially routed for response, and where county personnel respond to specific request for emergency service, by directly dispatching the appropriate emergency service provider or transferring the call to the appropriate provider.

- (b) **“COUNTY COMMISSION”** means the County Commission of Morgan County, West Virginia.
- (c) **“COUNTY”** means Morgan County, West Virginia.
- (d) **“EMERGENCY SERVICE PROVIDER”** means any service 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 upon 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 such call to emergency providers that serve the location from which the call is made.
- (f) **“LOCAL EXCHANGE SERVICE LINE”** means a telephone line provided by a telephone company pursuant to its Local Exchange Service Tariff, Public Service Commission of West Virginia or otherwise for which it issues a bill to a customer or customers.
- (g) **“TELEPHONE COMPANY”** means a public utility that is engaged in the provision of telephony services, exclusive of wireless providers.

SECTION 2- TERRITORY INCLUDED IN SYSTEM

- (a) All territory in the county, including every municipal corporation in the County, which is served by a telephone company, shall be included in the system.
- (b) The municipal corporations included in the system shall include, but shall not be limited to the following:

ALL EXISTING MUNICIPALITIES;

ALL FUTURE MUNICIPALITIES.

SECTION 3- COUNTY ANSWERING POINT

- (a) The County answering point shall be staffed and operational at all times.
- (b) There shall be one county answering point. The location of such answering point is as follows:

Morgan County Central Dispatch (E911)
38 Dispatch Lane
Berkeley Springs, WV 25411
(Located at the Old Morgan County War Memorial Hospital Grounds)

(c) All areas of Morgan County will be served by the answering point.

(d) The answering point shall respond to emergency calls as follows:

By directly dispatching an emergency provider or by transferring the call to the appropriate provider.

(e) The county answering point shall be connected to the telephone network as follows:

By dedicated automatic identification trunks.

SECTION 4- EMERGENCY SERVICE PROVIDERS; HANDLING OF MISDIRECTED CALLS

(a) Every emergency service provider that provides emergency service within the territory of the county shall participate in the enhanced emergency telephone system.

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

Berkeley Springs Volunteer Fire Company;
Great Cacapon Volunteer Fire and Rescue Company;
South Morgan County Volunteer Fire Department;
Paw Paw Volunteer Fire and Rescue Company;
Morgan County Sheriff's Department;
Morgan County Rescue Service, Inc.;
Medic 78-Serving Paw Paw;
Morgan County Animal Control;
Morgan County Office of Emergency Services

(c) Each emergency service provider will respond to a misdirected emergency telephone call in the following manner: When a misdirected telephone call is received, the provider will take all necessary information, and relay to the proper agency to contact, and the telephone number to call.

(d) Each emergency service provider participating in the enhanced emergency telephone system shall maintain a publically accessible 7-digit telephone

number, which shall be appropriately listed in the appropriate telephone directories, in addition to any telephone numbers provided in the system.

SECTION 5- IMPOSTION OF FEE: ESTABLISHMENT OF SPERATE E-911 FUND:

- (a) Pursuant to Section Three (3)-cc, Article One (1), Chapter Seven (7), (§ 7-1-1 cc) of the West Virginia Code, the County Commission of Morgan County hereby imposes a fee of \$5.00 (five dollars and no cents) per month per local exchange service line to finance the costs of the capital improvement and maintenance cost of the enhanced emergency telephone system.

Centrex Lines shall be calculated in the following manner: The first eight (8) lines of a CENTREX will be billed the full fee of \$5.00 per line. Each line thereafter will be billed at a rate of 1/8 of the \$5.00 fee or \$.625 per line.

The fee will become effective beginning January 1, 2020, or as soon thereafter as possible.

- (b) The Morgan County Commission hereby rescinds Appendix A for the billing of the enhanced emergency telephone system by the Bell Atlantic Telephone Company of West Virginia and for Citizens Communications.

- (c) The Morgan County Commission will contract and notify the following telephone companies: TaxConnex, LLC, Frontier Communications, Y Max Communications Corp., Hughes Network System, LLC., Spectrotel Inc., Vonage Business, Greenfly Networks, Bullseye Telecom, Granite Telecommunications, MCI metro Access Transmissions, AT&T Corp., IDT Corp., Bandwidth Inc., 8x8 Inc., Clear Rate Communications, Comcast IP Phone LLC., and RINGCENTRAL Inc. These phone companies This will allow for the correct billing of the enhanced emergency telephone fee by each telephone company.

- (d) All E-911 fees remitted by telephone companies shall be deposited in a separate "E-911 Fund" under the control of the Morgan County Clerk.
- (e) The costs associated with establishing, equipping, furnishing, operating, or maintaining the county answering shall be paid for as follows: Appropriation of the E911 Fees shall operate as the primary revenue source, supplemented, if necessary, by the General Revenue Fund, at the discretion of the Commission.

SECTION 6-TELEPHONE COMPANY

- (a) The terms and conditions of the telecommunications services and facilities provided by the telephone company shall 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) This applies to **all telephone** companies providing services and facilities within Morgan County.

SECTION 7- TARIFFS, RULES, REGULATIONS AND LAWS:

This final plan shall 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 shall be deemed incorporated in this final plan as if fully set out herein.

SECTION 8- COUNTY FUNDS

Under terms and conditions set forth, the Morgan County Commission has the Responsibility for the funding for the plan that is not covered by the E-911 fees, from the general funds of the county or other sources not associated with E-911 fees.

SECTION 9- ORDINANCE AMENDMENTS

The Morgan County Commission, as provided by the West Virginia Code, may Amend this Ordinance. All amendments will be implemented following the same enactment procedures as the original establishment of an enhanced 911 system ordinance, unless otherwise directed by West Virginia Code.

SECTION 10- FILING OF PLAN WITH THE PUBLIC SERVICE COMMISSION

Upon adoption of this plan and any amendment thereto, the County Commission shall send a copy of such plan to the:

Public Service Commission of West Virginia.

SECTION 11- ADOPTION AND SIGNATURES

Section 11.1 This Ordinance is effective _____;

Adopted this _____ Day of _____ 2019.

MORGAN COUNTY COMMISSION

Joel R. Tuttle, President

Ken Reed, Commissioner

Sean Forney, Commissioner

All of the above is ORDERED, ADJUDGED, and DECREED.

Amended this day the ____ of _____, 2019.

MORGAN COUNTY COMMISSION

Joel R. Tuttle, President

STATE OF WEST VIRGINIA

COUNTY OF MORGAN, TO-WIT:

I, _____, a Notary Public in and for said County, do certify that Joel R. Tuttle signed the writing hereto annexed for the Morgan County Commission, having this day in my said County, before me, acknowledged the said writing to be the act and deed of said Commission.

Given under my hand this _____ day of _____, 2019.

My Commission Expires: _____

Notary Public