

AN ORDINANCE

An ordinance of Nicholas County providing for an amendment to the original proposal for an enhanced emergency telephone system for holding of a public meeting and for placement of an advertisement notifying the public of such meeting and of the location at which a copy of proposal may be examined.

WHEREAS, section three-cc, article one, chapter seven {7-1-3-cc} of the West Virginia Code grants the authority to county commissions to establish an enhanced telephone system and impose a fee of the capital, installation, and maintenance costs thereof.

WHEREAS, 24-6-6 of the West Virginia Code states the emergency telephone system plan may be amended after notice of the proposed amendments is given and a public meeting is held.

Now therefore be it ordained by the County Commission of Nicholas County, West Virginia pursuant to and in accordance with 24-6-6 of the West Virginia Code, the following:

Nicholas County proposes to amend wireline rates from the current rate of \$3.50 per line to \$4.75 per month and 20% of \$3.50 per Centrex line to \$4.75 per line effective February 01, 2023.

That a copy of the proposal attached hereto be made available for examination by the public at the Nicholas County Courthouse, located at 700 Main Street, Suite 01, Summersville, WV 26651.

That a public meeting be scheduled to be held at the Nicholas County Courthouse on February 01, 2023, in order to receive comments from other public officials and interested persons;

That at least thirty days but not more than sixty days before such meeting an advertisement be placed by the County Commission staff in the Nicolas Chronicle newspaper of general circulation in such county, notifying the public the date, time, place, and purpose of such meeting and of the location at which a copy of such proposed may be examined.

SECTION 1 – DEFINITIONS

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

- (a) “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 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 Nicholas County, West Virginia.
- (c) “County” means Nicholas County, West Virginia.
- (d) “Emergency service provider” means any emergency 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 the 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 to be 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(s) attached to this final plan as Appendix A.
- (g) “Telephone company” means a public utility, which is engaged in the provision of telephone service.
- (h) “Wireless Communications” means commercial mobile radio service (CMRS) providers or means cellular licenses, broadband personal communications services (PCS) licensees and specialized mobile radio (SMR) providers, as those terms are defined by the Federal Communications Commission, which offer real-time two-way switched voice service that is interconnected with a public switched network and includes resellers of any commercial mobile radio service.

SECTION 2 – TERRITORY INCLUDED IN SYSTEM

- (a) All territory in Nicholas 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 limited to the following:
 - a. City of Richwood
 - b. City of Summersville

SECTION 3 - 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 a Primary County Answering Point located within Nicholas County
- (c) The County Answering Point shall provide services for the entire county of Nicholas.
- (d) The answering point will be required to respond to calls as follows:
 - a. By directly dispatching an emergency service provider; or
 - b. By relaying a message to the appropriate 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 4 – EMERGENCY SERVICE PROVIDERS; RESOLUTION OF DISPUTES; HANDLING OF MISDIRECTED CALLS; PUBLICLY ACCESSIBLE TELEPHONE NUMBERS; ENHANCED 9-1-1 COMMUNICATIONS ADVISORY BOARD

- (a) Every emergency service provider that provides emergency service 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 be the following:
 - Nicholas County Division of Homeland Security and Emergency Management
 - Nicholas County Sheriff's Department
 - West Virginia State Police – Richwood and Summersville detachments
 - Richwood Volunteer Fire Department
 - Summersville Volunteer Fire Department
 - Craigsville (CBC) Volunteer Fire Department
 - Nettie Volunteer Fire Department
 - Birch River Volunteer Fire Department
 - Wilderness Volunteer Fire Department and EMS Department
 - Kessler's Cross Lanes Volunteer Fire Department
 - Jan-Care Ambulance
 - Redi-Care Ambulance
 - Quinwood Ambulance
 - West Virginia Dept. of Natural Resources – Law Enforcement Division
 - West Virginia Department of Forestry

West Virginia Department of Environmental Protection - Summersville

US Army Corp of Engineers – Summersville Lake

National Park Service – Law Enforcement – Gauley River

National Forest Service – Monongahela National Forest

City of Richwood Police Department

City of Summersville Police Department

(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) In the event a call is incorrectly dispatched to an emergency service provider, the provider receiving the call shall immediately notify the county answering point dispatcher via radio requesting the appropriate jurisdiction be alerted to respond to the call. The emergency service provider initially alerted will then proceed as directed.

(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) Below is listed the membership of the Enhanced 9-1-1 Communications Advisory Board:

- a. Member of the County Commission
- b. Member of the Nicholas County Sheriff's Department
- c. Member of the West Virginia State Police
- d. Two (2) members of the Nicholas County Fire Association (not more than one per agency)
- e. Two (2) members of EMS agencies serving Nicholas County (not more than one per agency)
- f. Member of Summersville Police Department
- g. Member of Richwood Police Department
- h. Director of County Enhanced 9-1-1
- i. Mayor (or designee) of Summersville
- j. Mayor (or designee) of Richwood
- k. Representative of Summersville Regional Medical Center (SRMC)
- l. Three (3) general public residents of Nicholas County
- m. Director of Nicholas County Enhanced 9-1-1

The initial terms of the following memberships shall be (1) one year.

Representative of SRMC

Representative of the Nicholas County Fire Association

Representative of EMS

Mayor of Summersville

Representative of the general public

The initial terms of the following memberships shall be (2) two years.

Mayor of Richwood

Summersville Police Department

Representative of the Nicholas County Fire Association

Representative of EMS

Representative of the general public

The Director of the Enhanced 9-1-1 system shall always serve as a member of the Advisory Board.

Except as noted above for the initial terms of certain memberships and for the 9-1-1 Director, all Advisory Board members shall be appointed by the County Commission to serve for three-year terms or for the balance of the terms of membership vacated in midterm. The initial terms of all Advisory Board members shall begin on May 22, 1996.

SECTION 5 – PROJECTION OF REVENUE

	Current	Projected
911 Wireline Monthly Fee	\$3.50	\$4.75
Total Wireline Monthly Collected	\$21,728.51	\$29,488.69
Monthly VOIP/Other Collected	\$4,012.58	\$5,732.26
Annual Wireline Collected	\$260,742.13	\$353,864.28
Annual VOIP/Other Collected	\$48,150.99	\$68,787.12
Minus 3% Exchange Fee	\$7,822.26	\$11,174.65
Total Wireline Fees Collected	\$301,070.86	\$411,458.75

SECTION 6 – IMPOSITION OF FEE; ADOPTION OF BILLING CONTRACT; ESTABLISHMENT OF SEPARATE ENHANCED 9-1-1 FUND; PAYMENT OF COSTS NOT RECOVERED THROUGH FEE

(a) Pursuant to 7-1-3b of the West Virginia Code, a county commission may impose a fee, and may modify that fee, upon consumers of local exchange services within the county for an emergency telephone system. A fee increase from \$3.50 to \$4.75 per wireline is proposed to maintain the emergency telephone system. Such fee is proposed to become effective on January 18, 2023.

(b) The County Commission of Nicholas County adopts and ratifies the contract attached hereto as "Appendix A" for the billing of the enhanced emergency telephone system fee by Frontier Communications of West Virginia.

(c) All fees remitted under the contract referred to in subsection (b) above, are proposed to be deposited in a separate revenue line "Enhanced 9-1-1 Fund"

(d) The costs associated with establishing, equipping, furnishing, operating, or maintaining the county answering point, above and beyond what the revenue generates by the fee, shall be paid from the Nicholas County General Fund.

SECTION 7 – TELEPHONE COMPANY

(a) Upon adoption of this plan, the terms and conditions of the telecommunications service 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 Frontier Communications of West Virginia.

SECTION 8 – TARIFFS, RULES AND REGULATIONS, AND LAWS

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 it fully set out therein.

SECTION 9 – FILING OF PLAN WITH THE PUBLIC SERVICE COMMISSION

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.

[Signature Page to Follow]

Amended Ordinance for Nicholas County, West Virginia to raise the E911 fee on local exchange service lines, VOIP, PBX and Centrex from \$3.50 to \$4.75.

SIGNIATURE PAGE

Presented and approved for resolution reached after consideration by the Nicholas County Commission this 18th day of January 2023.

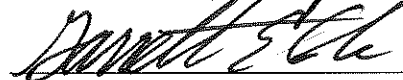
First Public Reading: December 21, 2022

Second Public Reading: January 18, 2023

Public Meeting: February 01, 2023

Adopted this FIRST day of FEBRUARY 2023

Nicholas County Commission:



Garrett E Cole, President



D Craig Chapman, Commissioner



Gary E Roberts Jr, Commissioner

ATTEST:



Robert Painter, County Clerk