



City of Broken Arrow

Request for Action

File #: 16-883, Version: 1

**Broken Arrow City Council
Meeting of: 08-02-2016**

**To: Mayor and City Council
From: Office of the City Attorney**

Title: Consideration, discussion and possible approval of Resolution No. 919 of the Council of the City of Broken Arrow, Oklahoma, establishing the Wireline Nine-One-One (911) Emergency Telephone Fee, of Five Percent (5%) for calendar year 2017 pursuant to State Statute and Ordinance

Background:

In 1972, General Telephone Company installed a basic 911 emergency telephone system serving the Broken Arrow area. Installment of this system resulted in a universal three-digit telephone number giving the public direct access to an emergency answering center. It replaced an older system which utilized different seven-digit emergency numbers for different emergency services.

Several years after initiation of Basic 911 service, engineers developed Enhanced 911 (or E-911, as it is known in the emergency services community). E-911 incorporated three major features, Automatic Number Identification (ANI), Automatic Location Information (ALI), and Selective Routing. ANI allows for the display of the caller's phone number, ALI allows for the display of the caller's location by address, and Selective Routing, through the use of switches and data management systems, automatically sends the call to the proper jurisdiction.

In 1986, the Legislature enacted the 911 Emergency Number Act. The express purpose of the legislation was to establish 911 as the primary emergency number for use in the State of Oklahoma and to encourage local governments to develop and improve emergency communications in an attempt to expedite emergency service response. The Act also authorized imposition of a fee to allow local city governments to raise funds for the purpose and operation of enhanced 911 systems. It allowed cities to pass an ordinance establishing the fee, which was not to exceed 5%. It was originally thought that imposition of the fee could only be possible after approval by the voters either through a special election or an initiative petition process. However, on December 18, 1987, the Attorney General issued an opinion that governing bodies may provide for emergency telephone service and levy the fee necessary to implement that service without an election so long as it was not imposed prior to 60 days following publication of the ordinance.

On March 21, 1988, the Broken Arrow City Council adopted Ordinance No. 1489 which provided for the provision of a 911 system and established the fee at 5% of the tariff for exchange telephone service. It also provided that the fee would be reduced to 3% after June 1, 1988. On April 15, 1991, the Council amended this ordinance reducing the fee to 3%. Effective June 1, 1994, the Council amended the ordinance again increasing the fee to 5% until such time as the capital costs associated with the computer aided dispatch and related systems were paid for and then reducing the fee to 3% of the tariff. The Ordinance was amended again, and

effective July 1, 1997, the fee remained 5% with the capital provision reduction in the prior amendment. The fee was reviewed again on January 20, 1998, and August 17, 1998, without any ordinance amendments. Effective October 7, 2008, the Ordinance was amended to expand the existing provisions and clarify the Council's ability to set the fee on an annual basis in accordance with state law. On June 17, 2013, the Ordinance was amended to add Voice Over Internet Protocol to those services which must collect a fee for funding of emergency telephone services.

The fee currently being collected for the emergency telephone system is 5% of the tariff rate. The fee has not been reduced to 3% as the system continues to require capital improvements. Last fiscal year, the City collected \$224,920.68 in fees. These went into separate accounts. Of this amount, \$224,920.68 was used for personnel costs, improvements and maintenance to the system.

The attached Resolution establishes the fee for calendar year 2017.

Cost: None

Prepared By: Beth Anne Wilkening, City Attorney

Reviewed By: Assistant City Manager - Administration
Finance Department

Approved By: Michael L. Spurgeon, City Manager

Attachments: Resolution No. 919

Recommendation:
Approve Resolution No. 919 and authorize its execution.