

AN ORDINANCE OF BERKELEY COUNTY PROVIDING FOR THE ESTABLISHMENT OF AN ENHANCED EMERGENCY TELEPHONE SYSTEM. AND FOR THE IMPOSITION OF A FEE FOR THE CAPITAL, INSTALLATION, AND MAINTENANCE COSTS OF SUCH SYSTEM.

WHEREAS, Section three(3)-cc, Article one(1), Chapter seven(7) (7-1-3cc) of the West Virginia Code grants the authority to County Commission to establish and 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 al) 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 BERKELEY COUNTY, WEST VIRGINIA, PURSUANT TO AND IN ACCORDANCE WITH SECTION THREE (3)-CC, ARTICLE ONE (1), CHAPTER SEVEN (7) (7-1-3CC) AND ARTICLE SIX (6), CHAPTER TWENTY-FOUR (24), (24-6-1 et al) OF THE WEST VIRGINIA CODE, THAT AN EMERGENCY TELEPHONE SYSTEM BE ESTABLISHED AS PROVIDED FOR IN THE FINAL PLAN ATTACHED HERETO, THAT SUCH FINAL PLAN BE ADOPTED, AND THAT THE FEE FOR THE CAPITAL, INSTALLATION, AND MAINTENANCE OF SUCH SYTEM BE IMPOSED IN ACCORDANCE WITH THE PROVISION OF SUCH FINAL PLAN.

FINAL PLAN FOR THE ENHANCED EMERGENCY TELEPHONE SYSTEM OF BERKELEY 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 requests 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 Berkeley County, West Virginia.
- (c) **"COUNTY"** means Berkeley 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 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 such call to emergency service 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 which is engaged in the provision of telephone service.

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:

Martinsburg, Hedgesville

SECTION 3 - COUNTY ANSWERING POINT

- (a) The County answering point shall be operated constantly.
- (b) There shall be one county answering point. The location of such answering point is as follows:

Berkeley County Central Dispatch
802 Emmett Rousch Drive, Suite A
Martinsburg, WV 25401
(Located in the Berkeley County Emergency Services Building)

- (c) All areas of Berkeley County will be served by this 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 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) shall be the Following:
Martinsburg Fire Department; Back Creek Valley Volunteer Fire and Rescue Company; Baker Heights Volunteer Fire and Rescue Company; Bedington Volunteer Fire and Rescue Company; Hedgesville Volunteer Fire and Rescue Company, South Berkeley Volunteer Fire and Rescue Company; Veteran's Administration Fire Department; *Berkeley County Emergency Ambulance Authority*; Berkeley County Sheriff's Department; Martinsburg Police Department; Martinsburg Detachment West Virginia *Department of Public Safety*; West Virginia Department of Natural Resources; Berkeley County Animal *Control*.
- (c) Each emergency provider will respond to a misdirected call in the Following manner:

When an emergency call is received, the provider will take all necessary information and relay to the proper agency. When non-emergency calls are misdirected, the caller will be advised of the proper agency and the telephone number to call.
- (d) Each emergency provider participating in the system shall maintain a telephone number in addition to the one provided in the system.

SECTION 5 - PROJECTION OF COSTS:

SEE ATTACHMENT

SECTION 6 - *IMPOSITION OF FEE; ESTABLISHMENT OF SEPARATE E-911 FUND;*

- (a) *Pursuant to section three-cc, article one, chapter seven (7-1-1cc) of The West Virginia Code, the County Commission of Berkeley County hereby imposes a fee of \$2.75 (two dollars, seventy-five cents) per month, per local exchange service line, upon Berkeley County users Centrex Lines shall be calculated in the following manner:*

The first eight (8) lines of a CENTREX will be billed the full fee of \$2.75. Each line thereafter will be billed at a rate of 1/8th of the \$2.75 fee or \$0.3478 per line.

The fee shall be effective beginning August 1, 2004. In the interim period, the fee existing on the date of these amendments remains effective.

- (b) *The Berkeley County Commission will notify all telephone Companies doing business within Berkeley County of the established E-911 fee for said County by providing a copy of the approved ordinance. This will allow for the correct billing of the enhanced emergency telephone fee by each telephone company.*
- (c) *All E-911 fees remitted by telephone companies shall be deposited in A separate "E-911 Fund" account.*
- (d) *The costs associated with establishing, equipping, furnishing, Operating, and maintaining the county answering point shall be paid from such fees and from such other funds which may be made available for the purposes set forth.*

SECTION 7 - 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 Ordinance applies to all telephone companies providing services and Facilities within Berkeley County.

SECTION 8 - TARIFFS, RULES AND REGULATIONS, AND LAWS

This final plan shall be supplemented and superceded 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 9 - FILING OF PLAN WITH THE PUBLIC SERVICE COMMISSION

Upon adoption of this plan, the County Commission shall send a copy of such plan to the Public Service of Commission of West Virginia.

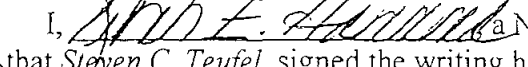
The Amendments contained in Section 6 were ordered at a meeting of the Commission on April 1, 2004, and are effective August 1, 2004.

BERKELEY COUNTY COMMISSION



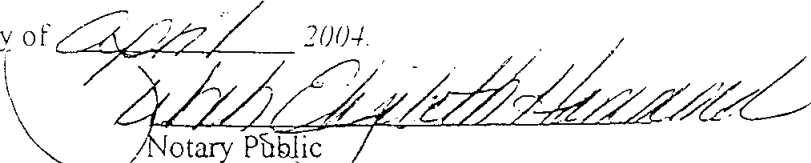
Steven C. Teufel, President

STATE OF WEST VIRGINIA
COUNTY OF BERKELEY, TO-WIT:

I,  a Notary Public in and for said County, do certify that *Steven C. Teufel*, signed the writing hereto annexed for the Berkeley 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 6th day of April 2004.

My Commission Expires:


Notary Public

