

15725

BEFORE THE COUNTY COUNCIL OF BERKELEY COUNTY, WEST VIRGINIA

AN AMENDED ORDINANCE OF BERKELEY 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/Councils 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 COUNCIL OF BERKELEY 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 HERETO, THAT SUCH FINAL PLAN BE ADOPTED AND THAT THE FEE FOR THE CAPITAL, INSTALLATION, AND MAINTENANCE OF SUCH SYSTEM 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 request for emergency service, by directly dispatching the appropriate emergency service provider or transferring the call to the appropriate provider.
- (b) **“COUNTY COUNCIL”** means the County Council 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 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:

MARTINSBURG, HEDGESVILLE

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:

**Berkeley County Central Dispatch (E911)
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 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 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 Company
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
167th Air National Guard Fire Department
Berkeley County Emergency Ambulance Authority
Berkeley County Sheriff's Department
Martinsburg Police Department
Martinsburg Detachment – West Virginia Department of Public Safety
WV Department of Natural Resources and Forestry
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 or transfer the caller when appropriate. When non-emergency calls are misdirected, the caller will be advised of the proper agency and the telephone number to call when possible.

- (d) Each emergency provider participating in the system shall maintain a telephone number in addition to the one provided in the system.

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

- (a) Pursuant to section three-cc, article one, chapter seven (§7-1-1cc) of the West Virginia Code, the County Council of Berkeley 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 1/8th of the \$5.00 fee or \$.625 per line.

The fee will become effective beginning June 1, 2017 or as soon thereafter as possible.

- (b) The Berkeley County Council will notify all telephone companies doing business within Berkeley County of the amended E-911 fee for said County by providing a copy of this amended 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 Fund 19 account.
- (d) 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 County Council.

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 Berkeley 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 - FILING OF PLAN WITH THE PUBLIC SERVICE COMMISSION

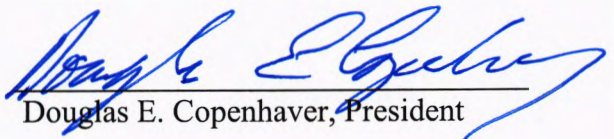
Upon adoption of this plan and any amendment thereto, the County Council shall send a copy of such plan to the

Public Service Commission of West Virginia.

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

Amended this the 4th day of May, 2017.

BERKELEY COUNTY COUNCIL


Douglas E. Copenhaver, President

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

I, Tracie L. McCormick a Notary Public in and for said County, do certify that Douglas E. Copenhaver signed the writing hereto annexed for the Berkeley County Council, having this day in my said County, before me, acknowledged the said writing to be the act and deed of said Council.

Give under my hand this 18 day of May, 2017

My Commission Expires: Dec. 29, 2019 Tracie L. McCormick
Notary Public



John W Small Jr
BERKELEY County 12:48:59 PM
Instrument No 20170015725
Date Recorded 05/18/2017
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