

ORDINANCE NO. 2017-11-8505

**AN ORDINANCE AMENDING THE 911 ORDINANCE
FOR PURPOSES OF ALLOWING THE CITY TO AUDIT
TELEPHONE COMPANIES FOR COMPLIANCE WITH
THE CITY'S FEE PROVISIONS**

WHEREAS, pursuant to Section 2-327(a) of the Paducah Code of Ordinances, all private commercial telephone companies and dispersed private telephone systems (DPTS) that provide telephone services to citizens of the City of Paducah are to collect and remit a fee of \$2.50 per telephone line to the City of Paducah for purposes of funding the establishment, operation, and maintenance of the 911 Communication Services Department; and

WHEREAS, all private commercial telephone companies and DPTS's that provide telephone services to the citizens of McCracken County who are located outside the limits of the City of Paducah are to collect and remit a fee of \$1.50 per telephone line to the City of Paducah for purposes of funding the establishment, operation, and maintenance of the 911 Communication Services Department; and

WHEREAS, an informal audit process has indicated that some private commercial telephone companies and DPTS's may not be in full compliance with the City of Paducah's and/or McCracken County's ordinances regarding collection and remittance of said fees; and

WHEREAS, in order to perform a formal audit of the private commercial telephone companies' and DPTS' collection and remittance procedures, Chapter 2 of the Paducah Code of Ordinances must be amended to allow for such procedure.

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah, Kentucky hereby amends Chapter 2 of the Paducah Code of Ordinances as follows:

DIVISION 6. – 911 Communications Services.

Sec. 2-326. – Director.

(a) *Office established.* There is hereby created and established the position of 911 Communications Services Director.

(b) *Duties.* The 911 Communications Services Director shall have the general responsibility of supervising the Department's employees and the various functions of the Department. The 911 Communications Services Director shall have the responsibility of providing emergency 911 services for the city and any other agencies that contract for services. The 911 Communications Services Director shall have all general authorities and powers necessary to carry out these responsibilities and shall report to the City Manager.

(c) **Authority. The Director is authorized to retain, with approval by the City Manager, an independent certified public accountant who shall audit, not more often than once every twelve (12) months, the books of any private commercial telephone service or owner of a dispersed private telephone system (DPTS) that provides local and 911 emergency service to subscribers for compensation under KRS 65.760, et seq., for the following purposes:**

(1) To verify the accuracy of collection, receipts, and disbursements of all fees; and

(2) To verify the accuracy of the number of 911 subscribers to any private commercial telephone service or DPTS.

The independent certified public accountant shall make a report of the audits to the Director of 911 Communications Service, the Finance Director of the City of Paducah, Kentucky, the City Manager for the City of Paducah, Kentucky and the Mayor for the City of Paducah, Kentucky. The independent certified public accountant shall also forward a copy of the audit to the appropriate officer for any private commercial telephone service or DPTS.

Sec. 2-327. – Fees for Services.

(a) All telephone companies providing telephone service to residents of the City of Paducah shall collect from each line the sum of \$2.50 per month, beginning July 1, 2016. In the interim, all telephone companies providing telephone service to residents of the City of Paducah shall continue to collect from each line the sum of \$1.50 per month.

(b) All telephone companies shall remit all fees to the City of Paducah within ten (10) days after the end of each month.

(c) All telephone companies providing services to persons/entities for whom the City of Paducah provides 911 services shall be subject to the audit procedure outlined in Sec. 2-326(c).

Sec.2-328. – Authorization to Contract.

The mayor, on behalf of the city, is authorized to execute a letter of intent, lease, and/or service agreement providing for the implementation, maintenance, and funding of the 911 Communications Services Department. The mayor, on behalf of the city, is further authorized to contract with other agencies, for a fee, to provide 911 services therefor.

Sec. 2-329 – Penalties

Any person and/or entity in violation of the provisions of Sec. 2-327(a) or (b) shall be subject to a penalty equal to five percent (5%) of the total fees due for each day or fraction thereof that the fees for services is late.

SECTION 2. This Ordinance shall be read on two separate days and become effective upon summary publication pursuant to KRS Chapter 424.

Brandi Harless, Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, November 14, 2017
Adopted by the Board of Commissioners, November 28, 2017
Recorded by the Tammara S. Sanderson, City Clerk, November 28, 2017
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