

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF KIOWA

RESOLUTION # 2005-43

A RESOLUTION PROVIDING FOR SUBMISSION TO THE VOTERS OF KIOWA COUNTY THE QUESTION OF WHETHER USERS OF CELLULAR TELEPHONES WITHIN KIOWA COUNTY SHOULD BE ASSESSED A NINE-ONE-ONE EMERGENCY WIRELESS TELEPHONE FEE NOT TO EXCEED THE MAXIMUM AMOUNT REQUIRED BY LAW (CURRENTLY 50 CENTS PER MONTH PER WIRELESS CONNECTION) FOR WIRELESS CONNECTION; PROVIDING FOR THE ASSESSMENT AND LEVYING OF SUCH A FEE SUBJECT TO THE APPROVAL OF THE VOTERS OF KIOWA COUNTY; PROVIDING FOR THE COLLECTION, DISBURSEMENT AND USE OF THE PROCEEDS THEREOF; DECLARING AN EMERGENCY AND IMMEDIATE EFFECT, AND PROVIDING FOR THE PUBLICATION OF THIS RESOLUTION PURSUANT TO LAW.

WHEREAS, the Board of County Commissioners of the County of Kiowa County, State of Oklahoma, is the only political subdivision within Kiowa County, Oklahoma, authorized by the Oklahoma Statutes to submit to the voters of Kiowa County the question of whether a nine-one-one emergency wireless telephone fee not to exceed the maximum amount required by law (currently 50 cents per month per wireless connection) should be imposed upon each wireless connection in Kiowa County as determined by the zip code of the subscriber for the purpose of providing revenue to fund the costs of processing nine-one-one emergency wireless calls, including when possible automatic number identification and automatic location identification of wireless nine-one-one calls and selective routing of such calls, 63 O.S. 2001, § 2843.1; and

WHEREAS, the Oklahoma Statutes provide that whenever a nine-one-one emergency wireless telephone fee is approved by a majority of the voters of the county voting thereon, the proceeds of such a fee, upon collection from the county's customers of wireless telephone service providers, must then be paid over to the substitute planning district that represents the county and be deposited into a special nine-one-one fee account established by said district, 63 O.S. 2001, § 2844(A); and

WHEREAS, such substitute planning district is required by the Oklahoma Statutes to then apportion and disburse the collected proceeds of the nine-one-one emergency wireless telephone fee to every public agency within the County that has either established an emergency wireless telephone service, or that has made a written request to a wireless telephone service provider for the installation, maintenance, and operation of an emergency wireless telephone service, in the manner provided by Oklahoma Statute, 63 O.S. 2001, §§ 2843.1; and

WHEREAS, the proceeds of a nine-one-one emergency wireless telephone fee may only be used by the recipient public agencies for services and costs related to the provision of nine-one-one emergency wireless telephone services, 63 O.S. 2001, § 2843.1; and

WHEREAS, the Board of County Commissioners of the County of Kiowa County, State of Oklahoma FINDS that it is in the Public Interest that the voters decide whether a nine-one-one emergency wireless telephone fee for such purposes should be imposed; and

WHEREAS, the Board of County Commissioners must call an election within one (1) year of the date of this Resolution to obtain approval by the voters located within the geographical boundaries of Kiowa County, Oklahoma, for the imposition of a nine-one-one emergency wireless telephone fee.

NOW THEREFORE BE IT RESOLVED AND ORDERED AS FOLLOWS:

SECTION 1: The Board of County Commissioners of the County of Kiowa, State of Oklahoma, subject to the approval by a majority of registered voters at an election called as provided herein upon the question set forth in Section 2 of this Resolution, hereby assesses, levies and imposes, a special fee of the maximum amount required by law (currently 50 cents per month per wireless connection) upon each wireless connection within Kiowa County as determined by the zip code of wireless telephone subscriber's billing address; said special fee to be known as the "Nine-One-One Wireless Emergency Telephone Fee."

SECTION 2: The Chairman of the Board of County Commissioners of the County of Kiowa, State of Oklahoma, is hereby authorized and directed to call an election to be held in said county on the 13th day of the month of December of the year 2005, A.D., on the following question:

SHALL A NINE-ONE-ONE WIRELESS EMERGENCY TELEPHONE FEE OF THE MAXIMUM AMOUNT REQUIRED BY LAW (CURRENTLY 50 CENTS PER MONTH PER WIRELESS CONNECTION) BE IMPOSED UPON EACH WIRELESS CONNECTION IN KIOWA COUNTY AS DETERMINED BY THE ZIP CODE OF THE SUBSCRIBER, FOR THE PURPOSE OF PROVIDING REVENUE TO FUND THE COSTS OF PROCESSING NINE-ONE-ONE EMERGENCY WIRELESS CALLS, INCLUDING WHEN POSSIBLE, AUTOMATIC NUMBER IDENTIFICATION AND AUTOMATIC LOCATION OF WIRELESS NINE-ONE-ONE CALLS AND SELECTIVE ROUTING OF SUCH CALLS; SAID REVENUE TO BE COLLECTED, APPOINTED AND DISTRIBUTED ACCORDING TO THE METHOD AND MANNER PROVIDED BY STATE STATUTE TO EVERY PUBLIC AGENCY WITHIN KIOWA COUNTY THAT HAS EITHER ESTABLISHED AN EMERGENCY WIRELESS TELEPHONE SERVICE OR THAT HAS MADE A WRITTEN REQUEST TO A WIRELESS TELEPHONE SERVICE PROVIDER FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF AN EMERGENCY WIRELESS TELEPHONE SERVICE; SAID REVENUE TO BE USED BY THE RECIPIENT PUBLIC AGENCY ONLY FOR SERVICES AND COSTS RELATED TO THE PROVISION OF NINE-ONE-ONE EMERGENCY WIRELESS TELEPHONE SERVICES?

The ballot used at said election shall set out the foregoing question as above set forth and shall also contain the words:

_____ For the above question.

_____ Against the above question.

Said election shall be held at the same places and in the same manner prescribed for the conduct of state and county elections and the polls shall be opened at 7:00 o'clock A.M. and remain open continuously until they are closed at 7:00 o'clock P.M. Notice of election upon such question shall be given in the manner provided by law.

SECTION 3: In the event that a majority of registered Kiowa County voters voting thereon approve the question set forth above in Section 2 at the election called therein, all wireless telephone service providers having Kiowa County subscribers shall commence collecting the Nine-One-One Wireless Emergency Telephone Fee assessed, levied and imposed above in Section 1 within sixty (60) days of the date of said election as required by the Oklahoma Statutes, 63 O.S. 2001, § 2843.1. Such fees shall be added to and stated separately in the billings to the service user, 63 O.S. 2001, § 2843.1. All collected Nine-One-One Wireless Emergency Telephone Fees shall be remitted to the Southwestern Oklahoma Development Authority (SWODA) not later than thirty (30) days after the last day of the month during which the fees were collected; provided that the wireless telephone service provider may retain an

administrative fee of not more than two percent (2%) of the amount collected as an administrative fee as provided by Oklahoma Statutes, 63 O.S. 2001, § 2843.1. The wireless service provider shall have no obligation to take any legal action to enforce the collection of the Nine-One-One Wireless Emergency Telephone Fee, however, should any service user tender a payment insufficient to satisfy all charges, tariffs, fees, and taxes for wireless service, the amount tendered shall be credited to the Nine-One-One Wireless Emergency Telephone Fee in the same manner as other taxes and fees. 63 O.S. 2001, § 2843.1. The wireless service provider shall maintain records and account for the collected fees in the manner provided by Oklahoma Statutes, 63 O.S. 2001, § 2844(B).

SECTION 4: The county's substate planning district, Southwestern Oklahoma Development Authority (SWODA), shall receive all collected Nine-One-One Wireless Emergency Telephone Fees from wireless telephone service providers and shall segregate and deposit such fees to the credit of a special nine-one-one wireless emergency telephone account established by the district at a federally insured financial institution, 63 O.S. 2001, § 2844. SWODA shall apportion and disburse the collected fees to eligible public agencies as now provided in 63 O.S. 2001, § 2843.1(C), or as may hereafter be provided by the lawful Act of the Oklahoma Legislature. SWODA shall account for the receipt and disbursement of the fees as provided by law, 63 O.S. 2001, § 2844.

SECTION 5: All eligible public agencies receiving revenue from Nine-One-One Wireless Emergency Telephone Fees shall expend the same only for costs and services related to providing nine-one-one emergency wireless telephone services as authorized by the Oklahoma Statutes, 63 O.S. 2001, § 2843.1. The governing body of such public agency shall meet at least quarterly to oversee the operations of the emergency wireless telephone system, review expenditures, set and approve an operating budget, and take such other action as necessary for the operation and management of the system, 63 O.S. 2001, § 2844. The public agency shall account for the receipt and disbursement of the revenue received from Nine-One-One Wireless Emergency Telephone Fees as provided by law, 63 O.S. 2001, § 2844.

SECTION 6: This resolution shall become effective on 3/1, 2006 it being immediately necessary for the preservation of the peace, public health and safety, an emergency is hereby declared to exist, by reason whereof this resolution shall take effect and be in full force and effect from and after its passage and approval. **IT IS HEREBY FINALLY RESOLVED AND ORDERED** that this Resolution shall be published as provided by law.

Approved this 3 day of Oct., 2005.

NOTICE OF ELECTION

Under and by virtue of Title 63, Oklahoma Statutes, Section 2843.1 and the Order of the Board of County Commissioners of the County of Kiowa, State of Oklahoma, authorizing the calling of an election for the purpose hereinafter set forth, as approved by said Board of County Commissioners on the 13th day of December, 2005, I the undersigned Chairman of the said Board of County Commissioners of the County of Kiowa, State of Oklahoma, hereby call an election to be held in Kiowa County on the 13th day of December, 2005, for the purpose of submitting to the registered, qualified voters of Kiowa County the following proposition:

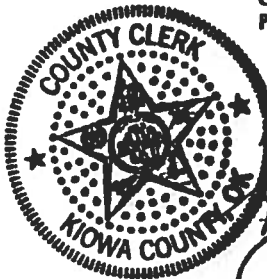
SHALL A NINE-ONE-ONE WIRELESS EMERGENCY TELEPHONE FEE OF THE MAXIMUM AMOUNT REQUIRED BY LAW (CURRENTLY 90 CENTS PER MONTH PER WIRELESS CONNECTION) BE IMPOSED UPON EACH WIRELESS CONNECTION IN KIOWA COUNTY AS DETERMINED BY THE ZIP CODE OF THE SUBSCRIBER, FOR THE PURPOSE OF PROVIDING REVENUE TO FUND THE COSTS OF PROCESSING NINE-ONE-ONE EMERGENCY WIRELESS CALLS, INCLUDING WHEN POSSIBLE, AUTOMATIC NUMBER IDENTIFICATION AND AUTOMATIC LOCATION OF WIRELESS NINE-ONE-ONE CALLS AND SELECTIVE ROUTING OF SUCH CALLS; SAID REVENUE TO BE COLLECTED, APPORTIONED AND DISTRIBUTED ACCORDING TO THE METHOD AND MANNER PROVIDED BY STATE STATUTE TO EVERY PUBLIC AGENCY WITHIN KIOWA COUNTY THAT HAS EITHER ESTABLISHED AN EMERGENCY WIRELESS TELEPHONE SERVICE OR THAT HAS MADE A WRITTEN REQUEST TO A WIRELESS TELEPHONE SERVICE PROVIDER FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF AN EMERGENCY WIRELESS TELEPHONE SERVICE; SAID REVENUE TO BE USED BY THE RECIPIENT PUBLIC AGENCY ONLY FOR SERVICES AND COSTS RELATED TO THE PROVISION OF NINE-ONE-ONE EMERGENCY WIRELESS TELEPHONE SERVICES?

The ballot used as said election shall set out the foregoing Proposition as above set forth, and shall also contain the words:

_____ For the above question.
_____ Against the above question.

Said election shall be held at the same places and in the same manner prescribed for the conduct of State and County elections and the polls shall be opened at 7:00 A.M., and remain open continuously until and be closed at 7:00 P.M.

By order of the Board of County Commissioners of the County of Kiowa, State of Oklahoma.



TEST:

Jane Clatsen
John M. Whipple
KIOWA COUNTY DISTRICT ATTORNEY

10/3/05

BOARD OF COMMISSIONERS
KIOWA COUNTY, OKLAHOMA

Phil Boelt
CHAIRMAN
Joyce Hill
MEMBER
Arden
MEMBER

OKLAHOMA CERTIFICATION REPORT
RUN DATE: 12-16-05 12:01 PM

SPECIAL ELECTION
DECEMBER 13, 2005
KIOWA COUNTY, OKLAHOMA

*** OFFICIAL CERTIFICATE OF VOTES ***

SPECIAL ELECTION
DECEMBER 13TH, 2005
KIOWA COUNTY, OKLAHOMA

KIOWA COUNTY PROPOSITION

FOR THE PROPOSITION-YES AGAINST THE PROPOSITION-NO

PRECINCT	FOR THE PROPOSITION-YES	AGAINST THE PROPOSITION-NO
KIOWA CO. PCT 380001	105	23
KIOWA CO. PCT 380002	12	7
KIOWA CO. PCT 380003	5	0
KIOWA CO. PCT 380004	72	10
KIOWA CO. PCT 380005	7	0
KIOWA CO. PCT 380006	31	2
KIOWA CO. PCT 380008	41	8
KIOWA CO. PCT 380010	46	14
KIOWA CO. PCT 380012	0	0
KIOWA CO. PCT 380014	27	27
KIOWA CO. PCT 380015	3	0
KIOWA CO. PCT 380016	23	12
KIOWA CO. PCT 380022	13	10
KIOWA CO. ABSENTEE PRECINCT	43	8
	428	121

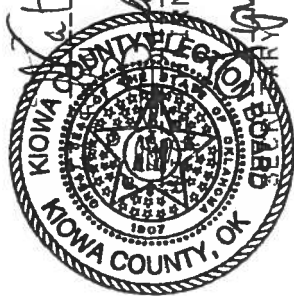
SPECIAL ELECTION
DECEMBER 13, 2005
KIOWA COUNTY, OKLAHOMA

OKLAHOMA CERTIFICATION REPORT
RUN DATE: 12-16-05 12:01 PM

*** OFFICIAL CERTIFICATE OF VOTES ***

KIOWA COUNTY PROPOSITION

WE, THE DULY APPOINTED MEMBERS OF THE KIOWA COUNTY ELECTION BOARD, STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT NUMBER OF VOTES CAST IN THE SPECIAL ELECTION, HELD ON DECEMBER 13, 2005. RESULTS OF SAID ELECTION ARE SHOWN ABOVE. DATED AT HOBART, OKLAHOMA, THIS 16TH DAY OF DECEMBER, 2005.



Zetho Jester

Barry Leonard

Gene Morris
