

COMMONWEALTH OF KENTUCKY
MCLEAN COUNTY FISCAL COURT

**SUMMARY OF AMENDMENTS TO ORDINANCE
NO. 87.310.10**

As in Ordinance 95-310.2 and Ordinance 00310.1, the subject ordinance terminates the previous 911 service fee of \$2.25 per month that was assessed on all residents having a "landline" telephone and imposes instead a \$5.00 (FIVE DOLLAR AND NO CENTS) 911 service fee on each water customer that receives active billing for water service in McLean County, Kentucky. Said fee will be added to each resident's water bill and collected by their water service provider, which said water service provider shall remit on a monthly basis the 911 service fee less its actual cost of administration and collection of this fee up to but not exceeding 2% of the fees collected. In addition, if any resident has more than one meter that receives active billing for water service and that said resident is paying a monthly bill, said resident may file an appeal to McLean County Fiscal Court for reimbursement.

I certify that the foregoing is a true and correct summary of the Amendments of Ordinance No. 20-540-1, the full text of which can be reviewed at the office of the McLean County Judge Executive.



DONNA M. DANT
McLean County Attorney

COMMONWEALTH OF KENTUCKY
MCLEAN COUNTY FISCAL COURT

**ORDINANCE AMENDING ORDINANCE NO. 87-310.1, ORDINANCE NO. 95-310.2
AND ORDINANCE 00.310.1, WHICH ESTABLISHED A 911 EMERGENCY
TELEPHONE SERVICE**

WHEREAS, the County of McLean has heretofore established a 911 emergency telephone service; and

WHEREAS, said service fee was originally 0.85 per month was charged to each local telephone subscriber; and

WHEREAS, by Ordinance no. 95-310.2, that service fee was increased from 0.85 to \$1.00 per month and said service fee was further increased from 0.85 to \$2.25 per month by Ordinance No. 00.310.1; and

WHEREAS, at the time of the established 911 service and fee, most households communicated through landline telephones and there were few cellular telephones in existence and now the percentage of households in McLean County having landline telephone services has decreased; and

WHEREAS, the fee levied on landline telephone service no longer support the funding necessary to maintain and operate an E-911 service and;

WHEREAS, KRS 65.760 permits E-911 service to be funded through the levy of a special fee that is reasonably related to the benefit of E-911 service;

NOW THEREFORE, Ordinance No. 87-310.1 and its subsequent amendments by Ordinance No. 95.310.2 and Ordinance 00.310.1 is hereby amended as follows:

SECTION 3 –

1. A 911 service fee of \$5.00 (FIVE DOLLARS AND NO CENTS) per month shall be imposed for each water customer that receives active billing for water service located in McLean County, Kentucky. Specifically each single family residence or business shall have imposed on their billing this 911 service fee, however, each unit in multifamily residences shall have imposed this 911 service fee.
2. This E-911 service fee shall be collected by each water company, district, association and provider of a water distribution system in McLean County for each water customer that receives active billing for water service in McLean County in advance of the month or any part of the month for which service is provided. The fee will not be prorated for service for less than a full month, however, each water company district, association and provider of a water distribution system in McLean County shall only collect one fee per water customer.
3. Each water company, district, association and provider of a water distribution system in McLean County shall remit on a monthly basis such fees collected to McLean County e-911 and shall be permitted to withhold two percent (2%) of these monies for the administration of this fee.
4. The E-911 service fees collected pursuant to this Ordinance are not a portion of the rate charged for water distribution but is a fee levied on the customer for the exclusive purpose of funding the delivery of E-911 emergency telephone service to McLean County as provided for by KRS 65.760.

5. Water service cannot be discontinued for the nonpayment of the E-911 fee. For those customers not paying the E-911 fee, McLean County can pursue all legal remedies for nonpayment and noncompliance with this Ordinance.
6. If any resident of McLean County has more than one water meter that receives active billing for water service, said resident may file an appeal by filling out and filing with the McLean County Fiscal Court an appeal form, seeking reimbursement for the fee herein imposed once per year for each meter over one. If the Appeal is granted by the McLean County Fiscal Court, the individual shall be reimbursed the amount of the fee herein imposed for each meter over three. If the Appeal is granted, the McLean County Fiscal Court will also issue a 1099 tax form to the appealing party. The appealing party must provide information to prove that said party has paid the water bills they are requesting reimbursement for. There shall not be a reimbursement for any meter connected to a business, office or residence. A form for an Appeal is attached hereto as Exhibit "A".
7. The provisions of this Amendment of the Ordinance are severable and if any portion of this Amendment or the application thereof is for any reason found to be unconstitutional or invalid, such unconstitutionality shall not affect or repeal any of the remaining provisions of this Amended Ordinance or the provisions of any and all previous Ordinances related to E-911 service.

THIS ORDINANCE SHALL BECOME EFFECTIVE UPON ITS PASSAGE AND PUBLICATION ACCORDING TO LAW.

APPROVED: Upon 1st reading at regular meeting held on 12th the day of November, 2020.

APPROVED: Upon 2nd reading at regular meeting held on 24th the day of
November, 2020.



CURTIS DAME
McLean County Judge Executive

ATTESTED:


FISCAL COURT CLERK, WENDY CLARK

**RE: AMENDING ORDINANCE NO. 87-310.1 AND ORDINANCE NO. 95-310.2, WHICH ESTABLISHED A 911
EMERGENCY TELEPHONE SERVICE**

YEAR _____

WATER DISTRICT _____

Meter# _____

Dates Paid _____

Received _____

Amount claimed for Reimbursement _____

PETITION TO REQUEST REFUND OF 911 FEES PAID

I, _____ hereby request that the 911 fees paid by me for the year _____, be refunded. Attached are evidence of payment of said fees for the additional water service that I have that are in excess of one service to my property/properties in McLean County. Additionally I have also attached evidence of payment of the one water service that I receive that I am not requesting a refund. I am also filing with this petition a self-addressed stamped envelope for the mailing of the refund.

Requesting Party
Contact# _____

EXHIBIT "A"