

ORDINANCE NO. 89-001

VILLAGE OF DIXMOOR

AN ORDINANCE REGARDING THE PLACEMENT OF A REFERENDUM
BEFORE THE CITIZENS OF DIXMOOR ON THE APRIL 4, 1989
BALLOT FOR APPROVAL OF A SURCHARGE TO PAY FOR AN
IMPROVED 911 SYSTEM

WHEREAS the State of Illinois has enacted into law the
Emergency Telephone System Act (the "Act"); and

WHEREAS the Act enables counties and municipalities to
impose a surcharge on telecommunication carriers at a rate per
network connection in order to support and maintain a "911" emergency
telephone system; and

WHEREAS the Act allows the telecommunication carrier to re-
cover the surcharge including a 3% collection charge from its sub-
scribers residing within the corporate limits of the county or
municipality imposing the surcharge; and

WHEREAS the Act further provides that before the surcharge
may be imposed it must be authorized by a majority of the voters in
a referendum by the county or municipality; and

WHEREAS the President and Board of Trustees of the Village
of Dixmoor deem it to be in the best interest of the municipality to
provide a "911" emergency telephone system and to impose a surcharge
on telecommunication carriers to be passed through to its subscribers
to pay for the costs associated therewith;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND
BOARD OF TRUSTEES OF THE VILLAGE OF DIXMOOR as follows:

Section One: A surcharge is hereby imposed, subject to

the provisions of Section Two, upon all telecommunication carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of this municipality and terminating within the State of Illinois for funding of a "911" emergency telephone system.

✓ Section Two: A referendum shall be placed by the Village Clerk on the April 4, 1989 ballot for all legal voters residing in the Village to vote upon the following question:

Shall the Village of Dixmoor impose a surcharge of up to \$1.25 per month per network connection on telecommunication carriers, which surcharge expense (the surcharge plus a statutory accounting charge) will be added to the monthly bill you receive for telephone or communications charges for the purpose of improving a 911 emergency telephone system?

3 yes 0 no 2 Abstain

Section Three: If a majority of the votes cast upon the question are in favor thereof, a surcharge is hereby imposed at a rate of \$1.25 per month per in-service network connection, as hereinafter defined. A network connection shall not be deemed to be in service where a subscriber's account is deemed uncollectable by the telecommunication carrier.

Section Four: For purpose of this ordinance the following definitions shall apply:

- a. "Network Connections" means the number of voice grade communications channels directly between a subscriber and a telecommunications carrier's public switched network which would be required to carry the subscribers inter premises traffic.

- b. "Transmitting Messages" shall have the meaning ascribed to the term in Section 8-11-2 of Chapter 24 of the Illinois Revised Statutes (1987).
- c. "Telecommunication Carrier" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this State, or a receiver, trustee, conservator or other representative appointed by order of any court engaged in the business of transmitting messages by means of electricity.

Section Five: The Village Clerk shall provide any telecommunication carrier subject to the surcharge with a certified list of those network connections assigned to the municipality to be exempt from imposition of the surcharge. The certified list may be revised by the municipality on 60 days prior written notice provided to the telecommunication carriers.

Section Six: The surcharge shall be imposed on the first day of the month following the expiration of 90 days from the date the Village Clerk certifies to any of the telecommunication carriers who are subject to the surcharge that the referendum referred to in Section Two has passed.

Section Seven: Every telecommunication carrier shall remit to the Village Treasurer the amount of surcharge due and owing for each calendar month within 30 days following expiration of each month to which the surcharge applies, net of any network or other "911" or

sophisticated "911" system charge then due the particular telecommunication carrier as shown on an itemized bill.

✓ Section Eight: Simultaneously with the remittance subscribed in Section Seven above, each telecommunication carrier shall make a return to the Village Treasurer for the period to which the remittance applies stating as follows:

1. The name of the telecommunication carrier.
2. The telecommunication carrier's principal place of business.
3. The number of network connections to which the surcharge applies.
4. The amount of surcharge due.
5. Such other reasonable and related information as the corporate authorities may require.

Section Nine: If it shall appear that an amount of surcharge has been paid which was not due under the provisions of this ordinance, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any surcharge due, or to become due, under this ordinance from the telecommunication carrier who made the erroneous payments; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefore shall be so credited.

Section Ten: No action to recover any amount of surcharge due under the provisions of this ordinance shall be commenced more than three (3) years after the due date of such amount.

Section Eleven: This ordinance shall be in full force and effect and the same shall so remain from and after its passage and

approval and all ordinances or parts of ordinances in any manner in conflict herewith be and the same are hereby repealed.

This Ordinance duly passed on the 25th day of JANUARY, 1989, by the President and Board of Trustees of the Village of Dixmoor, County of Cook and State of Illinois, at its regular meeting and the same was hereafter duly filed in the Office of the Village Clerk on the 26th day of JANUARY, 1989.

Thomas P. Young
VILLAGE CLERK OF THE VILLAGE OF DIXMOOR
COUNTY OF COOK AND STATE OF ILLINOIS

VOTING AYE: TRUSTEE LABREC, TRUSTEE COUCH, TRUSTEE STEINHAGEN

VOTING NAY: -0-

ABSENT: -0-

ABSTAIN: TRUSTEE HOLLOWAY, TRUSTEE SMITH

APPROVED this 25th day of JANUARY, 1989.

Joe P. ...
MAYOR OF THE VILLAGE OF DIXMOOR
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED AND FILED IN MY OFFICE this 26th day of JANUARY, 1989.

Thomas P. Young
VILLAGE CLERK

CERTIFICATION

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Dixmoor, Cook County, Illinois, and as such I am the keeper of the records and files and am the custodian of the seal of said municipality.

I do further certify as follows:

1. That the foregoing as attached is a complete, true and correct copy of Ordinance No. 89-001, entitled AN ORDINANCE REGARDING THE PLACEMENT OF A REFERENDUM BEFORE THE CITIZENS OF DIXMOOR ON THE APRIL 4, 1989 BALLOT FOR APPROVAL OF A SURCHARGE TO PAY FOR AN IMPROVED 911 SYSTEM.

2. That it was duly adopted by the governing body of said municipality at its regular meeting held JANUARY 25, 1989

3. That there were present at such meeting the following members of the Board of Trustees:

TRUSTEE BENNIE HOLLOWAY

TRUSTEE HENRY LABREC

TRUSTEE JERRY SMITH

TRUSTEE STANLEY COUCH

TRUSTEE KENNETH STEINHAGEN

and the vote on said adoption was:

Ayes 3

Nays 0

Absent 0

Abstain 2

In witness whereof, I hereby affix my official signature
and corporate seal of said municipality here on this 26th day
of JANUARY, 1989.



VILLAGE CLERK

(SEAL)

CERTIFICATION

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Dixmoor, Cook County, Illinois, and as such I am the keeper of the records and files and am the custodian of the seal of said municipality.

I do further certify as follows:

1. That the foregoing as attached is a complete, true and correct copy of Ordinance No. 89-001, entitled AN ORDINANCE REGARDING THE PLACEMENT OF A REFERENDUM BEFORE THE CITIZENS OF DIXMOOR ON THE APRIL 4, 1989 BALLOT FOR APPROVAL OF A SURCHARGE TO PAY FOR AN IMPROVED 911 SYSTEM.

2. That it was duly adopted by the governing body of said municipality at its regular meeting held JANUARY 25, 1989

3. That there were present at such meeting the following members of the Board of Trustees:

TRUSTEE BENNIE HOLLOWAY

TRUSTEE HENRY LABREC

TRUSTEE JERRY SMITH

TRUSTEE STANLEY COUCH

TRUSTEE KENNETH STEINHAGEN

and the vote on said adoption was:

Ayes 3

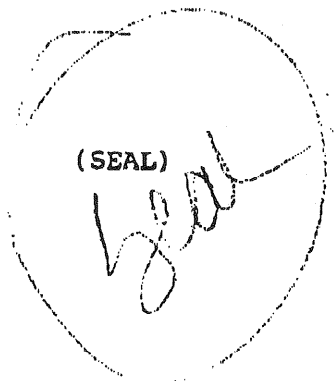
Nays 0

Absent 0

Abstain 2

In witness whereof, I hereby affix my official signature
and corporate seal of said municipality here on this 26th day
of JANUARY, 1989.

Vincent V. Young
VILLAGE CLERK



ORDINANCE NO. 89-008

VILLAGE OF DIXMOOR

AN ORDINANCE REGARDING APPROVAL OF A SURCHARGE
TO PAY FOR AN IMPROVED 911 SYSTEM AMENDING
ORDINANCE 89-001 AND ORDINANCE 89-006

WHEREAS it was agreed that a referendum be placed by the Village Clerk on the ballot as to whether the Village of Dixmoor should impose a surcharge for the purpose of establishing a 911 emergency telephone system; and

WHEREAS, that matter was placed upon the Consolidated Election ballot of April 4, 1989; and

WHEREAS, that matter was passed by a majority of those voting thereon; and

WHEREAS, Ordinance 89-006 was passed on September 13, 1989 amending Ordinance 89-001 to include a provision regarding the recovering of the 3% county and collection charge; and

WHEREAS, Ordinance 89-001 and Ordinance 89-006 set forth in said ordinances Section Three as follows:

"If a majority of the votes cast upon the question are in favor thereof, a surcharge is hereby imposed at a rate of \$1.25 per month per in-service network connection, as herein-after defined. A network connection shall not be deemed to be in service where a subscriber's account is deemed uncollectable by the telecommunication carrier"; and

WHEREAS, that figure as set forth in Section Three was higher than the amount which the state deems necessary to impose as a surcharge at this time.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF DIXMOOR as follows:

Section Three of Ordinances 89-001 and 89-006 shall be amended to read as follows:

"If a majority of the votes cast upon the question are in favor thereof, a surcharge is hereby imposed at a rate of 75c per month per in-service network connection, as herein-after defined. A network connection shall not be deemed to be in service where a subscriber's account is deemed uncollectable by the telecommunication carrier."

This ordinance shall be in full force and effect and the same shall so remain from and after its passage and approval and all ordinances or parts of ordinances in any manner in conflict herewith be and the same are hereby repealed.

This Ordinance duly passed on the 8th day of NOVEMBER, 1989, by the President and Board of Trustees of the Village of Dixmoor, County of Cook and State of Illinois, at its regular meeting and the same was hereafter duly filed in the Office of the Village Clerk on the 9th day of NOVEMBER, 1989.

Viviana T. Young
VILLAGE CLERK OF THE VILLAGE OF DIXMOOR
COUNTY OF COOK AND STATE OF ILLINOIS

VOTING AYE: TRUSTEE GEORGE HELEN ASHLEY - TRUSTEE STANLEY COUCH

TRUSTEE HENRY LABREC - TRUSTEE ZEB LOLLIS - TRUSTEE RICHARD WEBBER

VOTING NAY: NONE

ABSENT: TRUSTEE BENNIE HOLLOWAY

ABSTAIN: NONE

APPROVED this 8th day of NOVEMBER, 1989.

MAYOR OF THE VILLAGE OF DIXMOOR
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED AND FILED IN MY
OFFICE this 9th day
of NOVEMBER, 1989.

William V. Young
VILLAGE CLERK

CERTIFICATION

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Dixmoor, Cook County, Illinois, and as such I am the keeper of the records and files and am the custodian of the seal of said municipality.

I do further certify as follows:

1. That the foregoing as attached is a complete, true and correct copy of Ordinance No. 89-008, entitled AN ORDINANCE REGARDING APPROVAL OF A SURCHARGE TO PAY FOR AN IMPROVED 911 SYSTEM AMENDING ORDINANCE 89-001 AND ORDINANCE 89-006.

2. That it was duly adopted by the governing body of said municipality at its regular meeting held NOVEMBER 8, 1989

3. That there were present at such meeting the following members of the Board of Trustees:

- TRUSTEE GEORGE HELEN ASHLEY - TRUSTEE STANLEY COUCH
- TRUSTEE HENRY LABREC - TRUSTEE ZEB LOLLIS
- TRUSTEE RICHARD WEBBER
-
-
-

and the vote on said adoption was:

Ayes 5

Nays 0

Absent 1

Abstain 0

In witness whereof, I hereby affix my official signature
and corporate seal of said municipality here on this 9th day of
NOVEMBER, 1989.

James D. Young

VILLAGE CLERK

