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SUBJECT: ORDINANCE #2014-2 EMERGENCY SERVICES COMMUNICATIONS  
(9-1-1) FEE

ADOPTED DATE: DECEMBER 15, 2014

PAGE 1 OF 3

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ORDINANCE NO. 2014-2

AN ORDINANCE TO ESTABLISH AND REGULATE A COUNTY WIDE 911 FEE ON  
"ASSESSED COMMUNICATIONS SERVICES" (telephone exchange access service,  
wireless service, active prepaid wireless service, and voice over internet protocol service)

UNDER THE HOME RULE CHARTER OF CASS COUNTY, NORTH DAKOTA

BE IT ORDAINED BY THE COUNTY COMMISSION OF CASS COUNTY, NORTH  
DAKOTA:

911 FEE ON COMMUNICATIONS SERVICES

PURPOSE:

The purpose of this Ordinance is to facilitate the accumulation of funds to be used for operation and upgrade of a 911 Operations Center in Cass County (currently the Red River Regional Dispatch Center) including necessary system wide upgrades and communication line fees.

HISTORY:

The City of Fargo, the City of West Fargo, and Cass County has separately implemented 911 Fees with the City of Fargo and Cass County currently having a fee of \$1.00 per communication line and the City of West Fargo currently having a fee of \$1.50 per communication line. All three entities subsidize the operation of the 911 system with varying amounts of property tax dollars or other revenue sources.

AUTHORITY:

The county is operating under a Home Rule Charter approved by the voters of Cass County on November 1, 1994 with 57.75% positive votes. Paragraph 2 of Article 2, Home Rule, Powers of County, reads in part that the County has the power to:

"Control its finances and fiscal affairs; appropriate money for its purposes, and make payment of its debts and expenses; subject to the limitation of Article 9, levy and collect taxes, excises, fees, and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law, and establish debt and mill levy limitations subject to Article 9."

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PAGE 2 OF 3

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Article 2 also authorizes the county to:

“Provide for the adoption, amendment, repeal, initiation, referral, enforcement, and penalties for violation of ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety and welfare.”

The voters of Cass County have also authorized the county to levy a 911 fee in an election held on November 4, 2014, in response to following ballot question:

Cass County Measure #1

Currently, the emergency services communication (9-1-1) fee structure allows the City of Fargo to impose \$1.00 per month, the City of West Fargo to impose \$1.50 per month, and Cass County to impose \$1.00 per month outside of the cities of Fargo and West Fargo per “communication connection” (telephone access line, wireless access line, unique voice over internet protocol service connection, or functional equivalent uniquely identifiable by a number, internet address, or other designation) for the operation and maintenance of the 9-1-1 emergency services communications systems. Should these various fees be replaced by a single countywide fee not to exceed \$1.50 per month?

Voter approval would allow a countywide fee, not to exceed \$1.50 per month per “communication connection” to become effective January 1, 2015, with the revenue dedicated to maintaining and operating the emergency services communication (9-1-1) system as required by State law.

A “YES” vote means you approve the proposed countywide fee of \$1.50 per month.

A “NO” vote means you do not approve the proposed countywide fee of \$1.50 per month.

The question passed with 61.08 percent of the voters voting in favor of the change.

DEDICATION OF FEE PROCEEDS:

The proceeds of the 911 fee shall be dedicated to maintaining and operating the emergency services communication (9-1-1) system as required by State law. This would include the operation and upgrade of a 911 Operations Center in Cass County (currently, the Red River Regional Dispatch Center) including necessary system wide upgrades and communication line fees.

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PAGE 3 OF 3

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EFFECTIVE DATE:

This Ordinance shall take effect after its passage, approval, and publication on January 1, 2015, whichever is later.

SEVERABILITY:

Should any section, provision or part of the ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the ordinance as to the remainder or any section, provision or part thereof not adjudged invalid or unconstitutional.

APPROVED:

ss/Chad Peterson  
Chad Peterson, Chairman  
Board of Commissioners of the  
County of Cass

ATTEST:

ss/Michael Montplaisir  
Michael Montplaisir  
Cass County Auditor

(SEAL)

First Reading: November 17, 2014  
Second Reading: December 15, 2014  
Final Passage: December 15, 2014  
Publication: November 24, 2014

HISTORICAL REFERENCE DATE: DECEMBER 15, 2014