

ORDINANCE NO. 08 , Series 2014
INTRODUCED BY: COUNCILOR ALEXANDRA LYNCH

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, ESTABLISHING THE BOULDER REGIONAL EMERGENCY TELEPHONE AUTHORITY'S MONTHLY SURCHARGE FOR CITY OF LAFAYETTE SUBSCRIBERS

WHEREAS, the Colorado Emergency Telephone Service Act, C.R.S. §§ 29-11-101, et seq. ("Act"), authorizes governing bodies to enter into intergovernmental agreements for the purpose of providing emergency telephone services; and

WHEREAS, an Intergovernmental Agreement to implement an enhanced emergency telephone service system ("E 9-1-1") for the benefit of the citizens of Boulder County ("Intergovernmental Agreement"), was adopted in 1987 by Boulder County, all cities and towns within the County, including Lafayette and the fire protection districts within the County; and

WHEREAS, the Boulder Regional Emergency Telephone Authority ("BRETSA"), which includes Boulder County and all towns and cities within the County, including Lafayette was formed pursuant to the 1987 Intergovernmental Agreement; and

WHEREAS, BRETSA's goal is to provide enhanced 9-1-1 (E 9-1-1) telephone and dispatching services to the County and all cities, towns and fire protection districts located within the County, and in fulfillment of its goals BRETSA is authorized to impose a charge upon each telephone service subscriber line, ("Subscribers") which includes landlines, wireless and voice over internet protocol ("VOIP") to pay for the equipment and installation and operating costs of the E 9-1-1 system; and

WHEREAS, BRETSA's current surcharge of 50¢ per month per Subscriber is the third lowest in the state, with the average rate being 86¢; and nineteen authorities have rates between \$1.00 and \$1.50; and

WHEREAS, BRETSA has recommended a rate increase to 75¢ per month per Subscriber commencing July 1, 2014 to cover support and operating expenses for E 9-1-1 telephone services, emergency notification systems (e.g., reverse 9-1-1), Computer Aided Dispatch ("CAD"), digital loggers (phone/radio recorders), other capital/non-capital equipment and maintenance needs, network infrastructure to include interconnecting the Public Safety Answering Point's (fiber, redundancy, backup support), technical training needs, and the maintenance of databases which directly support CAD, which include, the Geographic Information System, Master Street Address Guide, and Automatic Location Information; and

WHEREAS, in accordance with C.R.S. §29-11-102(2)(a) and (b) of the Act any charge in excess of 70¢ per month must first be approved by the Public Utilities Commission, to whom BRETSA has applied and such charges, must for cities be approved by ordinance; and

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WHEREAS, Boulder County has passed a resolution and the cities of Boulder and Longmont have adopted ordinances authorizing BRETSA's rate increase for the Subscribers within their jurisdictions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AS FOLLOWS:

Section 1. Subject to the approval by the Public Utilities Commission, effective July 1, 2014, the emergency telephone service (E 9-1-1) surcharge, provided through the Boulder Regional Emergency Telephone Authority for landline, wireless and VOIP Subscribers in the City of Lafayette, Colorado, shall be 75¢ per month.

Section 2. All other ordinances or resolutions establishing or amending the monthly surcharge imposed by BRETSA for landline, wireless or Internet VOIP Subscribers in the City of Lafayette are repealed in their entirety.

Section 3. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 5. The repeal or modification of any provision of the Code of Ordinances of Lafayette, Colorado by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 6. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 7. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

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INTRODUCED AND PASSED ON FIRST READING THE 18TH DAY OF MARCH, 2014.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE 1ST DAY OF APRIL 2014.

CITY OF LAFAYETTE, COLORADO

Christine Berg, Mayor

ATTEST:

APPROVED AS TO FORM:

Susan Koster, CMC
City Clerk

David S. Williamson, City Attorney