

**ORDINANCE NO. 788**

AN ORDINANCE OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO ESTABLISHING A WIRELESS COMMUNICATIONS ACCESS CHARGE FOR THE LARIMER EMERGENCY TELEPHONE AUTHORITY EFFECTIVE APRIL 1, 1998.

WHEREAS, the Larimer Emergency Telephone Authority was created pursuant to § 29-11-101, et seq., C.R.S., by an Intergovernmental Agreement Concerning the Implementation of an "E911" Emergency Telephone Service, dated November 14, 1990, between certain governmental entities located in Larimer County, Colorado; and

WHEREAS, pursuant to the aforesaid statutory authority and Town of Berthoud Ordinance No. 646 properly adopted by the Board of Trustees on May 22, 1990, the Board of Trustees is authorized to raise, lower, or reestablish certain charges for emergency telephone access to be assessed telephone service users in the Town of Berthoud; and

WHEREAS, by terms of the aforesaid Ordinance, the Town of Berthoud most recently approved a telephone exchange access facility charge of forty-five cents (\$.45) per month effective January 1, 1998; and

WHEREAS, at its most recent regular session, the Colorado Legislature enacted Senate Bill 97-132 in recognition of the increased number of wireless telephone service users in the state of Colorado and to implement provision for governing bodies to adopt access facility charges for wireless service users in a manner and in an amount consistent with the telephone exchange access facility charge referred to above; and

WHEREAS, Senate Bill 97-132 provides that any access facility charge assessed upon wireless service users shall be expended for the purpose of allowing public safety answering points to make changes in and additions to existing equipment to allow wireless service users to receive the same level of emergency telephone service as wireline service users; and

WHEREAS, the number of wireless telephone users in Larimer County as a whole and in the Town of Berthoud specifically has expanded dramatically since the original creation of the Larimer Emergency Telephone Authority; and

WHEREAS, the Larimer Emergency Telephone authority is charged by statute and intergovernmental agreement with the obligation of providing emergency telephone services to wireless service users as well as wireline services users; and

WHEREAS, in order for the Larimer Emergency Telephone Authority to provide such services as intended by Senate Bill 97-132, the Board of Trustees deems that it is necessary and appropriate that a wireless access facility charge be imposed upon wireless service users in the Town of Berthoud; and

WHEREAS, the Board of Trustees finds that the aforesaid facility charge should be set at the rate of forty-five (\$.45) per wireless line per month;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO, AS FOLLOWS:

1. Commencing on April 1, 1998, a wireless service user access facility charge shall be established at the rate of forty-five cents (\$.45) per month per wireless line user access facility.

2. Wireless telephone service suppliers providing wireless telephone service in the Town of Berthoud are authorized to collect the access facility charge in accordance with § 29-11-100.5, et seq., C.R.S.


Emergency Clause:

This ordinance was read and a public hearing set by the Board of Trustees of the Town of Berthoud for its meeting held on the 10th day of March, 1998. In order to ensure the funding for the "E911" Emergency Telephone Service provided by wireless telephone service suppliers to the Town of Berthoud making emergency telephone service available to wireless service users, the Board of Trustees finds that an emergency exists justifying the adoption of this ordinance to take effect immediately upon passage this 10th day of March, 1998 by a vote of 5 for and 0 opposed.

TOWN OF BERTHOUD:

ATTEST:

  
Richard Strachan - Mayor

  
Mary K. Cowdin - Town Clerk