

AN ORDINANCE AMENDING, RATIFYING AND CONFIRMING THE FORMATION OF
A JOINT ENTITY KNOWN AS THE TWIN COUNTY 9-1-1 REGIONAL COMMISSION
CREATED BY AND BETWEEN THE COUNTIES OF CARROLL, GRAYSON, AND THE
CITY OF GALAX, VIRGINIA AND BESTOWING ON SUCH ENTITY ALL POWERS
NECESSARY AND PROPER FOR THE PERFORMANCE OF ITS DUTIES AS PROVIDED
BY LAW

WHEREAS, the Counties of Grayson and Carroll and the City of Galax (the "Member Jurisdictions") duly established the Twin County E-911 Regional Commission (the "Commission") as a joint entity in 1989 by actions of their respective governing bodies in order to serve the public of the Member Jurisdictions by establishing, developing, maintaining and operating a regional integrated 9-1-1 telephone response and dispatch system; and

WHEREAS, the Commission has developed, operated and maintained the regional system, and has continuously operated in accordance with the purposes for which it was established since that time; and

WHEREAS, the Member Jurisdictions wish to update and revise the Commission's organizational documents due to statutory revisions over the years entailing changes in the Commonwealth's funding mechanisms and other changes to the Code of Virginia over time; and,

WHEREAS, Va. Code § 15.2-1300 provides that local governments may enter into agreements for joint or cooperative exercise of any power, privilege or authority which each is capable of exercising individually, and pursuant to Va. Code § 56-484.16 each of the Member Jurisdictions is responsible for ensuring that its territory is provided 911 services through a Public Safety Answering Point ("PSAP") and each of the Member Jurisdictions is individually capable of establishing a PSAP and providing management, governance and oversight to the same; and

WHEREAS, the Member Jurisdictions desire to update the terms under which the Joint entity will continue to operate, and confirm the formation of the Commission as a joint entity to be governed and operated as provided herein.

WHEREAS, the Member Jurisdictions wish to enter into an amended and updated Agreement to account for the changes in law and to enhance the Commission's ability to fulfill its mission into the future, in serving the citizens of the Member Jurisdictions.

NOW WHEREFORE, the (Board of Supervisors/ City Council of the City) of _____ hereby

1. Approves entering into the Twin County 9-1-1 Regional Commission Joint Services Agreement (the "Agreement") which is attached hereto and made a part of this Ordinance; and
2. Authorizes the Chair of the (Board/Council/Mayor) of the City/County of _____ to execute the Agreement on behalf of the governing body.

3. Repeals those portions of its ordinance of _____, not in conformity herewith, including without limitation the taxation provisions referenced therein which have been superseded by general law.

This Ordinance shall be effective immediately.

Adopted this the ____ day of _____, 2019.

Attest:

Clerk, _____ City Council/Board of Supervisors



Carroll County Board of Supervisors

OFFICE OF THE COUNTY ADMINISTRATOR

P.O. BOX 515
HILLSVILLE, VIRGINIA 24343

(703) 728-3331
or (703) 236-0638

October 23, 1989

Elizabeth Jones, Esquire
Registered Agent for United Telephone
Woodward, Miles & Flannagan
Suite 200 Executive Plaza
P. O. Box 789
Bristol, Virginia 24203-0789

Re: Carroll County, Virginia E-911 Telephone Surcharge

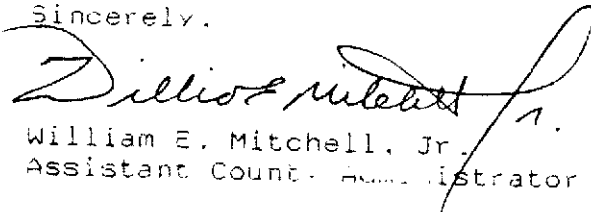
Dear Ms. Jones:

Please accept this as notice from the County of Carroll, Virginia that it has adopted the attached ordinance imposing a \$1.00 per month per access line surcharge pursuant to Section 58.1-3813 of the 1950 Code of Virginia, as amended, for the purpose of collecting funds to implement an enhanced 911 system.

Please forward this notice to your principle with the request that the surcharge commence being collected on January 1, 1990.

Thank you for your assistance in this matter.

Sincerely,


William E. Mitchell, Jr.
Assistant County Administrator

Enclosure

WEM/ll

cc: Phillip W. Jones, County Attorney
Kim A. Cox, Assistant Galax City Manager

ORDINANCE
SPECIAL TAX ON THE CONSUMERS OF
TELEPHONE SERVICE TO INSTALL AND
MAINTAIN AN ENHANCED 911 (E-911) SYSTEM

WHEREAS, the Board of Supervisors of Carroll County, Virginia, recognizes the need for an enhanced 911 emergency telephone system (E-911 System) which, if established, would provide a valuable service to the benefit of its citizenry; and

WHEREAS, the General Assembly of Virginia passed a joint resolution requesting local governments to implement the enhanced 911 system as soon as feasible; and

WHEREAS, Section 58.1-3813 of the Code of Virginia, 1950, as amended, authorizes localities which have established or will establish an enhanced 911 emergency telephone system to impose a special tax on the consumers of the telephone service or services provided by any corporation that comes within the provisions of Chapter 26 of Title 58.1 of the Code of Virginia, for the express purpose of the initial capital, installation and maintenance costs, as well as the recurring maintenance costs of the enhanced 911 emergency telephone system; and

WHEREAS, it has been determined that a telephone company subject to the provisions of Chapter 26 of Title 58.1 of the Code of Virginia has the central office equipment which will permit such a system to be established for Carroll County, Virginia; and

WHEREAS, it is in the best interest of the citizens of Carroll County, Virginia, that an enhanced 911 emergency telephone system be established; and

-1-

WHEREAS, the Board of Supervisors of Carroll County, Virginia, affirms that an enhanced 911 emergency telephone system will be installed in Carroll County, Virginia; and

WHEREAS, the respective governing bodies of Carroll County, Grayson County, and the City of Galax have developed a coordinated task force, called the Twin County E-911 Task Force, with a view toward developing a regional E-911 Commission to administer the development and operation of the E-911 system for the three jurisdictions; and

WHEREAS, the Twin County E-911 Task Force has conducted a thorough study relative to the need for an enhanced 911 emergency telephone system and has recommended immediate development; and

WHEREAS, after a public hearing, the Board of Supervisors of Carroll County finds that it is desirable to impose a special assessment for the funding of the implementation of the E-911 telephone system;

NOW, THEREFORE, be it ordained by the Board of Supervisors of Carroll County, Virginia, that the ordinance book of Carroll County, Virginia, be, and hereby is, amended by adding thereto a new ordinance entitled "Special Tax on the Consumers of Telephone Service to Install and Maintain an Enhanced 911 (E-911) System" to read as follows:

**Special Tax on the Consumers
of Telephone Service to Install
and Maintain an Enhanced 911 (E-911) System**

Enhanced Emergency Telephone Tax.

There is hereby imposed and levied by Carroll County upon

-2-

every purchaser of local telephone service a tax in the amount of One Dollar (\$1.00) per month. This tax shall be paid by the purchaser to the seller of local telephone service for the use of Carroll County to pay the initial capital, installation and maintenance costs of its E-911 system. This One Dollar (\$1.00) per month levy shall be imposed separately for each telephone line provided the purchaser by the seller. This One Dollar (\$1.00) levy per access line per month shall continued for a period of 24 months to be utilized for the initial capital, installation and maintenance costs of the E-911 telephone system. Following said 24 month period, the special tax shall be reduced to an amount as may be determined to be necessary to offset the recurring maintenance costs only. The county shall notify the seller of telephone service of the date on which the tax levy is to begin. This notification shall be sent by certified mail to the registered agent of the seller at least sixty (60) days prior to the date on which the tax is to commence.

Collection of Tax.

The tax hereby imposed is payable each month and shall be added to the monthly statement tendered for telephone service by the seller of such service and shall be paid to the seller accordingly. The seller shall make monthly remittance of the taxes collected to the Treasurer of Carroll County, less a deduction of three percent (3%) of the amount of the tax collected each month for the purpose of compensating the seller for remitting and accounting for the tax levied under this ordinance. This seller

-3-

shall further provide to the Treasurer of Carroll County the name and address of any purchaser who refuses to pay this tax. The County Treasurer shall be charged with the power and the duty of collecting said taxes when refused by a purchaser and shall cause the same to be paid into the general treasury of the County.

Accounting and Inspection.

The seller shall keep complete records showing all purchases of telephone service in the county reflecting the amount of the tax imposed hereunder, and such records shall be kept open for inspection by a duly authorized agent of the county at reasonable times. Such agent of the county shall have the right, power and authority to make transcripts thereof.

Exemptions.

This tax shall not be imposed on federal, state and local government agencies.

Penalties.

Any purchaser failing, refusing or neglecting to pay the tax hereby imposed, and any seller or its officers, agents, or employees violating the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). Such conviction shall not relieve any such person convicted from the payment of any tax due hereunder. Each failure, refusal, neglect or violation and each days continuance thereafter will constitute a separate offense.

Applicable within Incorporated Towns.

The provisions of this ordinance shall apply within the limits of any incorporated town located within Carroll County, Virginia, unless such town now or hereafter imposes a town tax on consumers of local telephone service or services provided by any public service corporation pursuant to their authority under Section 58.1-3813 provided, however, that such town complies with the requirements of Section 58.1-3812c of the Code of Virginia, or otherwise under the Code.

Effective Date.

The tax imposed under this ordinance shall be in full force and effect December 31, 1989, and shall be applicable to all statements issued by the seller for January 1990 and continuing thereafter.

Twin County E-911 Regional Commission.

The enhanced 911 system as defined above shall be administered by a joint commission which shall be referred to as the "Twin County E-911 Regional Commission". The governing bodies of Carroll County, Grayson County and the City of Galax will represent the three jurisdictions participating in said commission. This commission shall be comprised of the following six member panel: one Galax City councilman; one Galax City administrator; one Carroll County supervisor; one Carroll County administrator; one Grayson County supervisor; and one Grayson County administrator. It shall be the duty and purpose of the commission to develop, operate and maintain the Regional E-911 Telephone System. The

governing bodies of the respective jurisdictions shall appoint their two members following passage of this ordinance. When the members of the commission are selected, they shall prepare a charter and by-laws which are to be presented to the governing bodies of the three jurisdictions involved for approval and ratification.


Approved by the Board of Supervisors of Carroll County, Virginia, on October 11th, 1989, upon the following votes:

Ayes: Jake E. Vaughn, Ralph J. "Bob" Martin, Jr., Avis H. Collier,

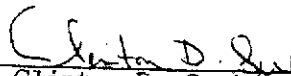
Wayne Bowman, Ted B. Snow, J. Carl Delp

Nays: None

Approved First Reading: September 13, 1989
Date


JAKE E. VAUGHN
Chairman of the Board

ATTEST:


Clinton D. Swain
Clerk of the Board

-6-



**TWIN COUNTY 9-1-1 REGIONAL COMMISSION
JOINT SERVICES AGREEMENT**

This Agreement is executed this _____ day of _____ 2019, by and among the Counties of Grayson and Carroll, and the City of Galax, Virginia (hereinafter, the "Member Jurisdictions").

WHEREAS, the Member Jurisdictions duly established the Twin County E-911 Regional Commission (the "Commission") as a joint entity in 1989 by actions of their respective governing bodies in order to serve the public of the Member Jurisdictions by establishing, developing, maintaining and operating a regional integrated 9-1-1 telephone response and dispatch system; and

WHEREAS, the Commission has developed, operated and maintained the regional system, and has continuously operated in accordance with the purposes for which it was established since that time; and

WHEREAS, the Member Jurisdictions wish to update and revise the Commission's organizational documents due to statutory revisions over the years entailing changes in the Commonwealth's funding mechanisms and other changes to the Code of Virginia over time; and,

WHEREAS, Va. Code § 15.2-1300 provides that local governments may enter into agreements for joint or cooperative exercise of any power, privilege or authority which each is capable of exercising individually, and pursuant to Va. Code § 56-484.16 each of the Member Jurisdictions is responsible for ensuring that its territory is provided 911 services through a Public Safety Answering Point ("PSAP") and each of the Member Jurisdictions is individually capable of establishing a PSAP and providing management, governance and oversight to the same; and

WHEREAS, the Member Jurisdictions desire to update the terms under which the Joint entity will continue to operate, and confirm the formation of the Commission as a joint entity to be governed and operated as provided herein.

NOW, THEREFORE, the parties do mutually covenant and agree as follows:

Article I - Entity

Section 1. Formation/Ratification of Twin County 9-1-1 Regional Commission. The Member Jurisdictions acting pursuant to authority granted to them under Va. Code § 15.2-1300 hereby recognize, ratify, confirm and create the Twin County 9-1-1 Regional Commission (the "Commission") as an entity that may exercise the powers set forth in this Agreement.

Section 2. Commission Membership. The Member Jurisdictions of the Commission shall be the Counties of Grayson and Carroll, and the City of Galax.



Article II – Commission Board Membership

Section 1. Commission Board Membership. The Commission shall be governed by a Board of Directors (the “Board”) which shall consist of six (6) members, composed of the following:

1. One (1) administrative officer for the City of Galax (the City Manager, or his/her designee);
2. One (1) administrative officer for the County of Carroll (the County Administrator, or his/her designee);
3. One (1) administrative officer for the County of Grayson (the County Administrator or his/her designee);
4. One (1) member of the Galax City Council;
5. One (1) member of the Carroll County Board of Supervisors;
6. One (1) member of the Grayson County Board of Supervisors;

Section 2. Term of Representatives. Each Member Jurisdiction shall determine the length of term for its Representatives on the Board; however, no person selected as an administrative officer of the Member Jurisdiction can continue to serve as Board member if he ceases to be an employee of the Member Jurisdiction. Each Member Jurisdiction shall be responsible for filling any vacancy of its Representatives. Any member of the Board so appointed notwithstanding the expiration of his or her term shall continue to serve until a successor is selected and qualified.

Section 3. Policy Making Authority. Every Board member shall have the authority to speak affirmatively for the Member Jurisdiction and to commit the Commission to a course of action.

Section 4. Removal of Member. A Board member may be removed from office in accordance with the by-laws and governing rules of the Member Jurisdiction that appointed the Board Member.

Article III - Purpose and Powers

Section 1. Purpose. The purpose of the Commission shall be to establish, operate, maintain and expand as necessary a regional integrated 9-1-1 telephone response and dispatch system, serving the Member Jurisdictions, which meets or exceeds the minimum standards as may be promulgated by the Commonwealth of Virginia from time to time, acting through its duly authorized agencies.

Section 2. General Powers. The Commission shall engage in all things necessary or convenient to carry out its purpose of service to the Member Jurisdictions. Such powers shall include, without limitation, the authority to:



- A. To sue, be sued, complain and defend in its name, however nothing herein shall be construed to operate as a waiver of sovereign immunity by the Member Jurisdictions or by the Commission.
- B. To adopt and amend bylaws, not inconsistent with this Agreement or with the laws of the Commonwealth, for managing the business and regulating the affairs of the Commission.
- C. To hire an 9-1-1 Coordinator and oversee, discipline and discharge said coordinator as appropriate.
- D. To create additional employment positions as may be necessary to assist the 9-1-1 Coordinator in achieving the purposes of the Commission, and to define the job descriptions, salaries and benefits of the 9-1-1 Coordinator and subordinate employees, including retirement and deferred compensation plans, health and life insurance, and other leave and pay benefits as the Board determines is consistent with the practices within the Member Jurisdictions. The authority to make personnel decisions relating to hiring, discharging and disciplining of employees, as well as decisions relating to salaries and benefits may be delegated by the Board to the 9-1-1 Coordinator.
- E. To purchase, receive, lease, or otherwise acquire, and own, hold, improve, use and otherwise deal with, real or personal property, or any legal or equitable interest in property, wherever located for purposes of furthering its purpose as set forth herein.
- F. To sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of its property.
- G. To make contracts, apply for grant funds, incur liabilities, borrow, and secure any of its obligations by mortgage or pledge of any of its property, franchises, or income. Such contracts and other instruments shall be executed by the 9-1-1 Coordinator upon due authorization from the Board.
- H. To receive and disburse revenue as may be necessary in the administration of the Commission's operations.
- I. To approve an annual budget, and provide continuing fiscal oversight of all funds received and expended.
- J. To invest and reinvest its funds.
- K. To elect officers and establish policies to define and control their duties.
- L. To obtain and maintain a policy or policies of insurance deemed necessary or advisable to protect the Commission, its officers, employees or member jurisdictions from any and all casualty, injury, loss, claims, actions or causes of



actions which may occur or arise in the course of or due to the activities of the Commission, including but not limited to worker's compensation policies.

- M. To employ legal counsel, accountants, and other advisors as the Board deems necessary.
- N. To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the Commission is organized.

Section 3. **Ratification of Commission Actions.** The Member Jurisdictions hereby ratify and confirm all actions taken by the Commission from the date of its formation to the effective date of this Agreement.

Article IV - Governance

Section 1. **Twin County 911 Regional Commission Meetings and Officers.** The Board shall meet as determined by its members through its duly adopted bylaws. The Board shall elect from its membership such officers upon such terms as may be provided for in the bylaws.

Section 2. **Twin County 911 Regional Commission By-Laws.** The Twin County 9-1-1 Regional Commission may adopt operational and procedural bylaws consistent with this Agreement, applicable federal and state laws, and rules and regulations pursuant thereto. Such bylaws shall be adopted or amended by a majority of the members of the Board.

Section 3. **Roberts Rules of Order.** Roberts Rules of Order (revised) shall govern the proceedings of the Board insofar as they do not conflict with applicable law or administrative rules or bylaws duly adopted by the Board.

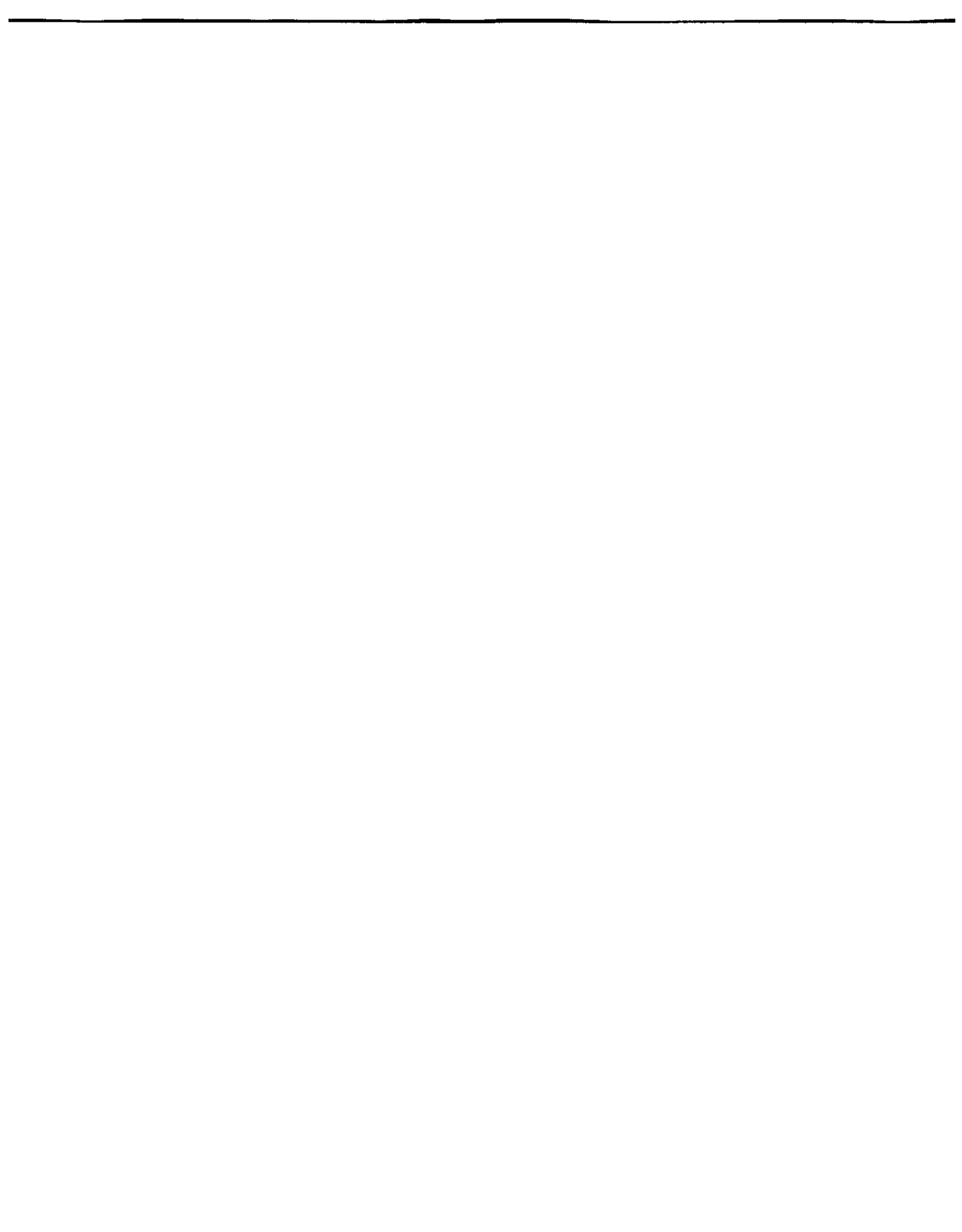
Section 4. **Quorum.** A minimum of one (1) member from each of the jurisdictions shall constitute a quorum.

Section 5. **Voting.** Unless otherwise required by state or federal law, all votes shall be approved by a simple majority of the Board members present and serving.

Section 6. **Minutes.** Written minutes shall be kept on all meetings. Such minutes shall state succinctly the substance of the matters considered and all votes taken.

Article V - Operational Provisions

Section 1. **Designation of Fiscal Agent.** The Member Jurisdictions hereby designate the _____ as the fiscal agent for the Commission. The Commission Board may, with the consent of the Member Jurisdictions designate a different fiscal agent and/or grant recipient, in the event such is necessary or advisable for purposes of managing the day to day financial operations of the Commission, or for purposes of obtaining state or federal grants or other funds.



Section 2. **9-1-1 Coordinator Duties.** The duties of the 9-1-1 Coordinator shall include, but not be limited to:

- A. Managing day to day operations of the Commission.
- B. Employing, discharging, and otherwise managing all staff of the Commission.
- C. Attend meetings of the Commission Board and make such reports as deemed appropriate by the Board regarding Commission finances, operations, staffing and other activities or undertakings of the Commission.
- D. Perform any and all duties assigned to the 9-1-1 Coordinator under the Bylaws.

Article VI—Duration and Termination/Dissolution

Section 1. **Duration.** The duration of the Commission shall be perpetual unless and until dissolution as provided herein.

Section 2. **Dissolution of the Commission.** This Agreement may be terminated and the Commission dissolved upon the occurrence of any of the following events:

- A. Approval by ordinance of an agreement which supersedes or rescinds this Agreement by all Member Jurisdictions; or
- B. Termination by ordinance of one of the member jurisdictions with 180 days notice prior to withdrawal; or
- C. Termination by mutual agreement of all Member Jurisdictions by ordinance passed by each.

Section 3. **Commission Property upon Dissolution.** Upon dissolution, all the assets or property of the Commission, including but not limited to real and personal property, accounts, equipment or supplies shall be distributed among the Member Jurisdictions as they may mutually agree, or in absence of such agreement, in proportion to the funding contributions made to population of each Member Jurisdiction. In instances of withdrawal by one jurisdiction, no asset shall be removed from the Commission that will jeopardize 911 operations.



Article VIII - Miscellaneous

Section 1. **Effective Date of Agreement.** This Agreement shall be effective upon approval by ordinance by the governing bodies of all of the Member Jurisdictions and execution by the chief elected officials thereof.

Section 2. **Amendments.** The Member Jurisdictions may amend this Agreement by ordinance upon approval of a written amendment by all of their governing bodies and execution by the chief elected officials thereof.

Section 3. **Repeal of Prior Agreements.** This Agreement shall repeal and supersede any and all prior written or oral agreements to the extent they conflict with this Agreement, however all actions taken in the past by GGEMS up to the date of this Agreement are hereby ratified and confirmed.

Section 4. **Effective.** This Agreement shall be effective when approved by ordinance by the County Board of Supervisors/City Council of each Member Jurisdiction and executed by the chief elected official thereof pursuant to said ordinance.

Section 6. **Severability.** Should any part of this Agreement be invalidated otherwise rendered null and void, the remainder of this Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Chief Elected Officials of the Member Jurisdictions execute this Agreement pursuant to an ordinance enacted by each of the Member Jurisdictions.

Chair, Board of Supervisors
GRAYSON COUNTY

Printed Name: _____
Date: _____

Mayor
CITY OF GALAX

Printed Name: _____
Date: _____



Chair, Board of Supervisors
CARROLL COUNTY

Printed Name: _____
Date: _____

