



RESOLUTION NO. A- 82884

1           WHEREAS, Neb. Rev. Stat. §§ 86-1001 through 86-1009 as amended by LB 133,,  
 2           passed by the First Session of the 92nd Legislature of the State of Nebraska, now set out in  
 3           Neb. Rev. Stat. § 86-420 et seq., authorized the City of Lincoln to impose a service surcharge  
 4           for 911 service within its 911 service area; and

5           WHEREAS, the City did enter into a contract with Alltel, a service supplier as defined by  
 6           the aforesaid statutes for the telephone exchanges which are listed on Attachment "A", which is  
 7           attached hereto and made a part hereof by reference.

8           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,  
 9           Nebraska:

10           1.       Service Surcharge Established. Pursuant to Neb. Rev. Stat. §§ 86-420 et seq.,  
 11           there is hereby imposed a service surcharge in the amount of One Dollar (\$1.00) on each local  
 12           exchange access line physically terminating in the 911 service area of the City of Lincoln as  
 13           defined by Neb. Rev. Stat. § 86-429.

14           2.       Each service user shall pay service surcharges on each of such service user's  
 15           local exchange access lines, except that an individual service user shall not be required to pay,  
 16           on a single periodic billing, service surcharges on more than 100 local exchange access lines,  
 17           or their equivalent in any single 911 service area. Every service user shall be liable for any  
 18           service surcharge billed to such user until the surcharge has been paid to the service supplier.

19           3.       The service supplier is hereby authorized and directed to bill the service  
 20           surcharge imposed by this resolution to each service user commencing January 1, 2005.

21                     The service supplier shall annually provide to the City a list of amounts  
 22           uncollected along with the names and addresses of those service users who carry a balance

1 that can be determined by the service supplier to be for non-payment of any service surcharge.

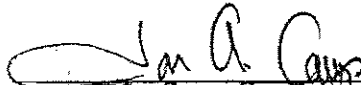
2 The service supplier shall not be liable for such uncollected amounts.

3 4. Service Surcharges; Quarterly Remittance; Audit. The amount of the service  
4 surcharges collected in one calendar quarter by the service supplier shall be remitted to the City  
5 no later than sixty days after the close of that calendar quarter. At the time of the remittance,  
6 the service supplier shall file a return for remittance with the City in such form as the City and  
7 the service supplier agree upon. The service supplier shall maintain a record of the amount of  
8 service surcharges collected. The record shall be maintained for a period of one year after the  
9 date the amount was billed. The City may, at its own expense, require an annual audit of the  
10 service supplier's books and records concerning the collection and remittance of the service  
11 surcharges.

12 5. 911 Communication Fund Established. There has been established a separate  
13 fund known as the 911 Communication Fund in which shall be deposited all funds collected by  
14 the City from the imposition of the service surcharge as hereinbefore provided. The fund  
15 collected and placed in the 911 Communication Fund shall be used solely to pay for costs for  
16 911 service. Any money remaining in the fund at the end of any fiscal year shall remain in the  
17 fund for payments during any succeeding year.

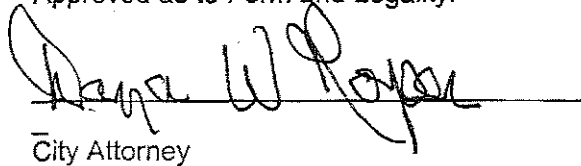
18 BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this  
19 resolution to Alltel.

Introduced by:



AYES: Camp Cook, Friendt,  
McRoy, Newman, Svoboda,  
Werner; NAYS: None.

Approved as to Form and Legality:

  
City Attorney

Approved this 7 day of Aug, 2004:

  
Mayor

**ADOPTED**

AUG 02 2004

BY CITY COUNCIL