

Bill No. 9121-15

No. 24-15-RE

## RESOLUTION

A Resolution of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the acceptance of 911 subscriber and consumer fees from the newly created 911 Fund for the provision of 911 services in the County as provided by the Act of June 29, 2015 (P.L.36, No. 12).

**WHEREAS**, Chapter 53 of Title 35 of the Pennsylvania Consolidated Statutes, provides for the establishment, administration, and funding of 911 systems in the Commonwealth (hereinafter generally referred to as “the Pennsylvania Emergency Telephone Service Law”); and

**WHEREAS**, the Pennsylvania General Assembly, through the enactment of the Act of June 29, 2015 (P.L.36, No. 12), amended the Pennsylvania Emergency Telephone Service Law to include a new Section 5306.1 (hereinafter “35 Pa.C.S.A. §5306.1”) to provide for the establishment in the State Treasury of a non-lapsing, restricted interest-bearing account to be known as the 911 Fund consisting of fees and consumer charges collected by providers of 911 communications services and sellers of prepaid wireless telecommunications service; and

**WHEREAS**, in order to be eligible to receive funds from the 911 Fund, subsection (h) of 35 Pa.C.S.A. §5306.1 requires the governing body of each county to adopt a resolution authorizing acceptance of the funds; and

**WHEREAS**, the County Council of Allegheny County, in consultation with the County’s Chief Executive, is of the considered opinion that Allegheny County’s acceptance of funds from the 911 Fund and the use of those funds for the purposes set forth in subsection (c) of 35 Pa.C.S.A. §5306.1 is in the best interests of the citizens of Allegheny County; and

**WHEREAS**, as required by 35 Pa.C.S.A §5306.1(h), public notice of Allegheny County Council’s intention to enact this Resolution to authorize acceptance of funds from the 911 Fund has been given by advertisement in a newspaper of general circulation within the County and by posting the proposed Resolution in a conspicuous place in the County Courthouse and on the Internet at an appropriate County-controlled Web site.

***NOW, THEREFORE, THE COUNCIL OF THE COUNTY OF ALLEGHENY HEREBY RESOLVES AS FOLLOWS:***

**SECTION 1. – Finding; Authorization to Accept Funds from the 911 Fund.**

A. The County Council of Allegheny County hereby finds that Allegheny County’s acceptance of funds from the 911 Fund, as authorized by subsection (h) of 35 Pa.C.S.A. §5306.1 of the Pennsylvania Emergency Telephone Service Law, as amended by the Act of June 29, 2015 (P.L.36, No. 12), is in the best interests of the citizens of Allegheny County.

B. Based upon the finding in Paragraph A above, the County Council of Allegheny County hereby authorizes Allegheny County to accept funds from the 911 Fund established pursuant to 35 Pa.C.S.A. §5306.1.

**SECTION 2. – Use of Funds from the 911 Fund.**

The funds received by Allegheny County from the 911 Fund pursuant to this Resolution shall be used by Allegheny County for the provision of 911 services in the County, as set forth in the Pennsylvania Emergency Telephone Service Law, as amended by the Act of June 29, 2015 (P.L.36, No. 12).

**SECTION 3. – Effective Date; Notification to the Pennsylvania Emergency Management Agency.**

A. This Resolution shall enter into effect immediately and shall remain in effect until this Resolution is repealed by County Council

B. Upon approval, the County Council of Allegheny County hereby directs the Council’s Clerk Council to provide notification of the enactment of this Resolution to the Pennsylvania Emergency Management Agency (“PEMA”) as required by 35 Pa.C.S.A. §5306.1(h) and to provide copies of the PEMA notification to the County Manager.

**SECTION 4. - Severability.**

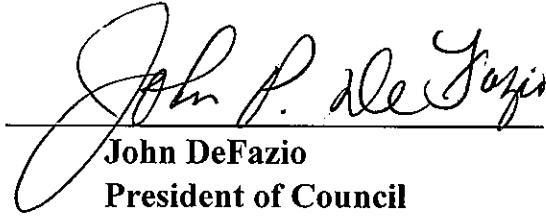
If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.

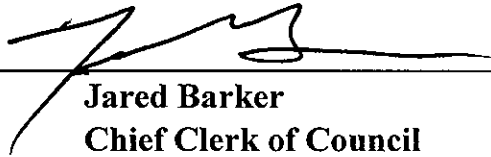
**SECTION 5. Repealer.**

Any Resolution or Ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed in so far as it affects this Resolution.

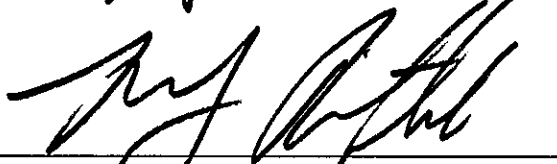
Enacted in Council, this 29<sup>th</sup> day of September, 2015.

Council Agenda No. 9121-15

  
John DeFazio  
President of Council

Attest:   
Jared Barker  
Chief Clerk of Council

Chief Executive Office September 30, 2015.

Approved:   
Rich Fitzgerald  
Chief Executive

Attest:   
Sonya Dietz  
Executive Secretary

## SUMMARY PAGE

A RESOLUTION OF THE COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE ACCEPTANCE OF 911 SUBSCRIBER AND CONSUMER FEES FROM THE NEWLY CREATED 911 FUND FOR PROVISION OF LOCAL 911 SERVICE AS PROVIDED BY THE ACT OF JUNE 29, 2015 (P.L.36, NO. 12).

The Pennsylvania General Assembly, through the enactment of the Act of June 29, 2015 (P.L.36, No. 12), amended the Pennsylvania Emergency Telephone Service Law to include a new Section 5306.1 (hereinafter "35 Pa.C.S.A. §5306.1") to provide for the establishment in the State Treasury of a non-lapsing, restricted interest-bearing account to be known as the 911 Fund consisting of fees and consumer charges collected by providers of 911 communications services and sellers of prepaid wireless telecommunications service. In order to be eligible to receive funds from the 911 Fund, subsection (h) of 35 Pa.C.S.A. §5306.1 requires the governing body of each county to adopt a resolution authorizing acceptance of the funds from the 911 Fund. As a prerequisite to enacting a resolution to accept funds from the 911 Fund, each county must provide public notice of its intent to enact the resolution.

This Resolution authorizes Allegheny County to accept funds from the 911 Fund established pursuant to 35 Pa.C.S.A. §5306.1. Additionally, the Resolution provides that all funds accepted by the County shall be used for the provision of 911 services in the County, as set forth in the Pennsylvania Emergency Telephone Service Law, as amended by the Act of June 29, 2015 (P.L.36, No. 12). Finally, the Resolution directs Council's Clerk Council to provide notification of the enactment of this Resolution to the Pennsylvania Emergency Management Agency ("PEMA") as required by 35 Pa.C.S.A. §5306.1(h) and to provide copies of the PEMA notification to the County Manager.

**MEMORANDUM**  
**OFFICE OF THE COUNTY MANAGER**

AUG 13 '15 10:23AM  
ALLEGHENY COUNTY  
COUNCIL

TO: Jared E. Barker  
Allegheny County Council

FROM: William D. McKain CPA  
County Manager

DATE: August 13, 2015

RE: Proposed Resolution

---

Attached is a Resolution authorizing the acceptance of 911 subscriber and consumer fees from the newly created 911 Fund for the provision of 911 services in the County as provided by the Act of June 29, 2015 (P.L.36, No. 12).

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

I am requesting that this item be placed on the agenda at the next Regular Meeting of Council.

**NOTICE OF INTENT OF ALLEGHENY COUNTY COUNCIL  
TO ADOPT A RESOLUTION AUTHORIZING THE ACCEPTANCE OF FUNDS  
FROM THE STATE TREASURY'S RECENTLY ESTABLISHED 911 FUND**

The Council of the County of Allegheny, Pennsylvania hereby gives Public Notice of its intention to adopt a resolution authorizing the acceptance of 911 subscriber and consumer fees from the newly created fund within the State Treasury known as the 911 Fund for the provision of 911 services in the County as provided by subsection (h) of the Pennsylvania Emergency Telephone Service Law, as amended by the Act of June 29, 2015 (P.L.36, No. 12), Pa. Cons. Stat. Ann. tit. 35, §5306.1 (h) (2015).

A copy of the proposed Resolution (Bill No. 9121-15), which will be considered by the Council of the County of Allegheny, Pennsylvania, for enactment at its September 29, 2015 regular meeting, has been posted for inspection at the Allegheny County Courthouse, at Room 119, and copies are also available from the Chief Clerk. A copy of the proposed Resolution also is posted on the Internet at the following address: <http://www.alleghenycounty.us/council/index.aspx>.



Jared Barker, Chief Clerk  
Allegheny County Council

### Proof of Publication of Notice in Pittsburgh Post-Gazette

Under Act No 587, Approved May 16, 1929, PL 1784, as last amended by Act No 409 of September 29, 1951

Commonwealth of Pennsylvania, County of Allegheny, ss M. Goodwin, being duly sworn, deposes and says that the Pittsburgh Post-Gazette, a newspaper of general circulation published in the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1993 by the merging of the Pittsburgh Post-Gazette and Sun-Telegraph and The Pittsburgh Press and the Pittsburgh Post-Gazette and Sun-Telegraph was established in 1960 and the Pittsburgh Post-Gazette was established in 1927 by the merging of the Pittsburgh Gazette established in 1786 and the Pittsburgh Post, established in 1842, since which date the said Pittsburgh Post-Gazette has been regularly issued in said County and that a copy of said printed notice or publication is attached hereto exactly as the same was printed and published in the \_\_\_\_\_ regular \_\_\_\_\_ editions and issues of the said Pittsburgh Post-Gazette a newspaper of general circulation on the following dates, viz:

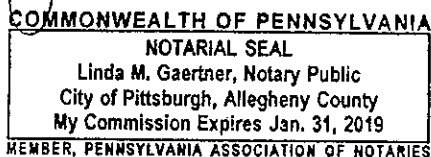
#### 11 of September, 2015

Affiant further deposes that he/she is an agent for the PG Publishing Company, a corporation and publisher of the Pittsburgh Post-Gazette, that, as such agent, affiant is duly authorized to verify the foregoing statement under oath, that affiant is not interested in the subject matter of the afore said notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

M. Goodwin  
PG Publishing Company

Sworn to and subscribed before me this day of:  
September 11, 2015

Linda M. Gaertner



**STATEMENT OF ADVERTISING COSTS**  
ALCTY COUNCIL  
Allegheny County Courthouse  
436 Grant Street, Room 119  
PITTSBURGH PA 15219

To PG Publishing Company

Total ----- \$52.50

#### Publisher's Receipt for Advertising Costs

PG PUBLISHING COMPANY, publisher of the Pittsburgh Post-Gazette, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid advertising and publication costs and certifies that the same have been fully paid.

Office  
34 Boulevard of the Allies  
PITTSBURGH, PA 15222  
Phone 412-263-1338

PG Publishing Company, a Corporation, Publisher of  
Pittsburgh Post-Gazette, a Newspaper of General Circulation

By \_\_\_\_\_

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

#### COPY OF NOTICE OR PUBLICATION

NOTICE OF INTENT OF ALLEGHENY COUNTY COUNCIL TO ADOPT A RESOLUTION AUTHORIZING THE ACCEPTANCE OF FUNDS FROM THE STATE TREASURY'S RECENTLY ESTABLISHED 911 FUND

The Council of the County of Allegheny, Pennsylvania hereby gives Public Notice of its intention to adopt a resolution authorizing the acceptance of 911 subscriber and consumer fees from the newly created fund within the State Treasury known as the 911 Fund for the provision of 911 services in the County as provided by subsection (h) of the Pennsylvania Emergency Telephone Service Law, as amended by the Act of June 29, 2015 (P.L.36, No. 12), Pa. Cons. Stat. Ann. tit. 35, §5306.1 (h) (2015).

A copy of the proposed Resolution (Bill No. 9121-15), which will be considered by the Council of the County of Allegheny, Pennsylvania, for enactment at its September 29, 2015 regular meeting, has been posted for inspection at the Allegheny County Courthouse, at Room 119, and copies are also available from the Chief Clerk. A copy of the proposed Resolution also is posted on the internet at the following address: <http://www.alleghenycounty.us/council/index.aspx>.

Jared Barker, Chief Clerk  
Allegheny County Council