

**FULL TEXT OF MEASURE SS
ORDINANCE NO. 2008-_____**

**AN ORDINANCE AMENDING TITLE 2 OF THE
SAN LEANDRO MUNICIPAL CODE, BY ADDING
CHAPTER 18 ENTITLED EMERGENCY
COMMUNICATION SYSTEM ACCESS TAX AND
REPEALING CHAPTER 16**

BE IT ORDAINED BY THE VOTERS OF THE CITY
OF SAN LEANDRO, AS FOLLOWS:

Section 1. AMENDMENT OF CODE.

Title 2 of the San Leandro Municipal Code is hereby amended to add a new Chapter 18 and shall read as follows:

“CHAPTER 18”

**EMERGENCY COMMUNICATION SYSTEM
ACCESS TAX**

SEC. 2-18-200 Title/Purpose

A. In order to ensure and improve the performance of the City’s 911 communication system, the City must impose a tax. This Chapter shall be known as the “Emergency Communication System Access Tax Ordinance” and the tax imposed herein shall be known as the “Emergency Communication System Access Tax.”

B. The purpose of this Chapter is to require subscribers to telephone service in the incorporated area of the City to pay for the improvements to and operation of the 911 communication system that will be financed by tax revenues.

C. The Emergency Communication System Access Tax is the most practical and equitable revenue mechanism to finance the acquisition and construction of equipment, software, and facilities and other resources that are needed to provide an adequate and reliable 911 communication system. The tax is intended to recover the majority of the costs related to the benefits the 911 system will provide to nonexempt telephone subscribers.

D. The tax imposed by the provisions of this Chapter is intended solely to provide revenue for eligible project costs and eligible operating costs, as defined in this Chapter. Tax revenues shall be deposited by the Finance Director in the Emergency Communication System Access Fund established pursuant to Section 2-18-235 of this Chapter.

SEC. 2-18-201 Definitions.

Except where the context or particular provisions require otherwise, the following definitions shall govern the construction of this Chapter.

A. “911 communication system” means an enhanced emergency telephone service which automatically, or through a third-party intermediary, connects a person dialing the digits 9-1-1 to an answering point established by the City, and shall incorporate all aspects of the call delivery system, the call processing system and the call dispatch system, including, but not limited to, selective routing, automatic number identification (ANI), automatic location identification (ALI), wireless 911, and the computer aided dispatch (CAD) system. “911 communi-

cation system” includes the functions of the San Leandro Police dispatch centers; however, it does not include the City Police Department staff who respond to requests for assistance by traveling to a site to which they are dispatched as a result of an emergency call. 911 communication system also includes the cost of the fire dispatch service provided to the City under contract with the County of Alameda.

B. “Access line” means any connection from a customer location within the City to a provider of local telephone service offered to the public for compensation. Within the meaning of this Chapter, and without limitation, access lines include connections providing residential basic exchange service, business basic exchange service, PBX service (private branch exchange), foreign exchange service, VoIP (Voice over Internet), private communication service, cable provided voice telephone communication and Centrex service. “Access Line” also includes a connection from a single mobile telephone to a commercial mobile radio service, as defined in section 20.3 of Title 47 of the Code of Federal Regulations as this section existed on October 1, 2002, and which has as its place of primary use, as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 124(8), a location within the City of San Leandro. Notwithstanding the foregoing, “access line,” does not include any connection from a customer location within the City to a provider of local telephone service when for any reason a customer cannot use, or as demonstrated by the customer to the City’s satisfaction the customer does not use for purposes of two-way voice telephony, that connection to dial the digits 9-1-1 to reach the 911 communication system within the City at an answering point within the City.

C. “Eligible operating costs” means the portion of operating costs attributable to the operation of the 911 communication system to telephone subscribers who are required to pay the tax imposed by the provisions of this Chapter on access lines, trunk lines, and super trunk lines subject to the tax. Eligible operating costs shall not include exempt operating costs.

D. “Exempt operating costs” means the portion of operating costs attributable to the operation of the 911 communication system to telephone subscribers who are exempted from the tax by Section 2-18-215 of this Chapter or are otherwise not required to pay any tax imposed by the provisions of this Chapter.

E. “Eligible project costs” means the portion of project costs attributable to a project to modify the 911 communication system to telephone subscribers who are required to pay the tax imposed by the provisions of this Chapter on access lines and trunk lines subject to the tax, and the portion of project costs related to implementation of a new CAD system. Eligible project costs shall not include exempt project costs.

F. “Exempt project costs” means the portion of project costs attributable to a project to modify the 911 communication system to telephone subscribers who are exempted from the tax by Section 2-18-215 of this Chapter or are otherwise not required to pay any tax imposed by the pro-