

RESOLUTION NO. 2012- 123
Authorize the Idaho Association of Counties (IAC) to
Act as Agent for Kootenai County

WHEREAS, *Idaho Code* §31-4804 provides in part that an Emergency Communications Fee “be collected from customers on a monthly basis by all telecommunications providers that make available access lines to persons within the county, or 911 service area . . .;” and,

WHEREAS, all 44 counties of the State of Idaho have laws requiring telecommunication companies to charge their customers a \$1.00 monthly 911 fee; and,

WHEREAS, certain telecommunication companies doing business in the State of Idaho have failed to collect and pay the required 911 fee, resulting in considerable financial impact on the Idaho counties; and,

WHEREAS, TracFone, one of the providers of prepaid wireless phone service, has filed a lawsuit challenging the requirement to pay the 911 fee as required under *Idaho Code* §31-4804; and,

WHEREAS, the Idaho Association of Counties (IAC) desires to join in the pending litigation with TracFone and to represent the Idaho counties in negotiation with, and in potential lawsuits against, other telecommunication providers with regard to collection and payment of the 911 fee;

NOW THEREFORE, it is hereby resolved that the Kootenai County Board of County Commissioners hereby designate the Idaho Association of Counties (IAC) as Kootenai County’s representative to resolve, through negotiation and/or litigation, the issue of whether TracFone and other telecommunication companies are responsible to collect and distribute the emergency communications fee to each Idaho county as provided in the Idaho Emergency Communications Act; and,

BE IT FURTHER RESOLVED that the Kootenai County Board of County Commissioners hereby designate the Idaho Association of Counties (IAC) as Kootenai County’s representative to resolve, through negotiation and/or litigation, any compensation owed from those telecommunication companies for their failure to collect and remit the 911 fee provided for by that Act.

Upon a motion to adopt the text of the foregoing Resolution made by Commissioner Green, seconded by Commissioner Nelson, the following vote was recorded:

Commissioner Nelson:	Aye
Commissioner Green:	Aye
Chairman Tondee:	Aye

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Commissioners of Kootenai County, Idaho, on the 12th day of December, 2012.

DATED this 12th day of December, 2012.

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

**ATTEST:
CLIFFORD T. HAYES, CLERK**

W. Todd Tondee, Chairman

By: _____
Deputy Clerk

Daniel H. Green, Commissioner

Jai Nelson, Commissioner