

**RESOLUTION R-2018-121
LUZERNE COUNTY COUNCIL**

*A Resolution by the Luzerne County Council Approving the Initiation of
Litigation for the Recovery of Certain 9-1-1 and/or E9-1-1 Fees that are Required to Have Been Billed,
Collected and/or Remitted by Telecommunication Providers*

WHEREAS, Section 4.07.B.3 of the Luzerne County Home Rule Charter provides the County Manager shall have the authority to recommend the initiation of litigation involving the County, subject to the approval of County Council; and

WHEREAS, Section 2.09.B.5 of the Luzerne County Home Rule Charter provides that County Council shall have the power to approve, by resolution adopted by a majority vote of the Council members, a recommendation by the County Manager to initiate litigation involving the County; and

WHEREAS, 9-1-1 emergency response programs were established nationally over 40 years ago as a result of both federal and then individual state laws that required a surcharge on each phone line that had the capability of dialing 9-1-1 for emergency assistance; and

WHEREAS, phone companies are required to charge on a customer's phone bill the approved 9-1-1 charge per line and collect and remit that to the proper governmental authority; and

WHEREAS, the phone companies were not properly charging their large business customers for each line that could call 9-1-1, while small business and residents paid in full for each line; and

WHEREAS, the litigation will seek to recover unbilled, uncollected and unremitted 9-1-1 phone surcharges from the telephone service providers; and

WHEREAS, the Luzerne County Manager has recommended the initiation of litigation in this matter.

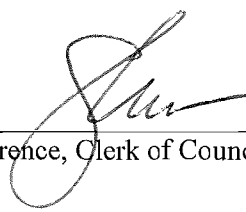
NOW, THEREFORE, BE IT RESOLVED, the Luzerne County Council approves the initiation of litigation for the recovery of certain 911 and/or E911 fees that are required to have been billed, collected and/or remitted by telecommunication providers and authorizes the County Manager to take all legal and necessary steps to commence this claim in the best interest of the County of Luzerne.

This Resolution shall become effective six days after adoption.

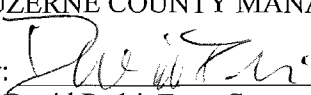
ADOPTED at a meeting of the Luzerne County Council held August 28, 2018.

ROLL CALL VOTE (11-0)

YES: Brominski, Haas, Houck, Kelleher, McGinley, Perry, Saidman, Schnee, SA Urban, Vough and Waitkus

Attest: 
Sharon Lawrence, Clerk of Council

LUZERNE COUNTY COUNCIL
By: 
Tim McGinley, Chair

LUZERNE COUNTY MANAGER
By: 
C. David Pedri, Esq., County Manager