

RESOLUTION NO. 02-R- 42

A RESOLUTION DECLARING THE VILLAGE OF WILLOWBROOK'S DETERMINATION THAT SWC911 SHOULD DIRECTLY RECEIVE AND DISPATCH ALL WIRELESS 911 CALLS ORIGINATING IN THE VILLAGE OF WILLOWBROOK AND CENTRAL MANAGEMENT SERVICES SHOULD PAY TO SWC911 39 PERCENT OF THE SURCHARGE GRANT FUNDS RECEIVED BY IT FOR ZIP CODE 60527

WHEREAS, the Village of Willowbrook is a member of Southwest Central Dispatch (S.W.C.D.) an Intergovernmental Cooperation Association, which provides both emergency and non-emergency dispatching services to its fifteen members' police and/or fire departments; and,

WHEREAS, the Village of Willowbrook is a contract member of Southwest Central 9-1-1 System, an Intergovernmental Cooperation Association, as well as an Emergency Telephone System Board ("SWC911"), which provides both wireline and wireless 911 telephone services to its members'/contract members' police and/or fire departments; and,

WHEREAS, S.W.C.D.'s and SWC911's members and contract members are units of local government located in Cook, DuPage, and Will Counties and provide police and/or fire services to their respective citizens; and,

WHEREAS, the Village of Willowbrook pays monthly assessments to S.W.C.D. for the services S.W.C.D. provides to the Village of Willowbrook; and,

WHEREAS, the Village of Willowbrook is a member of the DuPage County Emergency Telephone System Board ("DuPage ETSB"); and

WHEREAS, since 1988 to the present time, in accordance with the specific request of the Village of Willowbrook, a contract has existed between the DuPage ETSB and SWC911 wherein SWC911 has continuously since 1988 to the present time provided to the Village of Willowbrook enhanced 911 wireline telephone service for its police department; and,

WHEREAS, the agreement between the DuPage ETSB and SWC911 authorizes SWC911 to receive all 911 wireline calls directly and dispatch those 911 wireline calls providing enhanced 911 wireline telephone service to the Village of Willowbrook Police Department.

The above-referenced authorization was incorporated into DuPage ETSB's Wireline Plan filed with the Illinois Commerce Commission ("ICC"), as well as SWC911's Wireline Plan filed with the ICC, which Wireline Plans were accepted and approved by the ICC and, thus, SWC911 is the only ETSB currently authorized to directly receive and dispatch 911 wireline calls originating via wireline within the Village of Willowbrook; and,

WHEREAS, the Village of Willowbrook desires that SWC911 continue to provide the Village of Willowbrook enhanced 911 wireline telephone service for its police department as set forth above, and also desires that SWC911 directly receive and dispatch all wireless 911 calls originating within the geographical area of

the Village of Willowbrook which, along with a portion of unincorporated DuPage County and the Village of Burr Ridge, comprises United State's Postal Zip Code 60527; and,

WHEREAS, the Illinois Wireless Emergency Telephone Safety Act, 50 ILCS 751/1 et seq., provides that wireless carriers shall include a surcharge in their bills delivered to wireless subscribers and that the surcharge funds collected shall be deposited, minus an administrative fee, with Central Management Services ("CMS"), two-thirds of which are to be deposited in the Wireless Service Emergency Fund, and said funds shall be distributed by CMS to the appropriate ETSB based upon the U.S. Postal Zip Code of the wireless subscribers' billing address; and,

WHEREAS, a dispute has arisen between the DuPage ETSB and SWC911 wherein DuPage ETSB has declared it is entitled to 69 percent of the surcharge grants to be distributed by CMS for Zip Code 60527 (31 percent to be distributed to the Village of Burr Ridge Emergency Telephone System Board), a small portion of which DuPage ETSB will agree to pay to SWC911 for receiving wireless 911 calls originating within the Village of Willowbrook and which will be routed to SWC911 by DuPage ETSB for SWC911 to dispatch those wireless 911 calls, despite the fact the Village of Willowbrook comprises 39 percent of Zip Code 60527 (the Village of Burr Ridge comprises 31 percent of Zip Code 60527) and SWC911 provides all 911 wireline telephone service to the Village of Willowbrook. SWC911

posits it is entitled to 39 percent of the surcharge funds from Zip Code 60527 (plus the 31 percent received by the Village of Burr Ridge in accordance with an agreement between SWC911 and the Village of Burr Ridge) because it directly receives and dispatches all wireline 911 telephone calls originating via wireline from the Village of Willowbrook and it currently receives and dispatches all wireless 911 calls originating in the Village of Willowbrook requiring a response by the Village of Willowbrook Police Department; and,

WHEREAS, the intent of the Illinois Wireless Emergency Telephone Safety Act is that the ETSB which actually dispatches 911 wireless telephone calls originating in a particular Zip Code or portion of that Zip Code should receive the surcharge grants from DMS for that Zip Code or portion of the Zip Code as appropriate, and therefore, SWC911 should receive 39 percent of the surcharge grants received by CMS for Zip Code 60527 (plus the 31 percent received by the Village of Burr Ridge in accordance with an agreement between SWC911 and the Village of Burr Ridge); and,

WHEREAS, the Village of Willowbrook desires SWC911 to directly receive and dispatch all wireless 911 calls originating within the Village of Willowbrook and that said wireless 911 calls not be received by DuPage ETSB and routed to SWC911 because a procedure permitting DuPage ETSB to receive wireless 911 calls originating with the Village of Willowbrook and route said calls to

SWC911 will create unacceptable safety issues, including but not limited to, the involuntary disconnection of wireless 911 calls precluding the ability to identify the location and nature of the emergency and dispatching 'an appropriate response to said emergency; and,

WHEREAS, the ICC has accepted and approved SWC911's Wireless Plan thereby authorizing SWC911 to directly receive and dispatch all wireless 911 calls originating within the Village of Willowbrook in the same manner SWC911 directly receives and dispatches all wireline 911 calls originating via wireline within the Village of Willowbrook, so that Willowbrook's wireline and wireless 911 calls are provided a seamless 911 telephone service.

NOW, THEREFORE, BE IT RESOLVED, that the President and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, as follows:

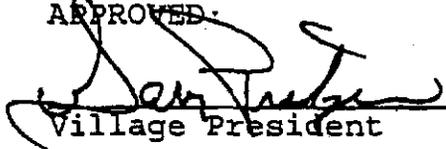
Section 1: The Village of Willowbrook has determined that SWC911 should directly receive and dispatch all wireless 911 calls originating within the Village of Willowbrook in the same manner SWC911 currently directly receives and dispatches wireline 911 calls originating via wireline within the Village of Willowbrook, and that said wireless 911 calls originating within the Village of Willowbrook should not be received by DuPage ETSB and routed to SWC911 because such a procedure permitting DuPage to receive wireless 911 calls and route said calls to SWC911 will

create unacceptable safety issues, including but not limited to, the involuntary disconnection of wireless 911 calls precluding the ability to identify the location and nature of the emergency and dispatch an appropriate response to said emergency; and,

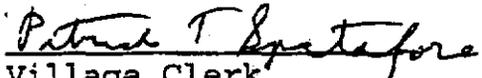
Section 2: In accordance with the dictates of the Illinois Wireless Emergency Telephone Safety Act and the factual circumstances recited above in this Resolution, the Village of Willowbrook declares SWC911 is entitled to and must receive from CMS 39 percent of the surcharge grants received by CMS from Wireless Carriers for Zip Code 60527 (plus the 31 percent received by the Village of Burr Ridge in accordance with an agreement between SWC911 and the Village of Burr Ridge); and,

Section 3: This Resolution shall be in full force and effect upon its adoption and approval as required by law.

ADOPTED AND APPROVED by the President and Board of Trustees of the Village of Willowbrook on this 10th day of June 2002.

APPROVED:

Village President

ATTEST:


Village Clerk

ROLL CALL VOTE: AYES: 4 Napoli, Brown, Schoenbeck, Pretzer
 NAYS: 0 None
 ABSTENTIONS: 0 None
 ABSENT: 3 Wieder, Landsman, McMahon