

ISSUES REGARDING THE FORMATION OF A NEW ECD WITHIN AN EXISTING ECD

- 1. Issues regarding creation of a new ECD within an existing ECD.**
 - a) Legislative policy generally prohibits the unnecessary redundancy of public services**
 - b) The use of the language “create” and “creating authority” in reference to the process by which an ECD is established may suggest that this statutory provision operates only to form an ECD where none exists**
 - c) Did the Legislature intend to limit the ability of a municipality to withdraw from a county ECD?**
 - d) Does the power to incur debt and issue bonds granted by the Legislature to ECDs (which necessarily are secured by ECD revenues) prohibit the formation of a municipal ECD within a county ECD because to do so would undermine the county ECD’s ability to finance its activities?**

- 2. Issues regarding funding of a new ECD within an existing ECD**
 - a) Current law specifically prohibits an ECD from imposing any additional service charge on citizens to support a 9-1-1 system, therefore the sole source of funding for an ECD is through the mechanism set forth in Sec. 11-98-5 and 11-98-5.2 Ala. Code, 1975, as amended**
 - b) Sections 11-98-5.2(b)(1) and (2) refer to distributions or payments to “existing districts”. The current law**

went into effect on October 1 , 2013. Does “existing districts” mean only districts existing on October 1, 2013 or does it mean districts existing during the calendar month in which the Board deposits 9-1-1 charges into the 9-1-1 Fund and apportions and distributes monies to ECDs

- c) How is the Board to determine a new ECD’s “base amount” when base amounts by statute are calculated on based on revenues previously received by “any district with a functioning 911 system as of September 30, 2011?
- d) Because the current law states that “there shall never be paid to any district”, during any fiscal year, an amount less that the initial base distribution amount plus the amount the district received from the CMRS Fund during fiscal year ending September 30, 2011, how can the Board fund a new ECS without violating this provision of the law?
- e) Section 11-98-5.2(b)(5) refers to the term “per capita distribution amount” which is an additional distribution by the Board to an ECD which is distributed after base amounts to ECDs. This distribution is based on a distribution formula which is the percentage of population residing in the district compared to total state population residing in all districts statewide. Carving out population and counted in a new district would significantly reduce funding for the existing ECD.