

Review Of Washington Parish Communication District Functions As Prescribe By Statues, Ordinances, Propositions and Attorney General Opinions

The functions of the Washington Parish Communications District are governed by:

1. [Ordinance 22, Washington Parish Police Jury, 10 May 1988.](#)
2. [Louisiana R.S. 33:9102 to 9109.1.](#)
3. [Attorney General Opinion 96 – 97.](#)
4. [Proposition, November 8, 1988, authorizing the levy and collection of an emergency telephone service charge.](#)
5. [Proposition, October 4, 2003, requesting additional funding fee...to be used for the purpose of constructing, acquiring, building, improving, equipping and/or operating and maintaining a 9-1-1 emergency communications facility...”](#)
6. [Ordinance 09-500, Washington Parish Council, September 14, 2009.](#)

1. Ordinance 22, Washington Parish Police Jury, 10 May 1988.

The Washington Parish Communications District was created pursuant to R.S. 33:9101 to 9106 by the Washington Parish Police Jury on 10 May 1988, Ordinance 22.

Ordinance 22 states in Section I, “That, acting under and by virtue of the authority vested in this Police Jury by the Constitution and Laws of this State, including, but not limited to R.S. 33:9101 to 9106, inclusive, (the "Act") there be and there is hereby created a communications district in the Parish...” and in Section 2, “That the said communications district hereby created shall be known and is hereby designated as "Washington Parish Communications District", and as such shall have all the powers and exercise all the rights, privileges and authority granted by the Constitution and Laws of the State ...”.

This Washington Parish Ordinance clearly establishes that the District was established pursuant to R.S. 33:9101 to 9106 and that the District has “all the powers and exercise all the rights, privileges and authority granted by the Constitution and Laws of the State” (which in 2023 includes R.S. 33:9101 to 9109.1).

2. Louisiana R.S. 33:9101 to 9109.1 (Revised Statutes Were Expanded To R.S. 33:9109.1 After 1988)

Louisiana R.S. 33:9101 to 9109.1 contains the purposes of Communication Districts. These purposes are clearly enumerated by the Legislature in Section 9102(A) as follows:

R.S. 9102. Purposes

It has been shown to be in the public interest to shorten the time required for a citizen to request and receive emergency aid. The provision of a single, primary three-digit emergency number through which emergency services can be quickly and efficiently obtained will provide a significant contribution to law enforcement and other public service efforts by simplifying the notification of public service personnel. Furthermore, the identification of all streets, roads, highways, and dwelling places by name and number will serve to decrease the response time of law enforcement and public service personnel to emergency calls by facilitating the systematic location of such places without difficulty and ambiguity. Such a simplified means of procuring emergency services will result in the saving of life, a reduction in the destruction of property, quicker apprehension of criminals, and ultimately the saving of monies. Establishment of a uniform emergency number and identification of thoroughfares and dwelling places are matters of concern and interest to all citizens. It is the purpose of this Chapter to establish the number 911 as the primary emergency telephone number for use in communications districts created in parishes as herein provided and to provide for the identification of all streets, roads, highways, and dwelling places in such districts which are not otherwise designated by name and number, and to provide for other communication enhancements which will enable law enforcement and public safety agencies to decrease response time and improve effectiveness. (Emphasis added by the Louisiana Attorney General as discussed below)

3. Attorney General Opinion 96 – 97.

The underlined emphasis shown above was as per the Louisiana Attorney General’s Opinion No. 96-97 which states,

“A review of the resolution, proposition and statutory provisions” (related to Rapides Parish Communications District) “unequivocally disclose one common thread, to wit: That the sole purpose for which the District is created, and the funds generated by the service charge may be used, is to establish, maintain and operate a 911

emergency telephone service and the expenses associated with the identification of thoroughfares and dwellings. We see no indication, whatsoever, that the Legislature and the voters of Rapides Parish intended for the District to be burdened with non-emergency telephone calls, other than those pertaining to the business operation of the District received on its non-emergency business line. Further, the law does not authorize the District to assume the role of a clearing house for call-taking and dispatching non-emergency radio transmissions between law enforcement officials and their central office.”

While this opinion applies to Rapides Parish, the documents which apply to Washington Parish contain the same references to a “911 emergency telephone service” and thus, just as in Rapides Parish, Louisiana law does not authorize the Washington Parish District “to assume the role of a clearing house for call-taking and dispatching non-emergency radio transmissions between law enforcement officials and their central office”.

It is, however, clear from the language of Louisiana R.S. 33:9101 to 9109.1, et al and from the Louisiana Attorney General’s Opinion No. 96-97 that Communication Districts may establish, maintain and operate a 911 emergency telephone service (which includes emergency dispatch services). Funding must, however, be authorized by the “establish, maintain and operate a 911 emergency telephone service” language found within the funding Proposition of the District in question.

4. Proposition, November 8, 1988, Authorizing The Levy And Collection Of An Emergency Telephone Service Charge In Washington Parish

The language of the proposition authorizing the levy and collection of an emergency telephone service charge was approved by the voters of Washington Parish on Tuesday, November 8, 1988, and based on the Process Verbal of December 13, 1988, of the Washington Parish Police Jury, the Washington Parish Communications District levied an emergency telephone service charge in an amount not to exceed five percent of the tariff rate.

The language of the Proposition approved by the voters of Washington Parish Special Election held on Tuesday, November 8, 1988, stated, “Shall the Washington Parish Communications District (the “District”) be authorized to levy an emergency telephone service charge not to exceed five percent (5%) of the tariff rate for local telephone service supplied within the District, for the purpose of establishing the enhanced 911 emergency telephone system...all as provided by R.S. 33:9101 to 9106, inclusive, of the Louisiana Revised Statutes of 1950, as amended ? (Emphasis added)

As a comparison, the Rapides Parish Proposition authorizing the levy and collection of an emergency telephone service charge approved by their voters in the Election held on Tuesday, November 4, 1986, stated, “Shall the Rapides Parish Communications District, State of Louisiana, levy and collect a special emergency telephone surcharge not to exceed 5% of the tariff rate for local telephone service supplied within the district for the purpose of establishing, maintaining and operating the 911 emergency telephone system; . . . and that the Board be governed by Chapter 31, Title 33 of Louisiana Revised Statutes of 1950, as amended, (R.S. 33:9101-9106) and other constitutional or statutory authority as provided by the legislature?” (Emphasis added.)

In both Washington and Rapides Parish the funding Proposition provide for the establishment of a 911 emergency telephone system.

However, the funding Proposition of the Rapides Parish Communications District includes “maintaining and operating” of the 911 emergency telephone system, but the Washington Parish Proposition of November 8, 1988, does not include the “maintaining and operating” description.

It is therefore concluded that the funding received by the Washington Parish Communications District from an emergency telephone service charge cannot be utilized to maintain or operate an emergency 911 call taking or dispatch service since the words “maintaining and operating” are not in the Proposition approved by the voters.

This omission of the “maintaining and operating” language from the Washington Parish proposition validates the verbal record that each of the three law enforcement agencies in the parish desired in 1988 to answer the telephone calls for help and that it was agreed upon by all agencies that law enforcement would continue to answer the calls from citizens that lived in their area of responsibility and that the Communications District would establish an enhanced 9-1-1 system but not operate it.

Subsequent to establishment of the Washington Parish Communications District and the approval of Washington Parish Proposition of November 8, 1988, the Louisiana State Legislature established the ability of the Communications Districts in Louisiana to collect a service charge on cellphones via the enactment of Louisiana Revised Statute 33:9109 :Additional service charge on wireless telecommunications service.

In paragraph, R.S. 9109 C.3. (c), it states, “If the district levies any emergency telephone service charge, tax, charge, surcharge, or fee on local telephone service, or on exchange access facilities or their equivalent, which has been approved by the voters of the district, voter approval of the service charge authorized by this Section shall not be required.

Therefore, the funds collected by the Washington Parish Communications District from the wireless telecommunications service are to be utilized for purposes approved by the voters in the Proposition of November 8, 1988.

5. Proposition, October 4, 2003, requesting additional funding fee...to be used for the purpose of constructing, acquiring, building, improving, equipping and/or operating and maintaining a 9-1-1 emergency communications facility...”

Realizing the limitations to funding usage imposed by language of the November 8, 1988, Proposition, the District attempted gain voter approval of a Proposition dated October 4, 2003, that stated, “Shall the Washington Parish Communications District of the Parish of Washington, State of Louisiana (“the District”), be authorized to levy and additional fee...to be used for the purpose of constructing, acquiring, building, improving, equipping and/or operating and maintaining a 9-1-1 emergency communications facility...”. (Emphasis added.)

This Proposition dated October 4, 2003, was not approved by the voters. Thus, the additional funding was not approved and the addition of the “maintaining and operating” terminology was likewise rejected by the voters.

6. Ordinance 09-500, Washington Parish Council, September 14, 2009

This Washington Paris Ordinance provides details as to the authority authorizing the Washington Parish Communications District to identify all streets, roads, highways, and furnish addresses for all structures in the district as stated in general terms in Louisiana R.S. 33:9102, “... to provide for the identification of all streets, roads, highways, and dwelling places in such districts which are not otherwise designated by name and number”.

Ordinance 09-500, Section 1. Authority

A . The Washington Parish Communications District shall be authorized to provide the appropriate five-digit number to applicants requesting a new address within Washington Parish. B. Where appropriate, the Washington Parish Communications

District shall approve a name for any street, road, highway or dwelling place not otherwise named. C. When appropriate, the Washington Parish Communications District shall provide a name for any street, road, highway or dwelling place not otherwise named. D. When necessary, the Washington Parish Communications District shall change an existing road name or numerical address.