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MEMORANDUM

To: Mayor and City Council

From: Kimberly Greer, Assistant to the City Manager

Date: June 13, 2011

Subject: **Adoption of Enhanced 9-1-1 Fees**

BACKGROUND

As discussed at the May Work Session, the City is authorized under O.C.G.A. § 46-5-133 and § 46-5-134 to impose and collect a monthly fee of \$1.50 per connection on all wireline (i.e. landline) telephones and each wireless telecommunications connection subscription whose billing addresses is within the City for the purposes of providing enhanced 9-1-1 services. Furthermore, Part 4 of Article 2 of Chapter 5 of Title 46 of the O.C.G.A authorizes local governments to impose and collect a monthly fee of \$1.50 per connection upon each voice over internet protocol (VoIP) telecommunications connection subscribed to by subscribers whose billing address is within the City.

Under the City's current Intergovernmental Agreement with DeKalb County, which will terminate in October 2011, these fees are collected on behalf of the City by DeKalb County.

At the March Council Meeting, the City Council authorized the Mayor to enter into an Agreement with ChatComm for the provision of enhanced 911 communication services following a six month transition period. Under the Agreement negotiated with ChatComm, the City will collect all E911 fees and remit monthly fixed payments for 911 services.

UPDATE

In light of the Governor's signature of HB 256, as passed by the 2011 Session of the Georgia Legislature, which amends Part 4 of Article 2 of Chapter 5 of Title 46 of the O.C.G.A and authorizes local governments to impose a 9-1-1 charge upon prepaid wireless service at the retail point of sale for sales occurring within the jurisdiction of the local government, staff has included a charge per retail transaction of prepaid wireless service with the enhanced 9-1-1 charges established in the adopting Resolution.

As outlined in O.C.G.A 46-5-133, staff has placed an official public notice in the City's legal organ, advertising the Public Hearing.

RECOMMENDATION

Staff recommends, following a Public Hearing, the Council adopt by Resolution an enhanced 9-1-1 charge at a rate of \$1.50 per month for all wireless, wireline, voice over internet protocol connections and a \$0.75 charge per retail transaction upon prepaid wireless service at the retail point of sale for sales occurring within the City. Staff also recommends the Council authorize the City Clerk to transmit a copy of the Resolution to the Georgia Department of Revenue and authorize the Finance Director to establish an Emergency Telephone Systems Fund for the purpose of collecting enhanced 9-1-1 and pre-paid wireless fees as described by the attached Resolution.

A RESOLUTION ESTABLISHING AN ENHANCED 9-1-1 CHARGE ON WIRELESS COMMUNICATIONS, WIRELINE COMMUNICATIONS, VOICE OVER INTERNET PROTOCOL (VoIP) CONNECTIONS, AND PRE-PAID WIRELESS SERVICES WITHIN THE CITY OF DUNWOODY, GEORGIA

WHEREAS, Dunwoody (hereinafter referred to as the "City") is a municipality created by the 2008 Georgia General Assembly pursuant to Ga. L. 2008, p. 3526; and

WHEREAS, DeKalb County (hereinafter referred to as the "County") is a political subdivision of the State of Georgia; and

WHEREAS, the City currently contracts through an intergovernmental agreement with the County for the operation of an Emergency 9-1-1 System for Dunwoody; and

WHEREAS, the City signed an intergovernmental agreement with the Joint Public Safety and Judicial Facilities Authority for the Cities of Sandy Springs, Georgia and Johns Creek, Georgia known as the Chattahoochee River 911 Authority (the "Authority"), for the purpose of providing 9-1-1 services beginning on or about October 3, 2011; and

WHEREAS, O.C.G.A. §§ 46-5-133 and 46-5-134 authorize local governments to impose an enhanced 9-1-1 charge upon each wireless telecommunications connection subscribed to by subscribers whose billing address or place of primary use is within the jurisdiction of the local government the City; and

WHEREAS, such charges may be imposed at a rate of up to \$1.50 per month per wireless connection; and

WHEREAS, O.C.G.A. §§ 46-5-133 and 46-5-134 authorize local governments to impose a 9-1-1 charge upon each telephone service, or wireline, subscribed to by subscribers whose billing address is within the jurisdiction of the local government; and

WHEREAS, such charges may be imposed at a rate of up to \$1.50 per month per telephone connection or wireline; and

WHEREAS, Part 4 of Article 2 of Chapter 5 of Title 46 of the O.C.G.A. authorizes local governments to impose a 9-1-1 charge upon each voice over internet protocol (VoIP) telecommunications connection subscribed to by subscribers whose billing address is within the jurisdiction of the local government; and

WHEREAS, such charges may be imposed at a rate of up to \$1.50 per month per voice over internet protocol connection; and

WHEREAS, HB 256, as passed by the 2011 Session of the Georgia Legislature, and signed by the Governor, amending Part 4 of Article 2 of Chapter 5 of Title 46 of the O.C.G.A., authorizes local governments to impose a 9-1-1 charge upon prepaid wireless service at the retail point of sale for sales occurring within the jurisdiction of the local government; and

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WHEREAS, such charges may be imposed at a rate of up to \$0.75 per retail transaction; and

WHEREAS, enhanced 9-1-1 charges may be imposed by any local government which operates or contracts for the operation of an emergency 9-1-1 system which is capable of providing or provides automatic number identification and automatic location identification of wireless telecommunications connections; and

WHEREAS, the County operates an emergency 9-1-1 system which is capable of providing automatic number identification and automatic location identification of wireless telecommunication connections; and

WHEREAS, the Authority operates an emergency 9-1-1 system which is capable of providing automatic number identification and automatic location identification of telephone communication connections; and

WHEREAS, the City of Dunwoody currently has an intergovernmental agreement with the County for the Provision of Emergency 9-1-1 Communication Services, which will be provided until the City transitions to the Authority on or about October 3, 2011; and

WHEREAS, an enhanced 9-1-1 charge is currently imposed by DeKalb County upon each wireless telecommunications connection, wireline service connection, and voice over internet protocol connection subscribed to by any subscribers whose billing address or place of primary use is within the City of Dunwoody, Georgia; and

WHEREAS, a public hearing was held on this date after the public received no less than ten (10) days public notice of same; and

WHEREAS, the City of Dunwoody City Council desires to establish and collect an enhanced 9-1-1 charge at the rate of \$1.50 per month per wireless connection provided to each telephone subscriber whose billing address or place of primary use is within the City; and

WHEREAS, the City of Dunwoody City Council desires to establish and collect a 9-1-1 service charge at the rate of \$1.50 per month per telephone service subscription, or wireline, in the City; and

WHEREAS, the City of Dunwoody City Council desires to establish and collect a 9-1-1 service charge at the rate of \$1.50 per month per voice over internet protocol telecommunication connection subscription in the City; and

WHEREAS, the City of Dunwoody City Council desires to establish and collect a 9-1-1 service charge at the rate of \$0.75 per retail transaction upon prepaid wireless service at the retail point of sale for sales in the City; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Dunwoody and it is resolved by the authority of said City Council, that by passage of this Resolution the City of Dunwoody Mayor and City Council establish an enhanced 9-1-1

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charge at the rate of \$1.50 per month per wireless connection which the City shall impose, collect and deposit in accordance with O.C.G.A. 46-5-134 effective October 11, 2011 or the date the intergovernmental agreement with DeKalb County for operation of an Emergency 9-1-1 System terminates, whichever is later.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Dunwoody and it is resolved by the authority of said City Council, that by passage of this Resolution, the City of Dunwoody Mayor and City Council established an enhanced 9-1-1 charge at the rate of \$1.50 per month per wireline connection which the City shall impose, collect and deposit in accordance with O.C.G.A. 46-5-134 effective October 11, 2011 or the date the intergovernmental agreement with DeKalb County for operation of an Emergency 9-1-1 System terminates, whichever is later.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Dunwoody and it is resolved by the authority of said City Council, that by passage of this Resolution, the City of Dunwoody Mayor and City Council established an enhanced 9-1-1 charge at the rate of \$1.50 per month per voice over internet protocol telecommunication connection which the City shall impose, collect and deposit in accordance with O.C.G.A. 46-5-134 effective October 11, 2011 or the date the intergovernmental agreement with DeKalb County for operation of an Emergency 9-1-1 System terminates, whichever is later.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Dunwoody and it is resolved by the authority of said City Council, that by passage of this Resolution the City of Dunwoody Mayor and City Council establish an enhanced 9-1-1 charge at the rate of \$0.75 charge upon prepaid wireless service at the retail point of sale for sales which the City shall impose, collect and deposit in accordance with HB 256 and O.C.G.A. 46-5-134 effective January 1, 2012.

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to transmit a certified copy of this Resolution to the Commissioner of the Georgia Department of Revenue as soon as practicable after the adoption of same.

BE IT FURTHER RESOLVED, that the City Finance Director is hereby authorized and directed to establish an Emergency Telephone Systems Fund and provide the Commissioner of Revenue with such information concerning the Fund as the Commissioner deems necessary in order to receive disbursement from the Department of Revenue of the collected enhanced 9-1-1 and pre-paid wireless fees as imposed by this Resolution, and to present any necessary amendments to the City of Dunwoody Budget establishing same to the Council.

SO RESOLVED AND ADOPTED this 13th day of June, 2011.

Approved:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk

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