



4800 Ashford Dunwoody Road
 Dunwoody, Georgia 30338
 dunwoodyga.gov | 678.382.6700

MEMORANDUM

To: Mayor and City Council
From: Billy Grogan, Chief of Police
Date: August 27, 2018

Subject: Resolution Authorizing a 9-1-1 Charge on Prepaid Wireless Telephone Service

DESCRIPTION

A resolution authorizing a 9-1-1 charge on prepaid wireless telephone service within the City of Dunwoody.

BACKGROUND

During the 2018 Session, the Georgia General Assembly passed HB 751 and it was signed into law on May 7, 2018. HB 751 is a comprehensive piece of legislation that, among other things, establishes the Georgia Emergency Communications Authority (GECA) as the coordinating body for 911 and emergency communications in the state. Additionally, the legislation creates a new process by which all 911 fees are to be collected and remitted to local governments.

Beginning January 1, 2019, service suppliers will begin aggregating and remitting their collected 911 fees to the Georgia Department of Revenue through a contract with GECA. Wireline, postpaid wireless, and Voice over Internet Protocol fees will continue to be distributed based on the same formula as before. Prepaid will continue to be distributed based on the same formula as well; however, the prepaid remittances will be delivered to the local governments monthly as opposed to the current annual distribution in October.

With these changes to the processes, new 911 resolutions need to be adopted by each local government that operates a public safety answering point (PSAP). Per O.C.G.A. § 46-5-134, the 911 fees collected by the service supplier and transmitted to the authority for distribution to local governments pursuant to Code Section 38-3-185 shall, upon being received by a local government, be deposited and accounted for in a separate restricted revenue fund known as the Emergency Telephone System Fund maintained by the local government. All such funds shall be used exclusively for the purposes authorized by O.C.G.A. § 46-5-134(-f).

Denis Shortal Mayor
 Eric Linton, ICMA-CM City Manager
 Sharon Lowery, CMC City Clerk

Pam Tallmadge City Council Post 1
 Jim Riticher City Council Post 2
 Tom Lambert City Council Post 3

Terry Nall City Council Post 4
 Lynn Deutsch City Council Post 5
 John Heneghan City Council Post 6

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The new 911 resolutions must be submitted to the Georgia Department of Revenue no later than November 1, 2018 to ensure that the Department has sufficient time to implement the new collection and remittance process by January 1, 2019.

RECOMMENDATION

Staff recommends that City Council adopt this resolution authorizing a 9-1-1 charge on prepaid wireless telephone service within the City of Dunwoody. This resolution has been reviewed by our City Attorney.

Denis Shortal Mayor
Eric Linton, ICMA-CM City Manager
Sharon Lowery, CMC City Clerk

Pam Tallmadge City Council Post 1
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**A RESOLUTION AUTHORIZING A 9-1-1 CHARGE ON PREPAID WIRELESS
TELEPHONE SERVICE WITHIN the City of Dunwoody, GEORGIA**

WHEREAS, Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, authorizes counties and cities that operate a 9-1-1 public safety answering point to impose a 9-1-1 charge on prepaid wireless service at the retail point of sale; and

WHEREAS, pursuant to Code Section 46-5-134.2 of the Official Code of Georgia Annotated, such charges shall be imposed at the rate of \$1.50 per retail transaction; and

WHEREAS, revenues received by a county or municipality from such charges must be deposited in the emergency telephone system fund maintained by the county or municipality; and

WHEREAS, imposition of the charge on prepaid wireless service is contingent upon the enactment of an ordinance or resolution of the county or municipality; and

WHEREAS, the City of Dunwoody operates a 9-1-1 public safety answering point through ChatComm; and

WHEREAS, the City Council does now deem it in the best interest of the citizens of the City of Dunwoody to impose such a charge; then

IT IS HEREBY RESOLVED as follows:

Section 1. 9-1-1 Charge on Prepaid Wireless Transactions

In accordance with O.C.G.A. § 46-5-134.2, there is hereby imposed a prepaid wireless 9-1-1 charge as defined by O.C.G.A. § 46-5-134.2(a)(4) upon every prepaid wireless retail transaction occurring within the jurisdiction of the public service answering point in the amount of \$1.50.

Section 2. Collection of 9-1-1 Charge on Prepaid Wireless Transactions

Prepaid wireless 9-1-1 charges collected by retailers shall be remitted to the Georgia Department of Revenue, as the contracted collection partner of the Georgia Emergency Communications Authority, at the times and in the manner provided by O.C.G.A. 46-5-134.2 and any other Georgia Department of Revenue or Georgia Emergency Communications Authority regulation or policy.

Section 3. Administrative Provisions

The Clerk of the City is hereby directed to file with the State Revenue Commissioner a certified copy of this ordinance and amendments thereto, in accordance with O.C.G.A. §

**STATE OF GEORGIA
CITY OF DUNWOODY**

RESOLUTION 2018-xx-xx

46-5-134.2(j)(1), within ten (10) days of enactment of this ordinance or future amendment.

Section 4. Depositing of Funds; Use of Funds

In accordance with O.C.G.A. § 46-5-134.2(j)(4), funds received by this city from charges imposed by this ordinance shall be deposited in the Emergency Telephone System Fund maintained by the city pursuant to O.C.G.A. § 46-5-134 and kept separate from general revenue of the jurisdiction; all such funds shall be used exclusively for the purposes authorized by O.C.G.A. § 46-5-134(f).

Section 5. Repealer

All ordinances and parts of ordinances in conflict with this resolution are hereby repealed as of January 1, 2019.

Section 6. Effective Date

Any previous prepaid wireless telephone 9-1-1 charge ordinance will remain in effect until January 1, 2019. On such date, the prepaid wireless telephone 9-1-1 charge shall become \$1.50 per O.C.G.A. § 46-5-134 and this resolution.

SO RESOLVED in open session lawfully assembled, this the 27th day of August, 2018.

Approved:

Denis L. Shortal, Mayor

Attest:

Sharon Lowery, City Clerk
(SEAL)

Approved as to Form and Content

City Attorney