

CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: June 29, 2011

FROM: John McDonough, City Manager

AGENDA ITEM: A Resolution to Approve and Authorize a 9-1-1 Charge on Prepaid Wireless Telecommunications Service Pursuant to House Bill 256

MEETING DATE: For Submission onto the July 12, 2011, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Resolution

APPROVAL BY CITY MANAGER:

gjm

APPROVED

NOT APPROVED

PLACED ON AGENDA FOR:

7/12/2011

CITY ATTORNEY APPROVAL REQUIRED:

() YES

() NO

CITY ATTORNEY APPROVAL:

[Signature]

REMARKS:

To: Honorable Mayor and City Council Members

From: Wendell K. Willard

Date: For Submission onto the June 21, 2011, City Council Meeting Agenda

Agenda Item: A Resolution to Approve and Authorize a 9-1-1 Charge on Prepaid Wireless Telecommunications Service Pursuant to House Bill 256

City Attorney's Recommendation:

The City Attorney's Office recommends that the City Council consider the attached resolution and, if deemed appropriate, that it be approved.

Background and Discussion:

During the 2011 Regular Session, the Georgia Legislature passed House Bill 256 ("HB 256"), which was signed into law by the Governor. HB 256 authorizes a municipality operating a 9-1-1 public safety answering point, such as CHATCOMM, to impose by resolution a prepaid wireless 9-1-1 charge in the amount of \$0.75 per retail transaction.

Under HB 256, the prepaid wireless charges are to be collected by the seller in the retail transaction and remitted by the seller to the Georgia State Revenue Commissioner. The City would receive a pro-rata share of all such charges collected within the State of Georgia, contingent upon the City's filing of a certified copy of the attached resolution, as adopted, with the Georgia State Revenue Commissioner. The monies received as the City's pro-rata share may be used for any purpose allowed for use by CHATCOMM.

Alternatives:

Not to approve the attached resolution authorizing the collection of the prepaid wireless 9-1-1 charge.

Attachments:

Proposed resolution.

STATE OF GEORGIA
COUNTY OF FULTON

**A RESOLUTION TO APPROVE AND AUTHORIZE A 9-1-1 CHARGE ON PREPAID
WIRELESS TELECOMMUNICATIONS SERVICE**

WHEREAS, during the 2011 Regular Session, the Georgia Legislature passed House Bill 256 (“HB 256”), which was signed into law by the Governor; and

WHEREAS, HB 256 authorizes a municipality that operates a 9-1-1 public safety answering point to impose by ordinance or resolution a prepaid wireless 9-1-1 charge in the amount of \$0.75 per retail transaction, as defined in HB 256, contingent upon the municipality meeting certain requirements set forth therein; and

WHEREAS, when the municipality imposes a 9-1-1 charge by the adoption of an ordinance or resolution, the prepaid wireless 9-1-1 charge authorized shall be collected by the seller from the consumer in the retail transaction and the charges collected shall be remitted to the Georgia State Revenue Commissioner (“Commissioner”); and

WHEREAS, a municipality adopting an ordinance or resolution to authorize a prepaid wireless 9-1-1 charge shall file with the Commissioner a certified copy of the ordinance or resolution which authorizes the prepaid wireless 9-1-1 charge; and

WHEREAS, upon the filing of such ordinance or resolution with the Commissioner, the City is entitled to receive a pro-rata share of all such fees collected within the State of Georgia each year, calculated pursuant to the provisions of HB 256; and

WHEREAS, the City of Sandy Springs (“City”) operates an Emergency 9-1-1 System through an Intergovernmental Agreement with the Joint Public Safety and Judicial Facilities Authority for the Cities of Sandy Springs, Georgia and Johns Creek, Georgia d/b/a Chattahoochee River 9-1-1 Authority (CHATCOMM) to provide the citizens of the City with an effective emergency communications service; and

WHEREAS, because it operates a 9-1-1 public safety answering point, the City is authorized under HB 256 to impose by ordinance or resolution a prepaid wireless 9-1-1 charge; and

WHEREAS, the City Council desires to exercise its authority under HB 256 to levy a prepaid wireless 9-1-1 charge and to take all actions necessary to comply with the requirements of HB 256 in order to receive a pro-rata share of the charges, which shall be used to assist in continuing to provide effective emergency response in the City and to safeguard the health, safety and welfare of its citizens;

NOW, THEREFORE, BE IT RESOLVED by the City Council that, pursuant to HB 256, a pre-paid wireless 9-1-1 charge in the amount of \$0.75 per retail transaction is hereby imposed and established in the City, to be used for all authorized purposes under Chapter 5 of Title 46 of the Official Code of Georgia Annotated.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Commissioner of the Georgia Department of Revenue as soon as possible after its adoption.

BE IT FURTHER RESOLVED that any and all resolutions, or any parts thereof, in conflict with this resolution are hereby repealed. This resolution shall be effective on January 1, 2012.

SO RESOLVED AND ADOPTED by the City Council this ____ day of _____, 2011.

Eva Galambos, Mayor

ATTEST:

Michael Casey, City Clerk
(Seal)