

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of Resolution 2018-14 for updating and authorizing 911 charges on telephone services and wireless enhanced 911 charges other than prepaid wireless services.

**Background/History/Details:**

HB 751 was passed during the 2018 legislative session which created the Georgia Emergency Communications Authority (GECA). This legislation implements a new centralized process by which all 9-1-1 fees are to be collected and remitted to local governments by the Department of Revenue (DOR).

In order for DOR to collect landline and wireless service 9-1-1 fees beginning January 1, 2019, Fayette County must either:

- have previously passed resolution(s) imposing 9-1-1 fees; OR
- pass resolutions (see attached models) by August 31, 2018 if you have no existing resolution (by statute collection cannot start until 120 days from the date of the resolution).

To have their systems ready to collect 9-1-1 fees by January 1, 2019, DOR is requiring that we send them a copy of the resolution(s) no later than September 30, 2018.

**What action are you seeking from the Board of Commissioners?**

Approval of Resolution 2018-14 for updating and authorizing 911 charges on telephone services and wireless enhanced 911 charges other than prepaid wireless services.

**If this item requires funding, please describe:**

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

STATE OF GEORGIA

FAYETTE COUNTY

**RESOLUTION**

**NO. 2018- \_\_\_\_**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA UPDATING AND AUTHORIZING 9-1-1 CHARGES ON TELEPHONE SERVICES AND WIRELESS ENHANCED 9-1-1 CHARGES OTHER THAN PREPAID WIRELESS SERVICES; PROVIDING AN EFFECTIVE DATE; REPEALING PRIOR RESOLUTIONS IN CONFLICT; AND FOR OTHER PURPOSES.**

WHEREAS, the general law regarding 9-1-1 charges has been substantially modernized and revised by Ga. L. 2018, p. 689, HB 751; and

WHEREAS, many of these revisions include oversight and administration of 9-1-1 matters by the Georgia Emergency Communications Authority and the Department of Revenue; and

WHEREAS, Fayette County, Georgia desires to update its 9-1-1 charges in accordance with revisions to state law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Fayette County, GEORGIA as follows:

**Section 1. Definitions**

Unless specified otherwise in this resolution, all terms shall be defined in the same manner as specified in O.C.G.A. § 46-5-122.

**Section 2. 9-1-1 Charges on Monthly Services**

(a) Pursuant to O.C.G.A. § 46-5-133(a), there is imposed a monthly 9-1-1 charge upon each telephone service, subscribed to by a telephone subscriber, whose exchange access lines are in the areas served or which could be served by the 9-1-1 service. Pursuant to O.C.G.A. § 46-5-134(a)(1)(A), the amount of such 9-1-1 charge shall be \$1.50 per month per telephone service provided to the telephone subscriber.

(b) Pursuant to O.C.G.A. § 46-5-133(a), there is imposed a monthly wireless enhanced 9-1-1 charge upon each wireless telecommunications connection, other than a connection for prepaid wireless service, subscribed to by a telephone subscriber whose place of primary use is within the geographic area that is served by Fayette County, Georgia, or that would be served by Fayette County, Georgia, for the purpose of such an emergency 9-1-1 system. Pursuant to O.C.G.A. 46-5-134(a)(2)(A), the amount of such enhanced wireless 9-1-1 charge shall be \$1.50 per month per wireless telecommunications connection provided to the telephone subscriber.

(c) The 9-1-1 charges under this section shall commence January 1, 2019.

### **Section 3. Collecting and Remitting of 9-1-1 Charges**

All such 9-1-1 charges collected by service suppliers 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. § 38-3-185, O.C.G.A. § 38-3-186, and any other Georgia Department of Revenue or Georgia Emergency Communications Authority rule or regulation adopted pursuant to Article 12 of Chapter 13 of Title 38 of the O.C.G.A. and Chapter 13 of Title 50 of the O.C.G.A., the “Georgia Administrative Procedures Act”.

### **Section 4. Deposit and Use of Proceeds**

Pursuant to O.C.G.A. § 46-5-134, all proceeds received by Fayette County from 9-1-1 charges imposed by this resolution shall be deposited in the Emergency Telephone System Fund maintained by the county; kept separate from general revenue of the county; and used exclusively for the statutorily authorized purposes.

### **Section 5. Resolution Filing Requirements**

The Clerk of the County shall file with the state revenue commissioner a certified copy of this resolution within ten (10) days of the adoption thereof. Any subsequent amendment to this resolution shall likewise be so filed by the clerk within ten (10) days of the adoption thereof.

**Section 6. Effective Date and Applicability**

This resolution shall become effective on August 23, 2018. Any prior resolution establishing such 9-1-1 charges shall remain in effect until January 1, 2019. On such date, such 9-1-1 charges shall be governed by this resolution.

**Section 7. Repealer**

All resolutions, or parts of resolutions, in conflict with this resolution are repealed as of January 1, 2019.

RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 201\_.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, GEORGIA

By:\_\_\_\_\_

(SEAL)

Eric K. Maxwell, Chairman

Attest:\_\_\_\_\_

Tameca P. White, County Clerk

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**RESOLUTION**

**NO. 2013-02**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY, GEORGIA; TO AUTHORIZE THE IMPOSITION OF A WIRELESS ENHANCED 911 CHARGE; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Board of Commissioners for Fayette County (the "County") is the duly elected governing authority for the County; and

**WHEREAS**, the County presently operates an Emergency 911 System; and

**WHEREAS**, Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated authorizes local governments to impose a wireless enhanced 911 charge upon each wireless 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 wireless connection; and

**WHEREAS**, such charges may be imposed by any local government that operates or contracts for the operation of an emergency 911 system which is capable of providing automatic number identification and automatic location identification of a wireless telecommunications connection; and

**WHEREAS**, the County operates or has contracted for the operation of an Emergency 911 system which is capable of providing automatic number identification and automatic location identification of a wireless telecommunications connection; and

**WHEREAS**, a public hearing was held on the question of imposing a wireless enhanced 911 charge in the County on February 28, 2013.

**NOW, THEREFORE BE IT RESOLVED** by the governing authority of Fayette County, Georgia that a wireless enhanced 911 charge shall hereby be imposed upon each wireless telecommunications connection subscribed to by subscribers whose billing address is within the jurisdiction of Fayette County, Georgia at a rate of \$1.50 per month per wireless connection provided to each telephone subscriber.

**BE IT FURTHER RESOLVED** that said wireless charge shall be imposed on the first day of the month of July 2013.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be forwarded to each wireless service supplier providing service in Fayette County, Georgia.


SO RESOLVED this 28<sup>th</sup> day of February 2013.

BOARD OF COMMISSIONERS  
OF FAYETTE COUNTY,  
GEORGIA

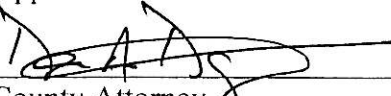


(SEAL)

ATTEST:

  
\_\_\_\_\_  
Floyd Jones, County Clerk

Approved as to form:

  
\_\_\_\_\_  
County Attorney

By:   
\_\_\_\_\_  
Steve Brown, Chairman