

RESOLUTION NO. 18- 165
ORDINANCE NO. 18- 04

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
HENRY 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, Henry 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 Henry 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 Henry County, Georgia, or that would be served by Henry 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 Henry 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 January 1, 2019. 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, including Henry County Resolution #11-160, in conflict with this resolution are repealed as of January 1, 2019.

Be it RESOLVED this 21st day of August, 2018, by the Board of Commissioners of Henry County, Georgia.

HENRY COUNTY BOARD OF COMMISSIONERS

BY: June Wood
June Wood, Chair

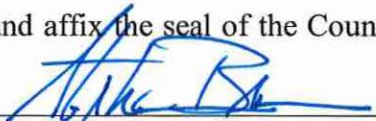
ATTEST: Stephanie Braun
Stephanie Braun, County Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of an original resolution duly adopted by the Board of Commissioners of Henry County on the 21st day of August, 2018.

In witness whereof, I hereunto set my hand and affix the seal of the County, this 21 day of August, 2018.

(Affix Seal)


Stephanie Braun, County Clerk

Georgia Emergency Communications Authority

Nathan Deal
Governor



Michael Nix
Executive Director

June 28, 2018

Mr. Dave Wills
Executive Director
Association of County Commissioners of
Georgia
191 Peachtree Street NE #700
Atlanta, GA 30303

Mr. Larry Hanson
Executive Director
Georgia Municipal Association
201 Pryor St SW
Atlanta, GA 30303

Mr. Dave Wills and Mr. Larry Hanson,

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). Model resolutions will be sent to you and your staff electronically for distribution to your members.

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. Please have your members send the new resolutions to the attention of:

Sharon Doughty
Legal Affairs and Tax Policy Division
Georgia Department of Revenue,
1800 Century Boulevard NE, Atlanta, GA 30345

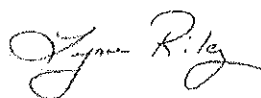
Or

Sharon.Doughty@dor.ga.gov

Sincerely,



Michael Nix
Executive Director
Georgia Emergency Communications
Authority



Lynne Riley
Commissioner
Georgia Department of Revenue

CC: Clint Mueller, ACCG
Debra Nesbit, ACCG
Tom Gehl, GMA
Rusi Patel, GMA

Stephanie Braun

From: Nesbit, Debra <DNesbit@ACCG.org>
Sent: Monday, August 20, 2018 10:33 AM
To: Nesbit, Debra
Cc: Michael Nix; Scheuer, Joe; Mueller, Clint; rpatel@gmanet.com; Wills, Dave
Subject: Update to the Update: 9-1-1 Resolutions - Action Required
Attachments: County 9-1-1 Other than Prepaid Wireless Model Resolution V3.docx; County 9-1-1 Prepaid Wireless Model Resolution V3.docx

IMPORTANT NOTICE

THIS EMAIL REPLACES AND SUPERSEDES THE 9-1-1 EMAILS DATED AUGUST 17, 2018. PLEASE DISCARD THOSE EMAILS AND THEIR ATTACHMENTS.

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).

FOR LANDLINE AND WIRELESS (OTHER THAN PREPAID WIRELESS):

In order for DOR to collect your landline and wireless service (other than prepaid wireless) 9-1-1 fees beginning January 1, 2019, your county (or city) must either:

- have previously passed resolution(s) imposing these 9-1-1 fees; OR
- **pass a resolution (see attached model) by August 31, 2018, if you have no existing resolution** (by statute collection cannot start until 120 days from the date of adoption of the resolution).
- **See important drafting instructions below.**

FOR PREPAID WIRELESS:

In order for DOR to collect your prepaid wireless 9-1-1 fees beginning January 1, 2019, your county (or city) must either:

- have previously passed resolution(s) imposing these 9-1-1 fees; OR
- **pass a resolution (see attached model) prior to September 30, 2018, if you have no existing resolution** (this resolution is NOT subject to the 120 day rule).
- **See important drafting instructions below.**

To have their systems ready to collect 9-1-1 fees by January 1, 2019, DOR is requiring that you send them a copy of your resolutions no later than September 30, 2018.

Deadline September 30, 2018:

Submit your existing or newly-passed resolution(s) imposing the 9-1-1 fee in your jurisdiction to:

Sharon Doughty
Legal Affairs and Tax Policy Division
Georgia Department of Revenue
1800 Century Boulevard NE
Atlanta, GA 30345
Sharon.Doughty@dor.ga.gov

Please also send a copy of your resolution to:

9-1-1resolutions@gema.ga.gov
dnesbit@accg.org

BOARD OF COMMISSIONERS MEETING

Meeting Date:

8/21/18

Department Requesting Agenda Item:

EMERGENCY COMMUNICATIONS

Action Type:

☒

Action requested by BOC

☐

For informational purposes only

Attachments/Exhibits for Agenda Item:

Information from GECA re HB 751
Resolution

Presenter:

DON ASH

Agenda Item:

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Background/Summary:

The general law regarding 9-1-1 charges has been substantially modernized and revised by Ga. L. 2018, p. 689, HB 751 and many of these revisions include oversight and administration of 9-1-1 matters by the Georgia Emergency Communications Authority and the Department of Revenue.

Henry County, Georgia desires to update its 9-1-1 charges other than prepaid wireless services in accordance with revisions to state law.

Code Section 46-5-134 of the Official Code of Georgia Annotated states that such charges shall be imposed at the rate of \$1.50 per retail transaction.

The 9-1-1 charges shall commence on January 1, 2019.

Financial Implications/Considerations:

The project is budgeted.	Y	or	N	or	N/A
The project will require the use of Fund Balance. If yes, please state amount _____.	Y			or	N
The project will require funds.	Y			or	N
The project is grant funded and will require a ____% match; and the matched funds are budgeted.	Y			or	N
Is this request a Capital Project and part of the Capital Project List?	Y			or	N

Additional Comments / Recommendation:

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HENRY COUNTY BOARD OF COMMISSIONERS

Approval Sheet for Agenda Items

DEPARTMENT: 911 / EMA

MEETING DATE: 8/21/2018

AGENDA ITEM:

RESOLUTION OF THE HENRY COUNTY BOARD OF COMMISSIONERS, AUTHORIZING A 9-1-1 CHARGE ON POSTPAID WIRELESS, WIRELESS, AND VOICE OVER INTERNET PROTOCOL (VOIP) TELEPHONE SERVICE WITHIN HENRY COUNTY, GEORGIA

Department Director Signature: [Signature] DATE: 8/2/2018
Comments:

Grants (If Applicable): _____ DATE: _____

Budget Director (If Applicable): [Signature] DATE: 8-2-18
Comments:

Purchasing Director (If Applicable): _____ DATE: _____
Comments:

County Attorney Signature: [Signature] DATE: _____
Comments:

County Manager Signature: [Signature] DATE: 8.14.18
Comments: