

**STATE OF GEORGIA
CITY OF HAPEVILLE**

RESOLUTION NO. _____

RESOLUTION AUTHORIZING A 9-1-1 CHARGE ON PREPAID WIRELESS TELEPHONE SERVICE WITHIN THE CITY OF HAPEVILLE, GEORGIA; AUTHORIZING MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; AUTHORIZING THE CITY CLERK TO ATTEST SIGNATURES AND AFFIX THE OFFICIAL SEAL OF THE CITY, AS NECESSARY; PROVIDING FOR SEVERABILITY; REPEALING INCONSISTENT RESOLUTIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Hapeville (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to local residents; and

WHEREAS, pursuant to Section 2-404 of the City Charter, every official act of the Mayor and Council which is to become law shall be by ordinance, and all other acts of the Mayor and Council shall be by resolution or shall take such other form as prescribed by rules of the Mayor and Council; and

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 operates a 9-1-1 public safety answering point; and

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

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA, 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 resolution and amendments thereto, in accordance with O.C.G.A. § 46-5-134.2(j)(1), within ten (10) days of enactment of this resolution 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 resolution 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. Severability.

To the extent any portion of this Resolution is declared to be invalid, unenforceable or non-binding, that shall not affect the remaining portions of this Resolution.

SECTION 6. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with this resolution are hereby repealed as of January 1, 2019.

SECTION 7. 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.

THIS RESOLUTION adopted this ____ day of _____, 2018.

CITY OF HAPEVILLE, GEORGIA

ALAN HALLMAN, MAYOR

ATTEST:

CITY CLERK

[SEAL]