

**A RESOLUTION BY  
FINANCE/EXECUTIVE COMMITTEE**

**04-~~1~~-0218**

**A RESOLUTION REAFFIRMING THE NECESSITY OF THE \$1.50 SURCHARGE UPON EACH WIRELESS TELECOMMUNICATION CONNECTION SUBSCRIBED TO TELEPHONE SUBSCRIBERS WHOSE BILLING ADDRESS IS WITHIN THE CITY OF ATLANTA, PURSUANT TO THE AUTHORIZATION GRANTED IN SECTIONS 46-5-133 (A) AND 46-5-134(A)(2)(A) OF THE OFFICIAL CODE OF GEORGIA ANNOTATED AND FOR OTHER PURPOSES.**

**WHEREAS**, the General Assembly finds and declares it is in the public interest to shorten the time required for a citizen to request and receive emergency aid; and

**WHEREAS**, the General Assembly finds and declares that the benefits of "911" service should be widely available, regardless of whether a "911" call is placed from traditional landline telephone or from a wireless telephone and it is also in the public interest that users of wireless telephones should bear some of the cost of providing this service, as users of landline telephones currently do; and

**WHEREAS**, it is the intent of the General Assembly to bring wireless telephone service within the scope of Section 46-5-121 of the O.C.G.A. and to establish a means by which local public safety agencies may provide enhanced "911" service to wireless telephone users; and

**WHEREAS**, "wireless service" means "commercial mobile service" as defined under Section 332(D) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 157 et seq.), regulations of the Federal Communications Commission, and the Omnibus Budget Reconciliation Act of 1993 (PL 103-66) and included real-time, two-way interconnected voice service which is provided over networks which utilize intelligent switching capability and offer seamless handoff to customers; and

**WHEREAS**, "wireless service supplier" means a provider of wireless service; and

**WHEREAS**, wireless "telecommunication connection" means any mobile station for wireless service which is assigned a number containing an area code assigned to Georgia by the North American Numbering Plan Administrator that connects a provider of wireless service to a provider of local exchange telephone service; and

**WHEREAS**, "wireless enhanced "911" charge means a contribution to the local government for the cost to the local government of implementing or upgrading, and maintaining, an emergency "911" system which is capable of receiving and utilizing automatic number identification, the location of the base station or cell site which receives the "911" call, and the location of the wireless telecommunications connection as it relates to "911 calls made from a wireless

telecommunication connection. Nonrecurring and recurring installation, maintenance, service, and network charges of a wireless service supplier to provide the aforementioned information and other cost which may be paid with money from the Emergency Telephone System Fund pursuant to Subsection (e) of Code Section 46-5-134 of the O.C.G.A.; and

**WHEREAS**, Section 46-5-133 of the O.C.G.A. authorizes any local government, which prior to 1988 operated or contracted for the operation of an enhanced emergency telephone number "911" system which is capable of providing or provides enhanced "911" service to persons or entities with a wireless telecommunications connection, excluding a military base, to adopt an ordinance to impose a monthly wireless enhanced "911" charge upon each wireless telecommunications connection subscribed to by telephone subscribers whose billing address is within the jurisdiction of the local government. On or after January 1, 1999, no monthly "911" charge provided for may be imposed or continue to be imposed unless each dispatch center funded in whole or in part from such charges is in compliance with Code Section 36-80-19, relating to required TDD training for communication officers; and

**WHEREAS**, O.C.G.A. Section 46-5-134(2)(B) provides that after October 1, 2001 wireless enhanced "911" charges may not exceed the monthly "911" charge imposed upon subscribers of exchange access facility for land lines and in no event, shall such wireless enhanced "911" charge exceed \$1.50 per month per wireless telecommunications connection provided to the telephone subscriber; and

**WHEREAS**, each service supplier that collects "911" or wireless enhanced "911" charges on behalf of a local government is entitled to retain as an administrative fee an amount equal to 3% of the gross "911" or wireless enhanced "911" charge receipts to be remitted to the local government; and

**WHEREAS**, after July 1, 2002, 30-cents of the monthly wireless enhanced "911" charge imposed shall be deposited in a separate restricted reserve account of the Emergency Telephone System Fund, which shall be designated as the Wireless Phase II Reserve Account.

**THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**Section 1.** That pursuant to the authority granted in O.C.G.A. Section 46-5-133 there is hereby imposed a \$1.50 surcharge upon each wireless telecommunication connection subscribed to by telephone subscribers whose billing address is within the jurisdiction of the City of Atlanta.

**Section 2.** That pursuant to O.C.G.A. Section 46-5-134, Service Supplier(s) shall, on behalf of the City of Atlanta, collect the "911" charge from those telephone subscribers to whom it provides exchange telephone service in the area served by the emergency "911" system.

**Section 3.** That pursuant to O.C.G.A. Section 46-5-134(d), the wireless Service Suppliers, be and are hereby directed to continue collecting the wireless "911" \$1.50 monthly surcharge from wireless telephone subscribers where wireless service is in the area served by the City of Atlanta enhanced emergency wireless number "911" system, for the period from January 1, 2004 through

December 31, 2004 and to remit said funds collected, less a 3% administrative fee retained by the wireless telephone companies to the City.

A true copy,

*Rhonda Daughkin Johnson*  
Municipal Clerk, CMC

**ADOPTED** by the Council  
**APPROVED** by the Mayor

**FEB 16, 2004**  
**FEB 24, 2004**



RCS# 5425  
2/16/04  
2:56 PM

Atlanta City Council

Regular Session

CONSENT I                    CONSENT I PGS 1-12, EXCEPT:04-R-0242

RECONSIDER

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

|           |             |           |            |
|-----------|-------------|-----------|------------|
| B Smith   | Y Archibong | Y Moore   | Y Mitchell |
| Y Starnes | NV Fauver   | Y Martin  | Y Norwood  |
| NV Young  | Y Shook     | Y Maddox  | Y Willis   |
| Y Winslow | Y Muller    | Y Boazman | NV Woolard |

CONSENT I

RCS# 5424  
2/16/04  
2:55 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-12, EXCEPT:04-R-0242

ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 1  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

*Reconsidered  
see  
RCS# 5425*

|           |             |           |             |
|-----------|-------------|-----------|-------------|
| B Smith   | Y Archibong | Y Moore   | NV Mitchell |
| Y Starnes | NV Fauver   | Y Martin  | Y Norwood   |
| A Young   | Y Shook     | Y Maddox  | Y Willis    |
| Y Winslow | Y Muller    | Y Boazman | NV Woolard  |

CONSENT I

| <b>2-16-04 Council Meeting</b>      |                                      |
|-------------------------------------|--------------------------------------|
| <b>ITEMS ADOPTED ON<br/>CONSENT</b> | <b>ITEMS ADOPTED ON<br/>CONSENT</b>  |
| 1. 04-O-0049                        | 33. 04-R-0207                        |
| 2. 04-O-0125                        | 34. 04-R-0208                        |
| 3. 04-O-0126                        | 35. 04-R-0209                        |
| 4. 04-O-0143                        | 36. 04-R-0210                        |
| 5. 04-O-0144                        | 37. 04-R-0211                        |
| 6. 04-O-0035                        | 38. 04-R-0212                        |
| 7. 04-O-0067                        | 39. 04-R-0213                        |
| 8. 04-O-0233                        | 40. 04-R-0214                        |
| 9. 04-O-0235                        | 41. 04-R-0215                        |
| 10. 04-O-0251                       | 42. 04-R-0223                        |
| 11. 04-O-0231                       | 43. 04-R-0224                        |
| 12. 04-R-0188                       | <b>ITEMS ADVERSED<br/>ON CONSENT</b> |
| 13. 04-R-0190                       | 44. 04-R-0191                        |
| 14. 04-R-0228                       | 45. 04-R-0192                        |
| 15. 04-R-0229                       | 46. 04-R-0193                        |
| 16. 04-R-0222                       | <b>47. 04-R-0194</b>                 |
| 17. 04-R-0227                       | 48. 04-R-0195                        |
| 18. 04-R-0128                       | 49. 04-R-0196                        |
| 19. 04-R-0129                       | 50. 04-R-0197                        |
| 20. 04-R-0130                       | 51. 04-R-0198                        |
| 21. 04-R-0131                       | 52. 04-R-0199                        |
| 22. 04-R-0189                       | 53. 04-R-0200                        |
| 23. 04-R-0273                       | 54. 04-R-0201                        |
| 24. 04-R-0218                       | 55. 04-R-0202                        |
| 25. 04-R-0219                       | 56. 04-R-0203                        |
| 26. 04-R-0220                       | 57. 04-R-0204                        |
| 27. 04-R-0245                       | 58. 04-R-0205                        |
| 28. 04-R-0246                       | 59. 04-R-0206                        |
| 29. 04-R-0249                       | 60. 04-R-0225                        |
| 30. 04-R-0250                       |                                      |
| 31. 04-R-0274                       |                                      |
| 32. 04-R-0226                       |                                      |

04-*R*-0218

(Do Not Write Above This Line)

**A RESOLUTION BY FINANCE/EXECUTIVE COMMITTEE**

A RESOLUTION REAFFIRMING THE NECESSITY OF THE \$1.50 SURCHARGE UPON EACH WIRELESS TELECOMMUNICATION CONNECTION SUBSCRIBED TO TELEPHONE SUBSCRIBERS, WHOSE BILLING ADDRESS IS WITHIN THE CITY OF ATLANTA, PURSUANT TO THE AUTHORIZATION GRANTED IN SECTIONS 46-5-133 (A) AND 46-134 (A)(2)(A) OF THE OFFICIAL CODE OF GEORGIA ANNOTATED; AND FOR OTHER PURPOSES.

**ADOPTED BY**

**FEB 16 2004**

**COUNCIL**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

**First Reading**

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred to \_\_\_\_\_

Committee Finance  
 Date 2-11-04  
 Chair [Signature]  
 Action: Fav, Adv, Hold (see rev. side)  
 Other: \_\_\_\_\_  
 Members [Signatures]  
 Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action: Fav, Adv, Hold (see rev. side)  
 Other: \_\_\_\_\_  
 Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

**FINAL COUNCIL ACTION**

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

FEB 16 2004

**CERTIFIED**

FEB 16 2004

*Randy Doughton Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

**APPROVED**  
*[Signature]*  
 FEB 24 2004  
 MAYOR