

11-0-1323

(Do Not Write Above This Line)

AN ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE TO AMEND CHAPTER XXX,
ARTICLE XXX, SECTION XXX-XX, OF THE CITY
OF ATLANTA CODE OF ORDINANCES FOR THE
IMPOSITION OF 9-1-1 CHARGES, TO IMPOSE A
9-1-1 CHARGE ON PREPAID WIRELESS SERVICE
AT THE RETAIL POINT OF SALE, TO SET A
RATE PER RETAIL TRANSACTION, TO DEPOSIT
ANY SUCH CHARGE AMOUNT RECEIVED IN THE
EMERGENCY TELEPHONE ASSISTANCE FUND
MAINTAINED BY THE COUNTY OR
MUNICIPALITY, AND FOR OTHER PURPOSES.

substitute

ADOPTED BY
NOV 07 2011
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred 9/19/11

Referred To: Finance/Exec

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

Committee Finance/Executive First Reading
 Date 9-19-11
 Chair [Signature]
 Referred To [Signature]

Committee <u>Finance/Executive</u>	Committee
Date <u>9/22/11</u>	Date
Chair	Chair
Action Fav, Adv, Hold (See rev.side) Other <u>On substitute</u>	Action Fav, Adv, Hold (See rev.side) Other
Members	Members
<u>[Signature]</u>	
Refer To	Refer To

Committee <u>Finance/Executive</u>	Committee
Date <u>11/2/11</u>	Date
Chair <u>[Signature]</u>	Chair
Action Fav, Adv, Hold (See rev.side) Other <u>On Substitute</u>	Action Fav, Adv, Hold (See rev.side) Other
Members <u>[Signature]</u>	Members
<u>[Signature]</u>	
Refer To	Refer To

FINAL COUNCIL ACTION
 2ND 1ST & 2ND 3RD
 Readings
 Consent V Vote RC Vote

CERTIFIED

 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 NOV 07 2011
Rhonda Douglas Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION
 APPROVED
 NOV 16 2011
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



**A SUBSTITUTE ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE #2**

11-O-1323

A SUBSTITUTE ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE TO AMEND PART II, ARTICLE I, CHAPTER 70 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR THE IMPOSITION OF 9-1-1 CHARGES, TO IMPOSE A 9-1-1 CHARGE ON PREPAID WIRELESS SERVICE AT THE RETAIL POINT OF SALE, TO SET A RATE PER RETAIL TRANSACTION, TO DEPOSIT ANY SUCH CHARGE AMOUNT RECEIVED IN THE EMERGENCY TELEPHONE ASSISTANCE FUND MAINTAINED BY THE COUNTY OR MUNICIPALITY, AND FOR OTHER PURPOSES.

WHEREAS, Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, as amended by Act No. 187, Georgia Laws 2011, 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 O.C.G.A. § 46-5-134.2(b)(1), such charges may be imposed at the rate of seventy-five cents (\$0.75) per retail transaction; and

WHEREAS, revenues received by a municipality from such charges must be deposited in the emergency telephone assistance fund maintained by the 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 prepaid wireless 9-1-1 charge shall be collected by the seller from the consumer with respect to each retail transaction occurring in the state, including within the jurisdiction of the City of Atlanta (the "City"); and

WHEREAS, the City operates a 9-1-1 public safety answering point.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

SECTION 1: That the Code of Ordinances, City of Atlanta, Georgia, is hereby amended by adding a section to be numbered 70-1, which section shall read as follows:

Section 70-1: 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 seventy-five cents (\$0.75).



SECTION 2: That the Code of Ordinances, City of Atlanta, Georgia, is hereby amended by adding a section to be numbered 70-2, which section shall read as follows:

Section 70-2: Collection of 9-1-1 Charge on Prepaid Wireless Transactions

Prepaid wireless 9-1-1 charges collected by sellers shall be remitted to the City's Chief Financial Officer at the times and in the manner provided by Chapter 8 of Title 48 of the Official Code of Georgia Annotated with respect to the sales and use tax imposed on prepaid wireless calling service.

SECTION 3: That the Code of Ordinances, City of Atlanta, Georgia, is hereby amended by adding a section to be numbered 70-3, which section shall read as follows:

Section 70-3: Administrative Provisions

The Clerk of the City is hereby directed to file with the State Revenue Commissioner a certified copy of this ordinance and amendments thereto in accordance with O.C.G.A. § 46-5-134.2(j)(1), by December 31, 2011.

SECTION 4: That the Code of Ordinances, City of Atlanta, Georgia, is hereby amended by adding a section to be numbered 70-4, which section shall read as follows:

Section 70-4: Depositing of Funds; Use of Funds

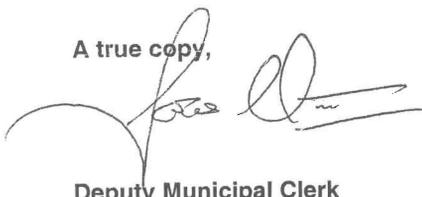
In accordance with O.C.G.A. § 46-5-134.2(j)(5), funds received by the City from charges imposed by this ordinance shall be deposited in the Emergency Telephone System Fund maintained by the City pursuant to O.C.G.A. § 46-5-134(d)(2) and kept separate from general revenue of the jurisdiction. All such funds shall be used exclusively for the purposes authorized by O.C.G.A. § 46-5-134 (f).

Section 5: That the Code of Ordinances, City of Atlanta, Georgia, is hereby amended by adding a section to be numbered 70-2, which section shall read as follows:

Section 70-5: Effective date

As required by O.C.G.A. § 46-5-134.2(j)(1), this ordinance shall become effective January 1, 2012.

A true copy,



Deputy Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

Nov. 07, 2011
Nov. 16, 2011

RCS# 1513
11/07/11
3:15 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

CONSENT AGENDA SECTION I
NOVEMBER 7, 2011
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
B Young	Y Shook	B Bottoms	Y Willis
Y Winslow	NV Adrean	Y Sheperd	NV Mitchell

CONSENT I

		11-07-11
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 11-O-1447	42. 11-R-1573	56. 11-R-1520
2. 11-O-1508	43. 11-R-1574	57. 11-R-1521
3. 11-O-1437	44. 11-R-1575	58. 11-R-1522
4. 11-O-1433	45. 11-R-1576	59. 11-R-1523
5. 11-O-0136	46. 11-R-1513	60. 11-R-1524
6. 11-O-1238	47. 11-R-1514	61. 11-R-1525
7. 11-O-1293	48. 11-R-1515	62. 11-R-1526
8. 11-O-1323	49. 11-R-1516	63. 11-R-1527
9. 11-O-1441	50. 11-R-1517	64. 11-R-1528
10. 11-O-1442	51. 11-R-1518	65. 11-R-1529
11. 11-O-1504	52. 11-R-1519	
12. 11-O-1505	53. 11-R-1595	
13. 11-R-1446	54. 11-R-1596	
14. 11-R-1555	55. 11-R-1597	
15. 11-R-1556		
16. 11-R-1557		
17. 11-R-1560		
18. 11-R-1561		
19. 11-R-1562		
20. 11-R-1563		
21. 11-R-1564		
22. 11-R-1502		
23. 11-R-1507		
24. 11-R-1532		
25. 11-R-1534		
26. 11-R-1535		
27. 11-R-1536		
28. 11-R-1537		
29. 11-R-1538		
30. 11-R-1539		
31. 11-R-1594		
32. 11-R-1543		
33. 11-R-1506		
34. 11-R-1541		
35. 11-R-1542		
36. 11-R-1434		
37. 11-R-1547		
38. 11-R-1569		
39. 11-R-1570		
40. 11-R-1571		
41. 11-R-1572		

EXHIBIT A

CERTIFICATION



Douglas J. MacSinnitie
Commissioner

State of Georgia
Department of Revenue
Administrative Division – Office of Tax Policy
1800 Century Blvd., Suite 15311
Atlanta, Georgia 30345-3205
(404) 417-6649

Frank M. O'Connell
Director

**9-1-1 Prepaid Wireless Service Fee
Information Sheet**

The Georgia Department of Revenue requests you complete the following form and send it along with the any pertinent attachments to:

911resolutions@dor.ga.gov

The Department will provide you with notification of receipt.

County/Municipality: _____

Date Form Completed: _____

Date of Ordinance: _____

I the undersigned Clerk of the above County/ Municipality do hereby certify the following information to be true and correct.

- Attached is a certified copy of the pertinent parts of all ordinances and resolutions and amendments which levy the prepaid wireless 9-1-1 charge authorized by the Official Code of Georgia Annotated.
- That the population of the county/municipality as measured by the United States decennial census of 2010 is: _____.
- Counties or municipalities included in a multijurisdictional or regional 9-1-1 system

are: _____

- The public safety answering point is located in _____ (City/County) and operated by: _____
- List the contact information for the person responsible for receiving correspondence and payments:

Name: _____

Title: _____

Address: _____

Telephone No.: _____

E-Mail Address: _____

Completed by:

Name: _____

Title: _____

Address: _____

Telephone No.: _____

E-Mail Address: _____

Signature: _____

Should you have any question please contact: 911resolutions@dor.ga.gov