

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION 2011 – 107

A RESOLUTION AUTHORIZING THE IMPOSITION OF A 9-1-1 CHARGE ON PREPAID WIRELESS SERVICE AT THE RETAIL POINT OF SALE AS AUTHORIZED BY THE OFFICIAL CODE OF GEORGIA ANNOTATED, AS AMENDED BY ACT NO. 187, GEORGIA LAWS 2011, PART 4 OF ARTICLE 2 OF CHAPTER 5 OF TITLE 46; TO AUTHORIZE THE CHAIRMAN TO EXECUTE ALL DOCUMENTS AND OTHERWISE TO PERFORM ALL OTHER ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE RESOLUTION; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT AN APPROPRIATE REVENUE SOURCE AND EXPENSE; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; 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 Code Section 46-5-134.2 of the Official Code of Georgia Annotated such charges may be imposed at the rate of .75 cents per retail transaction; and

WHEREAS, revenues received by a county or municipality from such charges must be deposited in the emergency telephone assistance fund maintained by the county; and

WHEREAS, imposition of the charge on prepaid wireless service is contingent upon the enactment of a resolution of the county; and

WHEREAS, Clayton County operates a multijurisdictional 9-1-1 public safety answering point by intergovernmental agreement with the following jurisdictions: Jonesboro and Lovejoy; and

WHEREAS, the Board of Commissioners deems it in the best interest of the County, and the County will be best served by authorizing the imposition of a 9-1-1 charge on prepaid wireless service at the retail point of sale as authorized by law.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS
OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

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 75 cents (\$0.75). To authorize the Chairman of the Board of Commissioners to execute all documents and to otherwise perform all acts necessary to accomplish the intent of this resolution.

Section 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 Commissioner of the Department of Revenue 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. The Director of Finance is authorized to amend the budget to reflect appropriate revenue source and expense relating thereto.

Section 3. Administrative Provisions: The Clerk of the county 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.

Section 4. Depositing of Funds; Use of Funds: In accordance with O.C.G.A. §46-5-134.2(j)(5), funds received by Clayton County from charges imposed by this resolution shall be deposited in the Emergency Telephone System Fund maintained by Clayton County 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(e)(f).

Section 5. Repealer: All resolutions and parts of resolutions in conflict with this resolution are hereby repealed.

Section 6. Effective Date: This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this the 12th of July, 2011.

{SIGNATURES NEXT PAGE}

CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN


WOLF RALPH, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK