

MEMORANDUM

To: Mayor and City Council

From: Chris Pike, Finance Director

Date: December 12, 2016

Subject: **Resolution to Adopt Priorities for 2017 Legislative Session**

ITEM DESCRIPTION

To select and adopt the Dunwoody 2017 legislative priorities for presentation to the DeKalb County legislative delegation.

BACKGROUND

As the City does each year, staff has compiled the following draft list of legislative priorities for 2017.

1. Enhance and Improve K-12 Educational Opportunities

During 2014, the City suggested our legislators begin to explore potential legislative solutions to enhance and improve K-12 educational opportunities in Dunwoody. As the Council discussed, one such solution may be working towards a constitutional amendment that would allow for the creation of a separate school district. Several preliminary meetings and hearings took place to evaluate the current environment and to start exploring solutions that would provide the best alternatives for K-12 education. For 2016, staff recommended a continued effort towards that same goal. However, at the request of the governor's office, our push was softened so as not to distract from the governor's prioritized education bill. Over the next two months, staff and our local delegation will weigh the impact of the election results for the state amendment 1. While our goal doesn't change, how we address the goal is impacted by Tuesday's ballot results.

2. Facilities Authority

Current law limits the City from executing most types of multi-year contracts absent early termination (re-appropriation) provisions. As a result, partners that use our properties to provide services to our citizens (such as Dunwoody Nature Center) are limited in their fund raising efforts. For example, charities are more inclined to donate and invest in our buildings used by nonprofits such as the Dunwoody Nature Center when they are confident the organization will stay in their existing location. Creating a Facilities Authority similar to what Sandy Springs created nearly a decade ago allows the nonprofits to execute agreements that contain the language charities want to see when considering where best to invest their dollars. Following is a copy of the bill passed in 2006 for Sandy Springs. The Dunwoody bill would look similar.

3. E911 Revenues & Statewide E911 Authority

Last year, the state floated the idea of creating a statewide authority to collect and distribute E911 revenue to cities and counties. A copy of that bill is included with the agenda packet. Also included is the GMA legislative alert email and GMA's write-up on the legislation. (Please let me know if you are not getting these and would like to be added to GMA's weekly alerts during the Assembly session.) The state rationalized this idea as a means to ensure that all E911 dollars were collected by the hundreds of phone providers serving the state. With such an authority, administrative bureaucracy and costs are clearly a concern. The City would not want the costs to outweigh the benefit, and should watch any 2017 legislation that follows up on the 2016 bill that failed at crossover.

Also, over the past decades, we've seen many technological advances in the E911 industry. With these improvements, costs have increased as well. However, the E911 fee has been capped at \$1.50 per month per line for over 30 years. State law already caps the fee to no more than actual costs, but now that \$1.50 fails to cover the costs for most jurisdictions including Dunwoody. The City would look for existing bills or opportunities to increase the fee to align it with inflation over the past years and/or index it to subsequent years' inflationary indexes.

4. SPLOST (Part II)

At the eleventh hour in 2016, it was discovered the language creating the SPLOST contained language that would eliminate (or at least suspend) the homestead valuation freeze in DeKalb; not only adding the penny tax but also increasing net property taxes paid by homeowners in DeKalb at the same time. Senator Millar has promised a house bill (all tax bills originate in the house) that would clean up the exemption language. The City will monitor this anticipated bill to ensure the initial language and any amendments to the bill continue to best serve the City.

5. Development Authorities

Several newspaper headlines this year have brought the tax abatement law in Georgia under a spot light. Development Authorities serve a particular purpose, but at the same time, their tax abatement powers can be abused when not managed responsibly in the spirit of the law's intent. As a result, Dunwoody expects to see bills in the 2017 legislative session to modify the development authority laws. The City will watch these bills closely to determine their impact on the City as to prevent an unintended consequences.

6. Monitoring Items

As a City, we have faced numerous attempts at legislation that would have negative consequences to the citizens of Dunwoody. Examples include discussions to change the HOST calculation to provide less to the cities in DeKalb, requiring Dunwoody to pay for DeKalb government employees' retirement, and alter the billing requirements for the tax and special assessment statements issued by the tax commissioner for the City. Staff anticipates the 2017 session to contain similar bills requiring our attention and recommends a conscious effort to evaluate and continue to oppose legislation that would limit our effectiveness as an organization and/or negatively impact the citizens of Dunwoody.

ALTERNATIVES

Council may choose to add or remove items from the list of priorities.

RECOMMENDED ACTION

Staff recommends the Council discuss and officially adopt 2017 legislative priorities.

House Bill 1192 (AS PASSED HOUSE AND SENATE)

By: Representatives Willard of the 49th, Wilkinson of the 52nd, Geisinger of the 48th, and Lindsey of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To create the City of Sandy Springs Public Facilities Authority and to provide for the
2 appointment of members of the authority; to confer powers upon the authority; to authorize
3 the issuance of revenue bonds of the authority payable from the revenues, tolls, fees, charges,
4 and earnings of the authority, contract payments to the authority, and from other moneys
5 pledged therefor and to authorize the collection and pledging of the revenues, tolls, fees,
6 charges, earnings, and contract payments of the authority for the payment of such revenue
7 bonds; to authorize the execution of resolutions and trust indentures to secure the payment
8 of the revenue bonds of the authority and to define the rights of the holders of such
9 obligations; to make the revenue bonds of the authority exempt from taxation; to fix and
10 provide the venue and jurisdiction of actions relating to any provisions of this Act; to provide
11 for the validation of bonds; to provide for the separate enactment of each provision of this
12 Act; to provide for related matters; to provide for an effective date; to repeal conflicting
13 laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**
16 Short Title.

17 This Act shall be known and may be cited as the "City of Sandy Springs Public Facilities
18 Authority Act."

19 **SECTION 2.**
20 City of Sandy Springs Public Facilities Authority.

21 (a) There is hereby created a public body corporate and politic to be known as the "City of
22 Sandy Springs Public Facilities Authority," which shall be deemed to be a political
23 subdivision of the state and a public corporation, and by that name, style, and title said body

1 may contract and be contracted with, sue and be sued, implead and be impleaded, and
2 complain and defend in all courts of law and equity. The authority shall have perpetual
3 existence.

4 (b) The authority shall consist of seven members who shall be appointed by the mayor and
5 council of the City of Sandy Springs. City councilmembers may be appointed as members
6 of the authority. With respect to the initial appointment by the mayor and council of the City
7 of Sandy Springs, three members shall be appointed for a term of three years, three members
8 shall be appointed for a term of two years, and one member shall be appointed for a term of
9 one year. Thereafter, all appointments shall be made for terms of three years and until
10 successors are appointed and qualified. Immediately after such appointments the members
11 of the authority shall enter upon their duties. To be eligible for appointment as a member of
12 the authority a person shall be at least 21 years of age, shall be a resident of the City of Sandy
13 Springs, Georgia, for at least two years prior to the date of his or her appointment, and shall
14 not have been convicted of a felony. Any member of the authority may be selected and
15 appointed to succeed himself or herself.

16 (c) The mayor and council of the City of Sandy Springs may provide by resolution for
17 compensation for the services of the members of the authority in such amounts as they may
18 deem appropriate; provided, however, that such members shall be reimbursed for their actual
19 expenses necessarily incurred in the performance of their duties.

20 (d) The members of the authority shall elect one of their number as chairperson and another
21 as a vice chairperson. The members of the authority shall also elect a secretary, who need
22 not be a member of the authority, and may also elect a treasurer, who need not be a member
23 of the authority. The secretary may also serve as treasurer. If the secretary and treasurer are
24 not members of the authority, such officers shall have no voting rights. Each of such officers
25 shall serve for a period of one year and until their successors are duly elected and qualified.

26 (e) Four members of the authority shall constitute a quorum. No vacancy on the authority
27 shall impair the right of the quorum to exercise all of the rights and perform all of the duties
28 of the authority.

29 **SECTION 3.**

30 Definitions.

31 As used in this Act, the term:

32 (1) "Authority" means the City of Sandy Springs Public Facilities Authority created by
33 this Act.

34 (2) "Costs of the project" means and embraces the cost of construction; the cost of all
35 lands, properties, rights, easements, and franchises acquired; the cost of all machinery and

1 equipment; financing charges; interest prior to and during construction and for six months
 2 after completion of construction; the cost of engineering, architectural, fiscal agents' and
 3 legal expenses, plans and specifications, and other expenses necessary or incidental to
 4 determining the feasibility or practicability of the project; administrative expenses and
 5 such other expenses as may be necessary or incident to the financing herein authorized;
 6 working capital; and all other costs necessary to acquire, construct, add to, extend,
 7 improve, equip, operate, and maintain the project.

8 (3) "Project" means:

9 (A) All buildings, facilities, and equipment necessary or convenient for the efficient
 10 operation of the City of Sandy Springs, Georgia, or any department, agency, division,
 11 or commission thereof; and

12 (B) Any undertaking permitted by the Revenue Bond Law.

13 (4) "Revenue Bond Law" means the Revenue Bond Law of the State of Georgia
 14 (codified at O.C.G.A. Section 36-82-62 et seq., as amended), or any other similar law
 15 hereinafter enacted.

16 (5) "Revenue bonds" means revenue bonds authorized to be issued pursuant to this Act.

17 (6) "Self-liquidating" means any project which the revenues and earnings to be derived
 18 by the authority therefrom, including but not limited to any contractual payments with
 19 governmental or private entities, and all properties used, leased, and sold in connection
 20 therewith, together with any grants, will be sufficient to pay the costs of operating,
 21 maintaining, and repairing the project and to pay the principal and interest on the revenue
 22 bonds or other obligations which may be issued for the purpose of paying the costs of the
 23 project.

24 (7) "State" means the State of Georgia.

25 **SECTION 4.**

26 Powers.

27 The authority shall have the power:

28 (1) To have a seal and alter the same at its pleasure;

29 (2) To acquire by purchase, lease, gift, condemnation, or otherwise, and to hold, operate,
 30 maintain, lease, and dispose of real and personal property of every kind and character for
 31 its corporate purposes;

32 (3) To acquire in its own name by purchase, on such terms and conditions and in such
 33 manner as it may deem proper, or by condemnation in accordance with the provisions of
 34 any and all existing laws applicable to the condemnation of property for public use, real
 35 property or rights or easements therein, or franchises necessary or convenient for its

1 corporate purposes, and to use the same so long as its corporate existence shall continue,
 2 and to lease or make contracts with respect to the use of or dispose of the same in any
 3 manner it deems to the best advantage of the authority, the authority being under no
 4 obligation to accept and pay for any property condemned under this Act, except from the
 5 funds provided under the authority of this Act, and in any proceedings to condemn, such
 6 orders may be made by the court having jurisdiction of the suit, action, or proceedings
 7 as may be just to the authority and to the owners of the property to be condemned, and
 8 no property shall be acquired under the provisions of this Act upon which any lien or
 9 encumbrance exists, unless at the time such property is so acquired a sufficient sum of
 10 money is to be deposited in trust to pay and redeem the fair value of such lien or
 11 encumbrance;

12 (4) To appoint, select, and employ officers, agents, and employees, including
 13 engineering, architectural, and construction experts, fiscal agents, and attorneys, and fix
 14 their respective compensations;

15 (5) To execute contracts, leases, installment sale agreements, and other agreements and
 16 instruments necessary or convenient in connection with the acquisition, construction,
 17 addition, extension, improvement, equipping, operation, or maintenance of a project; and
 18 any and all persons, firms and corporations, and the City of Sandy Springs, Georgia, are
 19 hereby authorized to enter into contracts, leases, installment sale agreements, and other
 20 agreements or instruments with the authority upon such terms and for such purposes as
 21 they deem advisable and as they are authorized by law;

22 (6) To acquire, construct, add to, extend, improve, equip, hold, operate, maintain, lease,
 23 and dispose of projects;

24 (7) To pay the costs of the project with the proceeds of revenue bonds or other
 25 obligations issued by the authority or from any grant or contribution from the United
 26 States of America or any agency or instrumentality thereof or from the state or any
 27 agency or instrumentality or other political subdivision thereof or from any other source
 28 whatsoever;

29 (8) To accept loans or grants of money or materials or property of any kind from the
 30 United States of America or any agency or instrumentality thereof, upon such terms and
 31 conditions as the United States of America or such agency or instrumentality may
 32 require;

33 (9) To accept loans or grants of money or materials or property of any kind from the state
 34 or any agency or instrumentality or political subdivision thereof, upon such terms and
 35 conditions as the state or such agency or instrumentality or political subdivision may
 36 require;

- 1 (10) To borrow money for any of its corporate purposes and to issue revenue bonds, and
- 2 to provide for the payment of the same and for the rights of the holders thereof;
- 3 (11) To exercise any power usually possessed by private corporations performing similar
- 4 functions, including the power to incur short-term debt and to approve, execute, and
- 5 deliver appropriate evidence of any such indebtedness; and
- 6 (12) To do all things necessary or convenient to carry out the powers expressly given in
- 7 this Act.

SECTION 5.

Revenue bonds.

10 The authority, or any authority or body which has or which may in the future succeed to the
 11 powers, duties, and liabilities vested in the authority created hereby, shall have power and
 12 is hereby authorized to provide by resolution for the issuance of revenue bonds of the
 13 authority for the purpose of paying all or any part of the costs of the project and for the
 14 purpose of refunding revenue bonds or other obligations previously issued. The principal of
 15 and interest on such revenue bonds shall be payable solely from the special fund hereby
 16 provided for such payment. The revenue bonds of each issue shall be dated, shall bear
 17 interest at such rate or rates per annum, payable at such time or times, shall mature at such
 18 time or times not exceeding 40 years from their date or dates, shall be payable in such
 19 medium of payment as to both principal and interest as may be determined by the authority,
 20 and may be redeemable before maturity, at the option of the authority, at such price or prices
 21 and under such terms and conditions as may be fixed by the authority in the resolution for
 22 the issuance of such revenue bonds.

SECTION 6.

Same; form; denomination; registration; place of payment.

25 The authority shall determine the form of the revenue bonds and shall fix the denomination
 26 or denominations of the revenue bonds. The revenue bonds may be issued in coupon or
 27 registered form, or both, as the authority may determine, and provision may be made for
 28 registration and exchangeability privileges. The authority shall fix the place or places of
 29 payment of principal and interest thereon.

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SECTION 7.

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Same; signatures; seal.

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All such revenue bonds shall bear the manual or facsimile signature of the chairperson or

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vice chairperson of the authority and the attesting manual or facsimile signature of the

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secretary, assistant secretary, or secretary-treasurer of the authority, and the official seal of

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the authority shall be impressed or imprinted thereon. Any coupons attached thereto shall

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bear the manual or facsimile signatures of the chairperson or vice chairperson and the

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secretary, assistant secretary, or secretary-treasurer of the authority. Any revenue bonds or

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coupons attached thereto may bear the manual or facsimile signature of such persons as at

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the actual time of the execution of such revenue bonds or coupons shall be duly authorized

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or hold the proper office, although at the date of issuance of such revenue bonds such person

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may not have been so authorized or shall not have held such office. In case any officer

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whose signature shall appear on any revenue bond or any coupon shall cease to be such

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officer before the delivery of such revenue bond, such signature shall nevertheless be valid

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and sufficient for all purposes, the same as if that person had remained in office until such

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delivery.

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SECTION 8.

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Same; negotiability; exemption from taxation.

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All revenue bonds shall have and are hereby declared to have all the qualities and incidents

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of negotiable instruments under the laws of the state. All revenue bonds, their transfer, and

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the income therefrom shall be exempt from all taxation within the state.

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SECTION 9.

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Same; sale; price; proceeds.

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The authority may sell revenue bonds in such manner and for such price as it may determine

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to be in the best interest of the authority. The proceeds derived from the sale of revenue

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bonds shall be used solely for the purpose or purposes provided in the resolutions and

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proceedings authorizing the issuance of such revenue bonds.

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SECTION 10.

Same; interim receipts and certificates or temporary bonds.

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Prior to the preparation of any definitive revenue bonds, the authority may, under like restrictions, issue interim receipts, interim certificates, or temporary revenue bonds, with or without coupons, exchangeable for definitive revenue bonds upon the issuance of the latter.

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SECTION 11.

Same; replacement of lost or mutilated bonds.

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The authority may provide for the replacement of any revenue bonds or coupons which shall become mutilated or be destroyed or lost.

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SECTION 12.

Same; conditions precedent to issuance.

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The authority shall adopt a resolution authorizing the issuance of the revenue bonds. In the resolution, the authority shall determine that the project financed with the proceeds of the revenue bonds is self-liquidating. Revenue bonds may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions, and things which are specified or required by this Act. Any resolution providing for the issuance of revenue bonds under the provisions of this Act shall become effective immediately upon its passage and need not be published or posted, and any such resolution may be passed at any regular or special or adjourned meeting of the authority by a majority of its members.

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SECTION 13.

Credit not pledged.

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Revenue bonds shall not be deemed to constitute a debt of the City of Sandy Springs, Georgia, nor a pledge of the faith and credit of the city, but such revenue bonds shall be payable solely from the fund provided for in this Act. The issuance of such revenue bonds shall not directly, indirectly, or contingently obligate the city to levy or to pledge any form of taxation whatsoever for payment of such revenue bonds or to make any appropriation for their payment, and all such revenue bonds shall contain recitals on their face covering substantially the foregoing provisions of this section. Notwithstanding the foregoing provisions, this Act shall not affect the ability of the authority and any political subdivision

1 or municipality to enter into an intergovernmental contract pursuant to which the political
 2 subdivision or municipality agrees to pay amounts sufficient to pay operating charges and
 3 other costs of the authority or any project including, without limitation, the principal of and
 4 interest on revenue bonds in consideration for services or facilities of the authority.

5 **SECTION 14.**

6 Trust indenture as security.

7 In the discretion of the authority, any issuance of revenue bonds may be secured by a trust
 8 indenture by and between the authority and a corporate trustee, which may be any trust
 9 company or bank having the powers of a trust company inside or outside the state. Either the
 10 resolution providing for the issuance of the revenue bonds or such trust indenture may
 11 contain such provisions for protecting and enforcing the rights and remedies of the
 12 bondholders as may be reasonable and proper and not in violation of law, including
 13 covenants setting forth the duties of the authority in relation to the acquisition and
 14 construction of the project, the maintenance, operation, repair, and insuring of the project,
 15 and the custody, safeguarding, and application of all moneys.

16 **SECTION 15.**

17 To whom proceeds of bonds shall be paid.

18 In the resolution providing for the issuance of revenue bonds or in the trust indenture, the
 19 authority shall provide for the payment of the proceeds of the sale of the revenue bonds to
 20 any officer or person who, or any agency, bank, or trust company which, shall act as trustee
 21 of such funds and shall hold and apply the same to the purposes thereof, subject to such
 22 regulations as this Act and such resolution or trust indenture may provide.

23 **SECTION 16.**

24 Sinking fund.

25 The moneys received pursuant to an intergovernmental contract and the revenues, fees, tolls,
 26 charges, and earnings derived from any particular project or projects, regardless of whether
 27 or not such revenues, fees, tolls, fines, charges, and earnings were produced by a particular
 28 project for which revenue bonds have been issued, unless otherwise pledged and allocated,
 29 may be pledged and allocated by the authority to the payment of the principal and interest
 30 on revenue bonds of the authority as the resolution authorizing the issuance of the revenue
 31 bonds or in the trust indenture may provide, and such funds so pledged from whatever source

1 received shall be set aside at regular intervals as may be provided in the resolution or trust
2 indenture into a sinking fund, which sinking fund shall be pledged to and charged with the
3 payment of:

- 4 (1) The interest upon such revenue bonds as such interest shall fall due;
- 5 (2) The principal or purchase price of such revenue bonds as the same shall fall due;
- 6 (3) Any premium upon such revenue bonds as the same shall fall due;
- 7 (4) The purchase of such revenue bonds in the open market; and
- 8 (5) The necessary charges of the paying agent for paying principal and interest.

9 The use and disposition of such sinking fund shall be subject to such regulations as may be
10 provided in the resolution authorizing the issuance of the revenue bonds or in the trust
11 indenture, but, except as may otherwise be provided in such resolution or trust indenture,
12 such sinking fund shall be maintained as a trust account for the benefit of all revenue bonds
13 without distinction or priority of one over another.

14 **SECTION 17.**

15 Remedies of bondholders.

16 Any holder of revenue bonds or any of the coupons appertaining thereto, and the trustee
17 under the trust indenture, if any, except to the extent the rights herein given may be restricted
18 by resolution passed before the issuance of the revenue bonds or by the trust indenture, may,
19 either at law or in equity, by suit, action, mandamus, or other proceedings, protect and
20 enforce any and all rights under the laws of the state, including specifically but without
21 limitation the Revenue Bond Law, or granted hereunder or under such resolution or trust
22 indenture, and may enforce and compel performance of all duties required by this Act or by
23 such resolution or trust indenture to be performed by the authority or any officer thereof,
24 including the fixing, charging, and collecting of revenues, fees, tolls, fines, and other charges
25 for the use of the facilities and services furnished.

26 **SECTION 18.**

27 Validation.

28 Revenue bonds and the security therefor shall be confirmed and validated in accordance with
29 the procedure of the Revenue Bond Law. The petition for validation shall also make party
30 defendant to such action the state; any institution, department, or other agency thereof; and
31 any county, municipality, school district, or other political subdivision or authority of the
32 state which has contracted with the authority for services or facilities relating to the project
33 for which revenue bonds are to be issued and sought to be validated, and such defendant shall

1 be required to show cause, if any exists, why such contract or contracts shall not be
 2 adjudicated as a part of the basis for the security for the payment of any such revenue bonds.
 3 The revenue bonds, when validated, and the judgment of validation shall be final and
 4 conclusive with respect to such revenue bonds and the security for the payment thereof and
 5 interest thereon and against the authority and all other defendants.

6 **SECTION 19.**

7 Venue and jurisdiction.

8 Any action to protect or enforce any rights under the provisions of this Act or any suit or
 9 action against such authority shall be brought in the Superior Court of Fulton County,
 10 Georgia, and any action pertaining to validation of any revenue bonds issued under the
 11 provisions of this Act shall likewise be brought in said court which shall have exclusive,
 12 original jurisdiction of such actions.

13 **SECTION 20.**

14 Interest of bondholders protected.

15 While any of the revenue bonds issued by the authority remain outstanding, the powers,
 16 duties, or existence of the authority or its officers, employees, or agents shall not be
 17 diminished or impaired in any manner that will affect adversely the interests and rights of the
 18 holders of such revenue bonds, and no other entity, department, agency, or authority will be
 19 created which will compete with the authority to such an extent as to affect adversely the
 20 interest and rights of the holders of such revenue bonds, nor will the state itself so compete
 21 with the authority. The provisions of this Act shall be for the benefit of the authority and the
 22 holders of any such revenue bonds and, upon the issuance of such revenue bonds under the
 23 provisions hereof, shall constitute a contract with the holders of such revenue bonds.

24 **SECTION 21.**

25 Moneys received considered trust funds.

26 All moneys received pursuant to the authority of this Act, whether as proceeds from the sale
 27 of revenue bonds, as grants or other contributions, or as revenue, income, fees, and earnings,
 28 shall be deemed to be trust funds to be held and applied solely as provided in this Act.

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SECTION 22.

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Purpose of the authority.

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Without limiting the generality of any provision of this Act, the general purpose of the authority is declared to be that of providing buildings, facilities, equipment, and services for the citizens in the City of Sandy Springs, Georgia.

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SECTION 23.

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Rates, charges, and revenues; use.

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The authority is hereby authorized to prescribe and fix rates and to revise same from time to time and to collect revenues, tolls, fees, and charges for the services, facilities, and commodities furnished and, in anticipation of the collection of the revenues, to issue revenue bonds or other types of obligations as herein provided to finance, in whole or in part, the costs of the project, and to pledge to the punctual payment of said revenue bonds or other obligations all or any part of the revenues.

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SECTION 24.

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Rules, regulations, service policies, and procedures for operation of projects.

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It shall be the duty of the authority to prescribe or cause to be prescribed rules, regulations, service policies, and procedures for the operation of any project or projects constructed or acquired under the provisions of this Act. The authority may adopt bylaws.

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SECTION 25.

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Tort immunity.

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To the extent permitted by law, the authority shall have the same immunity and exemption from liability for torts and negligence as the City of Sandy Springs, Georgia; and the officers, agents, and employees of the authority when in the performance of the work of the authority shall have the same immunity and exemption from liability for torts and negligence as the officers, agents, and employees of the City of Sandy Springs, Georgia, when in the performance of their public duties or the work of the city.

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1 **SECTION 26.**

2 Tax-exempt status of the authority.

3 The properties of the authority, both real and personal, are declared to be public properties
4 used for the benefit and welfare of the people of the state and not for purposes of private or
5 corporate benefit and income, and such properties and the authority shall be exempt from all
6 taxes and special assessments of any municipality, county, or the state and any political
7 subdivision thereof.

8 **SECTION 27.**

9 Effect on other governments.

10 This Act shall not and does not in any way take from the City of Sandy Springs, Georgia, or
11 any political subdivision or municipality the authority to own, operate, and maintain public
12 facilities or to issue revenue bonds as provided by the Revenue Bond Law.

13 **SECTION 28.**

14 Liberal construction of Act.

15 This Act, being for the welfare of various political subdivisions and municipalities of the
16 state and its inhabitants, shall be liberally construed to effect the purposes hereof.

17 **SECTION 29.**

18 Severability; effect of partial invalidity of Act.

19 The provisions of this Act are severable, and if any of its provisions shall be held
20 unconstitutional by any court of competent jurisdiction, the decision of such court shall not
21 affect or impair any of the remaining provisions.

22 **SECTION 30.**

23 Effective date.

24 This Act shall become effective upon its approval by the Governor or upon its becoming law
25 without such approval.

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SECTION 31.

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Repeal.

3 All laws and parts of laws in conflict with this Act are repealed.

9-1-1 Authority
Final Draft (Rev3)
2-8-16

A BILL TO BE ENTITLED
AN ACT

To amend Titles 36 and 46 of the Official Code of Georgia Annotated, relating to local government and to public utilities and public transportation, respectively, so as to provide for the creation, authority, powers, and membership of the Local Government 9-1-1 Authority; to provide for definitions; to provide duties and responsibilities; to change certain provisions relating to the remittance of 9-1-1 charges; to provide for payment by service suppliers to the Local Government 9-1-1 Authority; to provide for administrative costs; to authorize audits of service providers; to provide for penalties and interest for noncompliance; to revise definitions relative to the Georgia Emergency Telephone Number 9-1-1 Service Act; to revise monthly 9-1-1 service charges; to revise the imposition of cost recovery fees; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by adding a new chapter to read as follows:

"CHAPTER 93

36-93-1.

This chapter shall be known and may be cited as the 'Local Government 9-1-1 Authority Act.'

36-93-2.

As used in this chapter, the term:

(1) 'Authority' means the Local Government 9-1-1 Authority established pursuant to Code Section 36-93-3.

(2) 'Board of directors' or 'board' means the governing body of the authority.

(3) 'Enhanced ZIP Code' has the same meaning as provided in Code Section 46-5-122.

(4) 'Local government' means a county, municipality, regional authority, or consolidated government that provides 9-1-1 services.

(5) '9-1-1 charge' has the same meaning as provided in Code Section 46-5-122 (11).

(6) '9-1-1 system' or 'emergency 9-1-1 system' has the same meaning as provided in Code Section 46-5-122 (5).

(7) 'Prepaid wireless service' has the same meaning as provided in Code Section 46-5-122 (12.1).

(8) 'Public safety answering point' has the same meaning as provided in Code Section 46-5-122 (15).

(9) 'Service supplier' has the same meaning as provided in Code Section 46-5-122 (16).

(10) 'Telephone subscriber' has the same meaning as provided in Code Section 46-5-122 (17).

(11) 'Wireless enhanced 9-1-1 charge' has the same meaning as provided in Code Section 46-5-122 (18).

36-93-3.

(a)(1) There is established the Local Government 9-1-1 Authority as a body corporate and politic, an instrumentality of the state, and a public corporation; and by that name the authority may contract and be contracted with and bring and defend actions.

(2) All counties, municipalities, consolidated governments, and regional authorities which operate or contract for the operation of 9-1-1 services pursuant to the Georgia Emergency Telephone Number 9-1-1 Service Act of 1977 as of July 1, 2016 shall form the authority. Additional counties, municipalities, consolidated governments, or regional authorities shall become members upon their adoption of a resolution or ordinance to impose the monthly 9-1-1 charge as authorized by O.C.G.A. § 46-5-122. Any member of the authority no longer operating or contracting for the operation of 9-1-1 or enhanced 9-1-1 services shall withdraw from the authority subject to the terms of any contract, obligation, or agreement with the authority.

(b) The purpose of the authority shall be to administer, collect, audit, and remit 9-1-1 revenue for the benefit of local governments in Georgia, as specified in this chapter and on such terms

and conditions as may be determined to be in the best interest of the operation of local government in light of the following factors:

(1) The public interest in providing cost-efficient collection of revenues;

(2) Increasing compliance in collection of revenues provides fairness to the persons and entities currently paying their share and the taxpayers who make up for the revenue shortfall through higher tax rates;

(3) Easing the administrative burden on vendors and service suppliers; and

(4) Such other factors as are in the public interest and welfare of the citizens of Georgia.

(c) In addition to the purposes specified in subsection (b) of this Code section, the authority shall have the following duties and responsibilities:

(1) To study and evaluate the state-wide provision of 9-1-1 service;

(2) To identify any changes necessary to accomplish more effective and efficient 9-1-1 service across this state;

(3) To identify any changes necessary in the assessment and collection of 9-1-1 fees;

(4) To make develop, offer or make recommendations to the Georgia Emergency Management Agency or other state agency, as to training that should be provided to directors of public safety answering points; and

(5) To provide an annual report which shall include proposed legislation, if any, to the Governor and the General Assembly by December 1 of each year.

(d)(1) Control and management of the authority shall be vested in a board of directors, which shall consist of the following members:

(A) Four members who shall be elected officials of a county governing authority, county managers or county administrators from a county with a public safety answering point appointed by the Governor upon recommendation of the Association County Commissioners of Georgia. At least two of the four appointees shall be elected officials;

(B) One county finance director from a county with a public safety answering point appointed by the Governor upon recommendation of the Association County Commissioners of Georgia;

(C) One elected official of a city governing authority, city manager, or city finance director from a city with a public safety answering point appointed by the Governor upon recommendation of the Georgia Municipal Association;

(D) One member of the Georgia Chapter of the National Emergency Number Association appointed by the Governor upon recommendation of the Association;

(E) One member of the Georgia Chapter of the Association of Public Safety Communications Officials appointed by the Governor upon recommendation of the Association;

(F) One member of the Georgia 9-1-1 Director's Association appointed by the Governor upon recommendation of the Association;

(G) Two sheriffs currently responsible for managing a public safety answering point appointed by the Governor upon recommendation of the Georgia Sheriffs Association;

(H) The director of the Georgia Emergency Management Agency or his designee;

(I) One director of a county emergency management agency currently responsible for managing a public safety answering point appointed by the Governor; and

(J) Two members from the telecommunications industry appointed by the Governor.

(2) The initial term for appointments made pursuant to subparagraphs (A) and (C) of paragraph (1) of this subsection shall be from July 1, 2016, until June 30, 2019. The initial term for appointments made pursuant to subparagraphs (B), (D), (E) and (F) of paragraph (1) of this subsection shall be from July 1, 2016, until June 30, 2018. The initial term for appointments made pursuant to subparagraphs (G) and (J) of paragraph (1) of this subsection shall be from July 1, 2016, until June 30, 2017. All subsequent terms shall be for three years. Any vacancies that occur prior to the end of a term shall be filled by appointment of the original appointing authority and shall be for the remainder of the unexpired term. The members appointed pursuant to subparagraphs (H) and (I) of paragraph (1) of this subsection shall serve ex officio.

(3) Each member of the board of directors may be authorized by the authority to receive an expense allowance and reimbursement from funds of the authority in the same manner as provided for in Code Section 45-7-21. Except as specifically provided in this subsection, members of the board of directors shall receive no compensation for their services.

(4) Seven voting members of the board of directors shall constitute a quorum; and the affirmative votes of a majority of voting members of the authority present shall be required for any action to be taken by the authority.

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(5) The director of the Georgia Emergency Management Agency shall convene the initial meeting of the board of directors of the authority no later than July 15, 2016 at which meeting the directors shall elect one of their members, who is an elected official, as chairperson. In addition, the directors shall elect from their membership, a vice chairperson, a secretary and a treasurer.

(6) The board of directors shall promulgate bylaws and may adopt other procedures for governing its affairs and for discharging its duties as may be permitted or required by law or applicable rules and regulations.

(e) The authority shall have perpetual existence.

(f) The authority through its board of directors shall have the power and authority:

(1) To have a seal and alter the same at its pleasure;

(2) To make and execute contracts, lease agreements, and all other instruments necessary or convenient to exercise the powers of the authority or to further the public purpose for which the authority is created;

(3) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or personal property of every kind and character, or any interest therein, in furtherance of the public purpose of the authority;

(4) To apply for and to accept any gifts or grants or loan guarantees or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof, or from the state or any agency or instrumentality thereof, or from any other source for any or all of the purposes specified in this Code section and to comply, subject to the provisions of this Code section, with the terms and conditions thereof;

(5) To contract with state agencies or any local government for the use by the authority of any property, facilities, or services of the state or any such state agency or local government or for the use by any state agency or local government of any facilities or services of the authority; and such state agencies and local governments are authorized to enter into such contracts;

(6) To fix and collect fees and charges for data, media, and incidental services furnished by it to any individual or private entity;

(7) To deposit or otherwise invest funds held by it in any state depository or in any investment which is authorized for the investment of proceeds of state general obligation

bonds and to use for its corporate purposes or redeposit or reinvest interest earned on such funds;

(8) To exercise any power granted by the laws of this state to public or private corporations that is not in conflict with the public purpose of the authority;

(9) To do all things necessary or convenient to carry out the powers conferred by this Code section and to carry out such duties and activities as are specifically imposed upon the authority by law;

(10) To hire an attorney to provide legal services;

(11) To sue and to be sued;

(12) To provide for the collection of moneys;

(13) To manage, control, and direct such funds and the expenditures made therefrom;

(14) To distribute the moneys at the discretion of the authority in such manner and subject to such terms and limitations as provided by Code Section 36-93-6; and

(15) To exercise all other powers, necessary for the development and implementation of the duties and responsibilities provided for in this chapter.

(g) The creation of the authority and the carrying out of its corporate purposes are in all respects for the benefit of the people of this state and are public purposes. The authority shall be carrying out an essential governmental function on behalf of counties, municipalities, consolidated governments and local authorities in the exercise of the powers conferred upon it by this chapter and is, therefore, given immunity from liability for carrying out its intended functions.

(h) The authority shall not be required to pay taxes or assessments upon any real or personal property acquired or under its jurisdiction, control, possession, or supervision.

(i) Any action against the authority shall be brought in the Superior Court of Fulton County, and such court shall have exclusive, original jurisdiction of such actions; provided, however, that actions seeking equitable relief may be brought in the county of residence of any member of the authority.

(j) All money received by the authority pursuant to this Code section shall be deemed to be trust funds to be held and applied solely as provided in this chapter.

(k) The provisions of this chapter shall be regarded as supplemental and additional to powers conferred by the Constitution and laws of the State of Georgia and shall not be regarded as in derogation of any powers now existing.

(l) This chapter, being for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes thereof.

36-93-4.

The board of the authority shall appoint an executive director as the administrative head of the authority. The board shall establish the salary of the executive director. The executive director, with the concurrence and approval of the board, shall hire officers, agents, and employees; prescribe their duties, responsibilities, and qualifications and set their salaries; and perform such other duties as may be prescribed by the authority. Such officers, agents, and employees shall serve at the pleasure of the executive director.

36-93-5.

(a) On and after January 1, 2017, all 9-1-1 charges and all wireless enhanced 9-1-1 charges imposed by the governing authority of a local government pursuant to Code Section 46-5-133 and collected by a service supplier pursuant to Code Sections 46-5-134 and 46-5-134.1 shall be remitted by each service supplier to the authority monthly not later than the twentieth day of the month following the month in which they are collected. Any charges not remitted in a timely manner shall accrue interest at the rate specified in Code Section 48-2-40, compounded daily, until the date they are paid.

(b) Utilizing enhanced ZIP Codes and any other information required by the authority, each service supplier collecting and remitting 9-1-1 and wireless enhanced 9-1-1 charges to the authority pursuant to subsection (a) of this Code section shall submit with the remitted charges a report identifying the amount of the charges collected and remitted from telephone subscribers attributable to each county or municipality that operates a 9-1-1 public safety answering point including counties and municipalities that operate multijurisdictional or regional 9-1-1 systems or have created a joint authority pursuant to Code Section 46-5-138.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Code section, all prepaid wireless service suppliers shall remit the wireless enhanced 9-1-1 charge collected from their subscribers to the individual counties, cities, consolidated governments, and regional authorities that have 9-1-1 and enhanced 9-1-1 service in accordance with Code Section 46-5-134.2.

36-93-6.

(a) The authority may retain from the charges remitted to it pursuant to Code Section 36-93-5 (a), an amount necessary to cover the costs of administration of the authority. The amount retained shall not exceed 3 percent of the charges remitted to the authority.

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(b) The remainder of the charges remitted by service suppliers shall be paid by the authority to each county and municipality that operates a 9-1-1 public safety answering point monthly on a pro rata basis based on the remitted amounts attributable to each county or municipality reported by service suppliers in the reports required by Code Section 36-93-5 (b). Such payments shall be made by the authority to the counties and municipalities that operate a 9-1-1 public safety answering point no later than 30 days following the date charges must be remitted by service suppliers to the authority pursuant to Code Section 36-93-5 (a).

36-93-7.

(a) On and after January 1, 2017, the authority is authorized to audit the financial and business records of any service supplier offering communication services capable of connecting 9-1-1 service to the extent necessary to ensure proper collection and remittance of charges in accordance with this chapter and with Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated. The board of the authority shall develop a schedule for auditing service suppliers according to criteria adopted by the board; however, in no event shall the board of the authority audit a service supplier more than once every three years.

(b) Failure of a service supplier to comply with an audit request shall result in a civil penalty of not more than \$1,000.00 per day for each day the service supplier refuses compliance. A good faith attempt to comply by a service supplier with an audit request

shall serve as a defense to a claim of failure to comply. In the event a good faith effort to comply is found by the authority or Superior Court of Fulton County, there shall be no civil penalty.

(c) Any service supplier found to have willfully failed to collect and remit charges as required in this chapter shall be subject to a civil penalty of \$25,000.00 or the percent of charges due and owing based on the percentage specified in Code Section 48-2-44 (a) whichever is greater. Such civil penalty shall be in addition to the payment of charges due and owing and accrued interest at the rate specified in Code Section 48-2-40 .

(d) A service supplier found to be in violation of any provision of this chapter shall have 30 days to appeal such decision to the authority from the date notice of the penalty is served upon the violator by means of certified mail. An aggrieved party having appealed to the authority shall have 30 days from service of the authority's opinion to appeal the decision in the Superior Court of Fulton County. The appeal shall be limited to the record before the authority and the decision of the authority shall be upheld, absent an abuse of direction by the authority, if there is any evidence to support the authority's decision. An appeal to superior court shall not stay the imposition of any penalty and interest shall accrue on any past due penalty at the rate specified in Code Section 48-2-40.

36-93-8.

(a) All information submitted by a service supplier to the authority pursuant to this chapter which is defined as proprietary under state law is confidential and is not subject to disclosure under Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated. Such information may not be released to any person other than to the submitting service supplier or the authority without the express permission of the submitting service supplier.

(b) Notwithstanding the provisions of subsection (a) of this Code section, general information collected by the authority may be released or published but only in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual service supplier.”

SECTION 2.

Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public transportation, is amended by revising Code Section 46-5-122, relating to definitions relative to the Georgia Emergency Telephone Number 9-1-1 Service Act of 1977, as follows:

"46-5-122.

As used in this part, the term:

(1) 'Addressing' means the assigning of a numerical address and street name (the name may be numerical) to each location within a local government's geographical area necessary to provide public safety service as determined by the local government. This address replaces any route and box number currently in place in the 9-1-1 data base and facilitates quicker response by public safety agencies.

(2) ~~'Agency' means the Georgia Emergency Management Agency established pursuant to Code Section 38-3-20 unless the context clearly requires otherwise.~~ 'Authority' means the Local Government 9-1-1 Authority established pursuant to Code Section 36-94-3.

(2.1) 'Call' means any communication, message, signal, or transmission.

(2.2) 'Center' means the Georgia Public Safety Training Center.

(2.3) ~~'Department' means the Department of Community Affairs established pursuant to Code Section 50-8-1.~~ Reserved.

(3) ~~'Director' means the director of emergency management appointed pursuant to Code Section 38-3-20.~~ Reserved.

(4) 'Cost recovery' means the mechanism by which service suppliers may recover the recurring and nonrecurring costs they expend on the implementation of wireless 9-1-1 services.

(5) 'Emergency 9-1-1 system' or '9-1-1 system' means a telephone service, computer service, wireless service, or other service which facilitates the placing of calls by persons in need of emergency services to a public safety answering point by dialing the telephone number 9-1-1 and under which calls to 9-1-1 are answered or otherwise responded to by public safety answering points established and operated by the local government subscribing to the 9-1-1 service. The term 'emergency 9-1-1 system' also includes 'enhanced 9-1-1 service,' which means an emergency system that provides the user with emergency 9-1-1 system service and, in addition, directs 9-1-1 calls to appropriate public safety answering points by selective

routing based on the geographical location from which the call originated and provides the capability for automatic number identification and automatic location identification features.

(6) 'Enhanced ZIP Code' means a United States postal ZIP Code of 9 or more digits.

(7) 'Exchange access facility' means the access from a particular telephone subscriber's premises to the telephone system of a service supplier. Exchange access facilities include service supplier provided access lines, PBX trunks, and Centrex network access registers, all as defined by tariffs of the telephone companies as approved by the Georgia Public Service Commission. The term 'exchange access facility' also includes Voice over Internet Protocol service suppliers and any other communication, message, signal, or information delivery system capable of initiating a 9-1-1 emergency call. Exchange access facilities do not include service supplier owned and operated telephone pay station lines, Wide Area

Telecommunications Services (WATS), Foreign Exchange (FX), or incoming only lines.

(8) 'FIPS' means the Federal Information Processing Standard (FIPS) 55-3 or any future enhancement.

(9) 'Local government' means any city, county, military base, or political subdivision of Georgia and its agencies.

(10) 'Mobile telecommunications service' means commercial mobile radio service, as such term is defined in 47 C.F.R. Section 20.3.

(11) '9-1-1 charge' means a contribution to the local government for the 9-1-1 service start-up equipment costs, subscriber notification costs, addressing costs, billing costs, nonrecurring and recurring installation, maintenance, service, and network charges of a service supplier providing 9-1-1 service pursuant to this part, and costs associated with the hiring, training, and compensating of dispatchers employed by the local government to operate said 9-1-1 system at the public safety answering points.

(11.1) '9-1-1 number' means the digits, address, Internet Protocol address, or other information used to access or initiate a call to a public safety answering point.

(12) 'Place of primary use' means the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer.

(12.1) 'Prepaid wireless service' means any method where a telephone subscriber pays in advance for a wireless telecommunications connection:

- (A) That is sold in predetermined units or dollars:
 - (i) The number of which declines with use in a known amount; and
 - (ii) Which expire without an additional retail purchase of units or dollars;
- (B) That is not offered in conjunction with other communications services for which the terms permit payment in arrears; and
- (C) The charges for which are:
 - (i) Not billed to any telephone subscriber or other person; or
 - (ii) Not provided to a telephone subscriber or other person in a monthly statement.

Such term shall include, without limitation, calling or usage privileges included with the purchase of a wireless telephone as well as additional calling or usage privileges purchased by any means, including, without limitation, a calling card, a call, or an Internet transaction.

(13) 'Public agency' means the state and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state which provides or has authority to provide fire-fighting, law enforcement, ambulance, medical, or other emergency services.

(14) 'Public safety agency' means a functional division of a public agency which provides fire-fighting, law enforcement, emergency medical, suicide prevention, emergency management dispatching, poison control, drug prevention, child abuse, spouse abuse, or other emergency services.

(15) 'Public safety answering point' means the public safety agency which receives incoming 9-1-1 telephone calls and dispatches appropriate public safety agencies to respond to such calls.

(16) 'Service supplier' means a person or entity who provides telephone service to a telephone subscriber or to a third party retail seller of the service.

(16.1) 'Telephone service' means any method by which a 9-1-1 emergency call is delivered to a public safety answering point. The term "telephone service" shall include local exchange telephone service or other telephone communication service, wireless service, ~~prepaid wireless service,~~ mobile telecommunications service, computer service, Voice over Internet Protocol service, or any technology that delivers or is required by law to deliver a call, message, signal or information to a public safety answering point that.

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(A) is capable of contacting a public safety answering point via a 9-1-1 system by entering or dialing the digits 9-1-1;

(B) is a telecommunications service as such term is defined by Code Section 48-8-2(39); and,

(C) is neither a prepaid calling service as such term is defined in Code Section 48-8-2(22) nor a prepaid wireless calling service as such term is defined in Code Section 48-8-2(25).

(17) 'Telephone subscriber' means a person or entity to whom telephone service, either residential or commercial, is provided. When the same person, business, or organization has several telephone access lines, each exchange access facility shall constitute a separate subscription. When the same person, business, or organization has several wireless telephones, each wireless telecommunications connection shall constitute a separate connection.

(17.1) 'Voice over Internet Protocol service' means any technology that permits a voice conversation using a voice connection through a telephone jack or by using a voice connection through ~~to~~ a computer, whether through a microphone, a telephone, or other device, which sends a digital signal over the Internet through a broadband connection to be converted back to the human voice at a distant terminal and that delivers or is required by law to deliver a call to a public safety answering point. Voice over Internet Protocol service shall also include interconnected Voice over Internet Protocol service, which is service that enables real-time, two-way voice communications, requires a broadband connection from the user's location, requires Internet protocol compatible customer premises equipment, and allows users to receive calls that originate on the public service telephone network and to terminate calls to the public switched telephone network.

(17.2) 'Voice over Internet Protocol service supplier' means a person or entity who provides Voice over Internet Protocol service to subscribers for a fee.

(18) 'Wireless enhanced 9-1-1 charge' means a contribution to the local government for the following:

(A) The costs to the local government of implementing or upgrading, and maintaining, an emergency 9-1-1 system which is capable of receiving and utilizing the following information, as it relates to 9-1-1 calls made from a wireless telecommunications connection: automatic number identification, the location of the base station or cell site

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which receives the 9-1-1 call, and the location of the wireless telecommunications connection;

(B) Nonrecurring and recurring installation, maintenance, service, and network charges of a wireless service supplier to provide the information described in subparagraph (A) of this paragraph; and

(C) Other costs which may be paid with money from the Emergency Telephone System Fund, pursuant to subsection (f) of Code Section 46-5-134.

(19) '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 (P.L. 103-66) and includes real-time, two-way interconnected voice service which is provided over networks which utilize intelligent switching capability and offer seamless handoff to customers. The term does not include one-way signaling service, data transmission service, nonlocal radio access line service, or a private telecommunications service. The term does include prepaid wireless service.

(20) 'Wireless service supplier' means a provider of wireless service.

(21) 'Wireless telecommunications connection' means any mobile station for wireless service that connects a provider of wireless service to a provider of telephone service."

SECTION 3.

Said title is further amended by deleting in its entirety Code Section 46-5-123, regarding the creation of a 9-1-1 Advisory Committee, and substituting in its place the following:

"Reserved"

SECTION 4.

Said title is further amended by revising Code Section 46-5-124, relating to guidelines for implementing state-wide emergency 9-1-1 systems, training and equipment standards as follows:

"46-5-124.

(a) The ~~agency~~ authority shall develop guidelines for implementing a state-wide emergency

9-1-1 system. The guidelines shall provide for:

- (1) Steps of action necessary for public agencies to effect the necessary coordination, regulation, and development preliminary to a 9-1-1 system that shall incorporate the requirements of each public service agency in each local government of Georgia;
 - (2) Identification of mutual aid agreements necessary to effect the 9-1-1 system, including coordination on behalf of the State of Georgia with any federal agency to secure financial assistance or other desirable activities in connection with the receipt of funding that may be provided to communities for the planning, development, or implementation of the 9-1-1 system;
 - (3) The coordination necessary between local governments planning or developing a 9-1-1 system and other state agencies, the Public Service Commission, all affected utility and telephone companies, wireless service suppliers, and other agencies;
 - (4) The actions to establish emergency telephone service necessary to meet the requirements for each local government, including law enforcement, fire-fighting, medical, suicide prevention, rescue, or other emergency services; and
 - (5) The actions to be taken by a local government desiring to provide wireless enhanced 9-1-1 service, including requirements contained in 47 Code of Federal Regulations Section 20.18.
- (b) The ~~agency authority~~ shall be responsible for encouraging and promoting the planning, development, and implementation of local 9-1-1 system plans. The agency shall develop any necessary procedures to be followed by public agencies for implementing and coordinating such plans and shall mediate whenever disputes arise or agreements cannot be reached between the local political jurisdiction and other entities involving the 9-1-1 system.
- (c) Notwithstanding any other law to the contrary, no communications officer hired to the staff of a public safety answering point shall be required to complete his or her training pursuant to Code Section 35-8-23 prior to being hired or employed for such position.
- (d) The ~~agency authority~~ shall maintain the registry of wireless service suppliers provided for in Code Section 46-5-124.1.”

SECTION 5.

Said title is further amended by revising Code Section 46-5-124.1, relating to registration of service suppliers or Voice over Internet Protocol service suppliers as follows:

“46-5-124. 1.

(a) Any service supplier or Voice over Internet Protocol service supplier doing business in Georgia shall register the following information with the ~~director~~ authority:

(1) The name, address, and telephone number of the representative of the service supplier or Voice over Internet Protocol service supplier to whom the resolution adopted pursuant to Code Section 46-5-133 or other notification of intent to provide automatic number identification or automatic location identification, or both, of a telephone service connection should be submitted;

(2) The name, address, and telephone number of the representative of the service supplier or Voice over Internet Protocol service supplier with whom a local government must coordinate to implement automatic number identification or automatic location identification, or both, of a telephone service connection;

(3) The counties in Georgia in which the service supplier or Voice over Internet Protocol service supplier is authorized to provide telephone service at the time the filing is made;

(4) The counties in Georgia in which the service supplier or Voice over Internet Protocol service supplier is, in fact, providing telephone service. Each service supplier or Voice over Internet Protocol service supplier shall amend the information registered with the authority within 10 business days of the date that service is commenced in any county in Georgia; and

~~(4)~~(5) Every corporate name under which the service supplier or Voice over Internet Protocol service supplier is authorized to provide telephone service in Georgia.

(b) After the initial submission by each service supplier or Voice over Internet Protocol service supplier doing business in this state, the information required by subsection (a) of this Code section shall be updated and submitted to the ~~director~~ authority by the tenth day of January and the tenth day of July of each year or such other semiannual schedule as the ~~director~~ board of the authority may establish.

(c) The ~~director~~ authority shall send a notice of delinquency to any service supplier or Voice over Internet Protocol service supplier which fails to comply with subsection (b) of this Code section. Such notice shall be sent by certified mail or statutory overnight delivery. ~~Any~~ Failure of a service supplier or Voice over Internet Protocol service supplier that fails to register and provide the information required by this Code section within 30 days after

receipt of a notice of delinquency shall ~~not be eligible to receive cost recovery funds as provided in subsection (c) of Code Section 46-5-134~~ result in a civil penalty of not more than \$1,000.00 per day until the service supplier or Voice over Internet Protocol service supplier is in compliance with subsection (b) of this Code section.”

SECTION 6.

Said title is further amended by revising Code Section 46-5-127, relating approval of 9-1-1 systems, as follows:

“After January 1, 1978, no emergency 9-1-1 system shall be established, and no existing system shall be expanded to provide wireless enhanced 9-1-1 service, without written confirmation by the ~~agency~~ Georgia Emergency Management Agency that the local plan conforms to the guidelines and procedures provided for in Code Section 46-5-124; except that on and after July 1, 2016, no emergency 9-1-1 system shall be established, and no existing system shall be expanded to provide wireless enhanced 9-1-1 service, without written confirmation by the authority that the local plan conforms to the guidelines and procedures provided for in Code Section 46-5-124.”

SECTION 7.

Said title is further amended by revising Code Section 46-5-128, relating to cooperation by public agencies, as follows:

“All public agencies shall assist the ~~agency~~ authority in its efforts to carry out the intent of this part; and such agencies shall comply with the guidelines developed pursuant to Code Section 46-5-124 by furnishing a resolution of intent regarding an emergency 9-1-1 system.”

SECTION 8.

Said title is further amended by revising Code Section 46-5-129, relating to use of 9-1-1 emblem, as follows:

“The agency authority may develop a 9-1-1 emblem which may be utilized on marked vehicles used by public safety agencies participating in a local 9-1-1 system.”

SECTION 9.

Said title is further amended by revising Code Section 46-5-130, relating to Federal assistance, as follows:

“The agency authority is authorized to apply for and accept federal funding assistance in the development and implementation of a state-wide emergency 9-1-1 system.”

SECTION 10.

Said title is further amended by revising subsection (a) of Code Section 46-5-131, relating to exemptions from liability in operation of 9-1-1 system, as follows:

“(a) Whether participating in a state-wide emergency 9-1-1 system or an emergency 9-1-1 system serving one or more local governments, neither the state, the authority, nor any local government of the state nor any emergency 9-1-1 system provider or service supplier or its employees, directors, officers, and agents, except in cases of wanton and willful misconduct or bad faith, shall be liable for death or injury to any person or for damage to property as a result of either developing, adopting, establishing, participating in, implementing, maintaining, or carrying out duties involved in operating the emergency 9-1-1 system or in the identification of the telephone number, address, or name associated with any person accessing an emergency 9-1-1 system.”

SECTION 11.

Said title is further amended by revising subsections (a), (d) and (f) of Code Section 46-5-134, relating to billing of subscribers, liability of subscriber for service charge, taxes on service, establishment of Emergency Telephone System Fund, records, and use of funds, as follows:

Commented [g5]: Amendment to subsection (e) was deleted from SECTION 11 and put in to a new SECTION 12 (with a July 1, 2016 effective date).

“(a) (1) (A) The telephone subscriber of any telephone service may be billed for the monthly 9-1-1 charge, if any, imposed with respect to such telephone service by the service supplier. Such 9-1-1 charge shall be ~~may not exceed~~ \$1.50 per month per telephone service provided to the telephone subscriber **except as reduced pursuant to paragraph (5) of subsection (d) of this Code**

Section. ~~In the event that any telephone service supplier, due to its normal billing practices, is unable to charge differing amounts set by each local government as the 9-1-1 charge, such telephone service supplier shall collect on behalf of local governments that have authorized a 9-1-1 charge \$1.50 per month per telephone service provided to the telephone subscribers to whom it provides telephone service in every area served by the emergency 9-1-1 system.~~

(B) All telephone services billed to federal, state, or local governments shall be exempt from the 9-1-1 charge. Each service supplier shall, on behalf of the local government, collect the 9-1-1 charge from those telephone subscribers to whom it provides telephone service in the area served by the emergency 9-1-1 system. As part of its normal billing process, the service supplier shall collect the 9-1-1 charge for each month a telephone service is in service, and it shall list the 9-1-1 charge as a separate entry on each bill. If a service supplier receives a partial payment for a bill from a telephone subscriber, the service supplier shall apply the payment against the amount the telephone subscriber owes the service supplier first.

(C) This paragraph shall not apply to wireless service or prepaid wireless service or the telephone subscribers or service suppliers of such services.

(2) (A) If the governing authority of a local government operates or contracts for the operation of an emergency 9-1-1 system which is capable of providing or provides automatic number identification of a wireless telecommunications connection and the location of the base station or cell site which receives a 9-1-1 call from a wireless telecommunications connection, the subscriber of a wireless telecommunications connection whose billing address is within the geographic area that is served by the local government or that would be served by the local government for the purpose of such an emergency 9-1-1 system may be billed for the monthly wireless enhanced 9-1-1 charge, if any, imposed with respect to that connection by the wireless service supplier. Such wireless enhanced 9-1-1 charge ~~may not exceed the amount of the monthly 9-1-1 charge imposed upon other telephone subscribers pursuant to paragraph (1) of this subsection nor exceed~~

~~\$1.00~~ shall be \$1.50 per month per wireless telecommunications connection provided to the telephone subscriber except as reduced pursuant to paragraph (5) of subsection (d) of this Code Section.

(B) If the governing authority of a local government operates or contracts for the operation of an emergency 9-1-1 system which is capable of providing or provides automatic number identification and automatic location identification of a wireless telecommunications connection, the subscriber of a wireless telecommunications connection whose place of primary use is within the geographic area that is served by the local government or that would be served by the local government for the purpose of such an emergency 9-1-1 system may be billed for the monthly wireless enhanced 9-1-1 charge, if any, imposed with respect to that connection by the wireless service supplier. Such wireless enhanced 9-1-1 charge may not exceed the amount of the monthly 9-1-1 charge imposed upon other telephone subscribers pursuant to paragraph (1) of this subsection and shall be imposed on a monthly basis for each wireless telecommunications connection provided to the telephone subscriber.

(C) All wireless telecommunications connections billed to federal, state, or local governments shall be exempt from the wireless enhanced 9-1-1 charge. Each wireless service supplier shall, on behalf of the local government, collect the wireless enhanced 9-1-1 charge from those telephone subscribers whose place of primary use is within the geographic area that is served by the local government or that would be served by the local government for the purpose of such an emergency 9-1-1 system. As part of its normal billing process, the wireless service supplier shall collect the wireless enhanced 9-1-1 charge for each month a wireless telecommunications connection is in service, and it shall list the wireless enhanced 9-1-1 charge as a separate entry on each bill. If a wireless service supplier receives partial payment for a bill from a telephone subscriber, the wireless service supplier shall apply the payment against the amount the telephone subscriber owes the wireless service supplier first.

(D) Notwithstanding the foregoing, the application of any 9-1-1 service charge with respect to a mobile telecommunications service, as defined in 4 U.S.C. Section 124(7), shall be governed by the provisions of Code Section 48-8-6.

(E) This paragraph shall not apply to prepaid wireless service or the telephone subscribers or service suppliers of such service.”

“(d) (1) Each service supplier that collects 9-1-1 charges or wireless enhanced 9-1-1 charges on behalf of the local government is entitled to retain as an administrative fee an amount equal to 3 percent of the gross 9-1-1 or wireless enhanced 9-1-1 charge receipts to be remitted to the authority for distribution to the local government pursuant to code Section 36-93-5; provided, however, that such amount shall not exceed 3 cent(s) for every dollar so remitted. The remaining amount shall be due ~~quarterly~~ to the authority monthly local government and shall be remitted to it no later than ~~60 days after the close of a calendar quarter~~ the twentieth day of the month following the month in which they are collected.

Commented [g6]: Corrects typo

(2) The 9-1-1 charges and the wireless enhanced 9-1-1 charges collected by the service supplier and transmitted to the authority for distribution pursuant to Code Section 36-93-5 to local governments 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 such~~ local government. The local government may invest the money in the fund in the same manner that other moneys of the local government may be invested and any income earned from such investment shall be deposited into the Emergency Telephone System Fund.

(3) On or before July 1, 2005, any funds that may have been deposited in a separate restricted wireless reserve account required by this Code section prior to such date shall be transferred to the Emergency Telephone System Fund required by paragraph (2) of this subsection.

(4) The local government may on an annual basis, and at its expense, audit or cause to be audited the books and records of service suppliers with respect to the collection and remittance of 9-1-1 charges.

~~(5) Such monthly 9-1-1 charges and wireless enhanced 9-1-1 charges may be reduced at any time by the governing authority by resolution; provided, however, that said governing authority~~ The local government shall be required to reduce such monthly 9-1-1 charge or wireless enhanced 9-1-1 charge at any time the projected revenues from 9-1-1 charges or wireless enhanced 9-1-1 charges will cause the unexpended revenues in the Emergency Telephone System Fund at the end of the fiscal year to exceed by one and one-half times the

unexpended revenues in such fund at the end of the immediately preceding fiscal year or at any time the unexpended revenues in such fund at the end of the fiscal year exceed by one and one-half times the unexpended revenues in such fund at the end of the immediately preceding fiscal year. Such reduction in the 9-1-1 charge or wireless enhanced 9-1-1 charge shall be in an amount which will avert the accumulation of revenues in such fund at the end of the fiscal year which will exceed by one and one-half times the amount of revenues in the fund at the end of the immediately preceding fiscal year.”

Commented [g7]: Subsection (e) amendments deleted from here and moved to new SECTION 12

“(f) (1) ~~In addition to cost recovery as provided in subsection (e) of this Code section, money~~

Money from the Emergency Telephone System Fund shall be used only to pay for:

- (A) The lease, purchase, or maintenance of emergency telephone equipment, including necessary computer hardware, software, and data base provisioning; addressing; and nonrecurring costs of establishing a 9-1-1 system;
- (B) The rates associated with the service supplier's 9-1-1 service and other service supplier's recurring charges;
- (C) The actual cost, according to generally accepted accounting principles, of salaries and employee benefits incurred by the local government for employees hired by the local government solely for the operation and maintenance of the emergency 9-1-1 system and employees who work as directors as that term is defined in Code Section 46-5-138.2, whether such employee benefits are purchased directly from a third-party insurance carrier, funded by the local government's self-funding risk program, or funded by the local government's participation in a group self-insurance fund. As used in this paragraph, the term "employee benefits" means health benefits, disability benefits, death benefits, accidental death and dismemberment benefits, pension benefits, retirement benefits, workers' compensation, and such other benefits as the local government may provide. Said term shall also include any post-employment benefits the local government may provide;
- (D) The actual cost, according to generally accepted accounting principles, of training employees hired by the local government solely for the operation and maintenance of the emergency 9-1-1 system and employees who work as directors as that term is defined in Code Section 46-5-138.2;
- (E) Office supplies of the public safety answering points used directly in providing

emergency 9-1-1 system services;

(F) The cost of leasing or purchasing a building used as a public safety answering point.

Moneys from the fund shall not be used for the construction or lease of an emergency 9-1-1 system building until the local government has completed its street addressing plan;

(G) The lease, purchase, or maintenance of computer hardware and software used at a public safety answering point, including computer-assisted dispatch systems and automatic vehicle location systems;

(H) Supplies directly related to providing emergency 9-1-1 system services, including the cost of printing emergency 9-1-1 system public education materials; and

(I) The lease, purchase, or maintenance of logging recorders used at a public safety answering point to record telephone and radio traffic.

(2) (A) In addition to cost recovery as provided in subsection (e) of this Code section, money from the Emergency Telephone System Fund may be used to pay for those purposes set forth in subparagraph (B) of this paragraph, if:

(i) The local government's 9-1-1 system provides enhanced 9-1-1 service;

(ii) The revenues from the 9-1-1 charges or wireless enhanced 9-1-1 charges in the local government's Emergency Telephone System Fund at the end of any fiscal year shall be projected to exceed the cost of providing enhanced 9-1-1 services as authorized in subparagraphs (A) through (I) of paragraph (1) of this subsection and the cost of providing enhanced 9-1-1 services as authorized in subparagraphs (A) through (I) of paragraph (1) of this subsection includes a reserve amount equal to at least 10 percent of the previous year's expenditures; and

(iii) Funds for such purposes are distributed pursuant to an intergovernmental agreement between the local governments whose citizens are served by the emergency 9-1-1 system proportionately by population as determined by the most recent decennial census published by the United States Bureau of the Census at the time such agreement is entered into.

(B) Pursuant to subparagraph (A) of this paragraph, the Emergency Telephone System Fund may be used to pay for:

(i) The actual cost, according to generally accepted accounting principles, of insurance purchased by the local government to insure against the risks and liability in

the operation and maintenance of the emergency 9-1-1 system on behalf of the local government or on behalf of employees hired by the local government solely for the operation and maintenance of the emergency 9-1-1 system and employees who work as directors as that term is defined in Code Section 46-5-138.2, whether such insurance is purchased directly from a third-party insurance carrier, funded by the local government's self-funding risk program, or funded by the local government's participation in a group self-insurance fund. As used in this division, the term "cost of insurance" shall include, but shall not be limited to, any insurance premiums, unit fees, and broker fees paid for insurance obtained by the local government;

(ii) The lease, purchase, or maintenance of a mobile communications vehicle and equipment, if the primary purpose and designation of such vehicle is to function as a backup 9-1-1 system center;

(iii) The allocation of indirect costs associated with supporting the 9-1-1 system center and operations as identified and outlined in an indirect cost allocation plan approved by the local governing authority that is consistent with the costs allocated within the local government to both governmental and business-type activities;

(iv) The lease, purchase, or maintenance of mobile public safety voice and data equipment, geo-targeted text messaging alert systems, or towers necessary to carry out the function of 9-1-1 system operations; and

(v) The lease, purchase, or maintenance of public safety voice and data communications systems located in the 9-1-1 system facility that further the legislative intent of providing the highest level of emergency response service on a local, regional, and state-wide basis, including equipment and associated hardware and software that support the use of public safety wireless voice and data communication systems.”

SECTION 12.

Said title is further amended by revising subsection (e) of Code Section 46-5-134, relating to implementation of cost recovery fees, as follows:

“(e) (4) A wireless service supplier may recover its costs expended on the implementation and provision of wireless enhanced 9-1-1 services ~~to~~ **from** subscribers by imposing a cost recovery

Commented [g8]: New SECTION 12 regarding cost recovery fees. This subsection (e) language was previously in SECTION 11. It was pulled out to be able to make it effective July 1, 2016. It was previously effective January 1, 2017 like the remaining amendments to subsections (a), (d) and (f) in SECTION 11 of the bill.

~~fee or including such costs in existing costs or regulatory recovery fees, in an amount not to exceed 30 cent(s) of on each 9-1-1 charge collected from a place of primary use that is within the geographic area that is served by the local government or would be served by the local government for the purpose of such emergency 9-1-1 system; provided, however, that such amount may be increased to 45 cent(s) upon implementation of step two of the state plan governing 9-1-1 enhanced communications as provided in subsection (g) of this Code section.~~
Such cost recovery amount shall be based on the actual cost incurred by the wireless service supplier in providing wireless enhanced 9-1-1 services.

Commented [g9]: ~~Strike-throughs deleted here...~~

~~(2) A wireless service supplier shall not be authorized to recover any costs under paragraph (1) of this subsection with respect to any prepaid wireless services.~~

SECTION 13.

Commented [g10]: ~~Previously SECTION 12~~

Said title is further amended by revising paragraph (1) of subsection (b) of Code Section 46-5-134.2, relating to prepaid wireless 9-1-1 charges, as follows:

“(b) (1) Counties and municipalities that operate a 9-1-1 public safety answering point, including counties and municipalities that operate multijurisdictional or regional 9-1-1 systems or have created a joint authority pursuant to Code Section 46-5-138, are authorized to impose by ordinance or resolution a prepaid wireless 9-1-1 charge in the amount of ~~75 cent(s)~~ \$1.50 per retail transaction. Imposition of the charge authorized by this Code section by a county or municipality shall be contingent upon compliance with the requirements of paragraph (1) of subsection (j) of this Code section.”

SECTION 14.

Sections 1, 3, 6, 7, 8, 9, 10 and **12** of this Act shall become effective on July 1, 2016. Sections 2, 4, 5, 11 and **13** shall become effective on January 1, 2017.

SECTION 15.

All laws and parts of laws in conflict with this Act are repealed.

Chris Pike

From: Georgia Municipal Association <GeorgiaMunicipalAssociation@gmanet.com>
Sent: Friday, February 19, 2016 5:28 PM
To: Chris Pike
Subject: GMA Legislative Alert for Feb. 19

GMA Legislative Alert

No. 6 | February 19, 2016

The House and Senate are in Session today for Day 24 of the Legislative Session. The General Assembly will meet all five days next week. As we approach Day 30 or "Crossover Day," the last day a bill can pass one chamber and be eligible for consideration by the other chamber, the intensity of legislative activity will increase as legislators work to get their bills moved through the legislative process.

Ethics Legislation Moves on to Senate Rules Committee

[HB 370, Local Fines for Ethics Filings](#), by Rep. Barry Fleming (R-Harlem), passed the Senate Ethics Committee and is now pending in the Senate Rules Committee. HB 370 would allow the Ethics Commission to waive late fees and fines incurred by local government candidates for office for late or non-filings of ethics disclosures between January 1, 2010 and January 10, 2014 if the local government candidate files all outstanding personal financial disclosure and campaign contribution disclosure reports by December 31, 2016. While there is no fee to file the reports online, there would be a \$40 fee to file the reports by paper. *GMA supports this legislation.*

GMA encourages city officials to contact their Senate member(s) and ask that they support this bill.

Feedback Needed on SB 383

[SB 383, Annual Permits for Removal of Vegetation on State Rights-of-Way](#), by Sen. Frank Ginn (R-Danielsville), is pending in the Senate Transportation Committee. SB 383 would allow the Georgia Department of Transportation (GDOT) to issue and renew annual permits for the trimming and removal of trees and other vegetation on state rights-of-way within 1,000 foot viewing zones of commercial sites. This bill defines commercial sites as buildings, signs, or structures located on property used for commercial or industrial purposes, that are located adjacent to the rights-of-way. Local rules and ordinances would remain applicable in this proposed legislation. **City officials are encouraged to review SB 383 and provide feedback to GMA on its impact.** *GMA is evaluating this legislation.*

Workers' Comp Bill Problematic

[HB 216, Firefighters: Workers Comp Claims for Cancer](#), by Rep. Micah Gravley (R-Douglasville), passed the House Industry & Labor Committee and is now pending in the House Rules Committee. HB 216 would make a significant change to the occupational disease statute in Georgia's workers' compensation law. This bill would amend the "ordinary disease of life" provision of the occupational disease statute used in workers' compensation claims by removing the requirement that cancer not be an ordinary disease of life for firefighters.

Passage of this bill would allow, for the first time, special consideration for a single occupation to show that cancer has been attributable to that occupation's job duties. Georgia's current workers' compensation statute already allows any worker to bring a work related cancer claim. The basis for this effort to grant a special consideration for firefighters is based on studies that are in dispute. Current workers' compensation rates do not contemplate the unknown costs of claims based on disputed studies. There are also concerns that the additional expenses that may arise from this bill's passage would likely raise workers' compensation rates, which would be passed back to employers and may become cost prohibitive. *GMA opposes this legislation.*

Recently Introduced Legislation


[SB 387, Creating a Local Government 9-1-1 Authority](#), by Sen. Jeff Mullis (R-Chickamauga), is pending in the Senate Regulated Industries and Utilities Committee. SB 387 would create a Local Government 9-1-1 Authority. All cities, counties and regional authorities which operate or contract to operate 9-1-1 services would be part of this new authority. This bill would allow the new Local Government 9-1-1 Authority to audit service providers as well as remit and distribute 9-1-1 fees. Please visit GMA's online write-up on this bill for additional information. *GMA is working with the author on this legislation.*

Passed House or Senate Committee

[HB 980, Municipal Elections: Qualifying](#), by Rep. Alan Powell (R-Hartwell) passed the House Governmental Affairs Committee and is now pending in the House Rules Committee. HB 980 would authorize a city to re-open qualifying for a municipal election if no candidate has qualified. This bill would also move qualifying for municipal elections from the second Monday in August to the first Monday in August. In addition, HB 980 clarifies that a city which holds elections in even years can follow the municipal election schedule that applies in odd years. *GMA supports this legislation.*

[SB 269, Immigration: Sanctuary Cities](#), by Sen. Jesse Stone (R-Waynesboro), passed the Senate State & Local Governmental Operations Committee and is now pending in the Senate Rules Committee. SB 269 would require state agencies to certify with local governments that the local

SB387, Creating a Local Government 9-1-1 Authority

Municipal Impact	Position	Contact
	Working With Author	Rusi Patel, (678) 686-6210

Last Updated:	2/18/2016
Subject Area:	Municipal Powers Public Safety
Resources:	bill text

This legislation would create a Local Government 9-1-1 Authority, which would specifically be authorized to audit service providers and would become the place of remittance and distribution of 9-1-1 fees.

Current law requires 9-1-1 fees to be remitted to each individual 9-1-1 provider (known as Public Safety Answering Points or PSAPs) and each of those PSAPs has the ability to audit service providers. Unfortunately, under the current state of the law auditing service providers is prohibitively expensive and complicated for any individual PSAP. Currently, there are slightly over 20 purely city operated PSAPs with a few more operated by consolidated governments or operated jointly with a county. The majority of PSAPs are operated by counties either individually or jointly with other counties.

This legislation would create a Local Government 9-1-1 Authority which will be formed to include all local governments and regional authorities which operate or contract to operate 9-1-1 services. This Authority will have the purpose of administering, collecting, auditing, and remitting 9-1-1 revenue.

The control and management of the Authority will be vested in a board of directors. Under this legislation the board would consist of 15 total members, 8 of which would be county officials (of which 2 would be sheriffs), 2 of which would be members of the telecommunications industry, and only 1 of which is guaranteed to be a city official. A quorum of the board will be 8 members, although only 4 affirmative votes would be needed for the authority to take any action.

The authority, among its many powers, will have the ability to contract, accept grants and loans, to deposit funds, to sue and be sued, and to distribute moneys according to the law.

Beginning on January 1, 2017, this legislation would require all 9-1-1 charges imposed by the governing authority of a local government on service providers to be remitted to the authority monthly, not later than the 20th day of each month. The service suppliers remitting these moneys shall concurrently submit the enhanced ZIP Codes of the telephone subscribers who have paid the 9-1-1 fees.

The authority will be allowed to retain up to 3 percent of these fees to cover administrative costs but the remainder shall be required to be paid to each county and city that operates a PSAP on a pro rata basis based on the remitted amounts attributable to that particular jurisdiction. These payments to each PSAP will be required to be remitted no later than 30 days after payment.

Also starting on January 1, 2017, the authority will begin to have the ability to audit service suppliers and a failure of a service supplier to comply with an audit request will result in a civil penalty of not more than \$1000 per day. Any service supplier that willfully fails to collect and remit 9-1-1 fees can face an additional civil penalty of a potentially much larger amount.

This legislation also specifically attempts to address new technologies which can be utilized to contact 9-1-1 services, particularly Voice over Internet Protocol (VoIP) technologies, to make it clear such technologies are required to pay 9-1-1 fees for each user.

This legislation would increase the prepaid wireless service 9-1-1 charge from \$1.00 to \$1.50 per month for those with contracts for such and increase the prepaid wireless charge from \$0.75 to \$1.50 per retail transaction.

#26.

Importantly, this legislation would remove the ability of telecommunications providers from utilizing cost recovery to retain up to \$0.30 of each \$1.50 charge (and potentially up to \$0.45 for each \$1.50) to be utilized for costs expended on the implementation and provision of wireless enhanced 9-1-1 services in that jurisdiction. Under this legislation, this money would now go to the Authority to be distributed back out to the PSAPs. The telecommunications providers, however, would be able to impose a cost recovery fee as a separate line item on a telephone subscribers billing. Additionally, the telecommunications providers, under this legislation, will retain their current ability to retain 3% of the \$1.50 charge for administrative purposes.

BILL STATUS

2/18/2016 - Assigned to Senate Committee

COMMITTEE

Senate Regulated Industries and Utilities

AUTHOR



Sen. Jeff Mullis
District 53
Contact Info

A RESOLUTION ESTABLISHING THE 2017 STATE LEGISLATIVE PRIORITIES OF THE CITY OF DUNWOODY FOR CONSIDERATION BY THE GEORGIA STATE LEGISLATURE DURING THE 2017 REGULAR SESSION

- WHEREAS,** the 2017 Georgia General Assembly Legislative Session begins on January 9, 2017 to consider important legislative matters of the state; and
- WHEREAS,** the City of Dunwoody is concerned with legislative matters at the state level which have an impact on the governmental operations of the City of Dunwoody; and
- WHEREAS,** it is appropriate for the City of Dunwoody to adopt legislative priorities to present to its representatives in the General Assembly; and
- WHEREAS,** the City of Dunwoody has identified a number of important legislative items that may be considered by the state legislature in the upcoming year including, but not limited to, opportunities to Enhance and Improve K-12 Educational Opportunities; and
- WHEREAS,** adoption of legislative priorities will empower City officials, staff, and representatives to advocate on the City's behalf, before and to members of the state legislature on such values and goals which are most feasible, urgent and/or of the highest importance.

NOW THEREFORE BE IT RESOLVED AND EFFECTIVE by the Mayor and Council of the City of Dunwoody while in regular session on December 12th at 6:00 pm, that the legislative priorities of the 2017 Georgia General Assembly are hereby adopted.

Approved:

Denis L. Shortal, Mayor

Attest:

Sharon Lowery, City Clerk

(SEAL)

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2016-XX-XX

**AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING
MAP FOR ZONING CONDITIONS OF LOT PARCEL NUMBER 18 366 05 009
IN CONSIDERATION OF SPECIAL LAND USE PERMIT
SLUP 16-101 (5419 Chamblee Dunwoody Road)**

WHEREAS: Notice to the public regarding said modification to conditions of zoning has been duly published in The Dunwoody Crier, the Official News Organ of the City of Dunwoody, Georgia; and

WHEREAS, Applicant Crim & Associates, on behalf of Petroleum Realty I, LLC, seeks Special Land Use Permits pursuant to Chapter 27, to (1) exceed the maximum number of allowed parking spaces in the Dunwoody Village Overlay District pursuant to Section 27-97(g)(1), (2) to construct a building with a non-90 degree corner pursuant to Section 27-97(e)(3)(e), (3) to vary the width of public improvements below the required minimum pursuant to Section 27-97(i)(1), and (4) to increase the 12-foot maximum floor height to 14 feet for a one-story retail/restaurant building pursuant to Section 27-97(e)(3)(c); and

WHEREAS: The Property is located at the intersection of Chamblee Dunwoody Road and Mount Vernon Road in the "Neighborhood and Convenience Retail" sub-district of the Dunwoody Village Overlay, and is zoned Commercial (C-1); and

WHEREAS: The Dunwoody Village Master Plan defines the "Neighborhood and Convenience Retail" sub-district as primarily retail and commercial uses in one to two story buildings; and

WHEREAS: The Mayor and City Council find that this SLUP request would be consistent with the vision of the Dunwoody Comprehensive Plan and the Dunwoody Village Overlay District and will have a positive impact on the area.

NOW THEREFORE, The Mayor and City Council of the City of Dunwoody hereby ordains and approves Special Land Use Permit 16-101 for this said property as requested. Development shall be in substantial compliance with the following exhibits and conditions, which apply to all four requests:

EXHIBIT A: Site plans dated November 318, 2016, completed by SDG Engineering.

EXHIBIT B: Landscape Plan dated October 3, 2016, completed by SDG Engineering

EXHIBIT C: Elevations dated October 27, 2016

1. **The subject property shall be developed in general conformity with Exhibits A, B, and C above, with changes to meet land development and zoning regulations.**
2. ~~The maximum number of parking spaces shall be 27 parking spaces.~~ The maximum number of parking spaces shall be a ratio of 5 parking spaces/1000 square feet of floor area for retail and 10 parking spaces/1000 square feet of floor area for restaurant (including outdoor seating), not to exceed a 5,800 square foot building or 35

parking spaces.

3. A reciprocal cross-access easement identified in the southwest corner of the lot as indicated in the dashed boxes on the site plan, shall be recorded at the time of redevelopment of the abutting lot located at 5397 Chamblee Dunwoody Road. Parking spaces shall be eliminated as necessary to accommodate the shared driveway. The purpose of this easement is to establish a joint access driveway along the common property line.
4. When the shared driveway addressed in Condition 3, above, is created, a landscape island shall be installed between driveway and remaining row of parking spaces.
5. The landscape island located in the right-of-way at the intersection of Chamblee Dunwoody Road and Mount Vernon Road shall include appropriate plantings, subject to the approval of the City's Arborist, and shall be maintained by the applicant.
6. The property owner is responsible for relocating any and all utility, traffic and other features in the right-of-way to construction required improvements.
7. Appropriate green space shall be provided for planting required landscape areas.
8. It shall be the responsibility of the property owner to ensure that all retaining walls are properly maintained, and repaired as necessary, to avoid any adverse impact on customers or the public.
9. Financial Services, with the exception of brokerage and investment services, are not permitted.
10. A "No Left Turn" sign shall be installed by the applicant at the egress onto Mount Vernon Road.
11. A bike rack shall be provided.
12. Elevations shall be four-sided brick
13. Dormers shall be provided as shown in Exhibit C regardless of building size and length

Approved by:

Denis L. Shortal, Mayor

Attest:

Approved as to Form and Content

Sharon Lowery, City Clerk

City Attorney

SEAL