

A RESOLUTION**BY FINANCE/EXECUTIVE COMMITTEE**

A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO REFUND TEN THOUSAND FIVE HUNDRED SIXTY THREE DOLLARS AND NINETY SEVEN CENTS (\$10,563.97) TO THE LUMMUS SUPPLY COMPANY FOR OVERPAYMENT OF BUSINESS TAX FEES ON REVENUE GENERATED FOR THE 2007 TAX YEAR; ALL FUNDS SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION ACCOUNT NUMBER 1001(General Fund) 200301 (Dept. NDP Unallocated-Citywide Employee Expenses) 5730012 (Account Refunds) 1540000 (Function Activity-Human Resources); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta is authorized to collect business tax fees on revenue generated on those doing business within the boundaries of the City of Atlanta; and

WHEREAS, the Office of Revenue received from the Lummus Supply Company a duplicate payment of assessed business tax fees on revenues generated for the 2007 tax year; and

WHEREAS, the Lummus Supply Company has recognized the error and submitted a claim for a refund of the overpayment in the amount of ten thousand five hundred sixty three dollars and ninety seven cents (\$10,563.97); and

WHEREAS, the Office of Revenue has performed due diligence of internal research to validate the claim; and

WHEREAS, the Office of Revenue has determined that Lummus Supply Company is entitled to a refund in the amount of ten thousand five hundred sixty three dollars and ninety seven cents (\$10,563.97) for overpayment of business tax fees on revenue generated; and

WHEREAS, all refunds in excess of five thousand dollars (\$5,000.00) require adoption and approval by the City of Atlanta City Council and the Mayor before any funds can be disbursed;

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Chief Financial Officer is hereby directed to issue a refund to Lummus Supply Company in the amount of ten thousand five hundred sixty three dollars and ninety seven cents (\$10,563.97), which represents the amount of overpayment of business tax fees on revenue generated for the 2007 tax year.

BE IT FURTHER RESOLVED, that said refund shall be charged to and paid from Fund Department Organization Account Number 1001 (General Fund) 200301 (Dept. NDP Unallocated- Citywide Employee Expenses) 5730012 (Account Refunds) 1540000 (Function Activity- Human Resources).

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

B. To be completed by the department :

1. Please provide a summary of the purpose of this legislation (Justification Statement).

A. To be completed by Legislative Counsel:

Committee of Purview:

Caption: A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO REFUND TEN THOUSAND FIVE HUNDRED SIXTY THREE DOLLARS AND NINETY SEVEN CENTS (\$10,563.97) TO THE LUMMUS SUPPLY COMPANY FOR OVERPAYMENT OF BUSINESS TAX FEES ON REVENUE GENERATED FOR THE 2007 TAX YEAR

Council Meeting Date: May 4, 2009.

Requesting Dept.: Department of Finance

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to refund Business License Fees paid in error.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

The Lummus Supply Company has remitted Business Tax Fees on Revenue Generated for the 2007 tax year twice in error, thus creating an over payment in the amount of \$10,563.97.

3. **If Applicable/Known:**

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** N/A

(b) **Source Selection:** N/A

(c) **Bids/Proposals Due:** N/A

(d) **Invitations Issued:** N/A

- (e) Number of Bids: N/A
- (f) Proposals Received: N/A
- (g) Bidders/Proponents: N/A
- (h) Term of Contract: N/A

4. Fund Account Center: 1001 (General Fund) 200301 (Dept NDP Unallocated - Citywide Employee Expenses) 5730012 (Account Refunds) 1540000 (Function Activity Human Resources).

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact: This legislation will result in a reduction in the amount of \$10,563.97 to 1001 (General Fund) 200301 (Dept NDP Unallocated-Citywide Employee Expenses) 5730012 (Account Refunds) 1540000 (Function Activity Human Resources).

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery: N/A

Examples:

- a. *Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. *Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Jerome Bodiford, Finance Department
x6431, submitted by LaShawn Gardiner

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: LaShawn Gardiner

Contact Number: (404) 330-6449

Originating Department: Department of Finance

Committee(s) of Purview: Finance/Executive Committee

Chief of Staff Deadline: April 14, 2009

Anticipated Committee Meeting Date(s): April 28-29, 2009

Anticipated Full Council Date: May 4, 2009

Legislative Counsel's Signature: Jack Tilson

Commissioner Signature:  _____

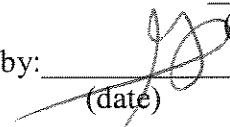
Chief Procurement Officer Signature: _____

CAPTION

A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO REFUND TEN THOUSAND FIVE HUNDRED SIXTY THREE DOLLARS AND NINETY SEVEN CENTS (\$10,563.97) TO THE LUMMUS SUPPLY COMPANY FOR OVERPAYMENT OF BUSINESS TAX FEES ON REVENUE GENERATED FOR THE 2007 TAX YEAR; ALL FUNDS SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION ACCOUNT NUMBER 1001(General Fund) 200301 (Dept. NDP Unallocated-Citywide Employee Expenses) 5730012 (Account Refunds) 1540000 (Function Activity-Human Resources); AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 4/14/09 MC Reviewed by:  _____
(date) (date)

Submitted to Council: _____
(date)