

12-0-0242

(Do Not Write Above This Line)

AN ORDINANCE BY:
FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE TO
TRANSFER THE
BALANCE REMAINING
IN A CERTAIN TRUST
ACCOUNT HOLDING
PRE-PAYMENTS FOR
LOW VOLTAGE
PERMITS TO THE
OFFICE OF BUILDINGS
TECHNOLOGY
IMPROVEMENT FUND;
AND FOR OTHER
PURPOSES.

AS *substitute*
ADOPTED BY

MAR 19 2012

COUNCIL

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

Date Referred

3/5/12

Referred To:

Finance Exec

Date Referred

Referred To:

Date Referred

Referred To:

Committee Date *Finance Executive*
Chair *John A. ...*
Referred To *Finance Executive*

Committee Date

Chair

John A. ...

Action Fav, Adv, Hold (see rev. side)

Members

John A. ...

Refer To

Committee Date

Chair

Action Fav, Adv, Hold (see rev. side)

Members

Refer To

Committee Date

Chair

Action Fav, Adv, Hold (see rev. side)

Members

Refer To

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote

CERTIFIED

CERTIFIED

MAR 19 2012

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED

MAR 19 2012

MAYOR'S ACTION

MAYOR'S ACTION

APPROVED

MAR 28 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW



12-O-0242

**A SUBSTITUTE ORDINANCE BY:
FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE TO TRANSFER THE BALANCE REMAINING (FOUR HUNDRED AND SEVENTY-FIVE THOUSAND, FIVE HUNDRED TEN AND 00/100 DOLLARS (\$475,510.00)) IN A CERTAIN TRUST ACCOUNT HOLDING PRE-PAYMENTS FOR LOW VOLTAGE PERMITS TO THE OFFICE OF BUILDINGS TECHNOLOGY TRUST; AND FOR OTHER PURPOSES.

WHEREAS, in 1991, the City and Southern Bell Telegraph and Telephone Company ("Southern Bell") entered into an agreement concerning the deposit of \$500,000 for the purpose of prepaying the permit fees for what was agreed to be the installation of low voltage wiring not regulated by the Georgia Public Service Commission (the "Agreement"); and

WHEREAS, the Agreement was approved by Resolution 91-R-1622 on October 25, 1991 which provided that the Chief Financial Officer would set up appropriate trust accounts to receive the pre-payments so that when the City was notified of activity for which a permit was required that the amount of permit fee could be deducted from the pre-payment; and

WHEREAS, in a recent audit of trust accounts, the Department of Finance discovered Account Number 7701 (Trust) 250302 (PCD Zoning and Code Enforcement) 5830001 (Payment as Agent) 7450000 (Code Compliance) 600259 (Low Voltage Escrow) 69999 (Non-Capital) containing the pre-payments made under the Agreement still had a balance of \$475, 510.00; and

WHEREAS, the Office of Buildings has through the exercise of reasonable diligence discovered that numerous permits were issued for low voltage wiring after the pre-payment was made; and

WHEREAS, in 1991, Southern Bell was a part of a regional operating company formed after the 1984 divestiture of certain interests by AT&T; and

WHEREAS, on January 1, 1992, Southern Bell was involved in a merger with South Central Bell and BellSouth Services, Inc. in order to form an entity named BellSouth Telecommunications, Inc.; and

WHEREAS, after a period of corporate mergers, split-offs and corporate re-namings, it appears that the entity which is the present successor of Southern Bell is now AT&T, Inc.; and



WHEREAS, the passage of time has made access to records of permit fee charges against the pre-payment amount or further contacts concerning the Agreement with Southern Bell difficult to locate; and

WHEREAS, it appears from the exercise of reasonable diligence that either the permit fees for permits issued in 1992 and thereafter were not deducted from the prepayment amount or that the remaining account balance was never requested to be refunded;

NOW THEREFORE, the City Council of the City of Atlanta Georgia, hereby ordains as follows:

Section 1: That the Chief Financial Officer be and is authorized to transfer the amount of the remaining balance, not to exceed, \$475,510.00 from Account Number 7701 (Trust) 250302 (PCD Zoning and Code Enforcement) 5830001 (Payment as Agent), 7450000 (Code Compliance) 600259 (Low Voltage Escrow) 69999 (Non-Capital) to Account 1001 (General Fund) 50212 (IT Server) 5421003 (Equipment (\$5,000+)) 1535000 (Information Technology/Data Processing).

Section 2: That the funds being transferred by this ordinance are to be held for the purpose of upgrading computer systems and the payment of software licensing fees for the Office of Buildings in a manner to be authorized by future legislation authorizing such expenditures.

Section 3: That this ordinance become effective upon the Mayor's signature or as specified by City Charter Sec. 2-403.

A true copy,

Deputy Municipal Clerk

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

MAR. 19, 2012
MAR. 28, 2012

RCS# 1815
3/19/12
3:34 PM

Atlanta City Council

CONSENT I

3/19/2012 ATLANTA CITY COUNCIL AGENDA
ALL EXCEPT 12-O-0358/0359/0361/0360
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

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

CONSENT I

		03-19-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-0218	41. 12-R-0344	58. 12-R-0333
2. 12-O-0219	42. 12-R-0317	59. 12-R-0334
3. 12-O-0236	43. 21-R-0318	60. 12-R-0335
4. 12-O-0353	44. 12-R-0319	61. 12-R-0336
5. 12-O-0240	45. 12-R-0320	62. 12-R-0337
6. 12-O-0241	46. 12-R-0321	63. 12-R-0338
7. 12-O-0242	47. 12-R-0322	64. 12-R-0339
8. 12-O-0243	48. 12-R-0323	65. 12-R-0340
9. 12-O-0365	49. 12-R-0324	66. 12-R-0341
10. 12-O-0190	50. 12-R-0325	67. 21-R-0342
11. 12-O-0232	51. 12-R-0326	
12. 12-O-0151	52. 12-R-0327	
13. 12-O-0150	53. 12-R-0328	
14. 12-O-0152	54. 12-R-0329	
15. 12-O-0194	55. 12-R-0330	
16. 12-R-0299	56. 12-R-0331	
17. 12-R-0300	57. 12-R-0332	
19. 12-R-0301		
20. 12-R-0302		
21. 12-R-0303		
22. 12-R-0304		
23. 12-R-0305		
24. 12-R-0308		
25. 12-R-0309		
26. 12-R-0310		
27. 12-R-0312		
28. 12-R-0313		
29. 12-R-0314		
30. 12-R-0315		
31. 12-R-0366		
32. 12-R-0293		
33. 12-R-0294		
34. 12-R-0295		
35. 12-R-0297		
36. 12-R-0290		
37. 12-R-0367		
38. 12-R-0348		
39. 12-R-0364		
40. 12-R-0343		