

(Do Not Write Above This Line) **12-0820**

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE TO REPEAL ORDINANCE NUMBER 12-O-0242 ADOPTED BY THE ATLANTA CITY COUNCIL ON MARCH 19, 2012 AND APPROVED AS PER CITY CHARTER SECTION 2-403 ON MARCH 28, 2012, PERTAINING TO TRANSFERRING FUNDS FROM A TRUST ACCOUNT TO THE GENERAL FUND FOR THE PURPOSE OF UPGRADING COMPUTER SYSTEMS AND PAYMENT OF SOFTWARE LICENSING FEES FOR THE OFFICE OF BUILDINGS; AND FOR OTHER PURPOSES *substantive*

ADOPTED BY

JUL 02 2012

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

COUNCIL

Date Referred: *6/18/12*
 Referred To: *Finance / Exec*
 Date Referred:
 Referred To:
 Date Referred:
 Referred To:

First Reading
 Committee: *Finance/Executive*
 Date: *6/13/12*
 Chair:
 Referred To:

Committee: *Finance/Executive*
 Date: *6-27-12*
 Chair: *Chairman Li, Moore*
 Action: *Other*
 Fav, Adv, Hold (see rev. side)
 Members: *no substantive*
 Refer To:

Committee:
 Date:
 Chair:
 Action:
 Fav, Adv, Hold (see rev. side)
 Other:
 Members:
 Refer To:

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote R/C Vote

CERTIFIED
 JUL 02 2012
 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
 JUL 02 2012
Rachel Douglas Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUL 11 2012

WITHOUT SIGNATURE
 BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

12-O-0820

A SUBSTITUTE ORDINANCE
FINANCE EXECUTIVE COMMITTEE

AN ORDINANCE TO REPEAL ORDINANCE NUMBER 12-O-0242 ADOPTED BY THE ATLANTA CITY COUNCIL ON MARCH 19, 2012 AND APPROVED AS PER CITY CHARTER SECTION 2-403 ON MARCH 28, 2012, PERTAINING TO TRANSFERRING FUNDS FROM A TRUST ACCOUNT TO THE GENERAL FUND FOR THE PURPOSE OF UPGRADING COMPUTER SYSTEMS AND PAYMENT OF SOFTWARE LICENSING FEES FOR THE OFFICE OF BUILDINGS; AND FOR OTHER PURPOSES

WHEREAS, Ordinance number 12-O-0242 (“Legislation”) was adopted by the Atlanta City Council on March 19, 2012 and Approved as per City Charter Section 2-403 on March 28, 2012; and

WHEREAS, the legislation authorized the transfer of funds not to exceed Four Hundred Seventy-Five Thousand, Five Hundred Ten and NO Dollars (\$475,510.00) in trust account 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) 050212 (IT Server) 5421003 (Equipment (\$5,000+)) 15350000 (Information Technology/Data Processing) 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; and

WHEREAS, the aforementioned funds have not been transferred as of the submission of this Ordinance to Council; and

WHEREAS, the Department of Information Technology (“DIT”) has determined that it would be in the best interests of the City to submit new legislation to keep the funds in the trust account but transfer the funds to 7701 (Trust) 050212 (DIT IT Server Management) 5421003 (Equipment (\$5,000+)) 15350000 (Information Systems/Data Processing) 600259 (Low Voltage Escrow) 69999 (Non-Capital), add some language that clarifies the timing of the use of the funds and specify the funds will be used for the Office of Buildings Graphical Information System.

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

SECTION 1: that Ordinance Number 12-O-0242 adopted by the Atlanta City Council on March 19, 2012 and Approved as per City Charter Section 2-403 on March 28, 2012, pertaining to transferring funds from a trust account to the General Fund for the purpose of upgrading computer systems and payment of software licensing fees for the Office of Buildings, is hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

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

JUL 02, 2012
JUL 11, 2012



CITY COUNCIL
ATLANTA, GEORGIA

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.

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		

		07-02-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-0899	38. 12-R-0859	46. 12-R-0868
2. 12-O-0672	39. 12-R-0860	47. 12-R-0869
3. 12-O-0454	40. 12-R-0861	48. 12-R-0870
4. 12-O-0819	41. 12-R-0862	49. 12-R-0871
5. 12-O-0820	42. 12-R-0863	50. 12-R-0872
6. 12-O-0833	43. 12-R-0864	51. 12-R-0873
7. 12-O-0391	44. 12-R-0865	52. 12-R-0874
8. 12-O-0813	45. 12-R-0866	
9. 12-O-0814		
10. 11-O-0945		
11. 12-O-0810		
12. 12-O-0811		
13. 12-O-0812		
14. 12-O-0896		
15. 12-O-0455		
16. 12-O-0558		
17. 12-R-0887		
19. 12-R-0880		
20. 12-R-0881		
21. 12-R-0882		
22. 12-R-0883		
23. 12-R-0884		
24. 12-R-0875		
25. 12-R-0876		
26. 12-R-0897		
27. 12-R-0898		
28. 12-R-0901		
29. 12-R-0696		
30. 12-R-0818		
31. 12-R-0852		
32. 12-R-0853		
33. 12-R-0854		
34. 12-R-0855		
35. 12-R-0856		
36. 12-R-0857		
37. 12-R-0858		