

A RESOLUTION BY FINANCE/EXECUTIVE COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO REFUND TWO HUNDRED SIXTY-FIVE THOUSAND FIFTY THREE DOLLARS AND EIGHTY-FOUR CENTS (\$265,053.84) TO VISA USA FOR THE PURPOSE OF REIMBURSING OVERPAYMENT OF BUSINESS LICENSE FOR THE TAX YEARS 2009 – 2011; ALL FUNDS TO BE CHARGED TO AND PAID FROM 1001 – GENERAL FUND; 100501 - REVENUE AND COLLECTIONS ADMINISTRATION; 5730012 – REFUNDS; 1515000- TREASURY; AND FOR OTHER PURPOSES.

Review List:

Charlene Parker	Completed	01/03/2014 1:33 PM
Jim Beard	Completed	01/07/2014 4:17 PM
Mayor's Office	Completed	01/07/2014 6:23 PM
Office of Research and Policy Analysis	Completed	01/08/2014 10:17 AM
Finance/Executive Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

A RESOLUTION BY FINANCE/EXECUTIVE COMMITTEE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO REFUND TWO HUNDRED SIXTY-FIVE THOUSAND FIFTY THREE DOLLARS AND EIGHTY-FOUR CENTS (\$265,053.84) TO VISA USA FOR THE PURPOSE OF REIMBURSING OVERPAYMENT OF BUSINESS LICENSE FOR THE TAX YEARS 2009 – 2011; ALL FUNDS TO BE CHARGED TO AND PAID FROM 1001 – GENERAL FUND; 100501 - REVENUE AND COLLECTIONS ADMINISTRATION; 5730012 – REFUNDS; 1515000- TREASURY; AND FOR OTHER PURPOSES.

WHEREAS, VISA USA overpaid its 2009, 2010 and 2011 business taxes to the City of Atlanta's Department of Finance (the "Department") although the company moved its location from 817 West Peachtree Street Suite 205, Atlanta GA, 30308 which is inside the city's limits to 100 Glenridge Point Atlanta GA 30328 which is located outside of the city's limits which has resulted in a refund in the amount of Two Hundred Sixty-Five Thousand Fifty Three Dollars and Eighty-Four Cents (\$265,053.84); and

WHEREAS, VISA USA has submitted supporting documentation to the Department of Finance Office of Revenue to validate the overpayment and the relocation of this business; and

WHEREAS, the Office of Revenue investigated the claim and has determined that VISA USA is entitled to a refund in the amount of \$265,053.84.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES, that the Chief Financial Officer is hereby authorized to issue a refund to VISA USA in the amount of Two Hundred Sixty-Five Thousand Fifty Three Dollars and Eighty-Four Cents (\$265,053.84) for an overpayment of business license taxes.

BE IT FURTHER RESOLVED, that said refund shall be charged to and paid from 1001 - General Fund; 100501 - Revenue and Collections Administration; 5730012 - Refunds; 1515000- Treasury.

A RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE

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LEGISLATIVE COUNSEL REQUEST FOR LEGISLATION

For Legislative Counsel Use Only

_____ Date Received _____ Complete _____ Incomplete (Date returned: _____)

_____ Date of Department Consultation _____ Date of Finance Department Consultation

Commissioner Notified: ___ Yes ___ No If No, Why? _____

Legislation Required
___ Yes ___ No

Legislation Type
___ Resolution ___ Ordinance

Amends the Code
___ Yes ___ No

Blueback Prepared
___ Yes ___ No

Commissioner Signature _____

Council Members Only:

Authority to speak to Subject Matter Attorney ___ Yes ___ No

Authority to speak to Department ___ Yes ___ No

Date Submitted: 12.16.13

Department Submitting Request: Finance

Person Submitting Request: Yolanda McCrory Extension: 8409

Bureau/Division Manager: Gary Donaldson Extension: 1985

Requesting preliminary meeting with Legislative Counsel attorney? Yes No

Subject Matter of the Meeting _____

Cycle Number/Requested Full Council Date (not earlier than 4 weeks from date of submission):
Cycle 2

If this must be submitted to Council in fewer than 4 weeks explain why. Please identify consequences if legislation is not submitted for requested cycle. All non-conforming requests must have Commissioner approval.

LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION

Part I: Legislative Request Form:

Instructions: Please answer all questions fully before submitting. Attach additional pages if necessary. All requests for legislation must have approval of a manager prior to submission. All incomplete requests will be returned. Send request via electronic mail to Legislative Counsel. No hard copies will be accepted. Please refer to attached deadlines for the relevant Chief of Staff submission guidelines.

1. What is the purpose of this legislation? (check one)

- Accept a grant or donation
- Amend budget
- Amend Code of Ordinances
- Amend Contract
- Anticipate funds
- Appropriate funds
- Apply for a grant or donation
- Authorize/renew Contract
- Fines/penalties
- Human Resources related
- Make a purchase
- New project
- Procuring goods
- Procuring services
- Other, please explain Resolution to refund overpayment of Business License Fee

Please describe in detail the purpose of your legislation? The purpose of this legislation is to authorize CFO to process refund to VISA USA for overpayment of Business License fees in the amount of \$265,053.84

If this legislation is to award/amend/renew a contract, please provide the following:
Expiration date of contract:
Contract Term (months/yr): n/a

2. Please describe why legislation is required rather than administrative action by the Department (please cite any relevant code sections or internal policies).

All Refunds greater than \$5,000 must be approved by the Atlanta City Council and the Mayor pursuant to the Procurement and Real Estate Code of the Atlanta City Code of Ordinances.

3. If there is an existing process, will this legislation impact that process? How?

NA

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

4. Please explain and estimate any financial impact on the City or your Department.

- Will the City need to appropriate or transfer funds to accomplish this purpose?
NO
- Has this purpose already been set forth in the budget?
YES
- Will there be a fee or charge assessed by the City?
- If so, how much? NO
 - How was the fee or charge determined? NA
- What FAC #'s are needed for this legislation? Also, please provide the associated amounts.
- Funds will be charged as follows: 1001 – General Fund; 100501- DOF Revenue & Collections; 5730012 – Refunds; 1515000 - Treasury in the amount of \$265,053.84
- Is a grant required for this legislation? Yes No
- If so, is a matching grant required? Yes No
- Will there be an increase or decrease in personnel? NO
- Has HR been made aware of the need for personnel changes? Yes No
If so, who is the contact person? _____ at extension
 - Will positions be created or abolished? NO
- Will additional resources be required to achieve this purpose? NO
- If yes, what are those resources?
 - Has the Department estimated the cost of those resources?
- Will revenue be generated for the City? NO

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

5. If there has been previous or similar legislation, please describe and cite the relevant legislation (e.g., 04-R-0001). Resolution 12-R-0576 authorizes refund of Business License Fees
6. Is this a computer/technology purchase? Yes No
If so, please forward ISR (Information System Hardware/Software Request) along with a copy of this Legislative Request Form via inter-office mail to: Legislative Counsel, Suite 4100, Law Department.

Please forward any additional pertinent or supporting documents (e.g. contracts, exhibits, requisitions, copies of any old ordinances/resolutions pertaining to this issue, etc.) along with a copy of this Legislative Request Form and legislative white paper via email to legislative_counsel or via inter-office mail to: Legislative Counsel, Suite 4100, Law Department.

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

<p>A. To be completed by Legislative Counsel:</p> <p>Committee of Purview:</p> <p>Caption:</p> <p>Council Meeting Date:</p> <p>Requesting Dept.:</p>

B. To be completed by the department :

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

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 authorize CFO to process refund to VISA USA for overpayment of Business License fees in the amount of \$265,053.84

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.

During the Tax years of 2009-2011, the licensee remitted funds for business license tax based upon revenue outside of the City of Atlanta. The Office of Revenue confirmed with the Bureau of Zoning that the physical location of this business is in Sandy Springs, GA and not the City of Atlanta.

3. If Applicable/Known:

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

(b) **Source Selection:** |

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

- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:**

4. Fund Account Center:

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

6. Fiscal Impact: Funds will be charged to 1001 - General Fund; 100501 - DOF Revenue & Collections; 5730012 - Refunds; 1515000 - Treasury in the amount of \$265,053.84. Funds are available for this disbursement

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

7. Method of Cost Recovery:

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: Yolanda McCrory