CITY OF EL PASO, TEXAS AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

AGENDA DATE: July 20, 2021 PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Maria O. Pasillas, (915) 212-1737

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: Goal 6 – Set the Standard for Sound Governance and Fiscal Management

SUBGOAL: 6.11 Provide efficient and effective services to taxpayers

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments exceeding the three (3) year limit. (See Attachment B)

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Approve property tax overpayment refunds exceeding the statutory three (3) year limit, per the Texas Property Tax Code, Sec. 31.11 – Refunds of Overpayments or Erroneous Payments.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Council has considered this previously on a routine basis.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? _X__ YES ___NO

PRIMARY DEPARTMENT: Tax Office SECONDARY DEPARTMENT: N/A

DEPARTMENT HEAD:

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Revised 04/09/2021

TAX REFUNDS OVER THREE (3) YEARS July 20, 2021

•	 Jose Fong Jr., in the amount of \$420.03, made an overpayr taxes. 	ment on December 28, 2017 of 2017
	(Geo. # 2001-999-0165-0042)	
	 Carlos Garcia, in the amount of \$31.96, made an overpaym taxes. 	nent on January 23, 2018 of 2018
	(Geo. # 2002-999-3608-0033)	
	Nader Kassen, in the amount of \$814.64, made an overpay taxes.	ment on January 24, 2017 of 2016
	(Geo. # 2005-999-0007-0042)	
	J	laia O. Pavillas
	Laura D. Prine	Maria O. Pasillas, RTA
	City Clerk	Tax Assessor Collector



Internal Audit Office

MAYOR

Oscar Leeser

CITY COUNCIL

District 1Peter Svarzbein

District 2
Alexsandra Annello

District 3
Cassandra Hernandez

District 4
Joe Molinar

District 5
Isabel Salcido

District 6 Claudia L. Rodriguez

District 7 Henry Rivera

District 8
Cissy Lizarraga

CITY MANAGER Tommy Gonzalez **DATE:** June 29, 2021

TO: Maria O. Pasillas, Tax Assessor/Collector

FROM: Edmundo S. Calderon, CIA, CGAP, CRMA, Chief Internal Auditor

SUBJECT: Review of Tax Overpayment Refunds that Exceed Three Years

The Internal Audit Office conducted a review of the Tax Overpayment Refunds that exceeded a three-year period. This engagement was accepted based on the engagement's potential to improve management of risks, add value, and/or improve the organization's operations (IIA 2010.C1). The work performed does not constitute an engagement conducted in accordance with *Generally Accepted Government Auditing Standards* (GAS 1.16). The observations and conclusions that are reported in this memorandum do not require Management responses.

The following Tax Overpayment Refunds that exceeded a three-year period were reviewed:

TEQUILA SUNRISE C/O FONG JOSE JR	2001-999-0165-0042	\$420.03
CARLOS GARCIA	2002-999-3608-0033	\$31.96
NADER KASSEM	2005-999-0007-0042	\$814.64

The Internal Audit Office reviewed the refund applications, copies of cancelled checks or proof of payments. Attached is a list of days from the date the completed applications were received by the Tax Office and sent to the Internal Audit Office for review. The Tax Office is taking 4 days to process the applications received and send for review.

Based on our review, the Tax Overpayment Refunds that exceeded a three-year period were determined to be appropriate to send to City Council for approval pursuant to Section 31.11 (c-1) of the Texas Tax Code.

cc: Tomas Gonzalez, City Manager Robert Cortinas, Deputy City Manager of Support Services & Chief Financial Officer

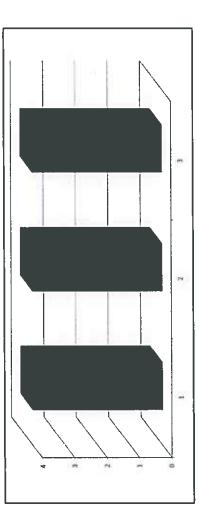
Edmundo S. Calderon – Chief Internal Auditor Internal Audit Office | 218 N. Campbell | El Paso, TX 79901 O: (915) 212-0069 | Email: calderones@elpasotexas.gov



City of EI Paso Internal Audit Office Tax Office Refund Project Week of 06/21/2021 Reviews- Over Three Years

		Amount	Date Application	Date of Proof of Payment was Received in the Tax	Date Application was approved by	Payment was Date Application Date Tax Office Sent to Payment to Date Internal Audit	Totals Days from Date Proef of Payment to Date	Date Internal Audit	
ReinselTo	P.I.D. Number	Refund	Refund was Received	Office	the Tax Office	Internal Audit for Review	Asked to be Reviewed	Reviewed Applications	Comments
1 Tequila Sunrise C/O Fong Jose JR	2001-999-0165-0042	\$420.03	6/18/2021	12021129	1202/22/9	6/25/2021	7	1202/62/9	
2 Carlos Garcia	2002-999-3608-0033	\$31.96	6/16/2021	1202/12/9	6/23/2021	6/25/2021	+	6/29/2021	
3 Nader Kassem	2005-999-0007-0042	\$814.64	6/16/2021	621/2021	1202/22/9	6/25/2021	マ	1202/62/9	
		\$1,266,63	- CONTACTOR - CO	The second state of the se					





RESOLUTION

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Jose Fong through Tequila Sunrise C/O Jose Fong Jr ("Taxpayer") has applied for a refund with the tax assessor for their 2017 property taxes that were overpaid on December 28, 2017 in the amount of \$420.03 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2017 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT THE City finds that Tequila Sunrise C/O Jose Fong Jr showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2017 taxes and the tax refund in the amount of \$420.03 is approved.

APPROVED this da	y of, 2021.
	CITY OF EL PASO:
	Oscar Leeser Mayor
ATTEST:	Mayor
Laura D. Prine City Clerk	
APPROVED AS TO FORM:	APPROVED AS TO CONTENT:
Wed N. Vigat	Maria O. Pasillas
Wendi N. Vineyard	Maria O. Pasillas, RTA
Assistant City Attorney	Tax Assessor/Collector



JUN 2 1 2021

MARIA O. PĀSILLAS, RTA CITY OF EL PASO TAX ASSESSOR COLLECTOR 221 N. KANSAS, STE 300 EL PASO, TX 79901 PH: (915) 212-0106 FAX: (915) 212-0107 www.elpasotexas.gov/tax-office

TEQUILA SUNRISE C/O FONG JOSE JR 11701 GATEWAY BLVD W EL PASO, TX 79936-7407

Prop ID Geo No. 2001-999-0165-0042 502939 Legal Description of the Property FURN INV MACH SIGN 11701 W GATEWAY BLVD OWNER: XCAPE

\$420.03 2017 OVERAGE AMOUNT

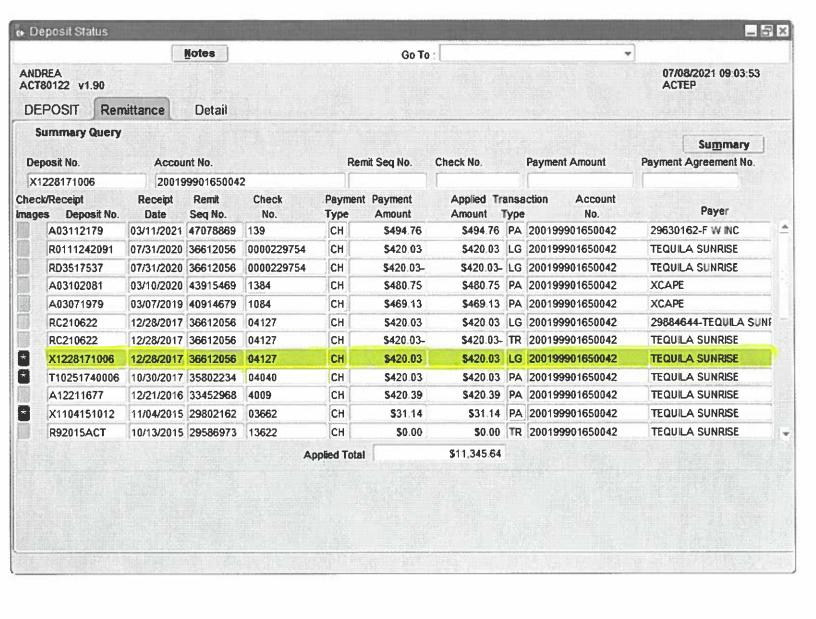
1: CITY OF EL PASO. 5: YSLETA ISD. 6: COUNTY OF EL PASO. 7: EL PASO COMMUNITY COLLEGE. 8: UNIVERSITY MEDICAL CENTER OF EL

Dear Taxpayer:

Our records indicate that an overpayment exists on the property tax account listed above as of the date of this letter. If you paid the taxes on this account and believe you are entitled to a refund, please complete the application below, sign it, and return it to our office. If the taxes were paid by your mortgage title company or any other party, you must obtain a written letter of release in order for the refund to be issued in your name. If you did not make the payment(s) on this account, please forward this letter to the person who paid these taxes. You may also request the transfer of this overpayment to other tax accounts and or tax years in the space provided or by attaching an additional sheet if necessary. Your application for refund must be submitted within three years from the date of the overpayment, or you waive the right to the refund (Sec. 31.11c). Governing body approval is required for refunds in excess of \$2500.

APPLICATION FOR PROPERT	
Step 1. Identify the refund recipient. Show information for whomever will be receiving the refund.	Who should the refund be issued to: Name: Address: The day fallow City, State, Zip: Law H. 1963 Daytime Phone No. 1953-9888 E-Mail Address:
Step 2. Provide payment	Payment made by: Check No. Date Paid Amount Paid
information. Please attach copy of cancelled check, original receipt, online payment confirmation or	04127 1228 17 \$ 420.03
bank credit card statement.	TOTAL AMOUNT PAID (sum of the above amounts)
Step 3. Provide reason for this refund. Please list any accounts and/or	Please check one of the following: I paid this account in error and I am entitled to the refund. I overpaid this account. Please refund the excess to the address listed in Step 1.
years that you intended to pay with this overage.	I want this payment applied to next year's taxes
	This payment should have been applied to other tax account(s) and or year(s), escrow (listed below):
Step 4. Sign the form. Unsigned applications cannot be processed.	By signing below, I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. (If you make a false statement on this application, you could be found guilty of a class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10.)
fue 6/22/21	SIGNATURE OF REQUESTOR (REQUIRED) PRINTED NAME & DATE OF SOME OF THE PRINTED NAME & DATE
TAX OFFICE USE ONLY:	Approved Denied By: THE Date: 06/20 2001

Print Date: 06/08/2021



RESOLUTION

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Carlos Garcia through Anthony Auto Sales C/O Carlos Garcia ("Taxpayer") has applied for a refund with the tax assessor for their 2018 property taxes that were overpaid on January 23, 2018 in the amount of \$31.96 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2018 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY **OF EL PASO:**

THAT THE City finds that Anthony Auto Sales C/O Carlos Garcia showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2018 taxes and the tax refund in the amount of \$31.96 is approved.

APPROVED this	day of	, 2021.
		CITY OF EL PASO:
		Oscar Leeser Mayor
ATTEST:		Wayor
Laura D. Prine City Clerk	-4	
APPROVED AS TO FORM:		APPROVED AS TO CONTENT:
Wed N. Vizad		Maria O. Pavillas
Wendi N. Vineyard		Maria O. Pasillas, RTA
Assistant City Attorney		Tax Assessor/Collector



JUN 2 1 2021

MARIA O. PASILLAS, RTA CITY OF EL PASO TAX ASSESSOR COLLECTOR

221 N. KANSAS, STE 300 EL PASO, TX 79901 PH: (915) 212-0106 FAX: (915) 212-0107 www.elpasotexas.gov/tax-office

Geo No. 2002-999-3608-0033 Prop ID 507542

Legal Description of the Property DEALER MOTOR VEH INV P108433

7044 FOURTH ST

ANTHONY AUTO SALES % CARLOS GARCIA PO BOX 1423 CANUTILLO, TX 79835-1423

OWNER: ANTHONY AUTO SALES

2018 OVERAGE AMOUNT

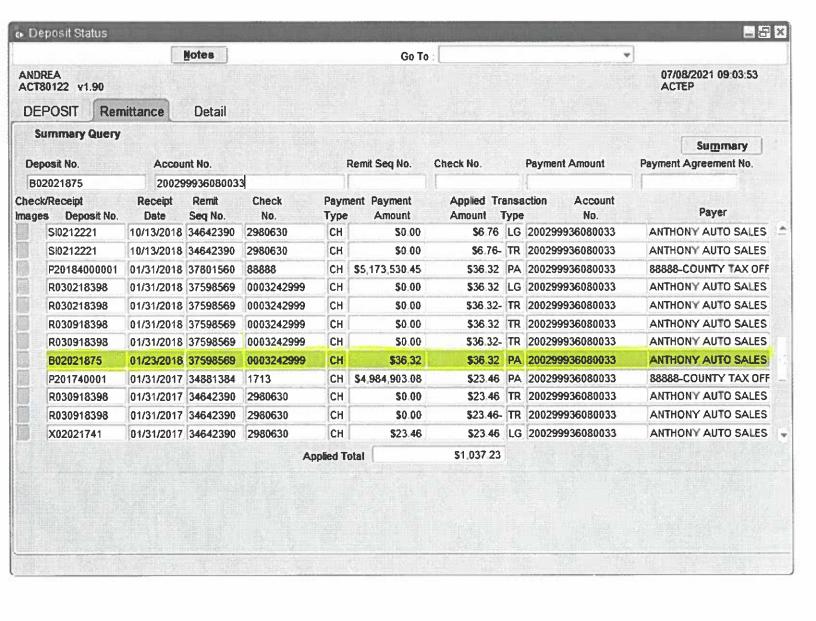
6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 18: CANUTILLO ISD, 27: EMERG. SERVICES DIST. =2

Dear Taxpayer:

Our records indicate that an overpayment exists on the property tax account listed above as of the date of this letter. If you paid the taxes on this account and believe you are entitled to a refund, please complete the application below, sign it, and return it to our office. If the taxes were paid by your mortgage title company or any other party, you must obtain a written letter of release in order for the refund to be issued in your name. If you did not make the payment(s) on this account, please forward this letter to the person who paid these taxes. You may also request the transfer of this overpayment to other tax accounts and or tax years in the space provided or by attaching an additional sheet if necessary. Your application for refund must be submitted within three years from the date of the overpayment, or you waive the right to the refund (Sec. 31.11c). Governing body approval is required for refunds in excess of \$2500.

APPLICATION FOR PROPER	FY TAX REFUND:	This application mus	t be completed, signed, and	d submitted with supp	orting documentation to	be valid.
Step 1. Identify the refund recipient. Show information for whomever will be receiving the refund.	Who should the ref Name: Address: City, State, Zip:	and be issued to:	GARCIA 1423	1190	3.6	
Step 2. Provide payment	Daytime Phone No Payment made by:	915)886	2571 Check No.	E-Mail Address: Date Pard	Ziaridere	40.00
information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank credit card statement.		277 Crol-Co alministra	03242999	10 13 18	\$36.32	
Step 3. Provide reason for this refund. Please list any accounts and or years that you intended to pay with this overage.	I overpaid the	f the following: ccount in error and I his account. Please r payment applied to n	am entitled to the refunction of the excess to the ext year's taxes. applied to other tax acc	nd. address listed in Ste		ow):
Step 4. Sign the form. Unsigned applications cannot be processed.	have given on this i guilty of a Class A	form is true and corr	e refund of the above-dect. (If you make a faltate jail felony under the UIRED)	se statement on this	application, you cou . Sec. 37.10.)	
TAX OFFICE USE ONLY:	Approved	Denied	Ву:	A Date ()	100/00/1	

v52.1.7 Print Date: 06/08/2021



RESOLUTION

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Nader Kassem through Avalance Preowned Vehicles LP C/O Nader Kassen ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on January 24, 2017 in the amount of \$814.64 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT THE City finds that Avalance Preowned Vehicles LP C/O Nader Kassen showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$814.64 is approved.

APPROVED this	day of, 2021.
	CITY OF EL PASO:
	Oscar Leeser Mayor
ATTEST:	
Laura D. Prine City Clerk	
APPROVED AS TO FORM:	APPROVED AS TO CONTENT:
was alvigad	Maria O. Papillas
Wendi N. Vineyard	Maria O. Pasillas, RTA
Assistant City Attorney	Tax Assessor/Collector

21-1002-728.001| 1092334

Tax Refund Request Resolution | Avalanche Preowned Vehicles, LP (\$814.64) WNV



JUN 21 2021

MARIA O. PASILLAS, RTA CITY OF EL PASO TAX ASSESSOR COLLECTOR

221 N. KANSAS, STE 300 EL PASO, TX 79901 PH: (915) 212-0106 FAX: (915) 212-0107 www.elpasotexas.gov/tax-office

AVALANCHE PREOWNED VEHICLES LP C/O KASSEN NADER

Geo No. 2005-999-0007-0042 Prop ID 513563

Legal Description of the Property

DEALER MOTOR VEH INV

7317 ALAMEDA AVE-A

OWNER: AVALANCHE PREOWNED VEHICLES

2016 OVERAGE AMOUNT

1: CITY OF EL PASO, 5: YSLETA ISD, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO

Dear Taxpayer:

7317 ALAMEDA AVE EL PASO, TX 79915-3600

Our records indicate that an overpayment exists on the property tax account listed above as of the date of this letter. If you paid the taxes on this account and believe you are entitled to a refund, please complete the application below, sign it, and return it to our office. If the taxes were paid by your mortgage title company or any other party, you must obtain a written letter of release in order for the refund to be issued in your name. If you did not make the payment(s) on this account, please forward this letter to the person who paid these taxes. You may also request the transfer of this overpayment to other tax accounts and/or tax years in the space provided or by attaching an additional sheet if necessary. Your application for refund must be submitted within three years from the date of the overpayment, or you waive the right to the refund (Sec. 31.11c). Governing body approval is required for refunds in excess of \$2500.

Address: Na Kassem a) Aol. C. Paid Amount Paid 117 4814.64
117 \$814.64
amounts)
nd or year(s), escrow (listed below);
taxes and certify that the information I tent on this application, you could be found Penal Code, Sec. 37.10.) NAME & DATE ER KASSEM 6-16-21

Print Date: 06/08/2021

