

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

**DEPARTMENT:** Tax Department

**AGENDA DATE:** August 9, 2016

**CONTACT PERSON NAME AND PHONE NUMBER:** Maria O. Pasillas, Tax Assessor Collector, 212-1737

**DISTRICT(S) AFFECTED:** All

**SUBJECT:**

Discussion and action on a Resolution that the City finds that Kay F. Backer showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2012 property taxes and the tax refund in the amount of \$28.43 is approved.

**BACKGROUND / DISCUSSION:**

A citizen has applied for a tax refund due to overpayment on June 20, 2016.  
The Property Tax Code states that the Tax Collector may issue a refund "within 3 years of the date of the payment" but that "the governing body of the taxing unit may extend the deadline for a single period not to exceed 2 years on a showing of good cause by the taxpayer.

**PRIOR COUNCIL ACTION:**

March 22, 2016

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

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

*Information copy to appropriate Deputy City Manager*

## 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, Kay F. Backer ("Taxpayer") has applied for a refund with the tax assessor for their 2012 property taxes that were overpaid on January 16, 2013 in the amount of \$28.43 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2012 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 Kay F. Backer showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2012 taxes and the tax refund in the amount of \$28.43 is approved.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.


**CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leaser  
Mayor

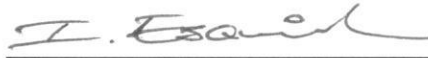
ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Sol M. Cortez  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
For Maria O. Pasillas, RTA  
Tax Assessor/Collector



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

BACKER RICHARD R & KAY F  
5598 WESTSIDE DR  
EL PASO, TX 79932-2914

O.R.

Geo No. S824-999-0010-0500	Prop ID 258660
Legal Description of the Property 1 SUNCREST LOT 3 (.8403 AC)  5757 VISTA LINDA S ST	
OWNER: BACKER KAY F	

2012 OVERAGE AMOUNT \$28.43

1: CITY OF EL PASO, 3: EL PASO ISD, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO

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 PROPERTY TAX REFUND

Step 1. Identify the refund recipient. Show information for whomever will be receiving the refund.	Who should the refund be issued to:			
	Name: <u>KAY F. BACKER</u>			
	Address: <u>5598 WESTSIDE DR</u>			
	City, State, Zip: <u>EL PASO TEXAS 79932</u>			
	Daytime Phone No. <u>915 584 4453</u>		E-Mail Address:	
Step 2. Provide payment information. Please attach copies of cancelled checks, bank statement or original receipts for all cash payments you made.	Payment made by:	Check No.	Date Paid	Amount Paid
	<u>KAY F BACKER</u>	<u>9761</u>	<u>NOV 11, 2015</u>	<u>13.75</u>
	TOTAL AMOUNT PAID (sum of the above amounts)			
Step 3. Provide reason for this refund. Please list any accounts and/or years that you intended to pay with this overage.	Please check one of the following:			
	<input type="checkbox"/> I paid this account in error and I am entitled to the refund.			
	<input type="checkbox"/> I overpaid this account. Please refund the excess to the address listed in Step 1.			
	<input type="checkbox"/> I want this payment applied to next year's taxes.			
	<input type="checkbox"/> 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.)			
	SIGNATURE OF REQUESTOR (REQUIRED) <u>Kay F Backer</u>		PRINTED NAME & DATE <u>KAY F BACKER 6-20-16</u>	
TAX OFFICE USE ONLY:	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	By: <u>[Signature]</u>	Date: <u>06/23/16</u>

This application must be completed, signed, and submitted with supporting documentation to be valid.

[Signature]  
6-27-16



## INTERNAL AUDIT OFFICE

Mayor  
Oscar Leaser

**DATE:** July 06, 2016

**TO:** Maria O. Pasillas, Tax Assessor/Collector

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

City Council

**SUBJECT:** *for Edmundo Calderon - Liz Salas*  
Review of Tax Overpayment Refunds that Exceed Three Years

*District 1*  
Peter Svarzbein

At the request of the Consolidated Tax Office, the following Tax Overpayment Refunds that exceed a three year period were reviewed:

<i>District 2</i> Jim Tolbert	EVA WILLIAMS	P654-999-0170-0100	\$	20.01
	CITI FINANCIAL	S827-999-0000-2500	\$	103.64
	BACKER KAY F	S824-999-0010-0700	\$	28.45
<i>District 3</i> Emma Acosta	✓ BACKER KAY F	S824-999-0010-0500	\$	28.43
	JERRY BURKS	S533-000-0030-0480	\$	87.19
	MARK WICKENHEISER	2003-000-3697-0056	\$	8.19
<i>District 4</i> Carl L. Robinson	MARK WICKENHEISER	10SS-000-1151-0356	\$	20.64
	TOMMY'S AUTO SALES	1036-000-1151-4082	\$	106.43
	TOMMY'S AUTO SALES	1994-000-2567-0082	\$	23.58
<i>District 5</i> Dr. Michiel R. Noe	MANUEL HERNANDEZ	C849-999-0190-4900	\$	500.00
	DALE REYNOLDS	0657-999-1031-5434	\$	340.05
<i>District 6</i> Claudia Ordaz	EBS ENTERPRISES, INC	0419-999-8008-0000	\$	109.18
	STERLING & BAXTER LLP	2001-999-0099-0034	\$	36.00
	CASAS DE LEON, LLC	L226-000-0070-0700	\$	10.86

*District 7*  
Lily Limón

*District 8*  
Cortney C. Niland

The Internal Audit Office reviewed the refund applications, copy of cancelled checks or proof of payments. Attached is a list of days from the date the completed application was received by the Tax Office and sent to the Internal Audit Office for review. The Tax Office is taking from 2 to 8 days to process the applications received and send for review.

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

City Manager  
Tommy Gonzalez

cc: Tommy Gonzalez, City Manager  
Mark Sutter, Chief Financial Officer

Edmundo S. Calderón – Chief Internal Auditor  
City 2 | 218 N. Campbell | El Paso, Texas 79950 | (915) 212-0069

*"Delivering Outstanding Services"*