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SPECIAL CALLED COUNCIL MEETING AGENDA

Mike Mason, Mayor

Phil Sadd – Post 1, Council Member
James Lowe – Post 2, Council Member
Alex Wright – Post 3, Council Member
Jeanne Aulbach – Post 4, Council Member
Lorri Christopher– Post 5, Council Member
Weare Gratwick – Post 6, Council Member

December 21, 2012 **COUNCIL AGENDA** **5:30 PM**

Peachtree Corners City Hall
147 Technology Parkway, Peachtree Corners 30092

A) CALL TO ORDER

B) ROLL CALL

C) PLEDGE OF ALLEGIANCE

D) MAYOR'S OPENING REMARKS

E) OLD BUSINESS

1. O2012-12-75 SECOND READ and Consideration of an Ordinance to Re-Adopt Ordinance 2012-10-65 Amending Chapter 18, Businesses, to Provide for Insurance License Fees; to Provide an Effective Date; and for Other Purposes

F) NEW BUSINESS

G) OTHER BUSINESS

H) EXECUTIVE SESSION **One Litigation Matter**

I) ADJOURNMENT

STATE OF GEORGIA **ORDINANCE 2012-12-75**
COUNTY OF GWINNETT

AN ORDINANCE TO RE-ADOPT ORDINANCE 2012-10-65 AMENDING CHAPTER 18, BUSINESSES, TO PROVIDE FOR INSURANCE LICENSE FEES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and City Council is the duly constituted governing authority for the City of Peachtree Corners; and

WHEREAS, regulations and policies pertaining to certain fees and taxes are outlined in the Charter of the City of Peachtree Corners, Georgia, specifically the authority to collect licensing fees and occupation taxes; and

WHEREAS, pursuant to Title 33, Chapter 8 of the O.C.G.A., the City of Peachtree Corners, Georgia, is authorized to levy certain insurance license fees as more definitively described in the below Ordinance.

NOW, THEREFORE, the Mayor and Council of the City of Peachtree Corners hereby re-adopts Ordinance 2012-10-65, Amending Chapter 18, Article XVI of the Code of the City of Peachtree Corners, Georgia, first adopted on the 16th of October, 2012, which is incorporated by reference and attached hereto, as of the date below.

SO ORDAINED AND EFFECTIVE, this the 21st day of December, 2012.

APPROVED:

_____
Mike Mason, Mayor

ATTEST:

_____
Kym Chereck, City Clerk

APPROVED AS TO CONSENT AND FORM

_____
William F. Riley, Jr., City Attorney

ARTICLE XVI. INSURANCE COMPANIES

Sec. 18-400. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Gross direct premiums means gross direct premiums as used in O.C.G.A. § 33-8-4, which provides:

(1) All foreign, alien, and domestic insurance companies doing business in this state shall pay a tax of 2 1/4 percent upon the gross direct premiums received by them on and after July 1, 1955. The tax shall be levied upon persons, property, or risks in the state, from January 1 to December 31, both inclusive, of each year without regard to business ceded to or assumed from other companies. The tax shall be imposed upon gross premiums received from direct writings without any deductions allowed for premium abatements of any kind or character or for reinsurance or for cash surrender values paid, or for losses or expenses of any kind; provided, however, deductions shall be allowed for premiums returned on the change of rate or canceled policies; provided, further, that deductions may be permitted for return premiums or assessments, including all policy dividends, refunds, or other similar returns paid or credited to policyholders and not reapplied as premium for additional or extended life insurance. The term "gross direct premiums" does not mean and include annuity considerations.

(2) For purposes of this chapter, annuity considerations received by nonprofit corporations licensed to do business in this state issuing annuities to fund retirement benefits for teachers and staff personnel of private secondary schools and colleges and universities shall not be considered gross direct premium.

Insurer means a company which is authorized to transact business in any classes of insurance designated in O.C.G.A. § 33-3-5.

Sec. 18-401. License Fees.

There is hereby levied for an annual license fee upon each insurer doing business within the city in the amount of $100.00. For each separate business location within the city, which is operating on behalf of such insurers within the city, there is hereby levied a license fee in the amount of $100.00.

Sec. 18-402. Additional License Fees.

For each separate business location, not otherwise subject to a license fee hereunder, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and in connection with such loans or sales offers, solicits or takes application for insurance through a licensed agent of an insurer for insurance, said insurer shall pay an additional license fee in the amount $35.00 per location for the year 2013, and each year thereafter.

Sec. 18-403. Gross Premiums Tax -- Life, accident and sickness insurers.

(a) There is hereby levied an annual tax based solely upon gross direct premiums upon each insurer writing life, accident and sickness insurance within the state in an amount equal to one percent (1%) of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. § 33-8-8.1.

(b) The premium tax levied by this section is in addition to the license fees imposed by sections 18-401 and 18-402 above.

Sec. 18-404. Gross Premiums Tax -- All other insurers.

(a) There is hereby levied an annual tax based solely upon gross direct premiums upon each insurer, other than an insurer transacting business in the class of insurance designated in O.C.G.A. § 33-3-5(1), doing business within the state in an amount equal to 2 1/2 percent of the gross direct premium received during the preceding calendar year in accordance with O.C.G.A. § 33-8-8.2.

(b) The premium tax levied by this section is in addition to the license fees imposed by sections 18-401 and 18-402 above

Sec. 18-405. Fees Due on January 1.

License fees imposed by this Article shall be due and payable on January 1 and on the first day of each subsequent year.

Secs. 18-406 – 18-425. Reserved.

AN ORDINANCE TO AMEND CHAPTER 18, BUSINESSES, TO PROVIDE FOR INSURANCE LICENSE FEES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and City Council is the duly constituted governing authority for the City of Peachtree Corners; and

WHEREAS, regulations and policies pertaining to certain fees and taxes are outlined in the Charter of the City of Peachtree Corners, Georgia, specifically the authority to collect licensing fees and occupation taxes; and

WHEREAS, pursuant to Title 33, Chapter 8 of the O.C.G.A., the City of Peachtree Corners, Georgia, is authorized to levy certain insurance license fees as more definitively described in the below Ordinance.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF PEACHTREE CORNERS that Chapter 18 of the Code of the City of Peachtree Corners, Georgia is hereby amended, by addition of Article XVI (Insurance Companies) to read as follows:

ARTICLE XVI. INSURANCE COMPANIES

Sec. 18-400. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Gross direct premiums means gross direct premiums as used in O.C.G.A. § 33-8-4, which provides:

(1) All foreign, alien, and domestic insurance companies doing business in this state shall pay a tax of 2 1/4 percent upon the gross direct premiums received by them on and after July 1, 1955. The tax shall be levied upon persons, property, or risks in the state, from January 1 to December 31, both inclusive, of each year without regard to business ceded to or assumed from other companies. The tax shall be imposed upon gross premiums received from direct writings without any deductions allowed for premium abatements of any kind or character or for reinsurance or for cash surrender values paid, or for losses or expenses of any kind; provided, however, deductions shall be allowed for premiums returned on the change of rate or canceled policies; provided, further, that deductions may be permitted for return premiums or assessments, including all policy dividends, refunds, or other similar returns paid or credited to policyholders and not reapplied as premium for additional or extended life insurance. The term "gross direct premiums" does not mean and include annuity considerations.

(2) For purposes of this chapter, annuity considerations received by nonprofit corporations licensed to do business in this state issuing annuities to fund retirement benefits for teachers and staff personnel of private secondary schools and colleges and universities shall not be considered gross direct premium.

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For each separate business location, not otherwise subject to a license fee hereunder, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and in connection with such loans or sales offers, solicits or takes application for insurance through a licensed agent of an insurer for insurance, said insurer shall pay an additional license fee in the amount $35.00 per location for the year 2013, and each year thereafter.

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License fees imposed by this Article shall be due and payable on January 1 and on the first day of each subsequent year.

Secs. 18-406 – 18-425. Reserved.

SO ORDAINED AND EFFECTIVE, this the ____ of _____, 2012.

APPROVED:

_____
Mike Mason, Mayor

ATTEST:

_____
Joan C. Jones, Acting City Clerk

APPROVED AS TO CONSENT AND FORM

_____
William F. Riley, City Attorney