



Legislation Details (With Text)

**File #:** 41540      **Version:** 1      **Name:** A resolution approving payment of a judgment, in the matter of Association of Women in Agriculture v. City of Madison

**Type:** Resolution      **Status:** Passed

**File created:** 1/25/2016      **In control:** COMMON COUNCIL

**On agenda:** 2/2/2016      **Final action:** 2/2/2016

**Enactment date:** 2/5/2016      **Enactment #:** RES-16-00121

**Title:** A resolution approving payment of a judgment, including costs and interest, in the matter of Association of Women in Agriculture v. City of Madison, and appropriating \$7,151.13 from the contingent reserve fund for that purpose.

**Sponsors:** Paul R. Soglin

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/2/2016	1	COMMON COUNCIL	Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25	Pass
1/25/2016	1	Finance Department	RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - MISC. ITEMS	

**Fiscal Note**

This resolution authorizes the payment of a tax refund and associated interest and other costs as required by state law due to a ruling against the City related to the tax status of a property owned by The Association of Women in Agriculture. The tax refund will be paid by the City and recovered from the taxing jurisdictions. The City portion of the tax refund will reduce 2015 general fund revenues by \$7,768.14. Interest and other costs of \$7,151.13 will be paid entirely by the City through an appropriation from the 2016 Contingent Reserve.

**Title**

A resolution approving payment of a judgment, including costs and interest, in the matter of Association of Women in Agriculture v. City of Madison, and appropriating \$7,151.13 from the contingent reserve fund for that purpose.

**Body**

WHEREAS, the Association of Women in Agriculture (AWA) pursued a claim for unlawful taxation for the 2014 tax year, arguing that they should be granted a student housing facility tax exemption under Section 70.11 (3m), Wisconsin Statutes (the "Pres House exemption"); and,

WHEREAS, the Dane County Circuit Court recently ruled against the City in this tax exemption case, and found that AWA was entitled to a refund of \$19,957.51 for 2014 property taxes; and

WHEREAS, the City was ordered to pay back the 2014 property taxes, plus statutory interest, as well as statutory costs; and

WHEREAS, the total amount due the AWA as of February 11, 2016, will be \$27,108.64, as follows:

Tax refund:	\$19,957.51
Costs:	5,161.38
Interest:	1,989.75 (\$5.25 per day from 1/28/2015).

The tax refund is apportioned as follows:

City of Madison:	\$7,768.74
Madison Schools:	8,748.45
Dane County:	2,494.61
MATC:	800.26
State of Wisconsin:	145.45

The entire refund will be paid by the City and recovered from the taxing jurisdictions once the refund has been certified by the Department of Revenue.

NOW, THEREFORE, BE IT RESOLVED, that the City officials are directed to pay the refunds, costs and interest due to AWA, and that \$7,151.13 be appropriated from the Contingent Reserve to make this payment, together with \$5.25 interest per day if not paid by February 11, 2016; and,

BE IT FURTHER RESOLVED, that the City's portion of the tax refund will be considered a reduction in revenues for calendar year 2015.