

## RESOLUTION NO. 3642-2013

### RESOLUTION OF THE FORT BRAGG CITY COUNCIL AUTHORIZING THE EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS

**WHEREAS**, pursuant to Ordinance Nos. 433, 845-2004, and 902-2012 of the City of Fort Bragg ("City") and Section 7270 of the Revenue and Taxation Code, City entered into a contract with the State Board of Equalization to perform all functions incident to the administration and collection of the Sales, Transactions, and Use Tax Ordinances; and

**WHEREAS**, City deems it necessary for authorized representatives of the City to examine confidential sales and transactions and use tax records of the Board pertaining to sales and transactions and use taxes collected by the Board for the City; and

**WHEREAS**, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Board records and establishes criminal penalties for the unlawful disclosure of information contained in, or derived from sales or transactions and use tax records of the Board; and

**WHEREAS**, Section 7056 of the California Revenue and Taxation Code requires that any person designated by City shall have an existing contract to examine City's sales and transactions and use tax records.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** as follows:

**Section 1.** That the Finance Director/City Treasurer, or other officer or employee of the City designated in writing by the Finance Director/City Treasurer to the State Board of Equalization (hereafter referred to as Board) is hereby appointed to represent City with authority to examine all of the sales or transactions and use tax records of the Board pertaining to sales or transactions and use taxes collected for the City by the Board pursuant to the contract between the City and the Board. The information obtained by examination of Board records shall be used for purposes related to the collection of City's sales or transactions and use taxes by the Board pursuant to the contract.

**Section 2.** That the Finance Director/City Treasurer, or other officer or employee of the City designated in writing by the Finance Director/City Treasurer to the Board, is also hereby appointed to represent the City with the authority to examine those sales and transactions and use tax records of the Board for purposes related to the following governmental functions of the City:

- a) tracking and economic development
- b) forecasting and budget related functions
- c) detection of misallocations and deficiencies

The information obtained by examination of Board records shall be used only for those governmental functions of the City listed above.

**Section 3.** That MuniServices, LLC is hereby designated and authorized to examine all of the sales and transactions and use tax records of the Board pertaining to all sales and transactions and use taxes collected for City under the City's Sales and Use Tax Ordinance(s)

and the following Transactions and Use Tax Ordinances and any future Transactions and Use Tax Ordinances that may be enacted in the District/City:

1. FBCS, effective, January 1, 2005; and
2. FBSS (Code 284), effective July 1, 2012.

The person or entity designated by this section meets all of the following conditions:

- a) has an existing contract with City to examine sales and transactions and use tax records;
- b) is required by that contract to disclose information contained in, or derived from those sales and transactions and use tax records only to the officer or employee authorized under Section 1 (or Section 2) of this resolution to examine the information;
- c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract;
- d) is prohibited by that contract from retaining the information contained in, or derived from those sales and transactions and use tax records after that contract has expired.

**BE IT FURTHER RESOLVED** that the information obtained by examination of Board records shall be used only for purposes related to the collection of City's sales and transactions and use taxes by the Board pursuant to the contracts between City and the Board of Equalization and for purposes relating to the governmental functions of the City listed in Section 2 of this resolution.

**Section 4.** That this resolution supersedes all prior sales and transactions and use tax resolutions of City adopted pursuant to subdivision (b) of Revenue and Taxation Section 7056.

The above and foregoing Resolution was introduced by Councilmember Courtney, seconded by Councilmember Hammerstrom, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 22<sup>nd</sup> day of July, 2013, by the following vote:

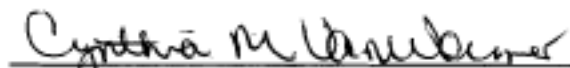
<b>AYES:</b>	<b>Councilmembers Courtney, Deitz, Hammerstrom, Kraut, and Mayor Turner.</b>
<b>NOES:</b>	<b>None.</b>
<b>ABSENT:</b>	<b>None.</b>
<b>ABSTAIN:</b>	<b>None.</b>

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**DAVE TURNER,**  
Mayor

**ATTEST:**

  
**Cynthia M. VanWormer, MMC**  
City Clerk