

RESOLUTION NO. 22-171

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AUTHORIZING EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS

WHEREAS, pursuant to Ordinance No. 73-272, adopted by the City Council, and as amended by Ordinance No. 83-674U, the City of Carson (“City”) entered into a contract with the California Board of Equalization (“BOE”) whose responsibilities under such contract have now been assumed by the California Department of Tax and Fee Administration (“Department”) to perform all functions incident to the administration and collection of sales and use taxes; and

WHEREAS, pursuant to Ordinance No. 20-2009, adopted by the City Council, the City entered into a contract with the Department to perform all functions incident to the administration and collection of transactions and use taxes; and

WHEREAS, the City Council deems it desirable and necessary for authorized officers, employees and representatives of the City to examine confidential sales or transactions and use tax records of the Department pertaining to sales or transactions and use taxes collected by the Department for the City pursuant to that contract; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Department records, and Section 7056.5 of the California Revenue and Taxation Code establishes criminal penalties for the unlawful disclosure of information contained in, or derived from, the sales or transactions and use tax records of the Department.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. That the City’s City Manager, Deputy City Manager, Finance Director and Revenue Manager, or other officer or employee of the City designated in writing by the Deputy City Manager to the California Department of Tax and Fee Administration is hereby appointed to represent the City with authority to examine sales or transactions and use tax records of the Department pertaining to sales or transactions and use taxes collected for the City by the Department pursuant to the contracts that govern the relationship between the City and the Department.

Section 2. That the information obtained by examination of Department records shall be used only for purposes related to the collection of City sales or transactions and use taxes by the Department pursuant to such contracts.

Section 3. That Hinderliter, de Llamas & Associates is hereby designated to examine the sales or transactions and use tax records of the Department pertaining to sales or transactions and use taxes collected for the City by the Department. The person or entity designated by this section meets all of the following conditions, which are also included in the contract between the City and Hinderliter, de Llamas & Associates:

- a) has an existing contract with the City to examine those sales or transactions and use tax records;
- b) is required by that contract to disclose information contained in, or derived from, those sales or transactions and use tax records only to the officer or employee authorized under Section 1 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 or transactions and use tax records, after that contract has expired.

Section 4. That the information obtained by examination of Department records shall be used only for purposes related to the collection of City sales or transactions and use taxes by the Department pursuant to the contracts that govern the relationship between the City and the Department.

Section 5. That this resolution supercedes all prior resolutions of the City Council adopted pursuant to subdivision (b) of Revenue and Taxation Code section 7056, inclusive of Resolution No. 03-081, Resolution No. 20-187 and Resolution No. 21-062.

Section 6. That the City Council declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 7. That the City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

Section 8. That this Resolution shall take effect immediately upon its adoption.

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PASSED, APPROVED, and ADOPTED this 4th day of October, 2022.

Lula Davis-Holmes, Mayor

ATTEST:

Dr. Khaleah R. Bradshaw, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney