

RESOLUTION NO. 21-062_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON,
CALIFORNIA, AUTHORIZING ACCESS TO AND EXAMINATION OF
SALES OR TRANSACTIONS AND USE TAX RECORDS AND
DOCUMENTS PURSUANT TO CALIFORNIA REVENUE AND
TAXATION CODE SECTION 7056(B)**

WHEREAS, the City of Carson (“City”) has retained Hinderliter, de Llamas and Associates (“HDL”) to provide sales or transaction and use tax analysis, identify errors and omissions which may have resulted in deficient payments to the City, detect misallocations and prepare documentation to the California Department of Tax and Fee Administration (“CDTFA”) to recover revenue; and

WHEREAS, Section 7056(b) of the Revenue and Taxation Code (“RTC”) provides, in pertinent part, that “[w]hen requested by resolution of the legislative body of any...city... the board [CDTFA] shall permit any duly authorized...person designated by that resolution, to examine all of the sales or transactions and use tax records of the board pertaining to the ascertainment of those sales or transactions and use taxes to be collected for the...city...”; and

WHEREAS, City wishes to provide access to all such tax records otherwise confidential under Section 7056(b) of the RTC to certain staff at HDL.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON,
CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS
FOLLOWS:**

SECTION 1. The foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. Pursuant to Section 7056(b) of the RTC, the City Council hereby authorizes and requests that the CDTFA provide access to the City’s City Manager, Finance Director and Revenue Manager to examine all of CDTFA’s sales or transactions and use tax records pertaining to the ascertainment of those sales or transactions and use taxes collected for the City, it being understood that such City staff members shall work together with Hinderliter, de Llamas & Associates to analyze, examine and use all such confidential records and data.

SECTION 3. Hinderliter, de Llamas & Associates is hereby designated to examine the sales or transactions and use tax records of the CDFTA pertaining to sales or transactions and use taxes collected for the City by the CDFTA. To identify each person to whom access to records is to be provided pursuant to Section 7056(b) of the RTC, the Finance Director shall designate and maintain a list of all staff members of HDL who will be given such access pursuant to this Resolution. Pursuant to Section 7056(b) of the RTC, the City hereby certifies that the person or entity designated by this section meets all of the following conditions:

(a) has an existing contract with the City to examine those sales and use tax records to effectively advise the City;

(b) is required by that contract to disclose information contained in, or derived from, those sales and use tax records only to the officers or employees of the City who are authorized under Section 2 of this resolution to examine the information;

(c) is prohibited by that contract from performing consulting services for any retailer during the term of that contract; and

(d) is prohibited by that contract from retaining the information contained in, or derived from those sales and use tax records, after that contract has expired.

SECTION 4. The records and information to be provided to HDL shall be used solely for the purpose of providing sales or transactions and use tax analysis, identifying errors and omissions which may have result in deficient payments to the City, detecting misallocations and preparation documentation to the CDTFA, and for no other purpose, and shall be returned to the City after the contract has expired.

SECTION 5. 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 6. The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 7. This Resolution shall take effect immediately upon its adoption.

[signatures on following page]

PASSED, APPROVED AND ADOPTED this 18th day of May, 2021.

Lula Davis-Holmes, Mayor

APPROVED AS TO FORM:

Sunny K. Soltani

ATTEST:

Joy Simarago, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CARSON)

I, Joy Simarago, Deputy City Clerk of the City of Carson, do hereby certify that the foregoing Resolution, being Resolution No. _____ was passed and approved by the City Council of the City of Carson, at its meeting held on May 18, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joy Simarago, Deputy City Clerk