

RESOLUTION NO. 21-126

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, APPROVING RECIPROCAL AGREEMENT BETWEEN THE CITY OF CARSON AND THE CALIFORNIA FRANCHISE TAX BOARD AND AUTHORIZING THE FINANCE DIRECTOR TO EXECUTE AGREEMENT

WHEREAS, Section 19551.1 of the Revenue and Taxation Code provides that the Franchise Tax Board (“FTB”) may permit the tax officials of any city, county, or city and county to enter into a reciprocal agreement with the FTB to obtain tax information from the FTB, as specified therein; and

WHEREAS, “reciprocal agreement” under Section 19551.1 means a formal agreement to exchange information for tax administration purposes between tax officials of a city, county, or city and county, and the FTB, where the agreement is non-financial with each party bearing its own costs for exchange of tax data; and

WHEREAS, the City Council of the City of Carson (“City”) previously adopted Resolution No. 04-067 authorizing the execution of a data sharing agreement pursuant to Section 19551.1 which at the time required City to charge the FTB for City data and the FTB to charge City for state tax information; and

WHEREAS, now the FTB is requesting that City approve another resolution primarily because there is no longer a financial component to the proposed reciprocal agreement with each party now bearing its own costs for exchange of tax data; and

WHEREAS, Section 319 of the City’s Charter provides that the City shall not be bound by any contract...unless it is in writing, approved by the City Council and signed on behalf of the City by the Mayor or by such other employee as shall be designated by the City Council, the City Clerk, and the City Attorney; and

WHEREAS, the City Council of the City of Carson now sees fit to adopt this Resolution No. 21-126 to authorize certain City tax officials to exchange information with the FTB for tax administration purposes, approve the reciprocal agreement with FTB (“Standard Agreement”), a copy of which is attached hereto and incorporated herein by this reference as Exhibit “A,” and authorize the Finance Director to execute the Standard Agreement approved as to form by the City Attorney.

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. The City's Director of Finance, Revenue Manager, and City Manager are hereby appointed to represent the City with authority to exchange information with the FTB for tax administration purposes pursuant to Section 19551.1 of the Revenue and Taxation Code.

SECTION 3. The information obtained shall be used exclusively to administer the City's business tax program established by Section 6310 of the Carson Municipal Code.

SECTION 4. The City Council hereby approves the Standard Agreement with the Franchise Tax Board to allow the designated tax officials to exchange tax data with the FTB, and further authorizes the Finance Director to execute the agreement approved as to form by the City Attorney, and authorizes all City tax officials designated herein to execute other related documents in furtherance of the purposes of the Standard Agreement, including, but not limited to, the Confidentiality Statement attached as an exhibit to the Standard Agreement. The Standard Agreement outlines the Scope of Work, Budget Detail and Payment Provisions, General Terms and Conditions, Special Terms and Conditions, City and County Record Format Specifications, Franchise Tax Board Record Layout Specifications, Confidentiality Statement and other provisions as may be added or amended from time to time.

SECTION 5. The City Council declares that this Resolution No. 21-126 shall replace and supersede Resolution No. 04-067 in all respects.

SECTION 6. The City Council declares that, should any provision, section, paragraph, sentence or word of this Resolution 21-126 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 21-126 as hereby adopted shall remain in full force and effect.

SECTION 7. The City Clerk shall certify to the adoption of this Resolution 21-126 and enter it into the book of original Resolutions.

SECTION 8. This Resolution 21-126 shall take effect immediately upon its adoption.

[signatures on following page]

PASSED, APPROVED AND ADOPTED this 19th day of October, 2021.

Lula Davis-Holmes, Mayor

APPROVED AS TO FORM:

Sunny K. Soltani

ATTEST:

John W. Carroll, Sr.
Chief Deputy City Clerk

EXHIBIT “A”
STANDARD AGREEMENT
SEE ATTACHED

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

I, John W. Carroll, Sr., Chief Deputy City Clerk of the City of Carson, do hereby certify that the foregoing Resolution, being Resolution No. 21-126 was passed and approved by the City Council of the City of Carson, at its meeting held on October 19, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John W. Carroll, Sr., Chief Deputy City Clerk