

RESOLUTION NO. 04-2023

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA
AUTHORIZING EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS**

WHEREAS, the City of Pacifica (City) has previously entered into a contract with 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 Revenue and Taxation Code section 7270, the City entered into a contract with the California Department of Tax and Fee Administration (Department) to perform all functions incident to the administration and collection of transactions and use taxes; and

WHEREAS, the City Council of the City of Pacifica 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 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 PACIFICA HEREBY RESOLVES AS FOLLOWS:

Section 1. That the City Manager, Assistant City Manager, Deputy Finance Director, Economic Development Manager, Management Analyst, or other officer or employee of the City designated in writing by the 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 contract between the City and the Department.

Section 2. 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 that contract, and for purposes related to the following governmental functions of the City:

- (a) Budget Preparation, Revenue Estimates and Financial Reporting
- (b) Economic Development Analysis and Reporting

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

Section 3. That HdL Companies 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 the HDL Companies:

- 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.

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 contract between the City and the Department and for those purposes relating to the governmental functions of the City listed in section 2 of this resolution.

Section 4. That HdL Companies is hereby designated to examine the sales or transactions and use tax records of the Department pertaining to any petition or appeal for the reallocation/redistribution of sales or transactions and use taxes that was filed by HdL Companies on behalf of the City pursuant to the contract between the HdL Companies and City. The entity designated by this section meets all of the following conditions, which are also included in the contract between the City and the HdL Companies.

- 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 5. That this resolution supersedes all prior resolutions of the City Council of the City of Pacifica adopted pursuant to subdivision (b) of Revenue and Taxation Code section 7056.

.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 9th day of January, 2023, by the following vote:

AYES, Councilmembers: *Beckmeyer, Bier, Bigstycck, Boles, Vaterlaus.*

NOES, Councilmembers: *n/a*

ABSENT, Councilmembers: *n/a*

ABSTAIN, Councilmembers: *n/a*

Tygarjas T. Bigstycck
 Tygarjas Twyrls Bigstycck, Mayor

ATTEST:

Sarah Coffey

 Sarah Coffey, City Clerk

APPROVED AS TO FORM:

Michelle Kenyon

 For Michelle Kenyon, City Attorney