

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLACERVILLE,
AUTHORIZING EXAMINATION OF SALES, USE AND TRANSACTIONS TAX
RECORDS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN
AGREEMENT WITH HINDERLITER, DE LLAMAS & ASSOCIATES, AND
AUTHORING THE CITY MANAGER, CITY ATTORNEY, AND CITY CLERK
TO EXECUTE THE SAME**

WHEREAS, pursuant to Ordinance 1685, the City of Placerville entered into a contract with the Department of Tax and Fee Administration to perform all functions incident to the administration and collection of local sales, use and transactions taxes; and

WHEREAS, the City Council of the City of Placerville deems it desirable and necessary for authorized representatives of the City to examine confidential sales, use and transactions tax records of the Department of Tax and Fee Administration pertaining to sales, use and transactions 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 of Tax and Fee Administration records, and establishes criminal penalties for the unlawful disclosure of information contained in, or derived from, the sales, use and transactions tax records of the Department; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF
PLACERVILLE HEREBY RESOLVES AS FOLLOWS:**

Section 1. That the City Manager, Director of Finance, or other officer or employee of the City designated in writing by the City Manager to the Department of Tax and fee Administration (hereafter referred to as Department), is hereby appointed to represent the City of Placerville with authority to examine sales, use and transactions tax records of the Department pertaining to sales, use and transactions taxes collected for the City by the Department pursuant to the contract between the City and the Department. The information obtained by examination of Department records shall be used only for purposes related to the collection of City sales, use and transactions taxes by the Department pursuant to that contract.

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

- (a) Revenue reporting, forecasting, and analysis
- (b) Online information services

(c) Community and economic development

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

Section 3. That Hinderliter, de Llamas & Associates is hereby designated to examine the sales, use and transactions tax records of the Department pertaining to sales, use and transactions taxes collected for the City by the Department. 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, use and transactions tax records;
- (b) is required by that contract to disclose information contained in, or derived from, those sales, use and transactions tax records only to the officer or employee authorized under Sections 1 or 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; and
- (d) is prohibited by that contract from retaining the information contained in, or derived from those sales, use and transactions tax records, after that contract has expired.

Section 4. Authorizes the City Manager to negotiate an agreement with Hinderliter, de Llamas & Associates for sales, use, and transactions tax audit and information services and authorizes the City Manager, City Attorney, and City Clerk to execute the same.

The information obtained by examination of Department records shall be used only for purposes related to the collection of City sales, use and transactions taxes by the Department pursuant to the contract between the City and the Department and for purposes relating to the governmental functions of the City listed in section 2 of this resolution.

The foregoing Resolution was introduced at a regular meeting of the City Council City of the City of held on November 13, 2018 by Councilmember _____ who moved its adoption. The motion was seconded by Councilmember _____. The motion was passed by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

There being a majority of votes “AYE,” motion carried and was so ordered.

Mayor Wendy Thomas

ATTEST:

Regina O’Connell, City Clerk