

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 RESOLUTION NO. RES-15-0102

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AUTHORIZING THE
5 EXAMINATION OF PREPAID MOBILE TELEPHONY
6 SERVICES SURCHARGE AND LOCAL CHARGE
7 RECORDS

8
9 WHEREAS, pursuant to Long Beach Municipal Code Section 3.68.050
10 and the Local Prepaid Mobile Telephony Services Collection Act, the City of Long Beach,
11 hereinafter called Local Jurisdiction, desires to enter into a contract with the State Board
12 of Equalization, hereafter referred to as the Board, to perform all functions incident to
13 the administration and collection of the prepaid mobile telephony services surcharge and
14 local charges (Rev. & Tax. Code, § 42101.5); and

15 WHEREAS, the Local Jurisdiction deems it desirable and necessary for
16 authorized representatives of the Local Jurisdiction to examine confidential prepaid
17 mobile telephony services surcharge and local charge records pertaining to the prepaid
18 mobile telephony services surcharge and local charges collected by the Board for the
19 Local Jurisdiction pursuant to that contract; and

20 WHEREAS, the Board will make available to the Local Jurisdiction any
21 information that is reasonably available to the Board regarding the proper collection
22 and remittance of a local charge of the Local Jurisdiction by a seller, including a direct
23 seller, subject to the confidentiality requirements of Sections 7284.6, 7284.7 and 19542
24 of the Revenue and Taxation Code; and

25 WHEREAS, Sections 42110 and 42103 of the Revenue and Taxation
26 Code sets forth certain requirements and conditions for the disclosure of Board of
27 Equalization records and establishes criminal penalties for the unlawful disclosure of
28 information contained in or derived from the prepaid mobile telephony services

1 surcharge and local charge records of the Board;

2 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
3 follows:

4 Section 1. That the City Treasurer or other officer or employee of the
5 Local Jurisdiction designated in writing by the City Manager to the Board is hereby
6 appointed to represent the Local Jurisdiction with authority to examine prepaid mobile
7 telephony services surcharge and local charge records of the Board pertaining to
8 prepaid mobile telephony services surcharge and local charges collected for the
9 Local Jurisdiction by the Board pursuant to the contract between the Local Jurisdiction
10 and the Board. The information obtained by examination of Board records shall be
11 used only for purposes related to the collection of the Local Jurisdiction's prepaid mobile
12 telephony services surcharge and local charges by the Board pursuant to the contract.

13 Section 2. That MuniServices, LLC, is hereby designated to examine the
14 prepaid mobile telephony services surcharge and local charges records of the Board of
15 Equalization pertaining to prepaid mobile telephony services surcharge and local charges
16 collected for the Local Jurisdiction by the Board. The person or entity designated by this
17 Section meets all of the following conditions (Rev. & Tax. Code, § 42110, subd. (b)(2)):

18 A. Has an existing contract with the Local Jurisdiction that
19 authorizes the person to examine the prepaid mobile telephony services
20 surcharge and local charge records;

21 B. Is required by that contract with the Local Jurisdiction to
22 disclose information contained in or derived from, those records only to an
23 officer or employee of the Local Jurisdiction authorized by the resolution to
24 examine the information;

25 C. Is prohibited by that contract from performing consulting
26 services for a seller during the term of that contract;

27 D. Is prohibited by that contract from retaining information
28 contained in, or derived from, those prepaid mobile telephony services

1 surcharge and local charge records, after that contract has expired.

2 Section 3. The contract between the Local Jurisdiction and
3 MuniServices, LLC designated by the Local Jurisdiction to request information from the
4 Board shall be subject to the following limitations (Rev. & Tax. Code, § 42103, subd. (g));

5 A. MuniServices, LLC shall, to the same extent as the Board, be
6 subject to Section 55381, relating to unlawful disclosures.

7 B. The contract between the Local Jurisdiction and
8 MuniServices, LLC shall not provide, in whole or in part, in any manner a
9 contingent fee arrangement as payment for services rendered.

10 Section 4. The information obtained by examination of the Board records
11 shall only be used for purposes related to the collection of the Local Jurisdiction's prepaid
12 mobile telephony services surcharge and local charges by the Board pursuant to the
13 contract between the Local Jurisdiction and Board, or for purposes related to other
14 governmental functions of the Local Jurisdiction, as identified above in Section 2.

15 Section 5. This resolution shall take effect immediately upon its adoption
16 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

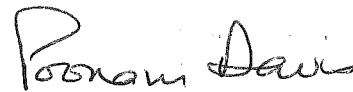
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1 I hereby certify that the foregoing resolution was adopted by the City
2 Council of the City of Long Beach at its meeting of August 18, 2015 by the following vote:

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4 Ayes: Councilmembers: Gonzalez, Lowenthal, Supernaw, Mungo,
5 Andrews, Uranga, Austin, Richardson.

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8 Noes: Councilmembers: None.

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10 Absent: Councilmembers: Price.

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13 City Clerk
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