

1 RESOLUTION NO. RES-19-0002

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3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH DESIGNATING HINDERLITER, DE
5 LLAMAS & ASSOCIATES TO EXAMINE SALES, USE OR
6 TRANSACTIONS AND USE TAX RECORDS OF THE CITY
7 OF LONG BEACH

8
9 WHEREAS, on July 19, 2016, the City Council authorized a contract with
10 the California Department of Tax and Fee Administration ("CDTFA") to perform all
11 functions incident to the administration and collection of the Transactions and Use Tax
12 adopted by the voters and the local sales and use taxes; and

13 WHEREAS, the City deems it necessary for authorized representatives of
14 the City to examine confidential sales, use and transactions and use tax records of the
15 CDTFA pertaining to sales, use and transactions and use taxes collected by the CDTFA
16 for City; and

17 WHEREAS, Section 7056 of the California Revenue and Taxation Code
18 sets forth certain requirements and conditions for the disclosure of CDTFA records and
19 establishes criminal penalties for the unlawful disclosure of information contained in, or
20 derived from sales, use or transactions and use tax records of the CDTFA; and

21 WHEREAS, Section 7056 of the California Revenue and Taxation Code
22 requires that any person designated by City shall have an existing contract to examine
23 City's sales, use and transactions and use tax records;

24 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
25 follows:

26 Section 1. That the Assistant Director of the Department of Financial
27 Management, or other officer or employee of City designated in writing by the City
28 Manager to the California Department of Tax and Fee Administration is hereby appointed

1 to represent City with authority to examine all of the sales, use and transactions and use
2 tax records of the CDTFA pertaining to sales, use and transactions and use taxes
3 collected for City by the California Department of Tax and Fee Administration pursuant to
4 the contract between City and the CDTFA. Information obtained by examination of
5 CDTFA records shall be used for purposes related to the collection of City's sales, use
6 and transactions and use taxes by the CDTFA pursuant to the contract.

7 Section 2. That the Assistant Director of the Department of Financial
8 Management, or other officer or employee of City designated in writing by the City
9 Manager to the CDTFA, is also hereby appointed to represent City with the authority to
10 examine those sales, use and transactions and use tax records of the CDTFA for
11 purposes related to the following governmental functions of City:

12 Section 3. Tracking and economic development;

13 Section 4. Forecasting and budget related functions;

14 Section 5. Detection of misallocations and deficiencies.

15 The information obtained by examination of CDTFA records shall be used
16 only for those governmental functions of City listed above.

17 Section 6. That Hinderliter, De Llamas & Associates is hereby
18 designated and authorized to examine all of the sales, use and transactions and use tax
19 records of the CDTFA pertaining to all sales and use taxes collected for City and any
20 transaction and use taxes collected for City under the following Transactions and Use
21 Tax Ordinances and any future Transactions and Use Tax Ordinances that may be
22 enacted in the City: Measure A (LBTG) - Effective January 1, 2017. The person or entity
23 designated by this Section meets all of the following conditions:

24 A. Has an existing contract with City to examine sales, use and
25 transactions and use tax records;

26 B. Is required by that contract to disclose information contained
27 in, or derived from those sales, use and transactions and use tax records
28 only to an officer or employee authorized under Section 1 of this resolution

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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 and use tax records after that contract has expired.

Section 7. The information obtained by examination of CDTFA records shall be used only for purposes related to the collection of City's sales, used and transactions and use taxes by the CDTFA pursuant to the contracts between City and the CDTFA and for purposes relating to the governmental functions of City listed in Section 2 of this resolution.

Section 8. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of January 8, 2019, by the following vote:

Ayes: Councilmembers: Pearce, Price, Supernaw, Mungo,
Andrews, Uranga, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Gonzalez, Austin.


City Clerk