



Legislation Details (With Text)

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Title: A Resolution of the City of San Leandro City Council Authorizing the City Manager to Execute an Agreement Amendment and Novation with MuniServices for Examination of Sales or Transactions and Use Tax Records

Indexes:

Code sections:

Attachments: 1. Attachment A - Novation Agreement, 2. Exhibit A - Standard Contractual Services Agreement

Date	Ver.	Action By	Action	Result
7/19/2021	1	City Council	Adopted	Pass

A Resolution of the City of San Leandro City Council Authorizing the City Manager to Execute an Agreement Amendment and Novation with MuniServices for Examination of Sales or Transactions and Use Tax Records

WHEREAS, pursuant to San Leandro Municipal Code Title 2, Chapter 2-1 Sales and Use Tax, the City of San Leandro (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 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 City of San Leandro 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 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 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 SAN LEANDRO HEREBY RESOLVES AS FOLLOWS:

Section 1. That the City Manager, City Attorney, Assistant City Manager, Community Development Director, Economic Development Manager, Finance Director, Assistant Finance Director, Financial Services Manager, 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 Planning and Related Functions
- (b) Economic Development and Related Functions
- (c) Grant and Other Administration

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

Section 3. That MuniServices, LLC. 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 MuniServices, LLC:

- a) has an existing contract with the City to examine those sales or transactions and use tax records;
- a) 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.
- a) is prohibited by that contract from performing consulting services for a retailer during the term of that contract;
- a) 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.

BE IT FURTHER RESOLVED that 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 MuniServices, LLC. 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 MuniServices, LLC. on behalf of the City pursuant to the contract between MuniServices, LLC. and the City. 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 MuniServices, LLC.:

- 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. City Council authorizes the City Manager to consent to an Amendment and Novation Agreement Between Municipal Resources Consultants and Muniservices, LLC on behalf of the City (Attachment A).

Section 6. That this resolution supersedes all prior resolutions of the City Council of the City of San Leandro adopted pursuant to subdivision (b) of Revenue and Taxation Code section 7056.

Introduced, approved and adopted this _____ day of _____ 20__.

ATTEST: (s) _____ (s) _____
City Clerk Mayor

I, _____, City Clerk of the City of _____, California, DO HEREBY CERTIFY that the foregoing resolution was duly introduced, approved and adopted by the City Council of the City of _____, at a regular meeting of said Council held on the _____ day of _____, 20__, by the following roll call vote:

Ayes:

Noes:

Absent:

(s) _____
City Clerk