RESOLUTION NO. 2013-17

A RESOLUTION OF THE ALBANY CITY COUNCIL AUTHORIZING THE EXAMINATION OF TRANSACTIONS (SALES) AND USE TAX RECORDS

WHEREAS, pursuant to Ordinance No. 2012-03 of the City of Albany hereinafter called City and Section 7270 of the Revenue and Taxation Code, the City entered into a contract with the State Board of Equalization to perform all functions incident to the administration and operation of the Transactions and Use Tax Ordinance; and

WHEREAS, the City deems it desirable and necessary for authorized representatives of the City to examine confidential transactions and use tax records of the State Board of Equalization pertaining to transactions and use taxes collected by the Board for the City pursuant to that contract; and

WHEREAS, Section 7056 of the Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Board of Equalization records and establishes criminal penalties for the unlawful disclosure of information contained in or derived from the transactions and use tax records of the Board;

NOW THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS:

Section 1. That the City Manager, Finance & Administrative Services Director, and City Treasurer or other officer or employee of the City designated in writing by the City Manager to the State Board of Equalization (hereafter referred to as Board) is hereby appointed to represent the City with authority to examine transactions and use tax records of the Board pertaining to transactions and use taxes collected for the City by the Board pursuant to the contract between the City and the Board. The information obtained by examination of Board records shall be
used only for purposes related to the collection of the City’s transactions and use
taxes by the Board pursuant to the contract.

Section 2. That the City Manager, Finance & Administrative Services
Director, and City Treasurer or other officer or employee of the City designated in
writing by the City Manager to the Board of Equalization is hereby appointed to
represent the City with authority to examine those transactions and use tax records
of the Board for purposes related to the following governmental functions of the
City: a) budget forecasting; b) revenue enhancement; and c) verification of
business license. The information obtained by examination of Board 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
transactions and use tax records of the Board of Equalization pertaining to
transactions and use taxes collected for the City by the Board. 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 transactions and
use tax records;

b) Is required by that contract to disclose information contained in or
derived from those transactions and use tax records only to the officer or
employee authorized under Section 1 or Section 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;

d) Is prohibited by that contract from retaining the information contained
in, or derived from those transactions and use tax records after that
contract has expired.

BE IT FURTHER RESOLVED that the information obtained by
examination of Board records shall be used only for purposes related to the
collection of City’s transactions and use taxes by the Board pursuant to the
contracts between the City and Board.
Introduced, approved and adopted this \underline{6th} day of May, 2013.

PEGGY THOMSEN, MAYOR
RESOLUTION NO.  2013-17

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The  6th  day  of May, 2013, by the following votes:

AYES:  Council Members Atkinson, Barnes, Maass, Vice Mayor Wile & Mayor Thomsen

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this  7th

Day of May, 2013.

Eileen Harrington

Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.