

RESOLUTION NO. 2014-005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK REPEALING AND REPLACING RESOLUTION 2010-117 AND AUTHORIZING CITY OFFICIALS AND REPRESENTITIVES TO PERFORM EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS

WHEREAS, pursuant to Ordinance No. 821 the City of Rohnert Park entered into a contract with the State Board of Equalization to perform all functions incident to the administration and collection of local sales and use taxes; and

WHEREAS, pursuant to Resolution 2010-73 the City of Rohnert Park entered into a contract with the State Board of Equalization to perform all functions incident to the administration and collection of local transactions and use taxes; and

WHEREAS, pursuant to Ordinance No. 875 (continuation of Ordinance 821) by the passage of Measure A in November 2013, the State Board of Equalization requested an update of authorized City officials and revenue consultant to examine of sales or transactions and use tax records; and

WHEREAS, the City Council of the City of Rohnert Park deems it necessary for authorized representative of the City to examine confidential sales and transactions and use tax records of the Board pertaining to sales and transactions and use taxes collected by the Board for the City; and

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

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

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROHNERT PARK AS FOLLOWS:

Section 1. That the Finance Director, the City Manager and the Accounting Supervisor or other officer or employee of the City designated in writing by the Finance Director to the State Board of Equalization (hereafter referred to as Board) is hereby appointed to represent the City with authority to examine all of the sales or transactions and use tax records of the Board pertaining to sales or transactions and use taxes collected for the City by the Board of Equalization pursuant to the contract between the City and the Board under the Bradley-Burns Uniform Local Sales and Use Tax Law or the Transactions and Use Tax Law. The information obtained by examination

of Board records shall be used only for purposes related to the collection of City sales or transactions and use taxes by the Board pursuant to the contract.

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

- a) Financial planning functions;
- b) Economic development functions;
- c) Business Tax compliance functions.

Section 3. The City's contract with MuniServices LLC ("Consultant") provides for the terms and conditions upon which Consultant can examine the transactions and use tax records pertaining to transactions and use taxes collected for the City

Section 4. Consultant is hereby designated to represent the City with authority to examine all of the sales and transactions and use tax records of the Board pertaining to sales and transactions and use taxes collected for the City by the Board. The Consultant by this section meets all of the following conditions:

- a) has an existing contract with the City to examine sales and transactions and use tax records;
- b) is required by that contract to disclose information contained in, or derived from those sales and 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 sales and transactions and use tax records after that contract has expired.

The information obtained by examination of Board records shall be used only for purposes related to the collection of City's sales and transactions and use taxes by the Board pursuant to the contracts between the City and the Board.

Section 5. Resolution No. 2010-117 is hereby repealed.

Section 6. The City Clerk of the City is hereby directed to certify adoption of this Resolution and send a copy to the Board.


DULY AND REGULARLY ADOPTED this 28th day of January, 2014.



CITY OF ROHNERT PARK


Joseph T. Callinan, Mayor

ATTEST:


JoAnne Buergler, City Clerk

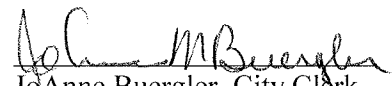
BELFORTE: AYE MACKENZIE: AYE STAFFORD: AYE AHANOTU: AYE CALLINAN: AYE
AYES: (5) NOES: (0) ABSENT: (0) ABSTAIN: (0)

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SONOMA)
CITY OF ROHNERT PARK)

I, JOANNE BUERGLER, City Clerk of the City of Rohnert Park, hereby certify that Resolution No. 2014-005 is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Rohnert Park on January 28, 2014 by the following vote:

AYES: FIVE (5) Council members Belforte, Mackenzie, Stafford, Ananotu and Mayor Callinan
NOES: NONE (0)
ABSENT: NONE (0)
ABSTAIN: NONE (0)


JoAnne Buergler, City Clerk
City of Rohnert Park, California