

RESOLUTION NO. 23-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA TO APPROVE THE MASTER SERVICES AGREEMENT BETWEEN HINDERLITER DE LLAMAS AND ASSOCIATES AND THE CITY OF COLUSA

WHEREAS, pursuant to Sales and Use Tax Ordinance No. 552, the City of Colusa (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, the City Council of the City of Colusa 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 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 COLUSA DOES HEREBY
RESOLVES AS FOLLOWS:**

Section 1. That the City Manager and Finance Director are hereby appointed to represent the City with the authority to examine sales or transactions and use tax records of the Department pertaining to sales 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 and use taxes by the Department pursuant to that contract, and for purposes related to the following governmental functions of the City:

- (a) Budgeting and Planning
- (b) Economic Development
- (c) Spending Trends
- (d) Future Forecasting

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

Section 3. That Hinderliter de Llamas & Associates is hereby designated to examine the sales or transactions and use tax records of the Department pertaining to sales 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 the Hinderliter de Llamas & Associates:

- 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 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 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 this resolution supersedes all prior resolutions of the City Council of the City of Colusa adopted pursuant to subdivision (b) of Revenue and Taxation Code section 7056.

INTRODUCED, APPROVED, AND ADOPTED THIS 7TH DAY OF FEBRUARY 2023.

GREG PONCIANO, MAYOR

ATTEST:

Shelly Kittle, City Clerk

I, Shelly Kittle, City Clerk of the City of Colusa, California, DO HEREBY CERTIFY that the foregoing resolution was duly introduced, approved and adopted by the City Council of the City of Colusa at a regular meeting of said Council held on the 7th day of February 2023, by the following roll call vote:

AYES:

NOES:

ABSENT

Shelly Kittle, City Clerk