

**RESOLUTION 2021 -**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AUTHORIZING EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS**

**WHEREAS**, pursuant to Resolution 2019-001 and 2019-002 the Town of Los Gatos (Town) 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 or transactions and use taxes; and

**WHEREAS**, pursuant to Revenue and Taxation Code section 7270, the Town 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 Town Council of the Town of Los Gatos deems it desirable and necessary for authorized officers, employees and representatives of the Town 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 Town 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, BE IT RESOLVED**, the Town

**Section 1.** That the Town Manager, Assistant Town Manager, Town Attorney, Finance Director, Finance and Budget Manager, Budget Analyst, Accountant Analyst, Community Development Director, Economic Vitality Manager, and other officer or employee of the Town designated in writing by the Town Manager to the California Department of Tax and Fee Administration is hereby appointed to represent the Town 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 Town by the Department pursuant to the contract between the Town and the Department.

**Section 2.** The information obtained by examination of Department records shall be used only for purposes related to the collection of Town sales or transactions and use taxes by the Department pursuant to that contract, and for purposes related to the following governmental functions of the Town:

ATTACHMENT 1

- (a) Budget
- (b) Planning
- (c) Economic Development
- (d) Transportation Planning
- (e) Business License

The information obtained by examination of Department records shall be used only for those governmental functions of the Town 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 Town 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 Town and MuniServices, LLC:

- a) has an existing contract with the Town 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.

**BE IT FURTHER RESOLVED** that the information obtained by examination of Department records shall be used only for purposes related to the collection of Town sales or transactions and use taxes by the Department pursuant to the contract between the Town and the Department and for those purposes relating to the governmental functions of the Town listed in section 2 of this resolution.

**Section 4.** That this resolution supercedes all prior resolutions of the Town Council of the Town of Los Gatos adopted pursuant to subdivision (b) of Revenue and Taxation Code section 7056, specifically Resolution 2019-002 is hereby rescinded.

**NOW, THEREFORE, BE IT RESOLVED:**

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 3rd day of August, 2021, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_