

RESOLUTION NO. 2024-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND AUTHORIZING EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS

WHEREAS, pursuant to Ordinance Number 73-7, the City of Orland entered into a contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and collection of sales and use taxes; and

WHEREAS, pursuant to Ordinance Number 2016-05 and Ordinance Number 2024-04, Revenue and Taxation Code section 7270, the City of Orland (Orland) 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 Orland 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 ORLAND HEREBY RESOLVES AS FOLLOWS:

Section 1. That the City 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 (Department), is hereby appointed to represent the City with authority to examine sales or use and transactions 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) City administration
- (b) Revenue management and budgeting
- (c) Community and economic development
- (d) Business license tax 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 Hinderliter, de Llamas & Associates is hereby designated to examine the sales, transaction and use tax records of the Department pertaining to sales, transaction 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 Hinderliter, de Llamas & Associates:

- (a) has an existing contract with the City to examine those sales, transaction and use tax records;
- (b) is required by that contract to disclose information contained in, or derived from, those transaction 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; and
- (d) is prohibited by that contract from retaining the information contained in, or derived from those transaction 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 transaction and use tax records by the Department pursuant to the contract between the City and the Department and for 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 Orland adopted pursuant to subdivision (b) of Revenue and Taxation Code section 7056.

Introduced, approved and adopted this 17th day of December 2024.

ATTEST: _____
Jennifer Schmitke, City Clerk

Mathew Romano, Mayor

I, Jennifer Schmitke , City Clerk of the City of Orland , California, DO HEREBY CERTIFY that the foregoing resolution was duly introduced approved and adopted by the City Council of the City of Orland, at a regular meeting of said Council held on the 17th day of December 2024, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jennifer Schmitke, City Clerk