

RESOLUTION NO. 17-002

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
AUTHORIZING THE EXAMINATION OF SALES, TRANSACTIONS, AND USE TAX RECORDS**

WHEREAS, pursuant to Ordinance No. 279 N.S., the City entered into a contract with the State Board of Equalization to perform all functions incident to the administration and collections of local sales and use taxes; and

WHEREAS, pursuant to Resolution # 08-041, the City of Pacific Grove (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; 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; and

WHEREAS, This action does not constitute a "Project" as defined by CEQA Guidelines Section 15378 because it has no potential for resulting in physical change to the environment directly or indirectly; and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Pacific Grove does herein resolve:

Section 1. That the Finance Director, Management Analyst, or Program Manager as 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 sales, 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 HdL Companies is hereby designated to examine the transactions and use tax records of the Board of Equalization pertaining to sales, 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.

Section 3. That this resolution supersedes all prior transactions and use tax resolutions of the City of Pacific Grove adopted pursuant to subdivision (b) of Revenue and Taxation Section 7056.

Section 4. This Resolution shall become effective immediately following passage and adoption hereof.

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 sales, transactions, and use taxes by the Board pursuant to the contracts between the City and Board.

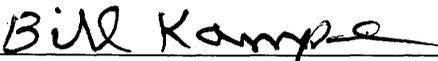
PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 15th day of February, 2017, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Garfield, Huitt, Peake, and Smith.

NOES: None.

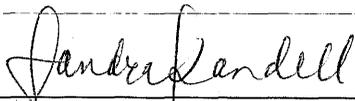
ABSENT: None.

APPROVED:



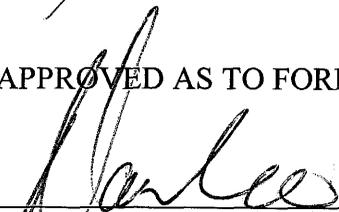
BILL KAMPE, Mayor

ATTEST:



SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:



DAVID C. LAREDO, City Attorney