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**RESOLUTION NO. 2013-17**

**A RESOLUTION OF THE ALBANY CITY COUNCIL AUTHORIZING  
THE EXAMINATION OF TRANSACTIONS (SALES) AND USE TAX  
RECORDS**

**WHEREAS**, pursuant to Ordinance No. 2012-03 of the City of Albany hereinafter called City and Section 7270 of the Revenue and Taxation Code, the 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 for the City pursuant to that contract; 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;

**NOW THEREFORE, BE IT RESOLVED AND ORDERED AS  
FOLLOWS:**

**Section 1.** That the City Manager, Finance & Administrative Services Director, and City Treasurer or other officer or employee of the City 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 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

1 used only for purposes related to the collection of the City's transactions and use  
2 taxes by the Board pursuant to the contract.

3 **Section 2.** That the City Manager, Finance & Administrative Services  
4 Director, and City Treasurer or other officer or employee of the City designated in  
5 writing by the City Manager to the Board of Equalization is hereby appointed to  
6 represent the City with authority to examine those transactions and use tax records  
7 of the Board for purposes related to the following governmental functions of the  
8 City: a) budget forecasting; b) revenue enhancement; and c) verification of  
9 business license. The information obtained by examination of Board records shall  
10 be used only for those governmental functions of the City listed above.

11 **Section 3.** That MuniServices, LLC is hereby designated to examine the  
12 transactions and use tax records of the Board of Equalization pertaining to  
13 transactions and use taxes collected for the City by the Board. The person or entity  
14 designated by this section meets all of the following conditions:

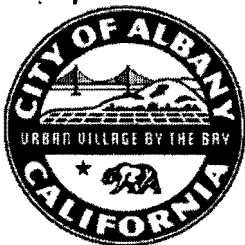
- 15 a) Has an existing contract with the City to examine those transactions and  
16 use tax records;
- 17 b) Is required by that contract to disclose information contained in or  
18 derived from those transactions and use tax records only to the officer or  
19 employee authorized under Section 1 or Section 2 of this resolution to  
20 examine the information;
- 21 c) Is prohibited by that contract from performing consulting services for a  
22 retailer during the term of that contract;
- 23 d) Is prohibited by that contract from retaining the information contained  
24 in, or derived from those transactions and use tax records after that  
25 contract has expired.

26 **BE IT FURTHER RESOLVED** that the information obtained by  
27 examination of Board records shall be used only for purposes related to the  
28 collection of City's transactions and use taxes by the Board pursuant to the  
29 contracts between the City and Board.

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Introduced, approved and adopted this 6th day of May, 2013.

  
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PEGGY THOMSEN, MAYOR



# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • [www.albanyca.org](http://www.albanyca.org)

**RESOLUTION NO. 2013-17**

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 6th day of May, 2013, by the following votes:

AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile & Mayor Thomsen

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 7th

Day of May, 2013.

Eileen Harrington  
DEPUTY CITY CLERK