

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: May 3, 2021
Reviewed by: NA

SUBJECT: Updating the Contract with Avenu Insights & Analytics/dba
MuniServices to Provide Sales or Transactions and Use Tax Records
Analysis

REPORT BY: Heather Rowden, Finance Director

SUMMARY

The California Department of Tax and Fee Administration (CDTFA), previously under the California Board of Equalization, is requiring an update to the contract between the City and Avenu Insights & Analytics, doing business as MuniServices, LLC, to create consistency in naming between the City's authorization to release information and the CDTFA's agreement.

STAFF RECOMMENDATION

That the Council adopt Resolution No. 2021-39, authorizing examination of sales or Transactions and Use Tax Records with the amendment to the current sales or transactions and use tax services agreement.

BACKGROUND

While the company has been through several acquisitions and name changes, the City of Albany contracted with what is now known as Avenu Insights & Analytics in the late 1980s to provide sales and use tax audit and analysis services. When the City passed its local transaction tax, the new tax was added to the scope of services provided by this contract.

While the parent company's official name is Avenu Insights & Analytics, MuniServices, LLC is a separate legal entity and has continued working under that name even after the acquisition. Based on an internal contract review, the CDTFA Legal Department is requiring that all Sales, Transaction and Use Tax contracts and resolutions consistently reference the same company name, MuniServices, LLC, to properly comply with Revenue and Taxation Code section (RTC) 7056, section, subdivision (b).

ANALYSIS

The proposed change is to ensure consistency between the City's documents and the documents on file with CDTFA. No changes are being made to the services being provided to the City.

SUSTAINABILITY CONSIDERATIONS

N/A

SOCIAL EQUITY AND INCLUSIVITY CONSIDERATIONS

N/A

CITY COUNCIL STRATEGIC PLAN INITIATIVES

N/A

FINANCIAL CONSIDERATIONS

No changes to the cost of the contract are being proposed.

Attachments

1. Resolution No. 2021-39

1 **Section 1.** That the City Manager, Finance Director and City Treasurer, or other officer or
2 employee of the City designated in writing by the City Manager to the California Department
3 of Tax and Fee Administration is hereby appointed to represent the City with authority to
4 examine sales or transactions and use tax records of the Department pertaining to sales or
5 transactions and use taxes collected for the City by the Department pursuant to the contract
6 between the City and the Department.

7
8 **Section 2.** The information obtained by examination of Department records shall be used only
9 for purposes related to the collection of City sales or transactions and use taxes by the
10 Department pursuant to that contract.

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

13
14 **Section 3.** That MuniServices, LLC. is hereby designated to examine the sales or transactions
15 and use tax records of the Department pertaining to sales or transactions and use taxes collected
16 for the City by the Department. The person or entity designated by this section meets all of the
17 following conditions, which are also included in the contract between the City and the
18 MuniServices, LLC.:

- 19
20 a) has an existing contract with the City to examine those sales or transactions and use tax
21 records;
- 22 b) is required by that contract to disclose information contained in, or derived from, those
23 sales or transactions and use tax records only to the officer or employee authorized under
24 Section 1 of this resolution to examine the information.
- 25 c) is prohibited by that contract from performing consulting services for a retailer during the
26 term of that contract;
- 27
28 d) is prohibited by that contract from retaining the information contained in, or derived from
29 those sales or transactions and use tax records, after that contract has expired.

1 **BE IT FURTHER RESOLVED**, that the information obtained by examination of
2 Department records shall be used only for purposes related to the collection of City [sales or
3 transactions and use taxes] by the Department pursuant to the contract between the City and
4 the Department.

5
6 **Section 4.** That MuniServices, LLC is hereby designated to examine the sales or transactions
7 and use tax records of the Department pertaining to any petition or appeal for the
8 reallocation/redistribution of sales or transactions and use taxes that was filed by
9 MuniServices, LLC on behalf of the City pursuant to the contract between the MuniServices,
10 LLC and City. The person or entity designated by this section meets all of the following
11 conditions, which are also included in the contract between the City and the MuniServices,
12 LLC:

- 13
- 14 a) has an existing contract with the City to examine those sales or transactions and use tax
15 records;
- 16 b) is required by that contract to disclose information contained in, or derived from, those
17 sales or transactions and use tax records only to the officer or employee authorized under
18 Section 1 of this resolution to examine the information.
- 19 c) is prohibited by that contract from performing consulting services for a retailer during the
20 term of that contract;
- 21 d) is prohibited by that contract from retaining the information contained in, or derived from
22 those sales or transactions and use tax records, after that contract has expired.

23
24 **Section 5.** That this resolution supersedes all prior resolutions of the City Council of the City
25 of Albany adopted pursuant to subdivision (b) of Revenue and Taxation Code section 7056.

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29 GE'NELL GARY, MAYOR