

RESOLUTION NO. 2021-243

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING HDL COMPANIES TO EXAMINE SALES AND USE TAX RECORDS
ON FILE WITH THE CALIFORNIA DEPARTMENT OF TAX AND FEE
ADMINISTRATION**

WHEREAS, pursuant to Ordinance Number 2000-12, the City of Elk Grove entered into a contract with the State Board of Equalization to perform all functions incident to the administration and collection of sales and use taxes; and

WHEREAS, the City Council of the City of Elk Grove deems it desirable and necessary for an authorized representative of the City to examine confidential sales and use tax records of the State Board of Equalization or its successor agency, the California Department of Tax and Fee Administration (collectively, or in the alternative, the "Department") pertaining to sales and use taxes collected by the Department for the City pursuant to that contract; and

WHEREAS, pursuant to Resolution No. 2000-29, the City Manager is authorized to represent the City with authority to examine sales and use taxes as well as designate, in writing, another officer or employee to represent the City of Elk Grove with authority to examine sales and use tax records of the Department; 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; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code requires that any person designated by the City Manager shall have an existing contract to examine the City's sales and use tax records.

NOW, THEREFORE, BE IT RESOLVED that Hinderliter, De Llamas & Associates dba HdL Companies (HdL Companies) is hereby designated to examine the sales and use tax records of the Department pertaining to sales and use taxes collected for the City by the Department and to examine tax records pertaining to taxes collected for the City under any future Transactions and Use Tax Ordinance that may be enacted in the City. 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 the contract between the City and the Department, and for purposes related to the following governmental functions of the City:

- Budget Development
- Revenue analysis and forecasting
- Economic Development

- Economic Analysis
- Strategic Planning and Innovation

AND, BE IT FURTHER RESOLVED that the person or entity designated by this resolution meets all of the following conditions:

- a) has an existing contract with the City to examine sales and use tax records;
- b) is required by that contract to disclose information contained in, or derived from, those sales and use tax records only to the City Manager or a designated officer or employee, authorized in writing, 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.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 25th day of August 2021




BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2021-243**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)


I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 25, 2021 by the following vote:

AYES: COUNCILMEMBERS: Singh-Allen, Nguyen, Hume, Spease, Suen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



**Jason Lindgren, City Clerk
City of Elk Grove, California**