

RESOLUTION NO. 23-027

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO AUTHORIZING EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS

WHEREAS, pursuant to Ordinance Number 361, the County of Mendocino 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 sales and use taxes; and

WHEREAS, on November 8, 2022, the citizens of the County of Mendocino voted to approve an Ordinance amending Chapter 5.170 of Title 5 of the Mendocino County Code expanding a library special local transactions and use tax, and pursuant to Ordinance Numbers 4510, 4387, and 4277, and Revenue and Taxation Code section 7270, the County entered into a contract with Department to perform all functions incident to the administration and collection of transactions and use taxes; and

WHEREAS, the Board of Supervisors of the County of Mendocino deems it desirable and necessary for authorized officers, employees and representatives of the County 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 County 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 BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO HEREBY RESOLVES AS FOLLOWS:

Section 1. That the Chief Executive Officer, or other officer or employee of the County designated in writing by the Chief Executive Officer to the California Department of Tax and Fee Administration is hereby appointed to represent the County with authority to examine sales or transactions and use tax records of the Department pertaining to sales or transactions and use taxes collected for the County by the Department pursuant to the contract between the County and the Department.

Section 2. The information obtained by examination of Department records shall be used only for purposes related to the collection of County sales or transactions and use taxes by the Department pursuant to that contract, and for purposes related to the following governmental functions of the County:

- (a) Functions of the Chief Executive Officer
- (b) Functions of the Auditor-Controller/Treasurer-Tax Collector
- (c) Functions of the Assessor, Clerk-Recorder

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

Section 3. That Hinderliter de Llamas and Associates DBA HdL Companies is designated to examine the sales or transactions and use tax records of the Department pertaining to Ordinance No. 361, collected for the County 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 County and Hinderliter de Llamas and Associates DBA HdL Companies:

- a) has an existing contract with the County to examine those sales or transactions and use tax records;
- b) is required by that contract to disclose information contained in, or derived from, those sales or transactions 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;
- 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.

Section 4. That this resolution supersedes all prior resolutions of the Board of Supervisors of the County of Mendocino adopted pursuant to subdivision (b) of Revenue and Taxation Code section 7056.

BE IT FURTHER RESOLVED that the information obtained by examination of Department records shall be used only for purposes related to the collection of County sales or transactions and use taxes by the Department pursuant to the contract between the County and the Department and for those purposes relating to the governmental functions of the County listed in section 2 of this resolution.

The foregoing Resolution introduced by Supervisor Haschak, seconded by Supervisor Williams, and carried this 7th day of February, 2023, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams
 NOES: None
 ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE
 Clerk of the Board

 GLENN MCGOURTY, Chair
 Mendocino County Board of Supervisors

 Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
 CHRISTIAN M. CURTIS
 County Counsel

BY: DARCIE ANTLE
 Clerk of the Board

 Deputy