

RESOLUTION NUMBER R- 305937
DATE OF FINAL PASSAGE JUL 02 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO TO AUTHORIZE MUNISERVICES LLC TO EXAMINE PROPERTY, SALES AND USE TAX RECORDS ON BEHALF OF THE CITY OF SAN DIEGO.

WHEREAS, the City issued a Sales and Use Tax Audit and Recovery Services Request for Proposal dated October 9, 2008 [RFP]; and

WHEREAS, MuniServices LLC [MuniServices] submitted a bid in response to the City's RFP and was selected to provide revenue enhancement and information services for two (2) years with an option to renew for three (3) additional one (1) year periods; and

WHEREAS, the terms of the contract between the City and MuniServices are expressed in the RFP, MuniServices' submitted proposal dated October 21, 2008, and a Best and Final Offer dated January 15, 2009, [collectively, the Agreement]; and

WHEREAS, the Agreement for revenue enhancement and information services terminates in March of 2011; and

WHEREAS, the City Council of the City of San Diego [City] deems it desirable and necessary for authorized representatives of the City to examine confidential sales and use tax records of the State Board of Equalization [Board] pertaining to sales and use taxes collected by the Board for the City; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Board records, and establishes criminal penalties for unlawful disclosure of information contained in, or derived from, the sales and use tax records of the Board; and

WHEREAS, Resolution R-304740, adopted by the City Council on April 1, 2009, designated MuniServices as the City's Authorized Representative in order to examine the sales and use tax records of the Board pertaining to sales and use taxes collected for the City by the Board; and,

WHEREAS, the State Board of Equalization will not accept a designation of an authorized representative unless such designation states the specific titles of staff who review the confidential information retained by the Board; and,

WHEREAS, it is the desire of the City to provide designations stating the specific titles of staff who review the confidential information retained by the Board; and,

WHEREAS, the City would also like to contract with MuniServices to provide property tax audit revenue enhancement and information services; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, as follows:

Section 1. That the foregoing recitals are true and correct.

Section 2. That the Mayor, the Chief Operating Officer or the Chief Financial Officer, or other officer or employee of the City designated in writing by the Mayor, the Chief Operating Officer or the Chief Financial Officer to the Board [City's Authorized Representative], is hereby appointed to represent the City with authority to examine sales and use tax records of the Board pertaining to sales and use taxes collected for the City by the Board. The information obtained by examination of Board records shall be used only for purposes related to collection of City sales and use taxes by the Board pursuant to that contract.

Section 3. That the Mayor, Chief Operating Officer or the Chief Financial Officer or other officer or employee of the City designated in writing by the Mayor, the Chief Operating

Officer or the Chief Financial Officer to the Board, is hereby appointed to represent the City with authority to examine those sales and use tax records of the Board for purposes related to the governmental functions of the City.

Section 4. That MuniServices is hereby designated to examine the sales and use tax records of the Board pertaining to sales 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 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 officer or employee authorized under Section 2 or Section 3 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; and
- d. is prohibited by that contract from retaining the information contained in, or derived from those sales and use tax records, after that contract has expired.

The information obtained by examination of Board records shall be used only for purposes related to the collection of City sales and use taxes by the Board pursuant to the contract between the City and the Board and for purposes relating to the governmental functions of the City.


Section 5. That the Mayor, the Chief Operating Officer or the Chief Financial Officer, in consultation with the City Attorney, is hereby authorized and directed to cause to be executed the Agreement with MuniServices to be amended to allow for MuniServices to provide

property tax revenue enhancement and information services at the same contingency fee rate as the rate charged for sales and use tax audit and recovery.

Section 6. That MuniServices is authorized to obtain and view all City of San Diego property tax information retained by the County Auditor's Office, County Assessor's Office, Office of the Treasurer - Tax Collector, and other County offices related to the performance of property tax revenue enhancement and information services as the City's property tax consultant.

Section 7. Effective Date. This Resolution shall take effect immediately upon its adoption.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Paul F. Prather
Deputy City Attorney

PF:sc
06/07/10
Or.Dept:FM
R-2010-851

RECEIVED
CITY OF SAN DIEGO
JUN 10 2010

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 22 2010.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7-2-10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor