

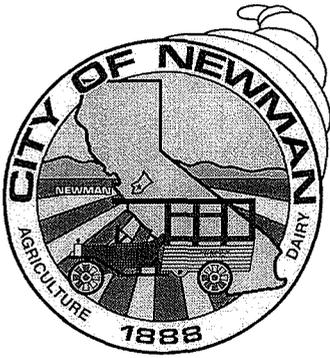
AGENDA
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
SPECIAL MEETING JULY 6, 2010
CITY COUNCIL CHAMBERS, 5:30 P.M., 1200 MAIN STREET

1. Call To Order.
2. Roll Call.
3. Declaration Of Conflicts Of Interest.
4. Items from the Public - Non-Agenda Items.
5. Regular Business
 - a. Examination Of Sales And Use Tax Records.
 - I. Adopt Resolution No. 2010- , A Resolution Of The City Council Of The City Of Newman Authorizing Examination Of Sales And Use Tax Records.
 - II. Adopt Resolution No. 2010- , A Resolution Of The City Council Of The City Of Newman Designating A City Consultant As The Authorized City Representative To Examine Sales And Use Tax Records.
6. Items From The City Manager And Staff.
7. Items From City Council Members.
8. Adjournment.

Calendar of Events

July 4 - Independence Day Holiday
July 5 - City Offices Closed For Independence Day Holiday
July 6 - Special City Council - 7:00 P.M.
July 8 - Recreation Commission - 7:00 P.M.
July 12 - Baseball Board Meeting - 6:00 P.M.
July 13 - City Council - 7:00 P.M.
July 15 - Planning Commission - 7:00 P.M.
July 20 - Two-On-Two Meeting With The School Board - 4:00 P.M.
July 27 - City Council - 7:00 P.M.

August 9 - Baseball Board Meeting - 6:00 P.M.
August 9 - NCLUSD Board Meeting - 6:00 P.M.
August 10 - City Council - 7:00 P.M.
August 12 - Recreation Commission - 7:00 P.M.
August 13 - City Furlough Day - City Offices Closed
August 17 - Two-On-Two Meeting With The School Board - 4:00 P.M.
August 19 - Planning Commission - 7:00 P.M.
August 24 - City Council - 7:00 P.M.



**City of Newman
City Manager's Office
Memorandum**

**Date: July 1, 2010
To: City Council
From: Michael E. Holland, City Manager**

Subject: Resolution authorizing examination of sales and use tax records.

It has been a number of years since the City has completed a resolution which authorizes officers and employees to examine sales and use tax records. Due to an upcoming trip to Sacramento to meet with the Board of Equalization, it is important to update the information and add CA consulting to the list and allow the City Manger the authority to designate in writing an employee or officer other than the City Manager and Finance Director. This will allow the Mayor to also attend the meeting. Attached are two resolutions for your consideration.

RESOLUTION NO. 2010-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN AUTHORIZING
EXAMINATION OF SALES AND USE TAX RECORDS**

WHEREAS, pursuant to ordinance No. 201, the City of Newman entered into a contract with the State Board of Equalization to perform all functions incident to the administration and collection of local sales and use taxes; and

WHEREAS, the City Council of the City of Newman 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 pertaining to sales and use taxes collected by the Board for the City 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 Board records, and establishes criminal penalties for the unlawful disclosure of information contained in, or derived from, the sales and use tax records of the Board;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWMAN HEREBY
RESOLVES AS FOLLOWS:**

Section 1. That the *City Manager and Finance Director*, 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 sales and use tax records of the Board pertaining to sales 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 used only for purposes related to the collection of City sales and use taxes by the Board pursuant to that contract.

*Section 2. That the *City Manager or Finance Director* or other officer or employee of the City designated in writing by the *City Manger* 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 following governmental functions of the City:

- (a) Accuracy of sal tax reporting – point of sale
- (b) Verification of business establishment within the City Limits
- (c) Enhancement of sale tax revenue projections

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

*Section 3. That The HdL Companies 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 1 (*or section 2) 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 listed in section 2 of this resolution).

***Section 4. That this resolution supercedes all prior resolutions of the City Council of the City of Newman adopted pursuant to subdivision (b) of Revenue and Taxation Code Section 7056.**

*** Include in resolution only if applicable.**

The foregoing resolution was introduced at a special meeting of the City Council of the City of Newman held on the 6th day of July, 2010 by Council Member _____, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk

RESOLUTION NO. 2010-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN
DESIGNATING A CITY CONSULTANT AS THE AUTHORIZED CITY REPRESENTATIVE
TO EXAMINE SALES AND USE TAX RECORDS**

WHEREAS, pursuant to California Revenue and Taxation Code Section 7200, et seq., the City of NEWMAN has adopted a sales and use tax ordinance which imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization along the same and existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes; and

WHEREAS, pursuant to California Revenue and Taxation Code Section 7056, the City of NEWMAN, by resolution, may designate any officer, employee or any other person to examine all of the sales and use tax records of the Board pertaining to sales and use taxes collected for the City; and

WHEREAS, the City of NEWMAN has entered into an agreement for grant applications, information services and State Government Advocacy with the firm of California Consulting LLC, to designate California Consulting as the authorized consultant to examine such sales tax records maintained by the Board on behalf of the City of NEWMAN; and

WHEREAS, all legal prerequisites prior to the adoption of the resolution have occurred.

NOW, THEREFORE BE IT RESOLVED that the CITY OF NEWMAN CITY COUNCIL does hereby resolve as follows:

Section 1. In all respects as set forth above, the NEWMAN City Council hereby certifies to the State Board of Equalization that California Consulting LLC is a designated representative of the City of NEWMAN to examine all of the sales and use tax records of the Board pertaining to sales and use taxes collected by the Board on behalf of the City of NEWMAN.

Section 2. Pursuant to California Revenue and Taxation Section 7056(b), the NEWMAN City Council hereby certifies that California Consulting LLC, hereafter referred to as "Consultant", meets all of the following conditions:

a. Consultant has an existing contract with the City to provide State Government Advocacy that may required them examine sales and use tax records.

b. Consultant is required by that contract to disclose information contained in, or derived from, those sales and use tax records only to an officer or employee of the City who is authorized by resolution to examine the information.

c. Consultant is prohibited by the contract from performing consulting services for a retailer during the term of the contract.

d. Consultant is prohibited by the contract from retaining the information contained in, or derived from, those sales tax records after the contract has expired.

The foregoing resolution was introduced at a special meeting of the City Council of the City of Newman held on the 6th day of July, 2010 by Council Member _____, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk