

RESOLUTION NO. 2024-XX

A RESOLUTION OF THE CITY OF SANTA ANA  
AUTHORIZING EXAMINATION OF SALES AND USE TAX  
RECORDS AND TRANSACTIONS AND USE TAX  
RECORDS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA, AS  
FOLLOWS:

Section 1. The City Council of the City of Santa Ana conclusively finds,  
determines and declares as follows:

WHEREAS, pursuant to Ordinance No. NS-1187, the City of Santa Ana (“City”) entered into a contract with the California Department of Tax and Fee Administration (“CDTFA”) to perform all functions incident to the administration and collection of sales and use taxes; and

WHEREAS, pursuant to Ordinance No. NS-2952 and California Revenue and Taxation Code Section 7270, the City entered into a contract with the CDTFA to perform all functions incident to the administration and collection of transactions and use taxes; and

WHEREAS, the City deems it desirable and necessary for authorized officers, employees and representatives of the City to examine confidential sales and use tax records and transactions and use tax records of the CDTFA pertaining to sales and use taxes, and transactions and use taxes collected by the CDTFA for the City; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of CDTFA 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 and use tax records or transactions and use tax records of the CDTFA;

NOW, THEREFORE, it is hereby ORDERED, RESOLVED and DETERMINED, as follows:

Section 2. The Executive Director of Finance and Management Services, Assistant Director of Finance and Management Services, Treasury and Customer Services Manager, Budget and Research Manager, Budget Supervisor, Senior Management Analyst, Management Analyst, Revenue Supervisor, and/or other officer or employee of the City designated in writing by the Executive Director of Finance and Management Services to the CDTFA (collectively, “Designated Employee”) are hereby appointed to represent the City with authority to examine sales and use tax records, and transactions and use tax records of the CDTFA pertaining to sales and use taxes, and

transactions and use taxes collected for the City by the CDTFA pursuant to the contract between the City and the CDTFA.

Section 3. The Designated Employee is hereby appointed to represent the City with the authority to examine those sales and use tax records and transaction and use tax records for purposes related to the collection of City sales and use taxes, and transactions and use taxes by the CDTFA pursuant to that contract, and for purposes related to the following governmental functions of the City:

- a) Detection of misallocations and deficiencies;
- b) Revenue tracking and economic development;
- c) Forecasting and budget-related functions; and
- d) Comparative audit of local jurisdiction taxes.

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

Section 4. Hinderliter, de Llamas and Associates (“HdL”) is hereby designated to examine all of the sales and use tax records, and transactions and use tax records of the CDTFA pertaining to sales and use taxes and transactions and use taxes collected for the City by the CDTFA, with records beginning April 1, 2024. The person or entity designated by this section meets all of the following conditions, which are also included in the contract between the City and HdL:

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

Section 5. The information obtained by examination of CDTFA records shall be used only for purposes related to the collection of City’s sales and use taxes or transactions and use taxes by the CDTFA pursuant to the contract between the City and the CDTFA and for those purposes relating to the governmental functions of the City listed in section 2 of this resolution.

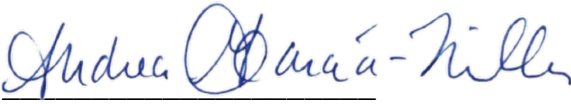
Section 6. This resolution supersedes all prior resolutions of the City Council of the City of Santa Ana adopted pursuant to subdivision (b) of Revenue and Taxation Code section 7056.

Section 7. This Resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall attest to and certify the vote adopting this Resolution.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Valerie Amezcua  
Mayor

APPROVED AS TO FORM:  
Sonia R. Carvalho  
City Attorney

By:   
Andrea Garcia-Miller  
Assistant City Attorney

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____
NOT PRESENT:	Councilmembers:	_____

#### CERTIFICATION OF ATTESTATION AND ORIGINALITY

I, JENNIFER HALL, City Clerk, do hereby attest to and certify the attached Resolution No. 2024-\_\_\_\_\_ to be the original resolution adopted by the City Council of the City of Santa Ana on the \_\_\_\_ day of \_\_\_\_\_, 2024.

Date: \_\_\_\_\_

\_\_\_\_\_  
City Clerk  
City of Santa Ana