

**RESOLUTION NO. 2022-XXX****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SANTA ANA AUTHORIZING A RECIPROCAL AGREEMENT  
WITH THE CALIFORNIA FRANCHISE TAX BOARD FOR  
THE EXCHANGE OF BUSINESS LICENSE TAX DATA**

WHEREAS, Chapter 21 of the Santa Ana Municipal Code is known as the Business License Tax Code of the City of Santa Ana ("City"), and Section 21-5 states: "It shall be unlawful for any person, whether as principal or agent, clerk or employee, either for himself or for any other person, or for body corporate, or as an officer of any corporation to transact and carry on any business, trade, profession, calling or occupation in the city without first having procured a license from the city to do so or without complying with all applicable provisions of this Code."; and

WHEREAS, this data exchange program began as a result of the enactment of Senate Bill 1146 on September 26, 2008, which authorized a city to enter into a reciprocal agreement with the California Franchise Tax Board ("FTB") to exchange tax data to enable both parties to identify any non-compliant businesses; and

WHEREAS, in June 2015, the City Council approved an agreement with the FTB to exchange data related to Business Licensing, and the agreement with the FTB expired on December 31, 2017; and

WHEREAS, the City desires to enter into such an agreement with FTB with a term from July 19, 2022, or date of adoption of this resolution, through December 31, 2024.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Santa Ana as follows:

**Section 1.** The City approves entering into a reciprocal agreement with FTB for the exchange of business license tax data.

**Section 2.** The City appoints and authorizes the Finance Director and his/her designee(s), and each of them, as agent(s) of the City to conduct all negotiations, execute and submit documents, including, but not limited to, the standard agreement, applications, amendments, memoranda of understanding, payment requests and so on, which may be necessary for participation in and completion of the aforementioned reciprocal agreement, including any extensions or amendments thereof, subject to prior approval as to form by the City Attorney's Office.

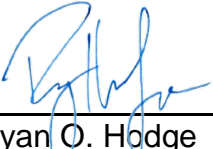
**Section 3.** A signed copy of this resolution shall be transmitted to the FTB in conjunction with the filing of an application.

**Section 4.** This Resolution shall take effect immediately upon its adoption by a majority of the City Council.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Vicente Sarmiento  
Mayor

APPROVED AS TO FORM:  
Sonia R. Carvalho  
City Attorney

By:   
\_\_\_\_\_  
Ryan O. Hodge  
Assistant City Attorney

AYES: Councilmembers \_\_\_\_\_  
NOES: Councilmembers \_\_\_\_\_  
ABSTAIN: Councilmembers \_\_\_\_\_  
NOT PRESENT: Councilmembers \_\_\_\_\_

### **CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, DAISY GOMEZ, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2022 -XXX to be the original resolution adopted by the City Council of the City of Santa Ana on \_\_\_\_\_, 2022.

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

\_\_\_\_\_  
Clerk of the Council  
City of Santa Ana