

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION AUTHORIZING AN AGREEMENT WITH HINDERLITER DE LLAMAS AND
COMPANIES FOR TAX AUDITING AND CONSULTING SERVICES IN AN AMOUNT NOT TO
EXCEED \$1,000,000 FOR THE TERM OCTOBER 1, 2022 THROUGH JUNE 30, 2025 AND
AUTHORIZING EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX
RECORDS**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, pursuant to Ordinance Number 1434, the County of San Mateo (County) 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, pursuant to Revenue and Taxation Code section 7270 and Chapter 5.152 of the San Mateo County Ordinance Code, and Ordinance Number 04761, the County of San Mateo (County) 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 retail transactions (sales) and use taxes; and

WHEREAS, the Board 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; and

WHEREAS, there has been presented to this Board of Supervisors for its consideration and acceptance an agreement, reference to which is hereby made for further particulars, whereby Hinderliter, de Llamas and Companies (“HdL”) will provide tax audit and consulting services in an amount not to exceed \$1,000,000 for the term October 1, 2022 through June 30, 2025; and

WHEREAS, the Board has been presented with the agreement and has approved it as to both form and content and desires to enter into the agreement.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN MATEO HEREBY RESOLVES that the President of the Board of Supervisors be and is hereby authorized and directed to execute said agreement with HdL for and on behalf of the County of San Mateo, and the Clerk of this Board shall attest the President’s signature thereto; and

BE IT FURTHER RESOLVED that the County Executive or the County Executive’s designee is authorized to execute contract amendments which modify the County’s maximum fiscal obligation by no more than \$25,000 (in aggregate), and/or modify the

contract term and/or services so long as the modified term or services is/are within the current or revised fiscal provisions.

BE IT FURTHER RESOLVED AS FOLLOWS:

Section 1. That the County Executive and County Controller, or other officer or employee of the County designated in writing by the County Executive or County Controller 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.

Section 3. HdL is hereby designated to examine the 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. 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 HdL:

- 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.

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 or for purposes related to other governmental functions of the county set forth in the resolution including other revenue tracking and projections.

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

ATTEST: (s) _____
Clerk of the Board

I, _____, Clerk of the Board of the County of _____, California, DO HEREBY CERTIFY that the foregoing resolution was duly introduced, approved and adopted by the Board of Supervisors of the County of San Mateo, at a regular meeting of said Board of Supervisors held on the _____ day of _____, 20____, by the following roll-call vote:

Ayes: (Names of Supervisors)

Noes: (Names of Supervisors)

Absent: (Names of Supervisors)

(s) _____
Clerk of the Board