

RESOLUTION NO.

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

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**RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH
HINDERLITER, DE LLAMAS & ASSOCIATES, DATED DECEMBER 13, 2016,
INCORPORATING THE PROVISIONS OF CALIFORNIA REVENUE AND TAXATION
CODE SECTION 7056**

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

WHEREAS, pursuant to San Mateo County Board Resolution 066528, adopted March 2, 2004, the County of San Mateo ("County") authorized the County Manager, County Controller, and the County's then-contracted sales tax auditor, Hinderliter, de Llamas & Associates ("HdL"), to access confidential sales and transactions and use tax records from the State Board of Equalization ("BOE") to perform all functions incident to the administration and collection of local sales transactions and use taxes, and further authorized the County Manager or County Controller to designate in writing to the BOE other County officers or employees authorized to examine such confidential records; and

WHEREAS, pursuant to Board Resolution 074932, adopted December 13, 2016, the County has entered into an agreement with HdL for the provision of sales and use tax recovery, auditing and consulting services for the term January 1, 2017 through December 31, 2019, in an amount not exceeding \$800,000; and

WHEREAS, in connection with its most recent contract with the County, it is

necessary for HdL, as an authorized representative of the County, to examine confidential sales or transactions and use tax records of the BOE pertaining to sales or transactions and use taxes collected by the BOE for the County; and

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

WHEREAS, Section 7056 of the California Revenue and Taxation Code requires that any person designated by the County shall have an existing contract to examine the County's sales or transactions and use tax records.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that Hinderliter, de Llamas & Associates is hereby designated to examine the sales and/or transactions and use tax records collected for the County by the BOE, and meets all of the following conditions:

- 1) HdL has an existing contract with the County to examine sales or transactions and use tax records; and
- 2) HdL 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 employees of the County who is authorized by resolution to

examine the information; and

- 3) HdL is prohibited by that contract from performing consulting services for a retailer during the term of the Agreement; and
- 4) HdL 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; and

BE IT FURTHER RESOLVED that the information obtained through examination of BOE records shall be used only for purposes related to the collection of County sales or transactions and use taxes, or for other governmental functions of the County, pursuant to the contract between the County and the State BOE.

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