



NAPA VALLEY TRANSPORTATION AUTHORITY-TAX AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Karrie Sanderlin, Program Manager-Administration and Human Resources
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SUBJECT: Resolution No. 18-01-TA Authorizing the Examination of Transactions (Sales) and Use Tax Records

RECOMMENDATION

That the Napa Valley Transportation Authority-Tax Agency (NVTA-TA) Board approve Resolution No. 18-01-TA (Attachment1) Authorizing the Examination of Transactions (Sales) and Use Tax Records.

COMMITTEE RECOMMENDATION

None

EXECUTIVE SUMMARY

State law requires that NVTA-TA authorize representatives of the agency to examine confidential transactions and use tax records of the Department of Tax and Fee Administration (formerly known at the State Board of Equalization) pertaining to transactions and use taxes collected by the Department for the Agency. (Revenue and Tax Code section 7056). Approval of Resolution 18-01-TA (Attachment 1) by the NVTA-TA Board would complete this requirement.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comment
3. Motion, Second, Discussion and Vote

FISCAL IMPACT

Is there a Fiscal Impact? No

CEQA REQUIREMENTS

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (California Environmental Quality Act (CEQA) Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

On November 6, 2012, voters in the County of Napa approved the Napa Countywide Road Maintenance Act Transactions and Use Tax Ordinance No. 2012-01. On December 12, 2012 the Agency authorized the Executive Director to enter into agreements with the Department of Tax and Fee Administration (formally the State Board of Equalization) for both preparatory and ongoing administrative functions incidental to the administration and operation of the ordinance (Revenue and Tax Code section 7270). State law requires that NVTA-TA authorize representatives from the agency to examine confidential transactions and use tax records of the Department of Tax and Fee Administration pertaining to transactions and use taxes collected by the Department for the NVTA-TA. (Revenue and Tax Code section 7056). Approval of Resolution 18-01-TA (Attachment 1) would complete this requirement.

SUPPORTING DOCUMENTS

Attachment: (1) Resolution No. 18-01-TA

RESOLUTION NO.18-01-TA

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY-TAX AGENCY (NVTA-TA)
AUTHORIZING THE EXAMINATION OF
TRANSACTIONS (SALES) AND USE TAX RECORDS**

WHEREAS, pursuant to Ordinance No. 2012-01 of the Napa Valley Transportation Authority-Tax Agency and Section 7270 of the Revenue and Taxation Code, the Napa Valley Transportation Authority-Tax Agency, hereinafter referred to as NVTA-TA, entered into a contract with the Department of Tax and Fee Administration, hereinafter referred to as the Department, to perform all functions incident to the administration and operation of the Transactions and Use Tax Ordinance; and

WHEREAS, NVTA-TA deems it desirable and necessary for authorized representatives of the NVTA-TA to examine confidential transactions and use tax records of the Department of Tax and Fee Administration pertaining to transactions and use taxes collected by the Department for the NVTA-TA pursuant to that contract; and

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

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

NOW, THEREFORE IT IS RESOLVED AND ORDERED AS FOLLOWS:

Section 1. That the Executive Director, Director(s), and the County of Napa Auditor-Controller or other officer or employee of the NVTA-TA designated in writing by the Executive Director to the Department of Tax and Fee Administration is hereby appointed to represent the NVTA-TA with authority to examine transactions and use tax records of the Department pertaining to transactions and use taxes collected for the NVTA-TA by the Department pursuant to the contract between the NVTA-TA and the Department. The information obtained by examination of Department records shall be used only for purposes related to the collection of the NVTA-TA's transactions and use taxes by the Department pursuant to the contract.

Section 2. That County of Napa Auditor/Controller is hereby designated to examine the transactions and use tax records of the Board of Equalization pertaining to transactions and use taxes collected for the NVTA-TA by the Board. The person or entity designated by this section meets all of the following conditions:

- a) has an existing contract with the NVTA-TA to examine those transactions and use tax records;
- b) is required by that contract to disclose information contained in, or derived from those transactions 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;
- d) is prohibited by that contract from retaining the information contained in, or derived from those transactions and use tax records after that contract has expired.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Directors of the Napa Valley Transportation Authority-Tax Authority, at a regular meeting held on January 17, 2018 by the following vote:

Peter White, NVTA-TA Chair

Ayes:

Nays:

Absent:

ATTEST:

Karalyn E. Sanderlin, NVTA-TA Board Secretary

APPROVED:

Vicki A. Clayton, NVTA-TA General Counsel