



Legislation Text

File #: 22-644, **Version:** 1

Resolution authorizing the City Manager to execute an amendment to the consulting services agreement with MuniServices, LLC to extend its terms for an additional two-year period ending on June 30, 2024, for access to the Sales Tax Analytics & Reporting and Forecasting Services and Sales and Use Tax Audit Services.

WHEREAS, the City and MuniServices, entered into a Consulting Services Agreement on or about July 1, 2017 (hereinafter “Agreement”) to perform, among other things, Sales and Use Tax Audit Services; and

WHEREAS, the City and MuniServices desire to extend the term of the Agreement pursuant to an option under the Agreement and have prepared an Amendment No. 1 for this purpose attached as Exhibit A; and

WHEREAS, on or about November 8, 2016 the City adopted the Measure W - So. San Francisco Fiscal Stability & Essential Services T&U (SSFR), which became effective on or about April 1, 2017 (the “District Tax”); and

WHEREAS, the California Department of Tax and Fee Administration (collectively, or in the alternative, the “Agency” formerly known as, the State Board of Equalization) has taken the position that general references to “sales and use tax” in an agreement that authorizes access to tax records held by the Authority are insufficient to allow access to information relating the collection of the District Tax by the Agency; and

WHEREAS, the City and MuniServices, without conceding the correctness of the Agency’s interpretation, deem it prudent to comply with the interpretation by amending the Agreement to specifically refer to the District Tax; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code imposes conditions on the access to information related to the collection of sales, transaction, and use tax by the Agency; and

WHEREAS, the proposed Amendment No. 1 contains additional language in compliance with Section 7056 and the City Council, by separate resolution, designates and authorizes MuniServices LLC to examine all of the sales and transactions and use tax records of the Agency pertaining to all sales and use taxes collected for City and any transaction and use taxes collected for City and takes additional related actions consistent with Section 7056.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South San Francisco that the City Council hereby approves Amendment No. 1 to the consulting services agreement with MuniServices LLC, attached hereto and incorporated herein as Exhibit A, for a two-year period ending on June 30, 2024.

BE IT FURTHER RESOLVED that the City Council of the City of South San Francisco authorizes the City Manager to execute Amendment No. 1 in substantially the same form as Exhibit A, and to make any revisions, amendments, corrections and modifications, subject to the approval of the City Attorney, deemed necessary to carry out the intent of this Resolution and which do not materially alter or increase the City's obligations thereunder.

BE IT FURTHER RESOLVED that the City Council of the City of South San Francisco authorizes the City Manager to take any related action reasonably necessary to carry out the intent of this Resolution.