

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE AUTHORIZING A RECIPROCAL
AGREEMENT WITH THE CALIFORNIA FRANCHISE
TAX BOARD FOR THE EXCHANGE OF BUSINESS
LICENSE TAX DATA**

WHEREAS, Chapter 5.04 of the Sunnyvale Municipal Code is known as the Business License Tax Ordinance of the City of Sunnyvale (“City”), and Section 5.04.100 states: “No person shall transact, engage in, or carry on any business within the city without first having procured a license from the city to do so and having paid the tax”; and

WHEREAS, the Business License Tax software currently used by City staff includes a number of exception reports to alert City staff of businesses operating in the City without a current tax certificate; 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 September 2009, the Council approved an agreement with the FTB to exchange data related to Business Licensing, and has since renewed it in 2012, 2015, 2018 and 2021, and the current agreement with the FTB expired on December 31, 2023; and

WHEREAS, the City desires to enter into the agreement with a term from January 1, 2024 or date of adoption of this resolution to December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. The City approves entering into a reciprocal agreement with the California Franchise Tax Board for the exchange of business license tax data;
2. The City of Sunnyvale appoints and authorizes the Finance Director and his/her designee(s), and each of them, as agent(s) of the City of Sunnyvale 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 Project, including any extensions or amendments thereof, subject to prior approval as to form by the City Attorney’s Office;

3. A signed copy of this resolution is transmitted to The California Franchise Tax Board in conjunction with the filing of the application.

Adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

DAVID CARNAHAN
City Clerk
(SEAL)

LARRY KLEIN
Mayor

APPROVED AS TO FORM:

JOHN A. NAGEL
City Attorney