



CITY OF SANTA BARBARA

VOTER INFORMATION PAMPHLET

GENERAL MUNICIPAL ELECTION TUESDAY, NOVEMBER 7, 2017 VOTE-BY-MAIL BALLOT ELECTION

Compiled and Distributed by the Office of the City Clerk
For more information please visit our website
at www.SBCityVote.org, or call (805) 564-5309
or toll free at (833) 465-4109.

IMPORTANT NOTICE

This is a VOTE-BY-MAIL BALLOT Election. There will be NO polling places designated. YOU MUST VOTE THE ENCLOSED BALLOT AND RETURN IT BY MAIL OR IN PERSON to one of the Official Drop-Off Centers listed on the following page, using the Return / Identification Envelope provided within this packet. Be sure to sign your name on the back of the Return Envelope. Vote-by-mail ballots must be postmarked or received in person by 8:00 p.m. on Tuesday, November 7, 2017.

Para Español, dé la vuelta al libro.

BT 1



City of Santa Barbara

City Clerk's Office

www.SantaBarbaraCA.gov

Tel: (805) 564-5309

Fax: (805) 897-2623

City Hall
735 Anacapa Street
Santa Barbara, CA
93101

PO Box 1990
Santa Barbara, CA
93102-1990

October 9, 2017

Dear Voter,

All City of Santa Barbara voters will receive a ballot this year to elect the City's next Mayor and to determine the outcome of Measure C, the Santa Barbara Critical Infrastructure and Essential Community Services Measure.

As a result of a 2015 settlement of a California Voting Rights Act lawsuit filed against the City, the voters of the City of Santa Barbara will be electing their Councilmembers "by-district" rather than at-large. This means that Council candidates must reside in, and be elected from, one of six geographical areas established by the City Council.

This year, voters will elect the Councilmembers in Council Districts 4 (Riviera), 5 (Upper State), and 6 (Downtown). Council Districts 1, 2, and 3 elected their Councilmembers in 2015, and will not vote again for Council seats until November 2019. These voters, however, will still vote this year for the Mayor and on Measure C.

You may determine which district covers your residence by viewing the District Boundary Map or clicking on the Voting District Look-up link on the Elections page on the City website at www.santabarbaraca.gov. You may also obtain more information on the districting process and the November 2017 City Election on the Elections page.

If you have questions regarding the Election, please call the City Clerk's Office at (805) 564-5309, and if you have questions regarding voter registration, please call the County Elections office at (805) 568-2200.

We appreciate your participation in this very important process!

Sincerely,

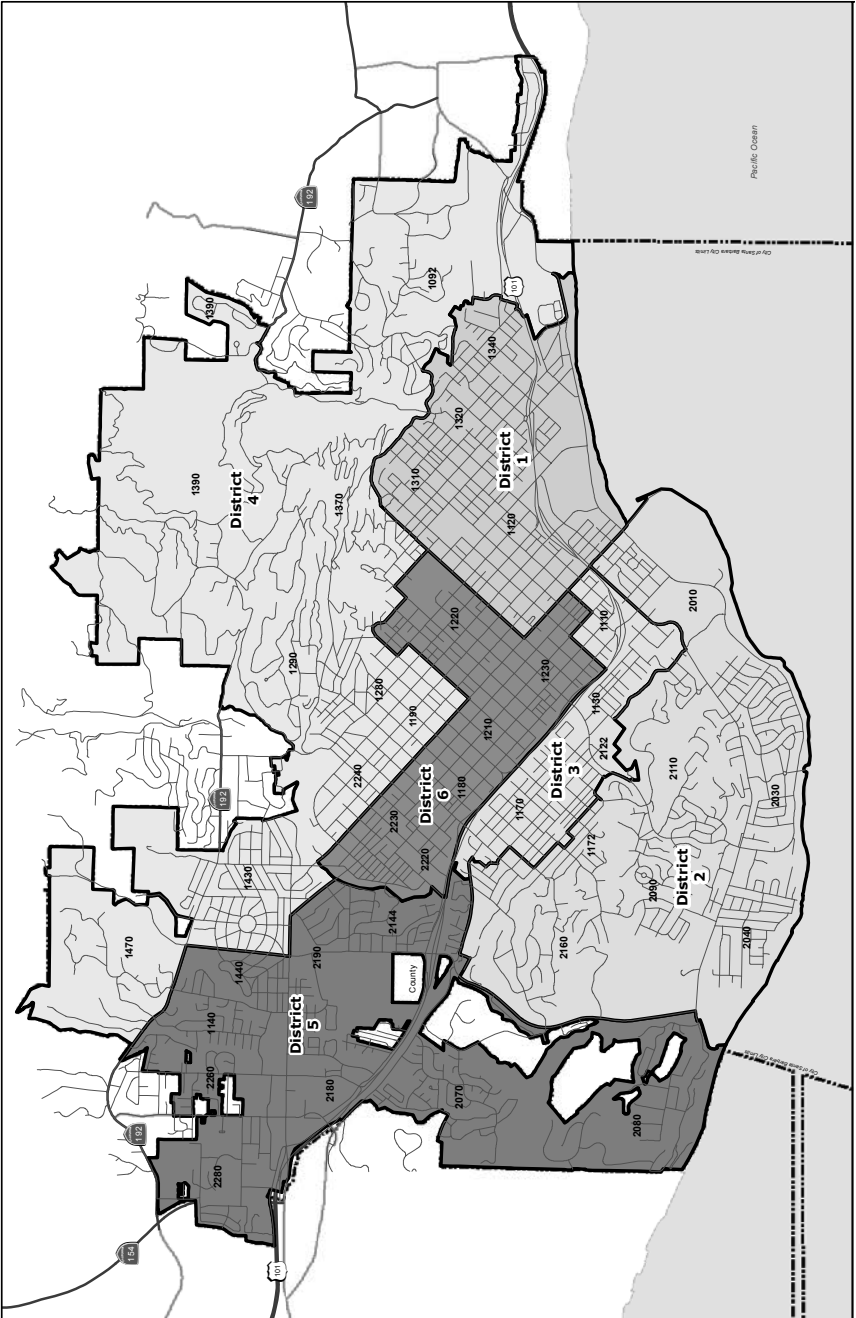
/s/ Paul Casey
City Administrator





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2017 Elections



**CITY OF SANTA BARBARA
GENERAL MUNICIPAL ELECTION
TUESDAY, NOVEMBER 7, 2017**

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VOTE EARLY!

Vote by Mail ballots may be dropped off at a Drop-Off Center or to the Elections Official by the close of the polls on election day. Pursuant to Elections Code Section 3020, Vote by Mail ballots received via United States Postal Service or a bona fide private mail delivery company must be postmarked or date/time stamped by November 7, 2017, and received by the elections official no later than 3 days after the election (November 10, 2017).

See Voting Instructions inside.

BALLOT DROP-OFF CENTERS

***** City Hall *****

City of Santa Barbara, City Hall (Lobby)
735 Anacapa Street, Santa Barbara, 93101

The City Clerk's Office drop-off center will be open
Monday - Thursday, 7:30 a.m. to 5:30 p.m.
and Fridays, 8:00 a.m. to 5:00 p.m.

(City Hall is closed every other Friday, but will be open Friday, November 3.),
Saturday, November 4, 2017, 8:00 a.m. to 5:00 p.m., AND
Election Day, Tuesday, November 7, 2017, 7:00 a.m. to 8:00 p.m.

***** Alternate Drop-Off Centers *****

***** Open Only On: *****

Election Day, Tuesday, November 7, 2017, 7:00 a.m. to 8:00 p.m.

Franklin Neighborhood Center, 1136 E. Montecito Street, 93103




Harding Elementary School, Room 1, 1625 Robbins Street, 93101

First Presbyterian Church, Fellowship Room, 21 E. Constance Ave., 93105



PLEASE READ AND FOLLOW INSTRUCTIONS CAREFULLY

A. HOW TO MARK YOUR BALLOT

1. To vote your ballot card, use a **BLACK PEN ONLY**.
FOR CANDIDATES: Completely fill in the oval  to the right of the candidate's name of your choice.
FOR WRITE-IN CANDIDATES: To vote for a qualified write-in candidate (a person not listed on the ballot), write in the name of the qualified write-in candidate in the space provided after the appropriate office and completely fill in the oval  to the right of the name written in. The vote will not be counted unless you have filled in the oval  to the right of the name written in. Do not write in a name that is already printed on the ballot.
2. All other distinguishing marks on the ballot are forbidden and make the ballot void. If you wrongly mark, tear or deface the ballot, return it to the Elections Official in the Identification/Return envelope, marking the spoiled ballot box on the frontside, and another ballot will be sent to you.

B. AFTER YOU HAVE VOTED YOUR BALLOT:

1. Remove the stub from the top of your ballot, put the ballot into the Identification/Return Envelope and seal it. **DO NOT** fold the ballot card. **DO NOT** put any other material in the Identification/Return Envelope.
2. On the back of the Identification/Return Envelope, **SIGN** your name where indicated by the "X" and print your residence address and date.
3. The Identification/Return Envelope has prepaid postage. No postage is necessary to return the ballot.

C. HOW TO RETURN YOUR BALLOT

Your ballot will not be counted unless it is returned in the Identification/Return Envelope, and:

1. The form on the reverse side of the Identification/Return envelope is completely filled out, **signed** and returned according to the following instructions:
 - a. It is mailed to the Elections Official, **POSTMARKED on or before Election Day** and received by the Elections Official no later than 3 days after the election. **(Should you desire to confirm your voted ballot was received, please call the toll free number, 1-833-465-4109.)**
OR
 - b. The voter **personally** delivers the ballot to the Elections Official or **personally** delivers the ballot to any drop-off center in the jurisdiction **no later than 8:00 p.m. on Election Day.**
OR
 - c. You may designate a spouse, child, parent, grandparent, grandchild, brother, sister or person living in same household to return the ballot for you. If someone other than you returns the ballot, you must print his or her name and indicate his/her relationship to you on the Identification/Return Envelope, and that person must sign on the signature line next to his/her printed name.



SAMPLE BALLOT
DO NOT USE

OFFICIAL BALLOT
CITY OF SANTA BARBARA
GENERAL MUNICIPAL ELECTION
TUESDAY, NOVEMBER 7, 2017
BOLETA ELECTORAL OFICIAL
CIUDAD DE SANTA BARBARA
ELECCION MUNICIPAL GENERAL
MARTES, 7 DE NOVIEMBRE DEL 2017

THIS BALLOT STUB SHALL BE REMOVED AND RETAINED BY THE VOTER
ESTE TALÓN DEBE SER REMOVIDO Y GUARDADO POR EL ELECTOR

Mark your choice by FILLING IN OVAL completely with a **BLACK** or **DARK PEN ONLY**.
Marque su elección **LLENANDO EL ÓVALO** completamente con una **PLUMA NEGRA** o **DE COLOR OSCURO SOLAMENTE**.



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No. 12345

I HAVE VOTED - HAVE YOU? - YO VOTÉ - ¿VOTÓ UD.?

SANTA BARBARA

For MAYOR
Para ALCALDE

Vote for ONE
Vote por UNO

BENDY WHITE

City Councilmember
Miembro del Concejo Municipal



HAL CONKLIN

Retired Environmental Executive
Ejecutivo Ambiental Jubilado



FRANK HOTCHKISS

City Councilmember / Businessman
Miembro del Concejo Municipal / Comerciante



ANGEL R. MARTINEZ

Retired CEO
CEO Jubilado



CATHY MURILLO

City Councilmember
Miembra del Concejo Municipal



TURN CARD OVER
TO CONTINUE VOTING
VOLTEÉ LA TARJETA
PARA CONTINUAR VOTANDO



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Santa Barbara 11/7/17



SANTA BARBARA

MEASURE SUBMITTED TO THE VOTERS
MEDIDA PRESENTADA A LOS ELECTORES

MEASURE C

YES/SÍ → ○

NO/NO → ○

To maintain essential services and repair critical infrastructure including:

- Police, fire, and 911 emergency medical response;
- local streets, potholes, bridges and storm drains;
- neighborhood fire stations/public safety infrastructure;
- parks, youth/senior services;
- address homelessness;
- help retain local businesses;
- support other general services;

shall the City of Santa Barbara enact a one-cent sales tax providing approximately 22 million dollars annually unless ended by voters; requiring audits, citizens oversight, public disclosure of spending, and all funds used locally?

MEDIDA C

Con el fin de lograr mantener los servicios que son esenciales y reparar la infraestructura que es indispensable, incluyéndose:

- Los servicios de policía, bomberos, y de respuesta a las llamadas al 911 en caso de emergencias médicas;
- Las calles, baches, puentes y drenajes para las aguas pluviales de la localidad;
- Las estaciones de bomberos en los vecindarios e infraestructura para la seguridad pública;
- Parques, servicios para los jóvenes y los adultos mayores;
- Abordar el asunto de los desamparados o personas sin hogar;
- Ayudar a retener y conservar los comercios y negocios locales;
- Apoyar a otros servicios en general;

¿Debería la Ciudad de Santa Bárbara aprobar un impuesto sobre las ventas de un centavo, así aportando aproximadamente 22 millones de dólares al año, a menos que dicho impuesto sea eliminado por los electores, y requerir que se realicen auditorías, supervisión ciudadana, divulgación pública del gasto y que todos los fondos se usen a nivel local?

**END OF BALLOT
FIN DE BOLETA**

SAMPLE BALLOT
DO NOT USE



VOTER INFORMATION PAMPHLET

The following pages contain:

CANDIDATE STATEMENTS

Each Candidate's Statement in this pamphlet is volunteered by the candidate.

BALLOT MEASURES, ANALYSIS AND ARGUMENTS

ANALYSIS: The Impartial Analysis is an impartial summary of the results of the proposed measure or proposition.

ARGUMENTS: Arguments in support of or in opposition to the proposed laws are the opinions of the authors and have not been checked for accuracy by any official agency.



FOR MAYOR

BENDY WHITE

Occupation: Councilmember

During my eight years on City Council I have been a voice to protect the City's unique character, its financial strength and environmental sustainability. I've led the effort to restore reserves, create a new park and defend our neighborhoods from over-development. Housing and development, water supply, and public safety have been essential themes in my work.

I was born and raised here. Prior to 2 terms on City Council, I have served on the County Planning Commission, City Water Commission, and the boards of the Environmental Defense Center, Planned Parenthood, and Citizens Planning Association. I want to bring my experience, accomplishments and views to the Office of Mayor.

As Mayor, I will ensure that the City address challenges like the changing economics of retail, our homeless population and fraying infrastructure, while protecting our small-town character.

In this turbulent political climate, our City needs a steadfast approach to sustain what we hold dear. Partisan politics must not overcome what makes Santa Barbara the special place that it is.

My supporters include Mayor Helene Schneider and Councilmember Jason Dominguez, Planning Commissioners Michael Jordan and Lesley Wiscomb, and Community Preservationist Bill Mahan.

I would be honored to have your vote on November 7th.

/s/ Bendy White



FOR MAYOR

HAL CONKLIN

Occupation: Retired Environmental Executive

Let's give all of Santa Barbara's community a voice!

With years of experience as Santa Barbara's mayor and councilmember, community participation has always been the hallmark of our democracy. I believe our community should be invited back in the conversation to tackle today's issues to make Santa Barbara thrive.

It's time for Santa Barbara to reclaim its position as the leader of the green economy

I have spent my career promoting sustainable policies, and was the 1st Co-Director of Santa Barbara's Community Environmental Council. I will stand up for our coast, our land use, renewable energy, transportation, and our history.

A Plan for Our Downtown and 21st Century Economy

As Mayor I will host weekly meetings with residents, property owners and merchants to develop creative solutions for a healthy and thriving Santa Barbara. We need a 21st century plan for economic sustainability, making sure our community is safe and inviting.

A Safe Community for Our Families

I raised my children here and educated them through Santa Barbara's schools and colleges. I am committed to reducing violence, providing our police and fire with the facilities they need, protecting our neighborhoods, and offering educational programs for our families and children.

Please Vote Hal Conklin for Mayor!

www.HalYes.org

/s/ Hal Conklin



FOR MAYOR

FRANK HOTCHKISS

It has been an honor to be your City Councilman since 2010. Thank you.

During this time, I increased cruise ship visits from two to 29 annually, bringing tens of millions of tourist dollars to Santa Barbara.

We boosted the number of police from 126 to 142.

I stopped the installation of parking meters downtown, and working with Councilman Randy Rowse, removed RV parking along Cabrillo Boulevard.

I persuaded SCE to restore the Arlington Christmas Tree.

Working with others, I halted a plan to pave trails in the Douglas Family Preserve.

I voted to privatize upkeep at the golf course, and approved fair salaries for city employees while eliminating 80 city positions through attrition.

What's next? We should:

- Vote down the proposed 1% sales tax
- Provide more off-street parking to make neighborhoods more livable
- Revitalize downtown
- Ensure water meant for Santa Barbarans from Lake Cachuma isn't poured wastefully into the ocean
- Improve our streets and police station
- Work with local schools

Santa Barbara is a city for people who want to work to achieve their hopes and dreams legally. It is not a sanctuary city for illegal immigrants.

I would welcome your vote for Mayor of Santa Barbara.

/s/ Frank Hotchkiss



FOR MAYOR

ANGEL R. MARTINEZ

Occupation: Retired CEO

My name is Angel Martinez.

Santa Barbara should be the best small city in America, but our city needs new leadership and a new direction.

Recently 50 businesses have closed on State Street, leaving empty storefronts that have become a magnet for aggressive panhandling. Young entrepreneurs complain that the city does little to help them succeed and often creates bureaucratic roadblocks. We need to reinvent our local economy and create more housing affordable to middle-income families, but Santa Barbara's city hall machine has run out of ideas.

Over 40 years in business, I helped grow several successful companies, including Reebok, Deckers Brands, and the Rockport company, creating thousands of jobs in the process. I know how to bring people together to solve complex problems. Since retiring to downtown Santa Barbara, I've focused on philanthropy and helping local nonprofits, serving on boards of the Santa Barbara Foundation, the United Boys and Girls Club, and others.

I have no desire to run for higher office. I ask for your vote and your support for a new direction, a new plan, and new leadership. Together we can make Santa Barbara the best small city in America.

/s/ Angel R. Martinez



FOR MAYOR

CATHY MURILLO

Age: 56

Occupation: City Councilmember

It has been my great privilege to serve you on the Santa Barbara City Council for two terms, working with other council members and a wide range of community leaders and organizations to keep Santa Barbara healthy, beautiful, and economically vibrant.

I've been a leader in rebuilding our fiscal reserves after the 2008 Recession, protecting our natural resources, being responsive to local residents, and advocating for our business, art, and non-profit communities.

I will continue to provide effective and energetic leadership as your Mayor. Among our long-term challenges are a safe and reliable water supply, housing, infrastructure, and pension liability. The needs of Santa Barbara residents will always be my first consideration when making budget and policy decisions.

My priorities include economic development and job creation, public health and safety, and protecting the environment and character of our neighborhoods. Our residents need job and housing opportunities and our downtown needs thoughtful innovation in the changing retail world. As a leader and long-term resident who has built strong relationships throughout the community, I have the experience, energy, and optimism to successfully address our challenges.

I would be honored to have your vote. Contact me at (805) 569-3179 or www.cathymurillo.com.

/s/ Cathy Murillo



MEASURE C

MEASURE SUBMITTED TO THE VOTERS

MEASURE 2017

YES

To maintain essential services and repair critical infrastructure including:

NO

- Police, fire, and 911 emergency medical response;
- Local streets, potholes, bridges and storm drains;
- Neighborhood fire stations/public safety infrastructure;
- Parks, youth/senior services;
- Address homelessness;
- Help retain local businesses;
- Support other general services;

shall the City of Santa Barbara enact a one-cent sales tax providing approximately 22 million dollars annually unless ended by voters; requiring audits, citizens oversight, public disclosure of spending, and all funds used locally?

CITY ATTORNEY'S IMPARTIAL ANALYSIS

Measure C would enact the Santa Barbara Critical Infrastructure and Essential Community Services Measure (the "Measure"). The Measure would increase the City's sales and use tax by 1%. In accordance with state law, the measure was placed on the ballot by a two-thirds vote of the Santa Barbara City Council. The Measure will not become law unless it is approved by a majority of the voters who submit ballots.

In 2003, California's voters amended the state constitution to prevent the state government from taking local city tax revenues. As a result, all funds collected under the Measure would be protected and dedicated to local use for the benefit of the City of Santa Barbara and its residents.

The Measure proposes a general tax which may be used for any lawful purpose. However, according to the Measure, the Santa Barbara City Council based its decision to propose the tax increase on the lack of sufficient local funds for:

- Police, fire, and 911 emergency medical response;
- Repairing local streets, potholes, bridges and storm drains;
- Maintaining neighborhood fire stations and upgrading public safety infrastructure;
- Protecting parks, youth and senior services;



- Addressing homelessness;
- Helping retain local businesses; and
- Supporting other general services that are necessary to protect the public health, safety and general welfare.

State law prevents the City Council from legally binding future councils to any particular spending program. However, the Measure requires all future City Councils to prepare an “annual accountability performance report for the benefit of Santa Barbara citizens and in order to assure accountability in the expenditure of tax revenues.”

The Annual Accountability Performance Report must publicly disclose how much revenue is collected, and the amount and purposes of any tax-supported spending by the City. This report must also be reviewed in public by a Citizens’ Oversight Committee with the legal duty “to review the annual accountability performance report and report its findings to the City Council and to Santa Barbara citizens,” following public meetings and posting to the City’s website.

A "yes" vote is a vote to approve the Santa Barbara Critical Infrastructure and Essential Community Services Measure and impose a 1% increase of the existing sales and use tax.

A "no" vote is a vote not to approve the Santa Barbara Critical Infrastructure and Essential Community Services Measure and not to impose a 1% increase of the existing sales and use tax.

/s/ Ariel Pierre Calonne
City Attorney



ARGUMENT IN FAVOR OF MEASURE C

Your **YES vote on Measure C** will ensure that Santa Barbara has the funding to maintain police, fire, and 911 emergency medical response, **AND** repair local streets and potholes, upgrade outdated emergency communication systems, and ensure our police station and neighborhood fire stations are accessible and functional in a natural disaster.

Over the past five years, the State has taken more than \$20 million a year (\$100 million so far) in City funding to help balance the state budget. There simply are not enough local financial resources to repair critical infrastructure and continue to provide the essential services that residents need and want. Our roads and buildings are crumbling, and are only becoming more expensive to fix. **Now is the time to act.**

The Santa Barbara City Council has surveyed residents and established that the **top priorities for funding are:**

- Maintaining police, fire, and 911 emergency medical response;
- Repairing local streets and potholes;
- Upgrading outdated emergency communication systems;
- Ensuring our police station and neighborhood fire stations are accessible and functional in a natural disaster;
- Protecting parks, youth and senior services;
- Addressing homelessness; and
- Helping retain local businesses.

Measure C provides strict accountability to taxpayers, including an annual audit, posting an annual accountability performance report on the City's website, and detailing the amount of revenue collected and the nature and purpose of all expenditures. Measure C requires that a citizens' oversight committee review the annual performance report and report to the Council and the public. All meetings of the committee will be open to the public. ALL funds generated by Measure C must be used locally. No funds can be taken by Sacramento or Washington, D.C.

Please join community and business leaders, including Downtown Santa Barbara and the Santa Barbara Region Chamber of Commerce in supporting **YES on Measure C.**

/s/ Lois Capps, Congressmember (ret.)

/s/ Geoff Green, Community Leader

/s/ Olivia Rodriguez, Attorney

/s/ Randy Rowse, Santa Barbara City Councilmember

/s/ Helene Schneider, Mayor, City of Santa Barbara



ARGUMENT AGAINST MEASURE C

Vote **NO** on the proposed 1% sales tax.

Revenue from the proposed tax will have no restrictions whatsoever on how it can be spent – salaries, pensions, water, public artwork, homeless housing, anything. In other words, it might not be used to improve our roads and build a new police station at all.

The only way to ensure tax dollars are spent for street improvements and a new police station is to specify that in a future initiative approved by you.

I urge you to vote “No” on this measure. Then in the future we can bring forward another initiative that will ensure the proceeds will be spent for what we need – better streets and a new police station.

Also, today’s tax proposal has no end, or “sunset”, clause. We could be taxed forever. That alone should make you vote, “No,” to this sales tax proposal.

/s/ Frank Hotchkiss
Santa Barbara City Council Member

/s/ Joe Armendariz
Executive Director
Santa Barbara Taxpayers Association



MEASURE C

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA IMPOSING A ONE PERCENT TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION, SUBJECT TO ADOPTION BY THE ELECTORATE BY APPROVING THE SANTA BARBARA CRITICAL INFRASTRUCTURE AND ESSENTIAL COMMUNITY SERVICES MEASURE

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings and Purpose. The City Council finds and declares as follows:

A. The City of Santa Barbara provides vital municipal services and facilities, such as:

1. Police, fire, and 911 emergency medical response;
2. Repairing local streets, potholes, bridges and storm drains;
3. Maintaining neighborhood fire stations and upgrading public safety infrastructure;
4. Protecting parks, youth and senior services;
5. Addressing homelessness;
6. Helping retain local businesses; and
7. Supporting other general services that are necessary to protect the public health, safety and general welfare.

B. The City of Santa Barbara's existing revenues are insufficient to fully provide such municipal services and facilities at the level that residents need and want.

C. Over the past five years, the state has taken away over \$100 million in local City funding. This measure provides local funding for local needs, and includes strict accountability requirements including independent oversight by a citizen's committee that must meet in public, full disclosure of public spending available on the City's website and at other public locations in the City; annual financial audits; and a requirement that all funds raised be spent locally and cannot be taken by Sacramento or Washington.

D. Even before last winter's damaging rainstorms, 64% of the streets in Santa Barbara were rated as "at risk, poor or failed" by pavement engineers.

E. The City of Santa Barbara is 167 years old and has aging infrastructure



which needs to be repaired and upgraded. This measure invests in our community by helping improve the condition of our streets and sidewalks, earthquake retrofit local bridges, as well as repair and upgrade deteriorating storm drains and the seismically unsafe police station. It will cost taxpayers less to address these infrastructure needs now, rather than letting them worsen and costing all of us more in the long-run.

F. There are nearly 800 homeless people living on the streets, in cars or in temporary shelters in Santa Barbara on any given night, including nearly 150 veterans and families with young children. This measure will help the City continue to provide resources to community partners to address homelessness including mental health, substance abuse treatment services and job training, to respectfully help individuals, veterans and families with young children transition away from or stay off the street, as well as to ensure our business districts, parks and other public areas are safe and secure for everyone.

G. Well maintained streets, quality neighborhood parks, and safe and clean streets, schools and neighborhoods are an investment in public safety that strengthens local property values and make our community a more desirable place to live, do business and raise a family.

H. About 40% of Santa Barbara's sales tax dollars are paid by tourists and visitors from surrounding areas. This measure will help make sure that tourists and visitors are paying their fair share to maintain our community and not place these costs exclusively upon city residents. Prescription medications and groceries will not be taxed by this measure.

I. The funding made available by this measure will enable the City to restore and improve its general municipal services and facilities. Nothing in this measure allows tax revenues to be directed into a special fund or for a special purpose.

SECTION 2. Chapter 4.14 [Transactions and Use Tax] of Title 4 [Revenue, Finance and Purchasing] of the Santa Barbara Municipal Code is added to read as follows:

4.14.010 Short Title. This ordinance shall be known as the Santa Barbara Critical Infrastructure and Essential Community Services Measure. The City of Santa Barbara hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

4.14.020 Operative Date. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after November 7, 2017.



4.14.030 Purposes. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

4.14.040 Contract with State. Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

4.14.050 Transactions Tax Rate. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 1.00% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.



4.14.060 Place of Sale. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

4.14.070 Use Tax Rate. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 1.00% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

4.14.080 Adoption of Provisions of State Law. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

4.14.090 Limitations on Adoption of State Law and Collection of Use Taxes. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where



the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

4.14.100 Permit Not Required. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

4.14.110 Exemptions and Exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles)



subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.



4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

4.14.120 Amendments to State Law. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.



4.14.130 Enjoining Collection Forbidden. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

4.14.140 Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

4.14.150 Effective Date and Submission to Voters. This ordinance relates to the levying and collecting of City transactions and use taxes and shall take effect immediately. However, no tax imposed by this ordinance shall be effective unless that tax has been approved by the voters of the City as required by Section 2(b) of Article XIII C of the California Constitution and applicable law.

4.14.160 Annual Accountability Performance Report. The City Council shall cause preparation of an annual accountability performance report for the benefit of Santa Barbara citizens and in order to assure accountability in the expenditure of tax revenues. The annual accountability performance report shall be posted on the City's website and shall include the following information:

A. The amount of revenue collected pursuant to the transactions and use tax imposed by this ordinance;

B. The amount and general purposes of the expenditures made possible by this ordinance including, where feasible, a categorization of the nature and purpose of the expenditures. These categories may include, among other things:

1. A listing of general fund service expenditures (such as police, fire, parks and recreation, libraries, youth and senior programs and other general fund services).
2. A listing of capital facility expenditures (such as streets, bridges, emergency police and fire facilities and other general fund capital facility expenditures).
3. Such other categories as the City Council may from time to time deem necessary or desirable.

4.14.170 Citizens' Oversight Committee. The City Council shall establish a citizens' oversight committee which shall have the duty and responsibility to



review the annual accountability performance report and report its findings to the City Council and to Santa Barbara citizens. All meetings of the citizens' oversight committee shall be open to the public.

4.14.180 Audit and Review. The proceeds of the tax imposed pursuant to this ordinance, as well as the expenditure thereof, shall be audited annually by an independent accounting firm. The audit results may be combined with the audit of other City funds, so long as the proceeds are reported separately. The City Council shall discuss the results of such audit at a meeting of the City Council that is open to the public. The report of such audit shall be posted on the City's website.

4.14.190 Termination and Repeal. The authority to levy the taxes imposed by this ordinance shall be in effect until and unless this ordinance is repealed.

4.14.200 Declaration. The proceeds of the taxes imposed by this ordinance may be used for any lawful purpose of the City, as authorized by ordinance, resolution or action of the City Council or by Ordinance adopted by the electorate of the City. These taxes do not meet the criteria established by Section 1(d) of Article XIII C of the California Constitution for special taxes, and are general taxes imposed for general government purposes.

4.14.210 Additional Findings. The City Council finds as follows:

- A. The City provides vital municipal services and facilities, such as police, fire, parks and recreation, streets, bridges, libraries, youth and senior programs and other general fund services.
- B. The City's existing revenues are insufficient to fully provide municipal services and facilities at the level that is necessary or desirable.
- C. The funding made available by this Ordinance will enable the City to restore and improve its general municipal services and facilities.

SECTION 3. CEQA. This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.



It is a privilege to vote!

