MEETING DATE: 07/16/2012

AGENDA ITEM: **Adoption of Resolutions (1) (Unanimous Vote Requirement) Declaring a Fiscal Emergency Pursuant to Article XIII C of the Constitution of the State of California; (2) Calling and Giving Notice of the Holding of a Special Municipal Election to be Consolidated with the Statewide General Election to be Held on Tuesday, November 6, 2012 for the Purpose of Submitting to the Voters a Measure Relating to Implementing a Local Transactions and Use Tax (Sales Tax); (3) Requesting the Board of Supervisors of the County of Los Angeles Render Specified Services Related to the Conduct of said Election; (4) Authorizing the City Council and/or Certain Council Members to Submit Ballot Arguments and Rebuttals Regarding the Measure; (5) Potential Creation and Appointment of Members to an Ad-Hoc Subcommittee to Draft and/or Submit Such Ballot Argument(s) and Rebuttal(s); and (6) (Four-Fifths Vote Requirement) Approving a Related Budget Amendment.**

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ATTACHMENTS

RESOLUTION No. 2012- R_________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, DECLARING A FISCAL EMERGENCY IN ACCORDANCE WITH ARTICLE XIII C OF THE CALIFORNIA CONSTITUTION

WHEREAS, Article XIII C of the California Constitution provides, in pertinent part: "…No local government may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to be increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body…" and;

WHEREAS, for several years, most recently during the budget process and five community dialogue meetings held in June and July of this year, staff has presented the City Council and community with information related to the City's structural deficit, the lack of funding for significant deferred maintenance and other long-term liabilities; and,

WHEREAS, the City Council, working with the community and staff, was able to significantly reduce the number of staff positions and other operating costs, both short and long term; and,

WHEREAS, the State of California, through the adoption of AB 1X 26 as validated and reformed by the Supreme Court of California, caused the dissolution of all redevelopment agencies throughout the state, including the Culver City Redevelopment Agency; and,

WHEREAS, the State's action to dissolve redevelopment agencies caused an almost overnight reduction in the City's general fund revenues of approximately $7 million, wiping out the progress made by the City in reducing costs over the past three years; and,

WHEREAS, after conducting five community dialogue meetings where members of the community were invited to provide comment and input related to the impacts of these significant losses of revenues and the impacts such losses would have on the quality of life in Culver City, the City Council considers such losses to create a fiscal emergency in the City.

NOW, THEREFORE, the City Council of the City of Culver City, California, DOES HEREBY RESOLVE, as follows:

1. That based upon the above recitals and other substantial information available as part of the public record, an emergency exists for the purposes described in the California Constitution Section XIII C, Section 2(b).

APPROVED and ADOPTED this ___ day of ____________, 2012.

____
ANDREW WEISSMAN, MAYOR
City of Culver City, California

ATTEST

____
MARTIN R. COLE, City Clerk

APPROVED AS TO FORM

____
CAROL A. SCHWAB, City Attorney

RESOLUTION No. 2012- R__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO THE IMPOSITION OF A TRANSACTION AND USE TAX IN THE AMOUNT OF ONE-HALF OF ONE PERCENT

WHEREAS, Section 1501 of the City Charter of the City of Culver City provides that the City Council may, at its discretion, call an election for any reason sanctioned by law at any time it deems necessary and that such election shall be known as a Special Municipal Election; and

WHEREAS, the City Council has determined it wishes to submit to the voters at such Special Municipal Election a question relating to the establishment of a Transactions and Use Tax in the City of one-half of one percent (0.50%).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDERS AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the City Charter related to Special Municipal Elections, there is called and ordered to be held in the City of Culver City, California, on Tuesday, November 6, 2012, a Special Municipal Election.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at said Special Municipal Election the following question related to establishment of a Transaction and Use Tax of one-half of one percent (0.50%):

Measure __________: To offset state budget cuts, preserve quality neighborhoods and ensure effective 911 emergency response by retaining firefighters, police officers, and paramedics; fixing potholes/streets; maintaining parks, community centers, storm drains; continuing after school programs, senior services, graffiti removal, arts/cultural programs, and other general services, shall Culver City enact a half-cent sales tax, requiring independent financial audits, all funds used locally, and no money for Sacramento?	YES _____ NO _____

SECTION 3. That the proposed complete text of the measure submitted to the voters is attached hereto as Exhibit "A."

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk is, directly or through consolidation with the County of Los Angeles (as such consolidation may be authorized by the City Council), authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Elections Code § 10242**,** except as provided in § 14401 of the Elections Code of the State of California.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding special municipal elections.

SECTION 8. That notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 10. That pursuant to the City Charter, the City Clerk is empowered to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 11. That the City Clerk is directed to forward copies of all measures to be voted on at the Special Election to the City Attorney for the preparation of impartial analyses in compliance with applicable law.

PASSED, APPROVED and ADOPTED ON ________________, 2012.

____
ANDREW WEISSMAN, MAYOR
City of Culver City, California

ATTEST

____
MARTIN R. COLE, City Clerk

APPROVED AS TO FORM

____
CAROL A. SCHWAB, City Attorney

ORDINANCE NO. 2012 -

AN ORDINANCE OF THE CITY OF CULVER CITY IMPOSING A TRANSACTIONS AND USE TAX FOR ESSENTIAL CITY SERVICES TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

THE CITY OF CULVER CITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The following sections are hereby added to Chapter 3.08 the City of Culver City Municipal Code, to read as follows:

“ESSENTIAL CITY SERVICES TRANSACTIONS AND USE TAX.”

3.08.300. TITLE. This ordinance shall be known as the City of Culver City Essential City Services Transactions and Use Tax Ordinance. The City of Culver City hereinafter shall be called "City." This Ordinance shall be applicable in the incorporated territory of the City.

3.08.305. OPERATIVE DATE. The Operative Date of this Ordinance shall be the first day of the first calendar quarter commencing more than 110 days after the adoption of this Ordinance by the voters, the date of such adoption being as set forth below.

3.08.310. PURPOSE. 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 enhance the City of Culver City’s ability to offset state budget cuts and provide essential City services to the residents of Culver City, such as: preserving quality neighborhoods and ensuring effective 911 emergency response by retaining firefighters, police officers, and paramedics; fixing potholes/streets; maintaining parks, community centers, storm drains; continuing after school programs, senior services, graffiti removal, arts/cultural programs, and other general services.

B. To ensure that the City has the financial means to provide for the well-being and security of its residents and businesses as the City and its economic base grows.

C. 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.

D. 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.

E. 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.

F. 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.

3.08.315. 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.

3.08.320. 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 0.5% 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. The tax imposed herein is in addition to any other transactions tax imposed by the City, the County of Los Angeles, or the State of California.

3.08.325. 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 its 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.

3.08.330. 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 0.5% 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. The tax imposed herein is in addition to any other transactions tax imposed by the City, the County of Los Angeles, or the State of California.

3.08.335. 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.

3.08.340. 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.

3.08.345. 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.

3.08.350. 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 its 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.

3.08.355. AMENDMENTS. 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.

3.08.360. 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.

3.08.365. 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.

3.08.370. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately upon its adoption by a majority vote of the qualified electors of the City voting in an election on the subject.

PASSED, APPROVED and ADOPTED ON ________________, 2012.

____
ANDREW WEISSMAN, MAYOR
City of Culver City, California

ATTEST	APPROVED AS TO FORM
___________________________	___________________________
MARTIN R. COLE, City Clerk	CAROL A. SCHWAB, City Attorney

RESOLUTION No. 2012- R__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO THE IMPOSITION OF A TRANSACTION AND USE TAX IN THE AMOUNT OF ONE-HALF OF ONE PERCENT EXPIRING IN FIVE YEARS

WHEREAS, Section 1501 of the City Charter of the City of Culver City provides that the City Council may, at its discretion, call an election for any reason sanctioned by law at any time it deems necessary and that such election shall be known as a Special Municipal Election; and

WHEREAS, the City Council has determined it wishes to submit to the voters at such Special Municipal Election a question relating to the establishment of a Transactions and Use Tax in the City of one-half of one percent (0.50%) which shall expire in five years.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDERS AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the City Charter related to Special Municipal Elections, there is called and ordered to be held in the City of Culver City, California, on Tuesday, November 6, 2012, a Special Municipal Election.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at said Special Municipal Election the following question related to establishment of a Transaction and Use Tax of one-half of one percent (0.50%) which shall expire in five years:

Measure ___________:	
To offset state budget cuts, preserve quality neighborhoods and ensure effective 911 emergency response by retaining firefighters, police officers, and paramedics; fixing potholes/streets; maintaining parks, community centers, storm drains; continuing after school programs, senior services, graffiti removal, arts/cultural programs, and other general services, shall Culver City enact a half-cent sales tax, automatically expiring after five years, requiring independent financial audits, all funds used locally, and no money for Sacramento?	YES _____ NO _____

SECTION 3. That the proposed complete text of the measure submitted to the voters is attached hereto as Exhibit "A."

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk is, directly or through consolidation with the County of Los Angeles (as such consolidation may be authorized by the City Council), authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Elections Code § 10242**,** except as provided in § 14401 of the Elections Code of the State of California.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding special municipal elections.

SECTION 8. That notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 10. That pursuant to the City Charter, the City Clerk is empowered to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 11. That the City Clerk is directed to forward copies of all measures to be voted on at the Special Election to the City Attorney for the preparation of impartial analyses in compliance with applicable law.

PASSED, APPROVED and ADOPTED ON ________________, 2012.

____
ANDREW WEISSMAN, MAYOR
City of Culver City, California

ATTEST

____
MARTIN R. COLE, City Clerk

APPROVED AS TO FORM

____
CAROL A. SCHWAB, City Attorney

ORDINANCE NO. 2012 -

AN ORDINANCE OF THE CITY OF CULVER CITY IMPOSING A TRANSACTIONS AND USE TAX FOR ESSENTIAL CITY SERVICES TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

THE CITY OF CULVER CITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The following sections are hereby added to Chapter 3.08 the City of Culver City Municipal Code, to read as follows:

“ESSENTIAL CITY SERVICES TRANSACTIONS AND USE TAX.”

3.08.300. TITLE. This ordinance shall be known as the City of Culver City Essential City Services Transactions and Use Tax Ordinance. The City of Culver City hereinafter shall be called "City." This Ordinance shall be applicable in the incorporated territory of the City.

3.08.305. OPERATIVE DATE. The Operative Date of this Ordinance shall be the first day of the first calendar quarter commencing more than 110 days after the adoption of this Ordinance by the voters, the date of such adoption being as set forth below.

3.08.310. PURPOSE. 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 enhance the City of Culver City’s ability to offset state budget cuts and provide essential City services to the residents of Culver City, such as: preserving quality neighborhoods and ensuring effective 911 emergency response by retaining firefighters, police officers, and paramedics; fixing potholes/streets; maintaining parks, community centers, storm drains; continuing after school programs, senior services, graffiti removal, arts/cultural programs, and other general services;

B. To ensure that the City has the financial means to provide for the well-being and security of its residents and businesses as the City and its economic base grows.

C. 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.

D. 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.

E. 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.

F. 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.

3.08.315. 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.

3.08.320. 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 0.5% 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. The tax imposed herein is in addition to any other transactions tax imposed by the City, the County of Los Angeles, or the State of California.

3.08.325. 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 its 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.

3.08.330. 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 0.5% 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. The tax imposed herein is in addition to any other transactions tax imposed by the City, the County of Los Angeles, or the State of California.

3.08.335. 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.

3.08.340. 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.

3.08.345. 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.

3.08.350. 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 its 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.

3.08.355. AMENDMENTS. 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.

3.08.360. 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.

3.08.365. 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.

3.08.370. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately upon its adoption by a majority vote of the qualified electors of the City voting in an election on the subject.

3.08.375. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall expire March 31, 2018.

PASSED, APPROVED and ADOPTED ON ________________, 2012.

____

ANDREW WEISSMAN, MAYOR

City of Culver City, California

ATTEST

____

MARTIN R. COLE, City Clerk

APPROVED AS TO FORM

____

CAROL A. SCHWAB, City Attorney

RESOLUTION No. 2012- R_________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO THE IMPOSITION OF A TRANSACTION AND USE TAX IN THE AMOUNT OF THREE-QUARTERS OF ONE PERCENT

WHEREAS, Section 1501 of the City Charter of the City of Culver City provides that the City Council may, at its discretion, call an election for any reason sanctioned by law at any time it deems necessary and that such election shall be known as a Special Municipal Election; and

WHEREAS, the City Council has determined it wishes to submit to the voters at such Special Municipal Election a question relating to the establishment of a Transactions and Use Tax in the City of three-quarters of one percent (0.75%).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDERS AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the City Charter related to Special Municipal Elections, there is called and ordered to be held in the City of Culver City, California, on Tuesday, November 6, 2012, a Special Municipal Election.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at said Special Municipal Election the following question related to establishment of a Transaction and Use Tax of three-quarters of one percent (0.75%):

Measure ___________:	
To offset state budget cuts, preserve quality neighborhoods and ensure effective 911 emergency response by retaining firefighters, police officers, and paramedics; fixing potholes/streets; maintaining parks, community centers, storm drains; continuing after school programs, senior services, graffiti removal, arts/cultural programs, and other general services, shall Culver City enact a three-quarter-cent sales tax, requiring independent financial audits, all funds used locally, and no money for Sacramento?	YES _____ NO _____

SECTION 3. That the proposed complete text of the measure submitted to the voters is attached hereto as Exhibit "A."

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk is, directly or through consolidation with the County of Los Angeles (as such consolidation may be authorized by the City Council), authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Elections Code § 10242**,** except as provided in § 14401 of the Elections Code of the State of California.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding special municipal elections.

SECTION 8. That notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 10. That pursuant to the City Charter, the City Clerk is empowered to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 11. That the City Clerk is directed to forward copies of all measures to be voted on at the Special Election to the City Attorney for the preparation of impartial analyses in compliance with applicable law.

PASSED, APPROVED and ADOPTED ON ________________, 2012.

____
ANDREW WEISSMAN, MAYOR
City of Culver City, California

ATTEST

____
MARTIN R. COLE, City Clerk

APPROVED AS TO FORM

____
CAROL A. SCHWAB, City Attorney

ORDINANCE NO. 2012 -

AN ORDINANCE OF THE CITY OF CULVER CITY IMPOSING A TRANSACTIONS AND USE TAX FOR ESSENTIAL CITY SERVICES TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

THE CITY OF CULVER CITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The following sections are hereby added to Chapter 3.08 the City of Culver City Municipal Code, to read as follows:

"ESSENTIAL CITY SERVICES TRANSACTIONS AND USE TAX."

3.08.300. TITLE. This ordinance shall be known as the City of Culver City Essential City Services Transactions and Use Tax Ordinance. The City of Culver City hereinafter shall be called "City." This Ordinance shall be applicable in the incorporated territory of the City.

3.08.305. OPERATIVE DATE. The Operative Date of this Ordinance shall be the first day of the first calendar quarter commencing more than 110 days after the adoption of this Ordinance by the voters, the date of such adoption being as set forth below.

3.08.310. PURPOSE. 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 enhance the City of Culver City's ability to offset state budget cuts and provide essential City services to the residents of Culver City, such as: preserving quality neighborhoods and ensuring effective 911 emergency response by retaining firefighters, police officers, and paramedics; fixing potholes/streets; maintaining parks, community centers, storm drains; continuing after school programs, senior services, graffiti removal, arts/cultural programs, and other general services.

B. To ensure that the City has the financial means to provide for the well-being and security of its residents and businesses as the City and its economic base grows.

C. 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.

D. 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.

E. 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.

F. 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.

3.08.315. 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.

3.08.320. 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 0.75% 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. The tax imposed herein is in addition to any other transactions tax imposed by the City, the County of Los Angeles, or the State of California.

3.08.325. 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 its 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.

3.08.330. 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 0.75% 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. The tax imposed herein is in addition to any other transactions tax imposed by the City, the County of Los Angeles, or the State of California.

3.08.335. 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.

3.08.340. 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.

3.08.345. 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.

3.08.350. 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 its 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.

3.08.355. AMENDMENTS. 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.

3.08.360. 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.

3.08.365. 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.

3.08.370. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately upon its adoption by a majority vote of the qualified electors of the City voting in an election on the subject.

PASSED, APPROVED and ADOPTED ON ________________, 2012.

____
ANDREW WEISSMAN, MAYOR
City of Culver City, California

ATTEST

____
MARTIN R. COLE, City Clerk

APPROVED AS TO FORM

____
CAROL A. SCHWAB, City Attorney

RESOLUTION No. 2012- R_________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO THE IMPOSITION OF A TRANSACTION AND USE TAX IN THE AMOUNT OF THREE-QUARTERS OF ONE PERCENT EXPIRING IN FIVE YEARS

WHEREAS, Section 1501 of the City Charter of the City of Culver City provides that the City Council may, at its discretion, call an election for any reason sanctioned by law at any time it deems necessary and that such election shall be known as a Special Municipal Election; and

WHEREAS, the City Council has determined it wishes to submit to the voters at such Special Municipal Election a question relating to the establishment of a Transactions and Use Tax in the City of three-quarters of one percent (0.75%) which shall expire in five years.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDERS AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the City Charter related to Special Municipal Elections, there is called and ordered to be held in the City of Culver City, California, on Tuesday, November 6, 2012, a Special Municipal Election.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at said Special Municipal Election the following question related to establishment of a Transaction and Use Tax of three-quarters of one percent (0.75%) which shall expire in five years:

Measure __________:	
To offset state budget cuts, preserve quality neighborhoods and ensure effective 911 emergency response by retaining firefighters, police officers, and paramedics; fixing potholes/streets; maintaining parks, community centers, storm drains; continuing after school programs, senior services, graffiti removal, arts/cultural programs, and other general services, shall Culver City enact a three-quarter-cent sales tax, automatically expiring after five years, requiring independent financial audits, all funds used locally, and no money for Sacramento?	YES _____ NO _____

SECTION 3. That the proposed complete text of the measure submitted to the voters is attached hereto as Exhibit "A."

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk is, directly or through consolidation with the County of Los Angeles (as such consolidation may be authorized by the City Council), authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Elections Code § 10242**,** except as provided in § 14401 of the Elections Code of the State of California.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding special municipal elections.

SECTION 8. That notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 10. That pursuant to the City Charter, the City Clerk is empowered to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 11. That the City Clerk is directed to forward copies of all measures to be voted on at the Special Election to the City Attorney for the preparation of impartial analyses in compliance with applicable law.

PASSED, APPROVED and ADOPTED ON ________________, 2012.

____
ANDREW WEISSMAN, MAYOR
City of Culver City, California

ATTEST

____
MARTIN R. COLE, City Clerk

APPROVED AS TO FORM

____
CAROL A. SCHWAB, City Attorney

ORDINANCE NO. 2012 -

AN ORDINANCE OF THE CITY OF CULVER CITY IMPOSING A TRANSACTIONS AND USE TAX FOR ESSENTIAL CITY SERVICES TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

THE CITY OF CULVER CITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The following sections are hereby added to Chapter 3.08 the City of Culver City Municipal Code, to read as follows:

"ESSENTIAL CITY SERVICES TRANSACTIONS AND USE TAX."

3.08.300. TITLE. This ordinance shall be known as the City of Culver City Essential City Services Transactions and Use Tax Ordinance. The City of Culver City hereinafter shall be called "City." This Ordinance shall be applicable in the incorporated territory of the City.

3.08.305. OPERATIVE DATE. The Operative Date of this Ordinance shall be the first day of the first calendar quarter commencing more than 110 days after the adoption of this Ordinance by the voters, the date of such adoption being as set forth below.

3.08.310. PURPOSE. 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 enhance the City of Culver City's ability to offset state budget cuts and provide essential City services to the residents of Culver City, such as: preserving quality neighborhoods and ensuring effective 911 emergency response by retaining firefighters, police officers, and paramedics; fixing potholes/streets; maintaining parks, community centers, storm drains; continuing after school programs, senior services, graffiti removal, arts/cultural programs, and other general services.

B. To ensure that the City has the financial means to provide for the well-being and security of its residents and businesses as the City and its economic base grows.

C. 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.

D. 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.

E. 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.

F. 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.

3.08.315. 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.

3.08.320. 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 0.75% 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. The tax imposed herein is in addition to any other transactions tax imposed by the City, the County of Los Angeles, or the State of California.

3.08.325. 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 its 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.

3.08.330. 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 0.75% 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. The tax imposed herein is in addition to any other transactions tax imposed by the City, the County of Los Angeles, or the State of California.

3.08.335. 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.

3.08.340. 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.

3.08.345. 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.

3.08.350. 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 its 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.

3.08.355. AMENDMENTS. 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.

3.08.360. 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.

3.08.365. 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.

3.08.370. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately upon its adoption by a majority vote of the qualified electors of the City voting in an election on the subject.

3.08.375. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall expire March 31, 2018.

PASSED, APPROVED and ADOPTED ON ________________, 2012.

____

ANDREW WEISSMAN, MAYOR
City of Culver City, California

ATTEST

____

MARTIN R. COLE, City Clerk

APPROVED AS TO FORM

____

CAROL A. SCHWAB, City Attorney

RESOLUTION No. 2012- R_________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO THE IMPOSITION OF A TRANSACTION AND USE TAX IN THE AMOUNT OF THREE-QUARTERS OF ONE PERCENT WITH AN AUTOMATIC REDUCTION TO ONE-HALF OF ONE PERCENT AFTER FIVE YEARS

WHEREAS, Section 1501 of the City Charter of the City of Culver City provides that the City Council may, at its discretion, call an election for any reason sanctioned by law at any time it deems necessary and that such election shall be known as a Special Municipal Election; and

WHEREAS, the City Council has determined it wishes to submit to the voters at such Special Municipal Election a question relating to the establishment of a Transactions and Use Tax in the City of three-quarters of one percent (0.75%) with an automatic reduction to one-half of one percent (0.50%) after five years.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDERS AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the City Charter related to Special Municipal Elections, there is called and ordered to be held in the City of Culver City, California, on Tuesday, November 6, 2012, a Special Municipal Election.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at said Special Municipal Election the following question related to establishment of a Transaction and Use Tax of three-quarters of one percent (0.75%) with an automatic reduction to one-half of one percent (0.50%) after five years:

Measure __________:	
To offset state budget cuts, preserve quality neighborhoods and ensure effective 911 emergency response by retaining firefighters, police officers, and paramedics; fixing potholes/streets; maintaining parks, community centers, storm drains; continuing after school programs, senior services, graffiti removal, arts/cultural programs, and other general services, shall Culver City enact a three-quarter cent sales tax, reduced to one-half cent after five years, requiring independent audits, all funds used locally, and nothing for Sacramento?	YES _____ NO _____

SECTION 3. That the proposed complete text of the measure submitted to the voters is attached hereto as Exhibit "A."

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk is, directly or through consolidation with the County of Los Angeles (as such consolidation may be authorized by the City Council), authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Elections Code § 10242**,** except as provided in § 14401 of the Elections Code of the State of California.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding special municipal elections.

SECTION 8. That notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 10. That pursuant to the City Charter, the City Clerk is empowered to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 11. That the City Clerk is directed to forward copies of all measures to be voted on at the Special Election to the City Attorney for the preparation of impartial analyses in compliance with applicable law.

PASSED, APPROVED and ADOPTED ON ________________, 2012.

____
ANDREW WEISSMAN, MAYOR
City of Culver City, California

ATTEST

____
MARTIN R. COLE, City Clerk

APPROVED AS TO FORM

____
CAROL A. SCHWAB, City Attorney

ORDINANCE NO. 2012 -

AN ORDINANCE OF THE CITY OF CULVER CITY IMPOSING A TRANSACTIONS AND USE TAX FOR ESSENTIAL CITY SERVICES TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

THE CITY OF CULVER CITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The following sections are hereby added to Chapter 3.08 the City of Culver City Municipal Code, to read as follows:

"ESSENTIAL CITY SERVICES TRANSACTIONS AND USE TAX."

3.08.300. TITLE. This ordinance shall be known as the City of Culver City Essential City Services Transactions and Use Tax Ordinance. The City of Culver City hereinafter shall be called "City." This Ordinance shall be applicable in the incorporated territory of the City.

3.08.305. OPERATIVE DATE. The Operative Date of this Ordinance shall be the first day of the first calendar quarter commencing more than 110 days after the adoption of this Ordinance by the voters, the date of such adoption being as set forth below.

3.08.310. PURPOSE. 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 enhance the City of Culver City's ability to offset state budget cuts and provide essential City services to the residents of Culver City, such as: preserving quality neighborhoods and ensuring effective 911 emergency response by retaining firefighters, police officers, and paramedics; fixing potholes/streets; maintaining parks, community centers, storm drains; continuing after school programs, senior services, graffiti removal, arts/cultural programs, and other general services.

B. To ensure that the City has the financial means to provide for the well-being and security of its residents and businesses as the City and its economic base grows.

C. 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.

D. 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.

E. 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.

F. 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.

3.08.315. 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.

3.08.320. 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 0.75% 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. Such tax shall be imposed for the first five years following the effective date of the tax. The tax shall then be reduced and imposed at a rate of 0.50%. The tax imposed herein is in addition to any other transactions tax imposed by the City, the County of Los Angeles, or the State of California.

3.08.325. 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 its 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.

3.08.330. 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 0.75% of the sales price of the property. Such tax shall be imposed for the first five years following the effective date of the tax. The tax shall then be reduced and imposed at a rate of 0.50%. 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. The tax imposed herein is in addition to any other transactions tax imposed by the City, the County of Los Angeles, or the State of California.

3.08.335. 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.

3.08.340. 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.

3.08.345. 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.

3.08.350. 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 its 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.

3.08.355. AMENDMENTS. 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.

3.08.360. 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.

3.08.365. 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.

3.08.370. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately upon its adoption by a majority vote of the qualified electors of the City voting in an election on the subject.

PASSED, APPROVED and ADOPTED ON ________________, 2012.

____
ANDREW WEISSMAN, MAYOR
City of Culver City, California

ATTEST

____
MARTIN R. COLE, City Clerk

APPROVED AS TO FORM

____
CAROL A. SCHWAB, City Attorney

RESOLUTION No. 2012- R_________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO §10403 OF THE ELECTIONS CODE.

WHEREAS, the City Council of the City of Culver City called a Special Municipal Election to be held on November 6, 2012 for the purpose of submitting to the voters the question relating to the imposition of the City's Transaction and Use Tax; and,

WHEREAS, it is desirable that the special municipal election be consolidated with the statewide general election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the county election department of the County of Los Angeles canvass the returns of the Special Municipal Election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the statewide general election on Tuesday, November 6, 2012.

SECTION 2. That a measure is to appear on the ballot as contained in Exhibit "A" hereof and summarized as follows:

Measure _____________: To offset state budget cuts, preserve quality neighborhoods and ensure effective 911 emergency response by retaining firefighters, police officers, and paramedics; fixing potholes/streets; maintaining parks, community centers, storm drains; continuing after school programs, senior services, graffiti removal, arts/cultural programs, and other general services, shall Culver City enact a ____-cent sales tax (pursuant to terms & conditions selected by the City Council), requiring independent financial audits, all funds used locally, and no money for Sacramento?	YES _____ NO _____

SECTION 3. That the county election department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 4. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 5. That the City of Culver City recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs upon presentation of a duly submitted and accurate bill.

SECTION 6. That the City Clerk is authorized to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Los Angeles.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions

PASSED, APPROVED and ADOPTED ON ________________, 2012.

____
ANDREW WEISSMAN, MAYOR
City of Culver City, California

ATTEST

____
MARTIN R. COLE, City Clerk

APPROVED AS TO FORM

____
CAROL A. SCHWAB, City Attorney

RESOLUTION No. 2012- R_________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, AUTHORIZING THE CITY COUNCIL OR CERTAIN COUNCIL MEMBERS TO SUBMIT ARGUMENTS REGARDING THE IMPOSITION OF A TRANSACTIONS AND USE TAX MEASURE ON THE BALLOT FOR THE NOVEMBER 6, 2012 SPECIAL MUNICIPAL ELECTION

WHEREAS, a Special Municipal Election ("the Election") is to be held in the City of Culver City on November 6, 2012, at which time there will be submitted to the voters the following question:

Measure _______________:	
To offset state budget cuts, preserve quality neighborhoods and ensure effective 911 emergency response by retaining firefighters, police officers, and paramedics; fixing potholes/streets; maintaining parks, community centers, storm drains; continuing after school programs, senior services, graffiti removal, arts/cultural programs, and other general services, shall Culver City enact a ____-cent sales tax (pursuant to terms & conditions selected by the City Council), requiring independent financial audits, all funds used locally, and no money for Sacramento?	YES _____ NO _____

NOW, THEREFORE, the City Council of the City of Culver City, California, DOES HEREBY RESOLVE, as follows:

1. That the City Council authorizes _______________ ____ to file (a) written argument(s) regarding the City measure as specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the argument until and including the date fixed

by the Elections Official after which no arguments for or against the City measure may be submitted to the Elections Official.

2. The arguments shall be filed with the Elections Official, signed, with the printed name(s) and signature(s) of the author(s) submitting it. The arguments shall be accompanied by the Form of Statement To Be Filed by Author(s) of Argument.

APPROVED and ADOPTED this ___ day of ____________, 2012.

____
ANDREW WEISSMAN, MAYOR
City of Culver City, California

ATTEST

____
MARTIN R. COLE, City Clerk

APPROVED AS TO FORM

____
CAROL A. SCHWAB, City Attorney