

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.

.

ATTACHMENTS

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1 RESOLUTION No. 2012- R_____

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

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

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

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

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

26 WHEREAS, the State's action to dissolve redevelopment agencies
27 caused an almost overnight reduction in the City's general fund revenues of
28

1 approximately \$7 million, wiping out the progress made by the City in reducing costs
2 over the past three years; and,

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

8
9 NOW, THEREFORE, the City Council of the City of Culver City, California,
10 DOES HEREBY RESOLVE, as follows:

- 11
12 1. That based upon the above recitals and other substantial information
13 available as part of the public record, an emergency exists for the
14 purposes described in the California Constitution Section XIII C,
15 Section 2(b).

16
17 APPROVED and ADOPTED this ____ day of _____, 2012.

18
19 _____
20 ANDREW WEISSMAN, MAYOR
21 City of Culver City, California

22 ATTEST

23
24 APPROVED AS TO FORM

25
26 _____
27 MARTIN R. COLE, City Clerk

28

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%):

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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.

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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

APPROVED AS TO FORM

MARTIN R. COLE, City Clerk

CAROL A. SCHWAB, City Attorney

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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.

- 1 B. To ensure that the City has the financial means to provide for the well-
2 being and security of its residents and businesses as the City and its
3 economic base grows.
4
- 5 C. To impose a retail transactions and use tax in accordance with the
6 provisions of Part 1.6 (commencing with Section 7251) of Division 2 of
7 the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of
8 Division 2 which authorizes the City to adopt this tax ordinance which
9 shall be operative if a majority of the electors voting on the measure vote
10 to approve the imposition of the tax at an election called for that purpose.
11
- 12 D. To adopt a retail transactions and use tax ordinance that incorporates
13 provisions identical to those of the Sales and Use Tax Law of the State
14 of California insofar as those provisions are not inconsistent with the
15 requirements and limitations contained in Part 1.6 of Division 2 of the
16 Revenue and Taxation Code.
17
- 18 E. To adopt a retail transactions and use tax ordinance that imposes a tax
19 and provides a measure therefore that can be administered and
20 collected by the State Board of Equalization in a manner that adapts
21 itself as fully as practicable to, and requires the least possible deviation
22 from, the existing statutory and administrative procedures followed by the
23 State Board of Equalization in administering and collecting the California
24 State Sales and Use Taxes.
25
- 26 F. To adopt a retail transactions and use tax ordinance that can be
27 administered in a manner that will be, to the greatest degree possible,
28 consistent with the provisions of Part 1.6 of Division 2 of the Revenue

1 and Taxation Code, minimize the cost of collecting the transactions and
2 use taxes, and at the same time, minimize the burden of record keeping
3 upon persons subject to taxation under the provisions of this ordinance.
4

5 3.08.315. CONTRACT WITH STATE. Prior to the operative date, the City
6 shall contract with the State Board of Equalization to perform all functions incident to
7 the administration and operation of this transactions and use tax ordinance; provided,
8 that if the City shall not have contracted with the State Board of Equalization prior to
9 the operative date, it shall nevertheless so contract and in such a case the operative
10 date shall be the first day of the first calendar quarter following the execution of such a
11 contract.

12 3.08.320. TRANSACTIONS TAX RATE. For the privilege of selling tangible
13 personal property at retail, a tax is hereby imposed upon all retailers in the
14 incorporated territory of the City at the rate of 0.5% of the gross receipts of any retailer
15 from the sale of all tangible personal property sold at retail in said territory on and after
16 the operative date of this ordinance. The tax imposed herein is in addition to any other
17 transactions tax imposed by the City, the County of Los Angeles, or the State of
18 California.

19 3.08.325. PLACE OF SALE. For the purposes of this ordinance, all retail
20 sales are consummated at the place of business of the retailer unless the tangible
21 personal property sold is delivered by the retailer or its agent to an out-of-state
22 destination or to a common carrier for delivery to an out-of-state destination. The
23 gross receipts from such sales shall include delivery charges, when such charges are
24 subject to the state sales and use tax, regardless of the place to which delivery is
25 made. In the event a retailer has no permanent place of business in the State or has
26 more than one place of business, the place or places at which the retail sales are
27 consummated shall be determined under rules and regulations to be prescribed and
28 adopted by the State Board of Equalization.

1 3.08.330. USE TAX RATE. An excise tax is hereby imposed on the storage,
2 use or other consumption in the City of tangible personal property purchased from any
3 retailer on and after the operative date of this ordinance for storage, use or other
4 consumption in said territory at the rate of 0.5% of the sales price of the property. The
5 sales price shall include delivery charges when such charges are subject to state sales
6 or use tax regardless of the place to which delivery is made. The tax imposed herein
7 is in addition to any other transactions tax imposed by the City, the County of Los
8 Angeles, or the State of California.

9 3.08.335. ADOPTION OF PROVISIONS OF STATE LAW. Except as
10 otherwise provided in this ordinance and except insofar as they are inconsistent with
11 the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the
12 provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and
13 Taxation Code are hereby adopted and made a part of this ordinance as though fully
14 set forth herein.

15 3.08.340. LIMITATIONS ON ADOPTION OF STATE LAW AND
16 COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of
17 the Revenue and Taxation Code:

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

- 21 1. The word "State" is used as a part of the title of the State
22 Controller, State Treasurer, State Board of Control, State Board of
23 Equalization, State Treasury, or the Constitution of the State of
24 California;
- 25 2. The result of that substitution would require action to be taken by
26 or against this City or any agency, officer, or employee thereof
27 rather than by or against the State Board of Equalization, in
28

1 performing the functions incident to the administration or operation
2 of this Ordinance.

3 3. In those sections, including, but not necessarily limited to sections
4 referring to the exterior boundaries of the State of California,
5 where the result of the substitution would be to:

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

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

17 4. In Sections 6701, 6702 (except in the last sentence thereof),
18 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation
19 Code.

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

23 3.08.345. PERMIT NOT REQUIRED. If a seller's permit has been issued to
24 a retailer under Section 6067 of the Revenue and Taxation Code, an additional
25 transactor's permit shall not be required by this ordinance.

26 3.08.350. EXEMPTIONS AND EXCLUSIONS.

27 A. There shall be excluded from the measure of the transactions tax and
28 the use tax the amount of any sales tax or use tax imposed by the State

1 of California or by any city, city and county, or county pursuant to the
2 Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of
3 any state-administered transactions or use tax.

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

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

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

18 a. With respect to vehicles (other than commercial vehicles)
19 subject to registration pursuant to Chapter 1 (commencing
20 with Section 4000) of Division 3 of the Vehicle Code,
21 aircraft licensed in compliance with Section 21411 of the
22 Public Utilities Code, and undocumented vessels registered
23 under Division 3.5 (commencing with Section 9840) of the
24 Vehicle Code by registration to an out-of-City address and
25 by a declaration under penalty of perjury, signed by the
26 buyer, stating that such address is, in fact, his or her
27 principal place of residence; and
28

- 1 b. With respect to commercial vehicles, by registration to a
2 place of business out-of-City and declaration under penalty
3 of perjury, signed by the buyer, that the vehicle will be
4 operated from that address.
- 5 3. The sale of tangible personal property if the seller is obligated to
6 furnish the property for a fixed price pursuant to a contract entered
7 into prior to the operative date of this ordinance.
- 8 4. A lease of tangible personal property which is a continuing sale of
9 such property, for any period of time for which the lessor is
10 obligated to lease the property for an amount fixed by the lease
11 prior to the operative date of this ordinance.
- 12 5. For the purposes of subparagraphs (3) and (4) of this section, the
13 sale or lease of tangible personal property shall be deemed not to
14 be obligated pursuant to a contract or lease for any period of time
15 for which any party to the contract or lease has the unconditional
16 right to terminate the contract or lease upon notice, whether or not
17 such right is exercised.
- 18 C. There are exempted from the use tax imposed by this ordinance, the
19 storage, use or other consumption in this City of tangible personal
20 property:
- 21 1. The gross receipts from the sale of which have been subject to a
22 transactions tax under any state-administered transactions and
23 use tax ordinance.
- 24 2. Other than fuel or petroleum products purchased by operators of
25 aircraft and used or consumed by such operators directly and
26 exclusively in the use of such aircraft as common carriers of
27 persons or property for hire or compensation under a certificate of
28 public convenience and necessity issued pursuant to the laws of

1 this State, the United States, or any foreign government. This
2 exemption is in addition to the exemptions provided in Sections
3 6366 and 6366.1 of the Revenue and Taxation Code of the State
4 of California.

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

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

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

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

1 7. "A retailer engaged in business in the City" shall also include any
2 retailer of any of the following: vehicles subject to registration
3 pursuant to Chapter 1 (commencing with Section 4000) of Division
4 3 of the Vehicle Code, aircraft licensed in compliance with Section
5 21411 of the Public Utilities Code, or undocumented vessels
6 registered under Division 3.5 (commencing with Section 9840) of
7 the Vehicle Code. That retailer shall be required to collect use tax
8 from any purchaser who registers or licenses the vehicle, vessel,
9 or aircraft at an address in the City.

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

16 3.08.355. AMENDMENTS. All amendments subsequent to the effective
17 date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code
18 relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part
19 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6
20 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically
21 become a part of this ordinance, provided however, that no such amendment shall
22 operate so as to affect the rate of tax imposed by this ordinance.

23 3.08.360. ENJOINING COLLECTION FORBIDDEN. No injunction or
24 writ of mandate or other legal or equitable process shall issue in any suit, action or
25 proceeding in any court against the State or the City, or against any officer of the State
26 or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of
27 Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required
28 to be collected.

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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:

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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.

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

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

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

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

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

16
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19 _____
20 ANDREW WEISSMAN, MAYOR
21 City of Culver City, California

22 ATTEST

23 APPROVED AS TO FORM

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25 MARTIN R. COLE, City Clerk

26 _____
27 CAROL A. SCHWAB, City Attorney

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ORDINANCE NO. 2012 -
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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;

- 1 B. To ensure that the City has the financial means to provide for the well-
2 being and security of its residents and businesses as the City and its
3 economic base grows.
4
- 5 C. To impose a retail transactions and use tax in accordance with the
6 provisions of Part 1.6 (commencing with Section 7251) of Division 2 of
7 the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of
8 Division 2 which authorizes the City to adopt this tax ordinance which
9 shall be operative if a majority of the electors voting on the measure vote
10 to approve the imposition of the tax at an election called for that purpose.
11
- 12 D. To adopt a retail transactions and use tax ordinance that incorporates
13 provisions identical to those of the Sales and Use Tax Law of the State
14 of California insofar as those provisions are not inconsistent with the
15 requirements and limitations contained in Part 1.6 of Division 2 of the
16 Revenue and Taxation Code.
17
- 18 E. To adopt a retail transactions and use tax ordinance that imposes a tax
19 and provides a measure therefore that can be administered and
20 collected by the State Board of Equalization in a manner that adapts
21 itself as fully as practicable to, and requires the least possible deviation
22 from, the existing statutory and administrative procedures followed by the
23 State Board of Equalization in administering and collecting the California
24 State Sales and Use Taxes.
25
- 26 F. To adopt a retail transactions and use tax ordinance that can be
27 administered in a manner that will be, to the greatest degree possible,
28 consistent with the provisions of Part 1.6 of Division 2 of the Revenue

1 and Taxation Code, minimize the cost of collecting the transactions and
2 use taxes, and at the same time, minimize the burden of record keeping
3 upon persons subject to taxation under the provisions of this ordinance.
4

5 3.08.315. CONTRACT WITH STATE. Prior to the operative date, the City
6 shall contract with the State Board of Equalization to perform all functions incident to
7 the administration and operation of this transactions and use tax ordinance; provided,
8 that if the City shall not have contracted with the State Board of Equalization prior to
9 the operative date, it shall nevertheless so contract and in such a case the operative
10 date shall be the first day of the first calendar quarter following the execution of such a
11 contract.

12 3.08.320. TRANSACTIONS TAX RATE. For the privilege of selling tangible
13 personal property at retail, a tax is hereby imposed upon all retailers in the
14 incorporated territory of the City at the rate of 0.5% of the gross receipts of any retailer
15 from the sale of all tangible personal property sold at retail in said territory on and after
16 the operative date of this ordinance. The tax imposed herein is in addition to any other
17 transactions tax imposed by the City, the County of Los Angeles, or the State of
18 California.

19 3.08.325. PLACE OF SALE. For the purposes of this ordinance, all retail
20 sales are consummated at the place of business of the retailer unless the tangible
21 personal property sold is delivered by the retailer or its agent to an out-of-state
22 destination or to a common carrier for delivery to an out-of-state destination. The
23 gross receipts from such sales shall include delivery charges, when such charges are
24 subject to the state sales and use tax, regardless of the place to which delivery is
25 made. In the event a retailer has no permanent place of business in the State or has
26 more than one place of business, the place or places at which the retail sales are
27 consummated shall be determined under rules and regulations to be prescribed and
28 adopted by the State Board of Equalization.

1 3.08.330. USE TAX RATE. An excise tax is hereby imposed on the storage,
2 use or other consumption in the City of tangible personal property purchased from any
3 retailer on and after the operative date of this ordinance for storage, use or other
4 consumption in said territory at the rate of 0.5% of the sales price of the property. The
5 sales price shall include delivery charges when such charges are subject to state sales
6 or use tax regardless of the place to which delivery is made. The tax imposed herein
7 is in addition to any other transactions tax imposed by the City, the County of Los
8 Angeles, or the State of California.

9 3.08.335. ADOPTION OF PROVISIONS OF STATE LAW. Except as
10 otherwise provided in this ordinance and except insofar as they are inconsistent with
11 the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the
12 provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and
13 Taxation Code are hereby adopted and made a part of this ordinance as though fully
14 set forth herein.

15 3.08.340. LIMITATIONS ON ADOPTION OF STATE LAW AND
16 COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of
17 the Revenue and Taxation Code:

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

- 21 1. The word "State" is used as a part of the title of the State
22 Controller, State Treasurer, State Board of Control, State Board of
23 Equalization, State Treasury, or the Constitution of the State of
24 California;
- 25 2. The result of that substitution would require action to be taken by
26 or against this City or any agency, officer, or employee thereof
27 rather than by or against the State Board of Equalization, in
28

1 performing the functions incident to the administration or operation
2 of this Ordinance.

3 3. In those sections, including, but not necessarily limited to sections
4 referring to the exterior boundaries of the State of California,
5 where the result of the substitution would be to:

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

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

17 4. In Sections 6701, 6702 (except in the last sentence thereof),
18 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation
19 Code.

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

23 3.08.345. PERMIT NOT REQUIRED. If a seller's permit has been issued to
24 a retailer under Section 6067 of the Revenue and Taxation Code, an additional
25 transactor's permit shall not be required by this ordinance.

26 3.08.350. EXEMPTIONS AND EXCLUSIONS.

27 A. There shall be excluded from the measure of the transactions tax and
28 the use tax the amount of any sales tax or use tax imposed by the State

1 of California or by any city, city and county, or county pursuant to the
2 Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of
3 any state-administered transactions or use tax.

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

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

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

18 a. With respect to vehicles (other than commercial vehicles)
19 subject to registration pursuant to Chapter 1 (commencing
20 with Section 4000) of Division 3 of the Vehicle Code,
21 aircraft licensed in compliance with Section 21411 of the
22 Public Utilities Code, and undocumented vessels registered
23 under Division 3.5 (commencing with Section 9840) of the
24 Vehicle Code by registration to an out-of-City address and
25 by a declaration under penalty of perjury, signed by the
26 buyer, stating that such address is, in fact, his or her
27 principal place of residence; and
28

- 1 b. With respect to commercial vehicles, by registration to a
2 place of business out-of-City and declaration under penalty
3 of perjury, signed by the buyer, that the vehicle will be
4 operated from that address.
- 5 3. The sale of tangible personal property if the seller is obligated to
6 furnish the property for a fixed price pursuant to a contract entered
7 into prior to the operative date of this ordinance.
- 8 4. A lease of tangible personal property which is a continuing sale of
9 such property, for any period of time for which the lessor is
10 obligated to lease the property for an amount fixed by the lease
11 prior to the operative date of this ordinance.
- 12 5. For the purposes of subparagraphs (3) and (4) of this section, the
13 sale or lease of tangible personal property shall be deemed not to
14 be obligated pursuant to a contract or lease for any period of time
15 for which any party to the contract or lease has the unconditional
16 right to terminate the contract or lease upon notice, whether or not
17 such right is exercised.
- 18 C. There are exempted from the use tax imposed by this ordinance, the
19 storage, use or other consumption in this City of tangible personal
20 property:
- 21 1. The gross receipts from the sale of which have been subject to a
22 transactions tax under any state-administered transactions and
23 use tax ordinance.
- 24 2. Other than fuel or petroleum products purchased by operators of
25 aircraft and used or consumed by such operators directly and
26 exclusively in the use of such aircraft as common carriers of
27 persons or property for hire or compensation under a certificate of
28 public convenience and necessity issued pursuant to the laws of

1 this State, the United States, or any foreign government. This
2 exemption is in addition to the exemptions provided in Sections
3 6366 and 6366.1 of the Revenue and Taxation Code of the State
4 of California.

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

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

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

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

1 7. "A retailer engaged in business in the City" shall also include any
2 retailer of any of the following: vehicles subject to registration
3 pursuant to Chapter 1 (commencing with Section 4000) of Division
4 3 of the Vehicle Code, aircraft licensed in compliance with Section
5 21411 of the Public Utilities Code, or undocumented vessels
6 registered under Division 3.5 (commencing with Section 9840) of
7 the Vehicle Code. That retailer shall be required to collect use tax
8 from any purchaser who registers or licenses the vehicle, vessel,
9 or aircraft at an address in the City.

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

16 3.08.355. AMENDMENTS. All amendments subsequent to the effective
17 date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code
18 relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part
19 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6
20 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically
21 become a part of this ordinance, provided however, that no such amendment shall
22 operate so as to affect the rate of tax imposed by this ordinance.

23 3.08.360. ENJOINING COLLECTION FORBIDDEN. No injunction or
24 writ of mandate or other legal or equitable process shall issue in any suit, action or
25 proceeding in any court against the State or the City, or against any officer of the State
26 or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of
27 Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required
28 to be collected.

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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

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 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%):

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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

APPROVED AS TO FORM

MARTIN R. COLE, City Clerk

CAROL A. SCHWAB, City Attorney

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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.

- 1 B. To ensure that the City has the financial means to provide for the well-
2 being and security of its residents and businesses as the City and its
3 economic base grows.
4
- 5 C. To impose a retail transactions and use tax in accordance with the
6 provisions of Part 1.6 (commencing with Section 7251) of Division 2 of
7 the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of
8 Division 2 which authorizes the City to adopt this tax ordinance which
9 shall be operative if a majority of the electors voting on the measure vote
10 to approve the imposition of the tax at an election called for that purpose.
11
- 12 D. To adopt a retail transactions and use tax ordinance that incorporates
13 provisions identical to those of the Sales and Use Tax Law of the State
14 of California insofar as those provisions are not inconsistent with the
15 requirements and limitations contained in Part 1.6 of Division 2 of the
16 Revenue and Taxation Code.
17
- 18 E. To adopt a retail transactions and use tax ordinance that imposes a tax
19 and provides a measure therefore that can be administered and
20 collected by the State Board of Equalization in a manner that adapts
21 itself as fully as practicable to, and requires the least possible deviation
22 from, the existing statutory and administrative procedures followed by the
23 State Board of Equalization in administering and collecting the California
24 State Sales and Use Taxes.
25
- 26 F. To adopt a retail transactions and use tax ordinance that can be
27 administered in a manner that will be, to the greatest degree possible,
28 consistent with the provisions of Part 1.6 of Division 2 of the Revenue

1 and Taxation Code, minimize the cost of collecting the transactions and
2 use taxes, and at the same time, minimize the burden of record keeping
3 upon persons subject to taxation under the provisions of this ordinance.
4

5 3.08.315. CONTRACT WITH STATE. Prior to the operative date, the City
6 shall contract with the State Board of Equalization to perform all functions incident to
7 the administration and operation of this transactions and use tax ordinance; provided,
8 that if the City shall not have contracted with the State Board of Equalization prior to
9 the operative date, it shall nevertheless so contract and in such a case the operative
10 date shall be the first day of the first calendar quarter following the execution of such a
11 contract.

12 3.08.320. TRANSACTIONS TAX RATE. For the privilege of selling tangible
13 personal property at retail, a tax is hereby imposed upon all retailers in the
14 incorporated territory of the City at the rate of 0.75% of the gross receipts of any
15 retailer from the sale of all tangible personal property sold at retail in said territory on
16 and after the operative date of this ordinance. The tax imposed herein is in addition to
17 any other transactions tax imposed by the City, the County of Los Angeles, or the
18 State of California.

19 3.08.325. PLACE OF SALE. For the purposes of this ordinance, all retail
20 sales are consummated at the place of business of the retailer unless the tangible
21 personal property sold is delivered by the retailer or its agent to an out-of-state
22 destination or to a common carrier for delivery to an out-of-state destination. The
23 gross receipts from such sales shall include delivery charges, when such charges are
24 subject to the state sales and use tax, regardless of the place to which delivery is
25 made. In the event a retailer has no permanent place of business in the State or has
26 more than one place of business, the place or places at which the retail sales are
27 consummated shall be determined under rules and regulations to be prescribed and
28 adopted by the State Board of Equalization.

1 3.08.330. USE TAX RATE. An excise tax is hereby imposed on the storage,
2 use or other consumption in the City of tangible personal property purchased from any
3 retailer on and after the operative date of this ordinance for storage, use or other
4 consumption in said territory at the rate of 0.75% of the sales price of the property.
5 The sales price shall include delivery charges when such charges are subject to state
6 sales or use tax regardless of the place to which delivery is made. The tax imposed
7 herein is in addition to any other transactions tax imposed by the City, the County of
8 Los Angeles, or the State of California.

9 3.08.335. ADOPTION OF PROVISIONS OF STATE LAW. Except as
10 otherwise provided in this ordinance and except insofar as they are inconsistent with
11 the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the
12 provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and
13 Taxation Code are hereby adopted and made a part of this ordinance as though fully
14 set forth herein.

15 3.08.340. LIMITATIONS ON ADOPTION OF STATE LAW AND
16 COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of
17 the Revenue and Taxation Code:

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

- 21 1. The word "State" is used as a part of the title of the State
22 Controller, State Treasurer, State Board of Control, State Board of
23 Equalization, State Treasury, or the Constitution of the State of
24 California;
- 25 2. The result of that substitution would require action to be taken by
26 or against this City or any agency, officer, or employee thereof
27 rather than by or against the State Board of Equalization, in
28

1 performing the functions incident to the administration or operation
2 of this Ordinance.

3 3. In those sections, including, but not necessarily limited to sections
4 referring to the exterior boundaries of the State of California,
5 where the result of the substitution would be to:

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

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

17 4. In Sections 6701, 6702 (except in the last sentence thereof),
18 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation
19 Code.

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

23 3.08.345. PERMIT NOT REQUIRED. If a seller's permit has been issued to
24 a retailer under Section 6067 of the Revenue and Taxation Code, an additional
25 transactor's permit shall not be required by this ordinance.

26 3.08.350. EXEMPTIONS AND EXCLUSIONS.

27 A. There shall be excluded from the measure of the transactions tax and
28 the use tax the amount of any sales tax or use tax imposed by the State

1 of California or by any city, city and county, or county pursuant to the
2 Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of
3 any state-administered transactions or use tax.

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

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

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

18 a. With respect to vehicles (other than commercial vehicles)
19 subject to registration pursuant to Chapter 1 (commencing
20 with Section 4000) of Division 3 of the Vehicle Code,
21 aircraft licensed in compliance with Section 21411 of the
22 Public Utilities Code, and undocumented vessels registered
23 under Division 3.5 (commencing with Section 9840) of the
24 Vehicle Code by registration to an out-of-City address and
25 by a declaration under penalty of perjury, signed by the
26 buyer, stating that such address is, in fact, his or her
27 principal place of residence; and
28

- 1 b. With respect to commercial vehicles, by registration to a
2 place of business out-of-City and declaration under penalty
3 of perjury, signed by the buyer, that the vehicle will be
4 operated from that address.
- 5 3. The sale of tangible personal property if the seller is obligated to
6 furnish the property for a fixed price pursuant to a contract entered
7 into prior to the operative date of this ordinance.
- 8 4. A lease of tangible personal property which is a continuing sale of
9 such property, for any period of time for which the lessor is
10 obligated to lease the property for an amount fixed by the lease
11 prior to the operative date of this ordinance.
- 12 5. For the purposes of subparagraphs (3) and (4) of this section, the
13 sale or lease of tangible personal property shall be deemed not to
14 be obligated pursuant to a contract or lease for any period of time
15 for which any party to the contract or lease has the unconditional
16 right to terminate the contract or lease upon notice, whether or not
17 such right is exercised.
- 18 C. There are exempted from the use tax imposed by this ordinance, the
19 storage, use or other consumption in this City of tangible personal
20 property:
- 21 1. The gross receipts from the sale of which have been subject to a
22 transactions tax under any state-administered transactions and
23 use tax ordinance.
- 24 2. Other than fuel or petroleum products purchased by operators of
25 aircraft and used or consumed by such operators directly and
26 exclusively in the use of such aircraft as common carriers of
27 persons or property for hire or compensation under a certificate of
28 public convenience and necessity issued pursuant to the laws of

1 this State, the United States, or any foreign government. This
2 exemption is in addition to the exemptions provided in Sections
3 6366 and 6366.1 of the Revenue and Taxation Code of the State
4 of California.

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

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

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

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

1 7. "A retailer engaged in business in the City" shall also include any
2 retailer of any of the following: vehicles subject to registration
3 pursuant to Chapter 1 (commencing with Section 4000) of Division
4 3 of the Vehicle Code, aircraft licensed in compliance with Section
5 21411 of the Public Utilities Code, or undocumented vessels
6 registered under Division 3.5 (commencing with Section 9840) of
7 the Vehicle Code. That retailer shall be required to collect use tax
8 from any purchaser who registers or licenses the vehicle, vessel,
9 or aircraft at an address in the City.

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

16 3.08.355. AMENDMENTS. All amendments subsequent to the effective
17 date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code
18 relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part
19 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6
20 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically
21 become a part of this ordinance, provided however, that no such amendment shall
22 operate so as to affect the rate of tax imposed by this ordinance.

23 3.08.360. ENJOINING COLLECTION FORBIDDEN. No injunction or
24 writ of mandate or other legal or equitable process shall issue in any suit, action or
25 proceeding in any court against the State or the City, or against any officer of the State
26 or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of
27 Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required
28 to be collected.

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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 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:

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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.

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

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

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

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

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

16
17 PASSED, APPROVED and ADOPTED ON _____, 2012.

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19 _____
20 ANDREW WEISSMAN, MAYOR
21 City of Culver City, California

22 ATTEST

23 APPROVED AS TO FORM

24 _____
25 MARTIN R. COLE, City Clerk

26 _____
27 CAROL A. SCHWAB, City Attorney

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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.

- 1 B. To ensure that the City has the financial means to provide for the well-
2 being and security of its residents and businesses as the City and its
3 economic base grows.
4
- 5 C. To impose a retail transactions and use tax in accordance with the
6 provisions of Part 1.6 (commencing with Section 7251) of Division 2 of
7 the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of
8 Division 2 which authorizes the City to adopt this tax ordinance which
9 shall be operative if a majority of the electors voting on the measure vote
10 to approve the imposition of the tax at an election called for that purpose.
11
- 12 D. To adopt a retail transactions and use tax ordinance that incorporates
13 provisions identical to those of the Sales and Use Tax Law of the State
14 of California insofar as those provisions are not inconsistent with the
15 requirements and limitations contained in Part 1.6 of Division 2 of the
16 Revenue and Taxation Code.
17
- 18 E. To adopt a retail transactions and use tax ordinance that imposes a tax
19 and provides a measure therefore that can be administered and
20 collected by the State Board of Equalization in a manner that adapts
21 itself as fully as practicable to, and requires the least possible deviation
22 from, the existing statutory and administrative procedures followed by the
23 State Board of Equalization in administering and collecting the California
24 State Sales and Use Taxes.
25
- 26 F. To adopt a retail transactions and use tax ordinance that can be
27 administered in a manner that will be, to the greatest degree possible,
28 consistent with the provisions of Part 1.6 of Division 2 of the Revenue

1 and Taxation Code, minimize the cost of collecting the transactions and
2 use taxes, and at the same time, minimize the burden of record keeping
3 upon persons subject to taxation under the provisions of this ordinance.
4

5 3.08.315. CONTRACT WITH STATE. Prior to the operative date, the City
6 shall contract with the State Board of Equalization to perform all functions incident to
7 the administration and operation of this transactions and use tax ordinance; provided,
8 that if the City shall not have contracted with the State Board of Equalization prior to
9 the operative date, it shall nevertheless so contract and in such a case the operative
10 date shall be the first day of the first calendar quarter following the execution of such a
11 contract.

12 3.08.320. TRANSACTIONS TAX RATE. For the privilege of selling tangible
13 personal property at retail, a tax is hereby imposed upon all retailers in the
14 incorporated territory of the City at the rate of 0.75% of the gross receipts of any
15 retailer from the sale of all tangible personal property sold at retail in said territory on
16 and after the operative date of this ordinance. The tax imposed herein is in addition to
17 any other transactions tax imposed by the City, the County of Los Angeles, or the
18 State of California.

19 3.08.325. PLACE OF SALE. For the purposes of this ordinance, all retail
20 sales are consummated at the place of business of the retailer unless the tangible
21 personal property sold is delivered by the retailer or its agent to an out-of-state
22 destination or to a common carrier for delivery to an out-of-state destination. The
23 gross receipts from such sales shall include delivery charges, when such charges are
24 subject to the state sales and use tax, regardless of the place to which delivery is
25 made. In the event a retailer has no permanent place of business in the State or has
26 more than one place of business, the place or places at which the retail sales are
27 consummated shall be determined under rules and regulations to be prescribed and
28 adopted by the State Board of Equalization.

1 3.08.330. USE TAX RATE. An excise tax is hereby imposed on the storage,
2 use or other consumption in the City of tangible personal property purchased from any
3 retailer on and after the operative date of this ordinance for storage, use or other
4 consumption in said territory at the rate of 0.75% of the sales price of the property.
5 The sales price shall include delivery charges when such charges are subject to state
6 sales or use tax regardless of the place to which delivery is made. The tax imposed
7 herein is in addition to any other transactions tax imposed by the City, the County of
8 Los Angeles, or the State of California.

9 3.08.335. ADOPTION OF PROVISIONS OF STATE LAW. Except as
10 otherwise provided in this ordinance and except insofar as they are inconsistent with
11 the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the
12 provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and
13 Taxation Code are hereby adopted and made a part of this ordinance as though fully
14 set forth herein.

15 3.08.340. LIMITATIONS ON ADOPTION OF STATE LAW AND
16 COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of
17 the Revenue and Taxation Code:

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

- 21 1. The word "State" is used as a part of the title of the State
22 Controller, State Treasurer, State Board of Control, State Board of
23 Equalization, State Treasury, or the Constitution of the State of
24 California;
- 25 2. The result of that substitution would require action to be taken by
26 or against this City or any agency, officer, or employee thereof
27 rather than by or against the State Board of Equalization, in
28

1 performing the functions incident to the administration or operation
2 of this Ordinance.

3 3. In those sections, including, but not necessarily limited to sections
4 referring to the exterior boundaries of the State of California,
5 where the result of the substitution would be to:

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

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

17 4. In Sections 6701, 6702 (except in the last sentence thereof),
18 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation
19 Code.

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

23 3.08.345. PERMIT NOT REQUIRED. If a seller's permit has been issued to
24 a retailer under Section 6067 of the Revenue and Taxation Code, an additional
25 transactor's permit shall not be required by this ordinance.

26 3.08.350. EXEMPTIONS AND EXCLUSIONS.

27 A. There shall be excluded from the measure of the transactions tax and
28 the use tax the amount of any sales tax or use tax imposed by the State

1 of California or by any city, city and county, or county pursuant to the
2 Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of
3 any state-administered transactions or use tax.

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

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

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

18 a. With respect to vehicles (other than commercial vehicles)
19 subject to registration pursuant to Chapter 1 (commencing
20 with Section 4000) of Division 3 of the Vehicle Code,
21 aircraft licensed in compliance with Section 21411 of the
22 Public Utilities Code, and undocumented vessels registered
23 under Division 3.5 (commencing with Section 9840) of the
24 Vehicle Code by registration to an out-of-City address and
25 by a declaration under penalty of perjury, signed by the
26 buyer, stating that such address is, in fact, his or her
27 principal place of residence; and
28

- 1 b. With respect to commercial vehicles, by registration to a
2 place of business out-of-City and declaration under penalty
3 of perjury, signed by the buyer, that the vehicle will be
4 operated from that address.
- 5 3. The sale of tangible personal property if the seller is obligated to
6 furnish the property for a fixed price pursuant to a contract entered
7 into prior to the operative date of this ordinance.
- 8 4. A lease of tangible personal property which is a continuing sale of
9 such property, for any period of time for which the lessor is
10 obligated to lease the property for an amount fixed by the lease
11 prior to the operative date of this ordinance.
- 12 5. For the purposes of subparagraphs (3) and (4) of this section, the
13 sale or lease of tangible personal property shall be deemed not to
14 be obligated pursuant to a contract or lease for any period of time
15 for which any party to the contract or lease has the unconditional
16 right to terminate the contract or lease upon notice, whether or not
17 such right is exercised.
- 18 C. There are exempted from the use tax imposed by this ordinance, the
19 storage, use or other consumption in this City of tangible personal
20 property:
- 21 1. The gross receipts from the sale of which have been subject to a
22 transactions tax under any state-administered transactions and
23 use tax ordinance.
- 24 2. Other than fuel or petroleum products purchased by operators of
25 aircraft and used or consumed by such operators directly and
26 exclusively in the use of such aircraft as common carriers of
27 persons or property for hire or compensation under a certificate of
28 public convenience and necessity issued pursuant to the laws of

1 this State, the United States, or any foreign government. This
2 exemption is in addition to the exemptions provided in Sections
3 6366 and 6366.1 of the Revenue and Taxation Code of the State
4 of California.

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

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

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

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

1 7. "A retailer engaged in business in the City" shall also include any
2 retailer of any of the following: vehicles subject to registration
3 pursuant to Chapter 1 (commencing with Section 4000) of Division
4 3 of the Vehicle Code, aircraft licensed in compliance with Section
5 21411 of the Public Utilities Code, or undocumented vessels
6 registered under Division 3.5 (commencing with Section 9840) of
7 the Vehicle Code. That retailer shall be required to collect use tax
8 from any purchaser who registers or licenses the vehicle, vessel,
9 or aircraft at an address in the City.

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

16 3.08.355. AMENDMENTS. All amendments subsequent to the effective
17 date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code
18 relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part
19 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6
20 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically
21 become a part of this ordinance, provided however, that no such amendment shall
22 operate so as to affect the rate of tax imposed by this ordinance.

23 3.08.360. ENJOINING COLLECTION FORBIDDEN. No injunction or
24 writ of mandate or other legal or equitable process shall issue in any suit, action or
25 proceeding in any court against the State or the City, or against any officer of the State
26 or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of
27 Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required
28 to be collected.

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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

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 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 _____

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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

APPROVED AS TO FORM

MARTIN R. COLE, City Clerk

CAROL A. SCHWAB, City Attorney

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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.

- 1 B. To ensure that the City has the financial means to provide for the well-
2 being and security of its residents and businesses as the City and its
3 economic base grows.
4
- 5 C. To impose a retail transactions and use tax in accordance with the
6 provisions of Part 1.6 (commencing with Section 7251) of Division 2 of
7 the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of
8 Division 2 which authorizes the City to adopt this tax ordinance which
9 shall be operative if a majority of the electors voting on the measure vote
10 to approve the imposition of the tax at an election called for that purpose.
11
- 12 D. To adopt a retail transactions and use tax ordinance that incorporates
13 provisions identical to those of the Sales and Use Tax Law of the State
14 of California insofar as those provisions are not inconsistent with the
15 requirements and limitations contained in Part 1.6 of Division 2 of the
16 Revenue and Taxation Code.
17
- 18 E. To adopt a retail transactions and use tax ordinance that imposes a tax
19 and provides a measure therefore that can be administered and
20 collected by the State Board of Equalization in a manner that adapts
21 itself as fully as practicable to, and requires the least possible deviation
22 from, the existing statutory and administrative procedures followed by the
23 State Board of Equalization in administering and collecting the California
24 State Sales and Use Taxes.
25
- 26 F. To adopt a retail transactions and use tax ordinance that can be
27 administered in a manner that will be, to the greatest degree possible,
28 consistent with the provisions of Part 1.6 of Division 2 of the Revenue

1 and Taxation Code, minimize the cost of collecting the transactions and
2 use taxes, and at the same time, minimize the burden of record keeping
3 upon persons subject to taxation under the provisions of this ordinance.
4

5 3.08.315. CONTRACT WITH STATE. Prior to the operative date, the City
6 shall contract with the State Board of Equalization to perform all functions incident to
7 the administration and operation of this transactions and use tax ordinance; provided,
8 that if the City shall not have contracted with the State Board of Equalization prior to
9 the operative date, it shall nevertheless so contract and in such a case the operative
10 date shall be the first day of the first calendar quarter following the execution of such a
11 contract.

12 3.08.320. TRANSACTIONS TAX RATE. For the privilege of selling tangible
13 personal property at retail, a tax is hereby imposed upon all retailers in the
14 incorporated territory of the City at the rate of 0.75% of the gross receipts of any
15 retailer from the sale of all tangible personal property sold at retail in said territory on
16 and after the operative date of this ordinance. Such tax shall be imposed for the first
17 five years following the effective date of the tax. The tax shall then be reduced and
18 imposed at a rate of 0.50%. The tax imposed herein is in addition to any other
19 transactions tax imposed by the City, the County of Los Angeles, or the State of
20 California.

21 3.08.325. PLACE OF SALE. For the purposes of this ordinance, all retail
22 sales are consummated at the place of business of the retailer unless the tangible
23 personal property sold is delivered by the retailer or its agent to an out-of-state
24 destination or to a common carrier for delivery to an out-of-state destination. The
25 gross receipts from such sales shall include delivery charges, when such charges are
26 subject to the state sales and use tax, regardless of the place to which delivery is
27 made. In the event a retailer has no permanent place of business in the State or has
28 more than one place of business, the place or places at which the retail sales are

1 consummated shall be determined under rules and regulations to be prescribed and
2 adopted by the State Board of Equalization.

3 3.08.330. USE TAX RATE. An excise tax is hereby imposed on the storage,
4 use or other consumption in the City of tangible personal property purchased from any
5 retailer on and after the operative date of this ordinance for storage, use or other
6 consumption in said territory at the rate of 0.75% of the sales price of the property.
7 Such tax shall be imposed for the first five years following the effective date of the tax.
8 The tax shall then be reduced and imposed at a rate of 0.50%. The sales price shall
9 include delivery charges when such charges are subject to state sales or use tax
10 regardless of the place to which delivery is made. The tax imposed herein is in
11 addition to any other transactions tax imposed by the City, the County of Los Angeles,
12 or the State of California.

13 3.08.335. ADOPTION OF PROVISIONS OF STATE LAW. Except as
14 otherwise provided in this ordinance and except insofar as they are inconsistent with
15 the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the
16 provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and
17 Taxation Code are hereby adopted and made a part of this ordinance as though fully
18 set forth herein.

19 3.08.340. LIMITATIONS ON ADOPTION OF STATE LAW AND
20 COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of
21 the Revenue and Taxation Code:

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

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

- 1 2. The result of that substitution would require action to be taken by
2 or against this City or any agency, officer, or employee thereof
3 rather than by or against the State Board of Equalization, in
4 performing the functions incident to the administration or operation
5 of this Ordinance.
- 6 3. In those sections, including, but not necessarily limited to sections
7 referring to the exterior boundaries of the State of California,
8 where the result of the substitution would be to:
- 9 a. Provide an exemption from this tax with respect to certain
10 sales, storage, use or other consumption of tangible
11 personal property which would not otherwise be exempt
12 from this tax while such sales, storage, use or other
13 consumption remain subject to tax by the State under the
14 provisions of Part 1 of Division 2 of the Revenue and
15 Taxation Code, or;
- 16 b. Impose this tax with respect to certain sales, storage, use
17 or other consumption of tangible personal property which
18 would not be subject to tax by the state under the said
19 provision of that code.
- 20 4. In Sections 6701, 6702 (except in the last sentence thereof),
21 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation
22 Code.
- 23 B. The word "City" shall be substituted for the word "State" in the phrase
24 "retailer engaged in business in this State" in Section 6203 and in the definition
25 of that phrase in Section 6203.
- 26 3.08.345. PERMIT NOT REQUIRED. If a seller's permit has been issued to
27 a retailer under Section 6067 of the Revenue and Taxation Code, an additional
28 transactor's permit shall not be required by this ordinance.

1 3.08.350. EXEMPTIONS AND EXCLUSIONS.

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

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

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

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

21 a. With respect to vehicles (other than commercial vehicles)
22 subject to registration pursuant to Chapter 1 (commencing
23 with Section 4000) of Division 3 of the Vehicle Code,
24 aircraft licensed in compliance with Section 21411 of the
25 Public Utilities Code, and undocumented vessels registered
26 under Division 3.5 (commencing with Section 9840) of the
27 Vehicle Code by registration to an out-of-City address and
28 by a declaration under penalty of perjury, signed by the

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- 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

1 persons or property for hire or compensation under a certificate of
2 public convenience and necessity issued pursuant to the laws of
3 this State, the United States, or any foreign government. This
4 exemption is in addition to the exemptions provided in Sections
5 6366 and 6366.1 of the Revenue and Taxation Code of the State
6 of California.

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

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

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

22 6. Except as provided in subparagraph (7), a retailer engaged in
23 business in the City shall not be required to collect use tax from
24 the purchaser of tangible personal property, unless the retailer
25 ships or delivers the property into the City or participates within
26 the City in making the sale of the property, including, but not
27 limited to, soliciting or receiving the order, either directly or
28 indirectly, at a place of business of the retailer in the City or

1 through any representative, agent, canvasser, solicitor, subsidiary,
2 or person in the City under the authority of the retailer.

3 7. "A retailer engaged in business in the City" shall also include any
4 retailer of any of the following: vehicles subject to registration
5 pursuant to Chapter 1 (commencing with Section 4000) of Division
6 3 of the Vehicle Code, aircraft licensed in compliance with Section
7 21411 of the Public Utilities Code, or undocumented vessels
8 registered under Division 3.5 (commencing with Section 9840) of
9 the Vehicle Code. That retailer shall be required to collect use tax
10 from any purchaser who registers or licenses the vehicle, vessel,
11 or aircraft at an address in the City.

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

18 3.08.355. AMENDMENTS. All amendments subsequent to the effective
19 date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code
20 relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part
21 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6
22 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically
23 become a part of this ordinance, provided however, that no such amendment shall
24 operate so as to affect the rate of tax imposed by this ordinance.

25 3.08.360. ENJOINING COLLECTION FORBIDDEN. No injunction or
26 writ of mandate or other legal or equitable process shall issue in any suit, action or
27 proceeding in any court against the State or the City, or against any officer of the State
28 or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of

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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

1 RESOLUTION No. 2012- R_____

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 CULVER CITY, CALIFORNIA, REQUESTING THE BOARD OF
5 SUPERVISORS OF THE COUNTY OF LOS ANGELES TO
6 CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD
7 ON TUESDAY, NOVEMBER 6, 2012, WITH THE STATEWIDE
8 GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT
9 TO §10403 OF THE ELECTIONS CODE.

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

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

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

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

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

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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 <u>(pursuant to terms & conditions selected by the City Council)</u> , 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.

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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

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, 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

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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

APPROVED AS TO FORM

MARTIN R. COLE, City Clerk

CAROL A. SCHWAB, City Attorney