



X

City of Santa Ana, Santa Ana Neighborhood Safety, Homeless Prevention and Essential City Services Enhancement Measure

To maintain effective 9-1-1 response; retaining firefighters and police officers; addressing homelessness; fixing streets; maintaining parks, youth and senior services, and unrestricted general revenue purposes; shall the sales tax be increased one and one half (1.5) cents until 2029 providing approximately \$60 million dollars annually, then reduced to one (1) cent providing approximately \$40 million dollars annually, until 2039, requiring annual audits, citizens oversight and for Santa Ana use only?

What your vote means

YES	NO
A "YES" vote on the measure is a vote in favor of a local transactions and use tax in the City of Santa Ana of one and one half (1.5) cent until March 31, 2029 and then one (1) cent until March 31, 2039 to fund general city services.	A "NO" vote on the measure is a vote against a local transactions and use tax in the City of Santa Ana of one and one half (1.5) cent until March 31, 2029 and then one (1) cent until March 31, 2039 to fund general city services.

For and against

FOR	AGAINST
<p>Juan Villegas Councilmember, City of Santa Ana</p> <p>Sal Tinajero Councilmember, City of Santa Ana</p> <p>David Benavides Santa Ana Councilmember</p>	<p>Steve Rocco Treasurer, Orange County Organized Crime and Political Corruption Watch</p>

Ballot Measures-XFull Text of Measure X
City of Santa Ana

ORDINANCE NO. NS-2952

AN ORDINANCE OF THE CITY OF SANTA ANA ADDING ARTICLE VII TO CHAPTER 35 OF THE SANTA ANA MUNICIPAL CODE RELATED TO A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION

The City Council of the City of Santa Ana does ordain as follows:

Section 1. Authority. The City Council and the Voters of the City of Santa Ana enact this ordinance in accordance with the authority granted to cities by Article XI, Section 7 of the California Constitution and Section 7285.9 of the California Revenue and Taxation Code.

Section 2. Addition of article. Article VII is hereby added to Chapter 35 of the Santa Ana Municipal Code to read as follows:

CHAPTER 35- TAXATION

ARTICLE VII. - TRANSACTIONS AND USE TAX.

Sec. 35-200. - Short title.

This article shall be known as the "Transactions and Use Tax" and shall be applicable in the incorporated territory of the City of Santa Ana ("city").

Sec. 35-201. - Definitions.

For the purpose of this article the following words terms shall have the meaning given in this section:

"In the city" means and includes all territory within the city limits.

"Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the later of the adoption of this chapter and the approval by the voters of the city of a measure approving the imposition of an increased transactions and use tax; provided that, if the city shall not have entered into a contract with the California Department of Tax and Fee Administration as required by section 35-203. Prior to such date, the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Sec. 35-202. - Purpose.

This article of the Santa Ana Municipal Code has been adopted for the following purposes and directs that the provisions hereof be interpreted in order to accomplish those purposes:

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

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

(3) To adopt a retail transactions and use tax that imposes a tax and provides a measure therefor that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

(4) To adopt a retail transactions and use tax that can be administered in a manner that will, to the greatest degree possible, be consistent with the provisions of Parts 1.6 of Division 2 of the said Revenue and Taxation Code, and thereby minimize the cost of collecting city transactions and use taxes, and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions thereof.

Sec. 35-203. - Contract with state.

Prior to the operative date, the city shall contract with the California Department of Tax and Fee Administration to perform all functions incidental to the administration and operation of this transactions and use tax ordinance. If the city has not contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract. The city council may make any technical amendments to this chapter required by the California Department of Tax and Fee Administration, except for any changes affecting the tax rate, tax methodology, or its manner of collection.

Sec. 35-204. - Imposition of transactions and use tax – Rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the city at the rate of one and one half cents (1.5) of any gross receipts of the retailer from the sale of all tangible personal property sold at retail in the city on and after the operative date of this article until March 31, 2029 and then at the rate of one cent (1) until March 31, 2039.

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Sec. 35-205. - Place of sale.

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

Sec. 35-206.- Imposition of use tax – Use tax rate.

An excise tax is hereby imposed on the storage, use, or other consumption in the city of tangible personal property purchased from any retailer on or after the operative date of this article, at the rate of one and one-half cents (1.5) of the sales price of the property subject to the tax until March 31, 2029 and then at the rate of one cent (1) of the sales price of the property subject to the tax until March 31, 2039. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Sec. 35-207. - Adoption of provisions of state law – Generally.

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

Sec. 35-208. - Adoption of provisions of state law – Limitations; Limitations on collection of use taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

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

(A) The word “State” is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

(B) The result of that substitution would require action to be taken by or against this city or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this article.

(C) In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

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

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

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

(2) The word “city” shall be substituted for the word “State” in the phrase “retailer engaged in business in this State” in Section 6203 and in the definition of that phrase in Section 6203.

Sec. 35-209. - Permit not required.

If a seller’s permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor’s permit shall not be required by this article.

Sec. 35-210. - Exemptions and exclusions.

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

(2) Transactions Tax Exemptions. There are exempted from the computation of the amount of transactions tax the gross receipts from:

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

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

(i) With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1

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

(ii) 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.

(C) 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.

(D) 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.

For the purposes of subsections (2)(C) and (2)(D) 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.

(3) Use Tax Exemptions. There are exempted from the use tax imposed by this chapter, the storage, use or other consumption in this city of tangible personal property:

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

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

(C) If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date.

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

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

(4) Exemption from Collection of Use Tax. Except as provided in subsection (5), a retailer engaged in business in the city shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the city or participates within the city in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the city or through any representative, agent, canvasser, solicitor, subsidiary, or person in the city under the authority of the retailer.

(5) Retailer Not Exempt from Collection of Use Tax. "A retailer engaged in business in the city" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the city.

(6) Credit Against Use Tax for Transactions Tax Paid Elsewhere. Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Sec. 35-211. - Adoption of amendments to state law.

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

Sec. 35-212. - Enjoining collection prohibited.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against the State or the city, or against any officer of the State or the city, to prevent or enjoin the collection hereunder, or Parts 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Sec. 35-213. - Termination.



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The authority set forth in this Article VII to impose a retail transactions and use tax shall continue until March 31, 2039.

Sec. 35-214. - Oversight committee.

The City Council shall, by resolution establish as citizen oversight committee to act in an advisory role to the City Council in reviewing the annual revenue and expenditures of funds from the tax authorized by this article. The resolution shall establish the committee members' terms, qualifications and duties, and the committee's scope of authority.

Sec. 35-215. - Annual Audit.

An annual audit of the revenue generated by the sales and use tax and the expenditures made will be conducted by an independent certified public accountant.

Sec. 35-216. - Annual Expenditures Disclosure.

The City of Santa Ana will publically disclose on an annual basis a list of expenditures made with sales and use tax monies for the preceding fiscal year.

Sec. 35-217. – Sunset Provision.

On March 31, 2029, the rate of one and one half cents (1.5) will be reduced to one cent (1) until March 31, 2039 for a total of twenty (20) years.

SECTION 3. Effective Date. Pursuant to the California Constitution Article XIIC(2)(b) and California Elections Code 9217, if the requisite number of qualified voters voting in the election on Measure "X" vote in favor of the adoption of such measure, this ordinance shall be deemed valid and binding and shall be considered adopted upon the date that the vote is declared by the City Council, and shall go into effect ten (10) days after that date.

SECTION 4. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The People of the City of Santa Ana hereby declare that they would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

SECTION 5. Certification/Summary. Following the City Clerk's certification that the citizens of Santa Ana have approved this Ordinance, the Mayor shall sign this Ordinance and the City Clerk shall cause the same to be entered in the book or original ordinance of said City; and shall cause the same, or a summary thereof, to be published as required by law.



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Impartial Analysis City of Santa Ana Measure X

Measure X titled the “Santa Ana Neighborhood Safety, Homeless Prevention and Essential City Services Enhancement Measure” was placed on the ballot by the City Council of the City of Santa Ana. It added Article VII to Chapter 35 of the Santa Ana Municipal Code and established a local transactions and use tax in the City of Santa Ana of one and one half (1.5) cents for 10 years until March 31, 2029 and then reduced to one (1) cent for 10 additional years until March 31, 2039 for a total of 20 years to fund general city services. The one and one half (1.5) cents transactions and use tax would add one and one half cents to a retail purchase of \$1 and \$1.50 to a retail purchase of \$100. In 2029 when reduced to one (1) cent, the one (1) cent transactions and use tax would add one cent to a retail purchase of \$1 and \$1.00 to a retail purchase of \$100. With the exception of those items that are exempt, the transactions and use tax applies to most over-the-counter sales of tangible goods and restaurant purchases. For automobile sales, the tax only applies if the vehicle is registered to a city address; regardless of whether the vehicle was purchased from a dealership located inside of the city.

Measure X is expected to generate \$60 million dollars a year, until 2029 and then \$40 million dollars a year until March 31, 2039 to fund general city services including, but not limited to, maintaining 9-1-1 emergency response services, homelessness and housing services, fixing potholes and streets, maintaining parks, after school programs, senior services and graffiti removal. The revenue from the transactions and use tax would also be used to address the city’s structural deficit.

Measure X requires a majority of the Santa Ana voters that vote in the election on November 6, 2018 to become law. If approved, the tax will be imposed beginning on April 1, 2019 at one and one half (1.5) cent until March 31, 2029 and then reduced to one (1) cent until March 31, 2039. The City is required to contract with the California Department of Tax and Fee Administration to administer and collect the tax.

Measure X provides for a citizen oversight committee, an annual audit by an independent certified public accountant, and an annual expenditures disclosure by the city to the public.

In summary:

A “YES” vote on the measure is a vote in favor of a local transactions and use tax in the City of Santa Ana of one and one half (1.5) cent until March 31, 2029 and then one (1) cent until March 31, 2039 to fund general city services.

A “NO” vote on the measure is a vote against a local transactions and use tax in the City of Santa Ana of one and one half (1.5) cent until March 31, 2029 and then one (1) cent until March 31, 2039 to fund general city services.

The above statement is an impartial analysis of Measure X. If you desire a copy of the measure, please call the City Clerk at (714) 647-6250 and a copy will be mailed at no cost to you.

s/ Sonia Rubio Carvalho
Santa Ana City Attorney



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Argument in Favor of Measure X

Vital city services in Santa Ana have suffered as a result of the Great Recession. Public safety has been cut, youth and after school programs have been reduced, and our homeless problem is getting worse. As budget reductions continue to take their toll, our police department has fewer officers and our fire department and emergency response times have been compromised.

It's time to restore public safety and vital services for Santa Ana. Measure X will provide the funding needed for essential public safety services while helping us take care of the basics – like repairing streets and maintaining youth services. It will prevent further cuts to police protection, paramedic services and programs that fight gangs and drugs.

The homeless problem is getting worse, having reached excessive levels in Santa Ana, hurting local businesses, public safety, and our quality of life. Measure X will help get people off the streets and into programs and housing, working to end the cycle of homelessness.

Santa Ana is a great place to live and raise a family. We cannot afford to keep cutting vital services. It's time to protect our future. Measure X will provide the resources to take care of the essential city services like street repairs, libraries, parks and youth services.

Measure X includes tough accountability by requiring annual independent financial audits and citizen review of expenditures. It ensures that all funds remain in the City of Santa Ana and will not be taken away by Sacramento. These strong fiscal safeguards will ensure funds are used efficiently, effectively and for the benefit of Santa Ana.

s/ Juan Villegas
Councilmember, City of Santa Ana

s/ Sal Tinajero
Councilmember, City of Santa Ana

s/ David Benavides
Santa Ana Councilmember

Rebuttal to Argument in Favor of Measure X

It takes a lot of money to fund the illegal alien institution. Mexican occupation lasted 1825-1846. This time it's longer, and by proxy. Santa Ana lives by subsidized government goodies. No illegals? No homeless problem! Plenty of jobs, housing and education. Our jails: not for illegals (even if paid).

Illegals face deportation! Americans face death, kidnapping and theft. Homeless: not their fault! Political/Medical murder! Judicial and extra-judicial killings, through the Public Administrator common place. Our last two police chiefs were fired and well-paid. Snitch Scandal: a fraud.

Vital services? Spanish-speaking police make \$1000 more. The library and city hall are fenced-in fortresses, guarded by security guards.

La Raza murals are pervasive. Radicalized education (I.E. Izzy Ocampo) produce anti-American killers. Mexican DA Rackauckas and Pulido prove anti-Americanism. Rackauckas, the savior of Albertsons: threw the Kelly Thomas case. Thomas was arrested seven times at an Albertsons. Pulido welcomes Partnership. American slavery: unwarranted invasions, kidnappings and murder of innocent Americans (I.E. Conservatorship/Guardianship). Rather than deporting without assets, we have sanctuary and death camps.

The system needs to be defunded and dismantled:

Santa Ana is the second largest populated Mexican city, by design. Non-majority rule is not democracy, and illegals are neither immigrants nor refugees.

These problems were created by anti-Americans. Now, we're supposed to pay to keep the problem going?

s/ Steve Rocco
Steve Rocco's Orange County Organized Crime and Political Corruption Watch, Against Measure



Argument Against Measure X

They say that history repeats itself. The problems of the 21ST century has its roots in the 19TH. 4,000,000 slaves vs 12,000,000 illegals. General Antonio López de Santa Anna vs Alamo. Santa Ana vs American refugee encampments. The city is defined by drugs, perversion and illegals. The 1.5% tax is a bail-out. It gives us the highest county rate and a 20 year problem. Money is spent for sanctuary and illegals. ICE, no! Public/private partnerships for values Americans reject. Organized crime? Consider: July 20, this writer is framed by the Albertson CEO's son.

5-31-94, Mexican born Miguel Pulido joins the Santa Ana Chamber of Commerce.

6-1-94, Albertsons Food & Drug join.

6-2-94, The son is convicted on drug charges.

July 20, Anniversary Killings: Rocco, Colorado, Norway.

OC's head DA sends his neighbor to frame Rocco, and OC Weekly write fabrications. America's most dangerous Mexican anti-Americans: Rackauckas, Pulido, Arellano.

American cultural neighborhoods have been replaced by gang culture. The all Hispanic council, elected at-large, has made Santa Ana the capital of drugs, perversion and illegals. This condition has spread to Europe. Bloated council salaries? Best paid in California. Multiculturalism? Izzy Ocampo/Serial Killer (Mexican born/Registered Democrat) murdered only Americans. This writer was targeted.

Go along with asymmetrical war against Americans ? Federal intervention or bankruptcy? We don't want your values, and certainly don't want to give you our money.

s/ Steve Rocco
Treasurer, Orange County Organized Crime and Political Corruption Watch