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CITY OF GOLETA
300 W. 10th Street
Goleta, CA 93117

June 28, 2022

CITY COUNCIL

Paula Perotte
Mayor

Stuart Kasdin
Mayor Pro Tempore

Roger S. Aceves
Councilmember

James Kyriaco
Councilmember

Kyle Richards
Councilmember

CITY MANAGER
Michelle Greene

VIA: HAND DELIVERY

Honorable Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street, Room 407
Santa Barbara CA, 93101

**RE: Request for Election Services for the November 8, 2022
General Election**

County of Santa Barbara Board of Supervisors,

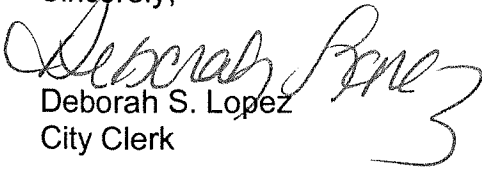
The Goleta City Council, at its regular meeting of June 21, 2022, adopted Resolution 22-32 requesting the Board of Supervisors of the County of Santa Barbara to Consolidate a General Municipal Election to be held on November 8, 2022, with the Statewide General Election to be held on that date pursuant to Elections Code Section 10403.

Enclosed please find one original and eight copies of the following:

A Resolution of the City Council of the City of Goleta, California, Requesting the Board of Supervisors of the County of Santa Barbara to Consolidate a General Municipal Election to Be Held on November 8, 2022 with the Statewide General Election to Be Held on that Date Pursuant to Elections Code Section 10403."

At this time, I am requesting that this item be placed on the July 12, 2022 Board meeting (City Request for Election Services attached). Upon approval we request confirmation of the Board action by minute order. If you have any questions, please feel free to contact me at (805) 961-7505.

Sincerely,


Deborah S. Lopez
City Clerk

Enclosures

C: Michelle Greene, City Manager
Renee Bischof, Chief Deputy Registrar of Voters

RESOLUTION NO. 22-32

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO ELECTIONS CODE SECTION 10403

WHEREAS, the City Council of the City of Goleta called a General Municipal Election to be held on November 8, 2022, for the purpose of the election of two members of the City Council, one Representative from District 1 and one Representative from District 2 for the full terms of four-years each; and

WHEREAS, the City Council is submitting to the voters for approval Ordinance 21-09 that was protested by Referendum and a question enacting a General Transactions And Use Tax (Sales Tax) At The Rate Of One Cent (1¢); and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the City the precincts, polling places and election officers of the two elections be the same, and that the election department of the County of Santa Barbara canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election and only one form of ballot shall be used

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

SECTION 1. Request for Consolidation. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Santa Barbara is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 8, 2022, for the purpose of electing two (2) Members of the City Council, one Representative from District 1 and one Representative from District 2 for the full terms of four-years each and for the submission of two measures to the voters.

SECTION 2. That a measure is to appear on the ballot as follows:

<i>"To support Goleta's 9-1-1 response/crime prevention; clean-up trash in creeks to maintain coastal waters; address homelessness, fire risks from illegal encampments; maintain public safety, clean/maintain public areas; repair streets/potholes; increase recycled water use for parks; retain local businesses/jobs; maintain open spaces/natural</i>	Yes
	No

<i>areas and for general government use; shall a measure be adopted establishing a 1¢ sales tax providing approximately \$10,600,000 annually until ended by voters, requiring public spending disclosure?"</i>	
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SECTION 3.

That the proposed complete text of the measure (Ordinance No.22-XX) to be submitted to the voters is attached as Exhibit "A".

SECTION 4.

That a measure is to appear on the ballot as follows:

<i>"Shall Ordinance No. 21-09, An Ordinance of the City of Goleta, California, banning the sale of flavored tobacco products within the City's limits, be adopted?"</i>	Yes
	No

SECTION 5.

That the proposed complete text of the measure (Ordinance No.21-09) to be submitted to the voters is attached as Exhibit "B".

SECTION 6. Canvass of Returns. The County election department is authorized to canvass the returns and perform all other proceedings incidental to and connected with the General 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. Pursuant to Elections Code sections 10403 and 10418, the election will be held and conducted in accordance with the provisions of law regulating the Statewide General Election.

SECTION 7. Necessary Steps. 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 8. Costs. The City of Goleta recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 9. Filing of Resolution. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the election department of the County of Santa Barbara.

SECTION 10. Certification. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

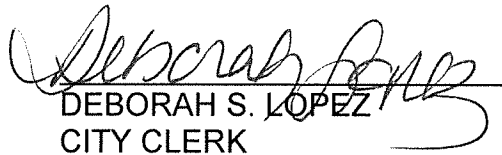
SECTION 11. Effectiveness. This Resolution shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED this 21st day of June 2022.



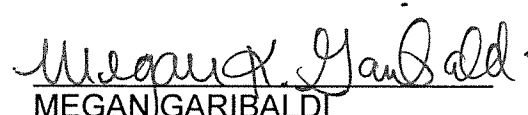
PAULA PEROTTE
MAYOR

ATTEST:



DEBORAH S. LOPEZ
CITY CLERK

APPROVED AS TO FORM:



MEGAN GARIBALDI
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 22-32 was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 21st day of June 2022 by the following roll call vote of the City Council:

AYES: MAYOR PEROTTE, MAYOR PRO TEMPORE KASDIN,
COUNCILMEMBERS ACEVES, KYRIACO AND RICHARDS

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)

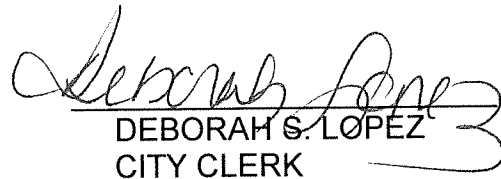

DEBORAH S. LOPEZ
CITY CLERK

Exhibit "A"
Transactions and Use Tax Ordinance

[attached behind this page]

ORDINANCE NO. _____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF GOLETA, CALIFORNIA,
ADDING CHAPTER 3.10 TO TITLE 3 OF THE GOLETA MUNICIPAL CODE TO
ENACT A ONE-CENT (1¢) GENERAL TRANSACTIONS AND USE TAX (SALES
TAX) TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND
FEE ADMINISTRATION

WHEREAS, pursuant to California Revenue and Taxation Code section 7285.9 the City of Goleta ("City") is authorized to levy a Transactions and Use Tax for general purposes, subject to majority voter approval; and

WHEREAS, the People of the City desire to levy a Transactions and Use Tax for general purposes until repealed to fund important general City services, at a rate of one cent (1¢); and

WHEREAS, if approved by the City Council and Goleta voters, the Transactions and Use Tax Ordinance will be incorporated into Chapter 3.10 of Title 3 of the Goleta Municipal Code.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF GOLETA DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Title and Text. This Ordinance shall be known as the Goleta Transactions and Use Tax Ordinance, the full text of which is set forth in Attachment "1", attached hereto and incorporated herein by reference.

Section 2. Approval by the City Council. Pursuant to California Government Code section 53724 and Revenue and Taxation Code section 7285.9, this Ordinance was duly approved for placement on the ballot by a minimum two-thirds (2/3) supermajority of all members of the City Council on June 21, 2022.

Section 3. Approval by the Voters. Pursuant to California Elections Code section 9217, this Ordinance shall be deemed adopted and take effect only if approved by a majority of the eligible voters of the City of Goleta voting at the General Municipal Election of November 8, 2022. It shall be deemed adopted when the City Council has certified the results of that election by resolution and shall take effect ten (10) days thereafter.

Section 4. Operative Date. "Operative Date" for the Transactions and Use Tax means the first day of the first calendar quarter commencing more than 110 days after the date this Ordinance is adopted, as set forth in Section 3 above, but no earlier than January 1, 2024.

Section 5. 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.

I hereby certify that the Goleta Transactions and Use Tax Ordinance was **PASSED, APPROVED, AND ADOPTED** by the People of the City of Goleta on the 8th day of November, 2022.

CITY OF GOLETA

PAULA PEROTTE, MAYOR

ATTEST:

DEBORAH S. LOPEZ
CITY CLERK

APPROVED AS TO FORM:

MEGAN GARIBALDI
CITY ATTORNEY

Chapter 3.10 - Transactions and Use Tax

Sections:

- 3.10.010 - Purpose.**
- 3.10.020 - Contract With State.**
- 3.10.030 - Transactions Tax Rate.**
- 3.10.040 - Place of Sale.**
- 3.10.050 - Use Tax Rate.**
- 3.10.060 - Adoption of Provisions of State Law.**
- 3.10.070 - Limitations on Adoption of State Law and Collection of Use Taxes.**
- 3.10.080 - Permit Not Required.**
- 3.10.090 - Exemptions and Exclusions.**
- 3.10.100 - Amendments.**
- 3.10.110 - Enjoining Collection Forbidden.**
- 3.10.120 - Duration of Tax**

Sections:

3.10.010 - 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 impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the 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.

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

3.10.020 - 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 incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have 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.

3.10.030- Transactions Tax Rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one percent (1%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

3.10.040 - Place of Sale.

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

3.10.050 - Use Tax Rate.

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one percent (1%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.10.060 - Adoption of Provisions of State Law.

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

3.10.070 - Limitations on Adoption of State Law and Collection of Use Taxes.

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

- A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:
1. The word "State" is used as a part of the title of the State Controller, State Treasurer, California Victim Compensation Board, California Department of Tax and Fee Administration, State Treasury, or the Constitution of the State of California;
 2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.
 3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;
 - b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.
 4. In reference to Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "city" shall be substituted for the word "state" in the phrase "retailer engaged in business in this state" in Section 6203 of the Revenue and Taxation Code and in the definition of that phrase in Section 6203.

1. "A retailer engaged in business in the District" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

3.10.080 - Permit not Required.

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

3.10.090 - Exemptions and Exclusions.

- A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.
- B. There are exempted from the computation of the amount of transactions tax the gross receipts from:
 1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
 2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:
 - a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under

penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

- b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.
 4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.
 5. For the purposes of subparagraphs (3) and (4) of this subsection, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
- C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:
1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
 2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.
 3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.
 4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.
 5. For the purposes of subparagraphs (3) and (4) of this subsection, storage, use, or other consumption, or possession of, or exercise of any right or power over,

tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.
7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

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

3.10.100 - Amendments.

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

3.10.110 - Enjoining Collection Forbidden.

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

3.10.120 – Duration of Tax.

The tax imposed by this chapter shall continue until this ordinance is repealed.

Exhibit "B"
Ordinance 21-09

[attached behind this page]

ORDINANCE NO. 21-09

AN ORDINANCE OF THE CITY OF GOLETA, CALIFORNIA, AMENDING CHAPTER 5.07 OF TITLE 5 OF THE GOLETA MUNICIPAL CODE BANNING THE SALES OF FLAVORED TOBACCO

THE CITY COUNCIL OF THE CITY OF GOLETA ORDAIN AS
FOLLOWS:

SECTION 1. Chapter 5.07 (Tobacco Retailing License) of Title 5 (Business Licenses and Regulations) of the Goleta Municipal Code is amended to read as follows:

5.07.010 Definitions.

The words, terms, phrases, and their derivations set forth in this chapter have the meanings set forth below.

“Bona fide purchaser for value” means a person who purchases legal title to a tobacco retailing business without actual or constructive notice of any infirmities, claims or equities against the title.

“Delinquency date” means the first business day after the expiration of a tobacco retailing license.

“Flavored tobacco product” means any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, molasses, or any candy, dessert, alcoholic beverage, herb, or spice.

“Licensee” means any proprietor(s) who holds a valid tobacco retailing license issued pursuant to this chapter.

“Person” means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

“Proprietor” means a person with a minimum of 10% ownership interest in a tobacco retailing business.

"School" means any daycare program licensed by the State Department of Social Services and any public or private preschool, kindergarten, elementary, middle, junior high, or high school.

"Self-service display" means the open display or storage of tobacco products or tobacco paraphernalia in a manner that is physically accessible in any way to the general public without the assistance of the licensee or employee of the licensee and a direct person-to-person transfer between the purchaser and the licensee or employee of the licensee. A vending machine is a form of self-service display.

"Smoking" or to "smoke" means inhaling, exhaling, burning or carrying any lighted or heated pipe, cigar, cigarette, weed, plant or other combustible organic or chemical substance, the smoke or vapor emission from which is specifically designed or intended to be inhaled or drawn into the nose or mouth.

"Tobacco paraphernalia" means any item designed for the consumption, use, or preparation of tobacco products.

"Tobacco product"

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus; and
2. Any electronic smoking device, with or without nicotine.
3. Any component, part, or accessory of a tobacco product, whether or not sold separately, notwithstanding any provision of this definition to the contrary.

"Tobacco retailing" shall mean selling, offering for sale, or offering to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia. This definition is without regard to the quantity of tobacco, tobacco products, or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

"Tobacco retailing business" means a physical location at which tobacco retailing occurs.

"Tobacco retailing license" means the license required pursuant to this chapter.

5.07.020 Requirements and Prohibitions.

- A. No person shall engage in tobacco retailing in the City without first obtaining and maintaining a valid tobacco retailing license for each location at which any tobacco retailing is to occur.
- B. Licenses may be issued only to authorize tobacco retailing at one fixed location at a time.
- C. No person may engage in tobacco retailing on foot or from vehicles, also known as mobile vending.
- D. In the course of tobacco retailing or in the operation of a tobacco retailing business or maintenance of the location in the City for which a license issued, it shall be a violation of this chapter for a licensee, or agents or employees thereof, to violate any local or State tobacco control law.
- E. A licensee shall prominently display the license in a publicly visible location at the licensed location.
- F. No licensee shall sell or transfer a tobacco product or tobacco paraphernalia to another person who appears to be under the age of 27 years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under State law to purchase and possess the tobacco product or tobacco paraphernalia.
- G. No person who is younger than 21 years of age shall engage in tobacco retailing.
- H. No licensee shall allow a person who is younger than 21 years of age to engage in tobacco retailing.
- I. No person shall allow a self-service tobacco display at any location for which a tobacco retailing license under this chapter or business license under Chapter 5.01 of this title is required.
- J. A proprietor without a valid tobacco retailing license, including a proprietor whose license has been suspended or revoked, shall:
 - 1. Keep all tobacco products and tobacco paraphernalia out of public view; and
 - 2. Not display any advertisement relating to tobacco products or tobacco paraphernalia that promotes the sale or distribution of such products from the proprietor's tobacco retailing location or that could lead a reasonable consumer to believe that such products can be obtained at that location.
- K. No person may engage in tobacco retailing within 1,000 feet of a school, except if a person has already been tobacco retailing lawfully within 1,000 feet of a school on the effective date of the ordinance codified in this chapter.
 - 1. All distances shall be measured in a straight line from the nearest point on the parcel boundary of an existing or

proposed tobacco retailing business to the nearest point on the parcel boundary of the nearest school.

- L. A tobacco retailing license may not be transferred from one proprietor to another or from one location to another. A new tobacco retailing license is required whenever there is a change in proprietors to a tobacco retailing license or a change in the location of a tobacco retailing business. When a transfer of a license is purely from one tobacco retailing business location to another, the licensee must pay two dollars to the Finance Department to effectuate such transfer.
- M. With regard to the imposition of conditions, Sections 5.01.220, 5.01.230, 5.01.240, and 5.01.250 of Chapter 5.01 of this title are incorporated.
- N. *Prohibition of the Sale of Flavored Tobacco Products.* No tobacco retailer shall sell any flavored tobacco product. There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a manufacturer or any of the manufacturer's agents or employees, in the course of their agency or employment, has made a statement or claim directed to consumers or to the public that the tobacco product has a taste or smell other than tobacco flavor including, but not limited to, text, color, and/or images on the product's labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product is a flavored tobacco product.

5.07.030 Application and Procedure.

- A. Application for a tobacco retailing license shall be submitted in the name of each proprietor of a tobacco retailing business and shall be signed by each proprietor or authorized agent thereof.
- B. All applications shall be submitted on a form supplied by the City and shall contain the following information:
 - 1. The name, address, and telephone number of each proprietor of the tobacco retailing business seeking a license.
 - a. If the applicant is a corporation, the name shall be exactly as set forth in its articles of incorporation, state of incorporation, and the name and address of an officer who is duly authorized to accept service of legal process shall be provided.
 - b. If the applicant is a partnership, the name and address of each general partner shall be stated.
 - 2. The name, address, and telephone number of the tobacco retailing business.
 - 3. A single name, address, and telephone number authorized by each proprietor to receive all communications and notices (the "authorized address") required by, authorized by, or convenient to the enforcement of this chapter. If an authorized address is

not supplied, each proprietor shall be understood to consent to the provision of notice at the tobacco retailing business.

4. Proof that the proprietor seeking a license under this chapter has been issued a valid State tobacco retailing license by the California Board of Equalization.
 5. Whether or not any proprietor, or agent or employee thereof, has admitted to violating this chapter or has been found after a hearing to have violated this chapter and, if so, the dates and locations of all such violations within the previous five years.
 6. Such other information as the City deems necessary for the administration or enforcement of this chapter as specified on the application form required by this section.
- C. A licensee shall inform the City in writing of any change in the information submitted on an application for a tobacco retailing license within 10 business days of a change.

5.07.040 License Term and Renewal.

- A. The term of each tobacco retailing license shall be one year.
- B. A licensee may renew a license by submitting a renewal application and paying the renewal fee.

5.07.050 Initial and Renewal Fees—Late Penalty After Expiration.

- A. The fee to issue or to renew a tobacco retailing license shall be established from time to time by resolution of the City Council.
- B. Renewal fees are due on the delinquency date of a tobacco retailing license.
- C. If a proprietor does not renew a tobacco retailing license and pay the renewal fee by the delinquency date, a late penalty of 50% of the renewal fee shall be imposed. The penalty shall not attach until 30 days after the delinquency date.
- D. With regard to the collection and disposition of fees, Sections 5.01.020, 5.01.030, 5.01.380, 5.01.390, 5.01.400 and 5.01.410 of Chapter 5.01 of this title are incorporated.

5.07.060 When License Commences.

If the date specified in either subsection A or B of this section is the first of a calendar month, the period of the license shall begin on such date. Otherwise, the period of the license shall begin on the first of the calendar month which first follows the date specified in subsection A or B. The dates are:

- A. In the case of a new license:
 1. If the applicant is already engaging in the activity for which the license is required, the date on which he or she began such activity or the date on which such activity became subject to the license, whichever is later.

2. If the application has not begun such activity, the date requested in the application. If no date is requested, the date on which the application for the license is filed.
- B. In the case of a renewal, the expiration date of the license renewed.

5.07.070 Grounds for Denial, Suspension and Revocation.

A. Denial.

1. An application may be denied upon any of the following:
 - a. The information presented in the application is inaccurate or false.
 - b. The required fee has not been paid.
 - c. The application seeks authorization for tobacco retailing that is prohibited pursuant to this chapter (e.g., mobile vending), Code (e.g. zoning regulations), or any other law.
 - d. The application seeks authorization for tobacco retailing at a tobacco retailing business for which a license has been revoked unless the applicant provides the City with documentation demonstrating that the applicant has acquired or is acquiring the tobacco retailing business as a bona fide purchaser of value.
 - e. The application seeks authorization for a license that has been suspended and the suspension period has not ended yet unless the applicant provides the City with documentation demonstrating that the applicant has acquired or is acquiring the tobacco retailing business as a bona fide purchaser of value.

B. Suspension.

1. A tobacco retailing license may be suspended if the City finds that the licensee, or an agent or employee thereof, has violated:
 - a. Any provision of this chapter; or
 - b. Any State law governing the sale, distribution, advertisement or display of tobacco, tobacco products or tobacco paraphernalia, including, but not limited to, Penal Code Section 308(a), Business and Professions Code Section 22950 et seq. (Stop Tobacco Access to Kids Enforcement Act (STAKE Act)), and Business and Professions Code Section 25612.5(c)(7).
2. Suspension Periods.
 - a. Upon a first finding by the City of a violation of this chapter by a licensee, or an agent or employee thereof, within any five-year period, the license may be suspended for up to 30 days.
 - b. Upon the second finding by the City of a violation of this chapter by a licensee, or an agent or employee thereof,

within any five-year period, the license may be suspended for up to 90 days.

- c. Upon the third finding by the City of a violation of this chapter by a licensee, or an agent or employee thereof, within any five-year period, the license may be suspended for up to 12 months.

C. Revocation.

1. A tobacco retailing license may be revoked if the City finds that one or more of the bases for denial exists. The revocation shall be without prejudice to the filing of a new application for a license following correction of the conditions that required revocation of the license.
2. On revocation of a license, no part of the money paid to the City as a fee shall be returned.

5.07.080 Notice of Denial, Suspension or Revocation—Appeal.

- A. The City may give notice of intention to deny, suspend or revoke to a licensee or applicant in writing. Within five days thereafter, the licensee or applicant may request in writing a hearing before the City Manager, or designee.
- B. The City Manager, or designee, shall hold a hearing in accordance to Chapter 5.01 of this title.
- C. After a hearing, the City Manager, or designee, shall affirm or reverse the denial, suspension or revocation in writing. If the licensee does not timely request a hearing, the notice of intention to deny, suspend or revoke shall be final.

SECTION 2. Certification of City Clerk.

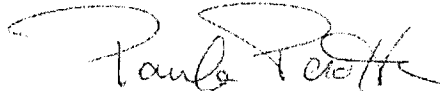
The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

SECTION 3. Effective Date.

This ordinance shall take effect on December 4, 2021.

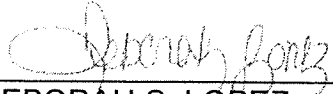
INTRODUCED ON the 21st day of September, 2021.

PASSED, APPROVED, AND ADOPTED this 5th day of October 2021.



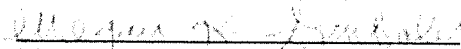
PAULA PEROTTE
MAYOR

ATTEST:



DEBORAH S. LOPEZ
CITY CLERK

APPROVED AS TO FORM:



MEGAN GARIBALDI
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 21-09 was introduced on the 21st day of September, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the 5th day of October, by the following roll-call vote, to wit:

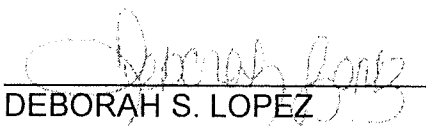
AYES: MAYOR PEROTTE, MAYOR PRO TEMPORE
KYRIACO, COUNCILMEMBERS ACEVES, KASDIN
AND RICHARDS

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)


DEBORAH S. LOPEZ
CITY CLERK