

ORDINANCE NO. _____

**AN ORDINANCE OF THE
COUNTY OF SANTA BARBARA
IMPOSING A 1/2 PERCENT TRANSACTIONS (SALES) AND USE TAX TO BE
ADMINISTERED BY THE STATE BOARD OF EQUALIZATION FOR LOCAL CRIME &
GANG REDUCTION, FIRE PROTECTION AND JAIL CONSTRUCTION/OPERATION**

The Board of Supervisors of the County of Santa Barbara ordains as follows:

Section 1. **TITLE.** This ordinance shall be known as the **County of Santa Barbara 1/2 Percent Transactions (Sales) and Use Tax Ordinance for Local Crime & Gang Reduction, Fire Protection and Jail Construction/Operation.** The County of Santa Barbara hereinafter shall be called "County." This ordinance shall be applicable in the incorporated and unincorporated territory of the County.

Section 2. **OPERATIVE DATE.** For the purposes of this ordinance the operative date is July 1, 2011, at which time the collection of the one half of one percent (1/2%) tax imposed by this ordinance shall commence. Collection of the one half of one percent (1/2%) tax shall terminate on June 30, 2025.

Section 3. **PURPOSE.** This ordinance is adopted to establish a one half of one percent (1/2%) retail transactions and use tax in the incorporated and unincorporated area of the County for a period of fourteen (14) years, for the purposes of funding increased front-line law enforcement and fire protection services, construction and operation of a new 304-bed jail facility, repair of existing correctional facilities infrastructure, recidivism reduction efforts and alternatives-to-incarceration programs to reduce the number of future inmates. The ordinance is hereby adopted, and should be interpreted, so as to achieve the following purposes set forth herein:

A. To impose a transactions and use tax at one half of one percent (1/2%) in the incorporated and unincorporated areas of the County of Santa Barbara from July 1, 2011 to June 30, 2025 in accordance with provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.5 of Part 1.7 of Division 2 which authorizes the County to adopt this tax ordinance which shall be operative if two-thirds (2/3) 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 in so far 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 collected and administered by the State Board of Equalization in a manner that adapts itself fully and practically to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

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

E. To set a maximum term of fourteen (14) years for the tax during which time the tax will be imposed pursuant to the authority granted in the Revenue and Taxation Code.

Section 4. CONTRACT WITH STATE. Prior to the operative date, the County shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the County shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 5. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of one half of one percent ($\frac{1}{2}$ %) 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.

Section 6. PLACE OF SALE. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

Section 7. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the County 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 half of one percent ($\frac{1}{2}$ %) 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.

Section 8. 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.

Section 9. 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 County shall be substituted therefore. However, the substitution shall not be made when:

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

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

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

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

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

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

B. The word "County" 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.

Section 10. 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.

Section 11. 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 County which is shipped to a point outside the County, 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 County 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-County 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-County 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 County of tangible personal property:

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

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

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

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

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

6. Except as provided in subparagraph (7), a retailer engaged in business in the County 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 County or participates within the County 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 County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

7. "A retailer engaged in business in the County" 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 County.

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 County 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.

Section 12. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). Pursuant to the State CEQA Guidelines Section 15378(b)(4), adoption of this retail transactions and use tax ordinance and Expenditure Plan as a government funding mechanism is not a project subject to the requirements of CEQA. Prior to commencement of any project included in the Expenditure Plan, any necessary environmental review required by CEQA shall be completed. For example, on March 11, 2008, the County's Board of Supervisors certified the Final Environmental Impact Report concerning construction of the 304-bed jail facility.

Section 13. SUMMARY OF MEASURE. There shall be proposed to the voters of the County of Santa Barbara, at the election set for November 2, 2010, the measure summarized

below:

County of Santa Barbara ½ Percent Transactions (Sales) and Use Tax Ordinance for Local Crime & Gang Reduction, Fire Protection and Jail Construction/Operation

This Measure authorizes the approval of an Ordinance adopted by the County of Santa Barbara Board of Supervisors on July 13, 2010, which enacts a one half of one percent (1/2%) Transactions (Sales) and Use Tax to fund enhanced front-line law enforcement and fire protection services, construction and operation of a 304-bed jail facility, repair of existing correctional facilities infrastructure, recidivism reduction efforts and alternatives-to-incarceration programs to reduce the number of future inmates, within the incorporated and unincorporated areas of the County of Santa Barbara with the following requirements:

- The tax will be levied for fourteen (14) years.
- Revenue from the tax may only be used for enhanced front-line law enforcement, and fire protection services, new jail construction and operation, repair of existing correctional facilities infrastructure, financing costs, recidivism reduction efforts, and alternatives-to-incarceration programs to reduce the number of future inmates.
- The measure is expected to generate approximately \$30 million annually to be apportioned by the following percentages:
 - A. Construction and future operation of new jail facility and repair of existing correctional facilities infrastructure (50%-approximately \$15 million based on an estimated \$30 million in gross revenues)
 - B. Front-line sworn law enforcement and fire protection services (34%-approximately \$10 million based on an estimated \$30 million in gross revenue)
 1. Law Enforcement (approximately \$5 million based on an estimated \$30 million in gross revenue) to the County and cities
 2. Fire Protection (approximately \$5 million based on an estimated \$30 million in gross revenue)
 - i. 75% front-line fire protection (estimated \$3.75 million) to the cities and all fire protection districts
 - ii. 25% countywide watershed fire protection (estimated \$1.25 million) to the Santa Barbara County Fire Protection District
 - C. Recidivism reduction efforts and alternatives-to-incarceration programs (16%-approximately \$5 million based on an estimated \$30 million in gross revenue)
- An Independent Oversight Advisory Committee will be appointed by the County of Santa Barbara Board of Supervisors to help ensure accountability to voters regarding the expenditure of funds, and to assist the Board of Supervisors in ensuring that all provisions, requirements and voter mandates specified in the Ordinance and corresponding Expenditure Plan are properly carried out.

- A separate Advisory Committee on recidivism reduction efforts and alternatives-to-incarceration programs will also be appointed by the County Board of Supervisors to develop a recommended funding plan for the distribution of the 16% percent of funds specifically dedicated to such efforts and to advise the County of Santa Barbara Board of Supervisors on program delivery.
- All funds derived from this measure shall remain local and cannot be taken by or redirected to the State of California.

Expenditure Plan

The following Expenditure Plan represents estimated allocations for the first year Transaction (Sales) and Use Tax revenue collection and distribution and is based on population figures published by the State Department of Finance in 2009. The allocations may change from year to year based on, for example: changes in population, actual revenue received, or the failure of an entity to maintain its baseline general fund contributions to public safety budgets as described in this Ordinance or authorized amendments to the Expenditure Plan.

The County of Santa Barbara Board of Supervisors finds that the distribution of funds as contemplated by this Ordinance for enhanced law enforcement and fire protection services, jail construction and operation, financing costs, repair of existing correctional facilities infrastructure, recidivism reduction efforts and alternatives-to-incarceration are for public safety purposes of the County which are of interest and benefit generally to the people of the County.

New Jail Construction, Operation and Repair of Existing Correctional Facilities Infrastructure

(50% Total Revenue – Approximately \$15 million based on an estimated gross revenue of \$30 million.)

Year 1 – 4 \$15 million annually based on an estimated gross revenue of \$30 million.

For construction of new jail facility (\$60 million estimated over 4-year construction period) Funds will serve as match monies to State funded AB 900 grant funding anticipated to provide approximately 75% of the total on-site jail construction costs.

Measure funding may also be utilized for associated off-site construction and related costs not eligible for AB 900 grant funding, and repair of existing correctional facilities infrastructure.

Year 5 – 14 \$15 million annually based on an estimated gross revenue of \$30 million.

Approximately \$15 million annually will be dedicated to the ongoing costs of operation of the new jail facility.

Recidivism Reduction Efforts and Alternatives-to-Incarceration

(16% Total Revenue - Approximately \$5 million based on an estimated gross revenue of \$30 million)

Year 1 – 14 \$5 million annually based on estimated gross revenue of \$30 million.

Funds shall be used for recidivism reduction efforts and alternatives-to-incarceration, such as, but not limited to, the following: Intensive probation/supervision, drug treatment (in-custody and in-community), alternative treatment courts, mental health services, homeless and mental health jail discharge planning, gang prevention/intervention, truancy programs, day reporting centers, sobering and detoxification centers, work furlough programs and vocational education and training.

All funds derived from the 16% dedicated to recidivism reduction efforts and alternatives-to-incarceration programs shall be monitored by an advisory committee comprised of subject matter experts who will provide recommendations to the County Board of Supervisors regarding funding allocations, program delivery and effectiveness. The Committee shall ensure that funds are used in a manner consistent with that specified in the measure. The Committee shall be appointed by the County of Santa Barbara Board of Supervisors.

Enhanced Front-line Law Enforcement and Fire Protection Services

(34% Total Revenue - Approximately \$10 million based on an estimated gross revenue of \$30 million)

These funds may only be used for front-line sworn law enforcement and front-line fire protection, countywide watershed protection and fire suppression and can include annual budgeted costs associated with front-line public safety personnel (salaries and benefits including employer pension contributions) and associated equipment costs (such as uniforms, firearms, radios and other essential safety equipment.)

Generally, public safety funding will be allocated on a 50/50 sharing ratio between law enforcement and fire protection. However, the cities of Santa Barbara, Santa Maria, Lompoc and Guadalupe, given they have their own fire department and police department, may distribute their total allocation of funding for front-line law enforcement, and fire protection services, in a percentage as determined by their governing body. The Cities of Santa Maria, Santa Barbara, Lompoc, and Guadalupe may allocate the total proceeds derived from revenues between front-line law enforcement and fire protection at the discretion of their local governing bodies as long as their municipal fire departments are maintained and do not become part of a fire protection district. In the event a city joins a fire protection district, its per capita funding for fire protection services will shift to such district.

Based on the overall benefit derived by the County as a whole through enhanced front-line law enforcement and fire protection readiness, funds will be distributed to public safety agencies, identified in the chart within this Ordinance, on a per capita percentage basis. In addition, recognizing the countywide need for wild land, urban interface, fire protection and suppression, 25% of the total fire protection allocation will be directed to the Santa Barbara County Fire Protection District for countywide watershed protection. The remaining 75% of the fire protection funding will be directed to fire districts/agencies on a per capita percentage basis as illustrated on the chart below.

75% of the total County law enforcement funding shall be dedicated to the Sheriff's Department for front-line law enforcement. 25% of the total County law enforcement funding shall be allocated to the Probation Department for front-line law enforcement efforts such as electronic monitoring/violator enforcement and/or sworn probation officer participation in multi-agency crime suppression units or task force efforts.

During the first year the tax is levied, revenues will be apportioned among the County, all cities within the County (Cities) and the Santa Barbara County, Carpinteria-Summerland and Montecito Fire Protection Districts (Fire Districts) on the following basis (Assuming \$10 million for distribution based on assumed gross revenue of \$30 million.) Funding totals may differ based on actual amounts received, changes in population as determined by the State Department of Finance and individual agency compliance with the Expenditure Plan of this Ordinance. The following chart illustrates the potential estimated distribution on a per capita percentage basis and assumes, as an example, \$10 million in funding derived from proceeds of the Transactions (Sales) and Use Tax for Local Crime & Gang Reduction, Fire Protection and Jail Construction/Operation directed to front-line law enforcement and fire protection services.

Funding referenced is based upon estimated gross tax revenue of approximately \$30 million.

County/City/Fire Districts	Fire Protection	Percent of Fire Protection	Law Enforcement	Percent of Law Enforcement	Total	Percent of Total
County of Santa Barbara	-	-	\$ 1,668,919	33%	\$ 1,668,919	17%
Countywide Watershed Protection (SBCFPD)	1,250,000	25%			1,250,000	12%
Santa Barbara County Fire Protection District	1,504,845	30%	-	0%	1,504,845	15%
City of Santa Maria	804,597	16%	1,072,796	21%	1,877,394	19%
City of Santa Barbara	785,174	16%	1,046,899	21%	1,832,073	18%
City of Lompoc	372,920	7%	497,227	10%	870,147	9%
City of Goleta	SBCFPD	-	353,294	7%	353,294	4%
Carp-Summerland (FPD)	138,710	3%	-	-	138,711	1%
City of Carpinteria	CSFPD	-	167,037	3%	167,037	2%
City of Guadalupe	56,809	1%	75,746	2%	132,555	1%
Montecito (FPD)	86,944	2%	-	-	86,944	1%
City of Solvang	SBCFPD	-	63,133	1%	63,133	1%
City of Buellton	SBCFPD	-	54,949	1%	54,949	1%
Total	\$ 5,000,000	100%	\$ 5,000,000	100%	\$ 10,000,000	100%

The Cities of Santa Maria, Santa Barbara, Lompoc, and Guadalupe may allocate the total proceeds derived from revenues between front-line law enforcement and fire protection at the discretion of their local governing bodies as long as their municipal fire departments are maintained and are not part of a fire protection district.

SBCFPD = Santa Barbara County Fire Protection District

In each year the County, Cities, and Fire Districts share in the tax in accordance with the per capita allocation percentages set forth above. Redistribution of percentage share of the allocation will occur on an annual basis based on the California State Department of Finance population figures provided for the prior fiscal year.

The County, Cities and Fire Districts may not use revenue derived by the measure to supplant existing front-line law enforcement and fire protection funding sources identified as regular and recurring. Such will be determined upon a calculation of baseline public safety general fund contributions for Fiscal Year 2009/10 by the County, Cities and Fire Districts. In order to receive their full share of tax proceeds for a given fiscal year, the County, Cities and Fire

Districts must maintain their baseline front-line law enforcement and fire protection (public safety) general fund contribution. However, an agency's front-line public safety general fund contribution may be reduced compared to the baseline general fund contribution in a percent no more than the percent by which other combined general fund contributions of all other non-public safety departments for the prior fiscal year were reduced. In the event the County, a City or Fire District reduces its front-line law enforcement and fire protection (public safety) general fund contributions, measured on a percentage basis, more than the percentage of the combined general fund contributions of all other non-public safety departments of the prior year's combined budget, the tax revenue that would otherwise have been paid to the County, City or Fire District will be reduced by the difference of those variances. The remainder from the reduction(s) shall be distributed to the other qualifying agencies on a per capita percentage basis.

Each year, the County, Cities and Fire Districts shall provide the County of Santa Barbara Auditor-Controller a resolution adopted by their respective governing bodies containing a "Statement of Qualifying Expenditures" and certifying that proposed expenditures are consistent with the Expenditure Plan and that the "no supplanting" or baseline maintenance of efforts/general fund contribution requirements referenced within this Ordinance are met. The Auditor-Controller shall disburse funds on a monthly basis consistent with the distribution schedule of the California State Board of Equalization.

Beginning FY 2011/12, before the net proceeds from the Transactions (Sales) and Use Tax revenue for the year may be distributed to the County, Cities or Fire Districts, an authorizing resolution must be adopted by the Board of Supervisors providing for the distribution on the per capita/percentage distribution referenced for the County, Cities and Fire Districts. Upon adoption of the annual resolution of the Board of Supervisors, the County Auditor-Controller will disburse funds in the appropriate amounts noted within the resolution to the County, Cities and Fire Districts.

Separate Account

All tax revenue received will be deposited in a separate account maintained and administered by the County of Santa Barbara Auditor-Controller who shall calculate the amounts to be allocated to the County, Cities and Fire Districts as provided in this Ordinance and distribute amounts on a monthly basis to the County, Cities and Fire Districts as provided in this Ordinance. The Auditor-Controller shall be entitled to reimbursement for services in an amount not to exceed one half of one percent of the total proceeds received from the Board of Equalization, and may deduct such reimbursement amounts prior to distribution. The Auditor-Controller shall file an annual report with the Board of Supervisors pursuant to Government Code Section 50075.3.

Section 14. **ABBREVIATED STATEMENT OF MEASURE.** The abbreviated statement of the measure for inclusion on the ballot pursuant to the California Elections Code shall be as follows:

County of Santa Barbara ½ Percent Transactions (Sales) and Use Tax Ordinance for Local Crime & Gang Reduction, Fire Protection and Jail Construction/Operation

Shall the County of Santa Barbara Ordinance to strengthen front-line law enforcement and fire protection within the County of Santa Barbara and Buellton, Carpinteria, Goleta, Guadalupe, Lompoc, Santa Barbara, Santa Maria, and Solvang and Carpinteria-Summerland, Montecito and County Fire Districts, construct and operate a 304-bed jail, repair existing correctional infrastructure, and fund repeat offender reduction efforts and alternatives-to-

incarceration, with a ½ percent Transactions (Sales) and Use Tax increase beginning 7/01/2011 through 6/30/2025, and advisory committee oversight be approved?

YES _____

NO _____

Section 15. USE OF PROCEEDS. The proceeds of the tax imposed by this ordinance shall be used in accordance with the applicable law and solely for the specific purposes set forth in the expenditure plan required by the ordinance and administrative costs as set forth.

Section 16. AMENDMENTS TO EXPENDITURE PLAN.

The County of Santa Barbara Board of Supervisors may propose amendments to the Expenditure Plan to adjust for changes to federal, state and local revenues, to account for unexpected revenues, or to take into consideration unforeseen circumstances, without being required to secure ratification by the electorate. An amendment to the Expenditure Plan must be passed by a 4/5 vote of the Board of Supervisors by a roll call vote. The Board of Supervisors must hold a formal public hearing on the matter which will be noticed before any adoption of any amendment to the Expenditure Plan. Presently the County of Santa Barbara anticipates receiving AB 900 jail construction funding from the State. It is anticipated that AB 900 funding will provide approximately 75% of the jail facility construction costs. Other costs including off-site improvements supporting the facility are not eligible for AB 900 funding. Should funding from the State not materialize or a sum less than anticipated be distributed to County, the Board of Supervisors may adjust the Expenditure Plan to provide for necessary capital funding for new jail construction. Such funding may only be derived from the fifty percent (50%) new jail construction/operation and repair of existing correctional facilities infrastructure funding.

Should the County, City or Fire Districts choose to not participate in the distribution of funds from the ½ percent measure dedicated to front-line law enforcement and fire protection services, that agency's funding will be redistributed among remaining agencies within the respective category (law enforcement or fire protection) on a per capita percentage basis.

Amendments to the Expenditure Plan specifically for front-line law enforcement and fire protection services will be made in consultation with representative Cities and Fire Districts. All amendments to the Expenditure Plan for front-line law enforcement and fire protection services shall be adopted by the County of Santa Barbara Board of Supervisors by a 4/5 roll call vote.

Subsequent to the adoption of any amendment to the Expenditure Plan, the County of Santa Barbara Board of Supervisors shall notify the City Council of each City in the County and the respective Board of Directors of each Fire District of the amendment and provide each entity with a copy of the amendment.

Amendments to the Expenditure Plan pertaining to the funding for recidivism reduction efforts and alternatives-to-incarceration shall be considered by the Advisory Committee established to recommend, review and monitor funding. Recommendations of the Advisory Committee shall be provided to the County of Santa Barbara Board of Supervisors for consideration and authorization. An amendment to the Expenditure Plan for recidivism reduction and alternatives-

to-incarceration must be passed by a 4/5 roll call vote of the County of Santa Barbara Board of Supervisors.

Section 17. ESTABLISHMENT OF AN INDEPENDENT CITIZENS' CRIME REDUCTION AND FIRE PROTECTION OVERSIGHT ADVISORY COMMITTEE

An Independent Citizens' Crime Reduction and Fire Protection Oversight Advisory Committee shall be established by the County of Santa Barbara Board of Supervisors to monitor the expenditures of revenue collected pursuant to this ordinance only and to report to the People and the County of Santa Barbara Board of Supervisors.

Members of the Independent Citizens' Crime Reduction and Fire Protection Oversight Advisory Committee shall be appointed by the County of Santa Barbara Board of Supervisors. The Committee shall consist of five members. The Committee may solicit the assistance of subject matter experts and appropriate members of County, City and Fire District staff. Appointed members of the Independent Citizens' Crime Reduction and Fire Protection Oversight Advisory Committee shall not be current County of Santa Barbara employees, officials, contractors, or vendors of the County. Of the members first appointed, three members shall serve for a term of two years and two members shall be appointed for a term of three years. No member shall serve more than two consecutive three year terms. The County of Santa Barbara Board of Supervisors shall solicit members for the Independent Citizens' Crime Reduction and Fire Protection Oversight Advisory Committee, through an open application process. Any resident of the County of Santa Barbara is eligible to apply for Committee membership, subject to the restrictions specified above. Applicants who have specific executive level, large scale private or public sector financial operations expertise and/or prior committee experience are encouraged. All applications will be reviewed by the Board of Supervisors, which will have the authority to make final decisions regarding Committee composition, subject to the guidelines in this ordinance.

The Independent Citizens' Crime Reduction and Fire Protection Oversight Advisory Committee shall conduct an annual review of expenditures of revenue collected pursuant to this ordinance to determine whether such funds are expended for the purposes specified in the Expenditure Plan.

Committee members may review the annual financial audits performed by an independent auditor during the review process. The Independent Citizens' Crime Reduction and Fire Protection Oversight Advisory Committee shall issue an annual report on their findings to the Board of Supervisors and the Cities and Fire Districts that participate in the allocation of revenues and to the People. The Independent Citizens' Crime Reduction and Fire Protection Oversight Advisory Committee's annual report is subject to review and approval of the Board of Supervisors. The Committee shall confine its review specifically to revenues generated pursuant to this ordinance. The Committee shall serve in an advisory-only role to the Board of Supervisors. Committee members shall not play a formal or informal role in contracting, project management, or any other aspect of the services funded by this ordinance. The Committee is not charged with decision-making on spending priorities, schedules, project details, funding source decisions, financing plans, including changes or revisions to the Expenditure Plan, or tax rate assumptions. The Committee shall have no jurisdiction other than that delegated by this ordinance. The County Executive Officer or his/her designee shall provide reasonable administrative or technical assistance required by the Committee to fulfill its responsibilities or publicize its findings.

The Independent Citizens' Crime Reduction and Fire Protection Oversight Advisory Committee shall meet as needed, but at least twice per fiscal year, with specific meeting dates to be

determined by Committee members. Independent Citizens' Crime Reduction and Fire Protection Oversight Advisory Committee meetings are subject to the Brown Act. Meetings must be noticed and open to the public. Committee minutes and reports are a matter of public record. All Committee members shall attend a training and orientation session prior to the first regular Committee meeting. Committee members are expected to attend all regular meetings.

The Citizens' Oversight Advisory Committee will select members to serve as Chair and Vice Chair of the Committee. A County staff person will be appointed by the County Executive Officer or his/her designee to provide for administrative staff support to the Committee. County staff will be responsible for preparing, posting and distributing agendas and taking minutes at each meeting. Committee decisions, positions, findings and procedures shall require a simple majority vote of those Committee members in attendance. The quorum requirement for any meeting shall be a minimum of three (3) members.

Committee members may be removed from the Committee only by the Board of Supervisors for repeated absences at committee meetings (two consecutive meetings), malfeasance, failure to meet the qualifications set forth in this Section, or for inability or unwillingness to fulfill the duties of a Committee member. In the event of removal, resignation, or death, the Board of Supervisors shall appoint a person to fill the vacant seat.

Section 18. ADVISORY COMMITTEE FOR RECIDIVISM REDUCTION EFFORTS AND ALTERNATIVES-TO-INCARCERATION

A separate Advisory Committee for Recidivism Reduction Efforts and Alternatives-to-Incarceration will also be appointed by the Board of Supervisors to provide input and to help ensure accountability to voters regarding the expenditure of the 16% of the tax revenue dedicated to recidivism reduction efforts and alternatives-to-incarceration and to assist the Board of Supervisors in ensuring that all provisions and requirements and voter mandates specified in the Expenditure Plan and ordinance related to such revenue are properly carried out.

The Advisory Committee shall consist of seven members to include subject matter experts in fields such as but not limited to: Substance abuse prevention, treatment and recovery, mental health treatment, vocational training, general education development, intensive probation supervision, proven alternatives-to-incarceration models, drug and mental health courts, inmate discharge planning services, gang prevention and intervention and criminal justice systems. Committee members shall not be current County of Santa Barbara employees, officials, contractors or vendors.

Of the members first appointed, three shall be appointed for two years. The four remaining shall be appointed for a term of three years. No member may serve more than two consecutive three year terms. The County of Santa Barbara Board of Supervisors shall solicit members for the Committee through an open application process. All applications will be reviewed by the Board of Supervisors, which will have the authority to make final decisions regarding Committee composition, subject to the guidelines in this ordinance.

The Advisory Committee for Recidivism Reduction Efforts and Alternatives-to-Incarceration shall develop a process to annually solicit, review and recommend requests for funding from qualified service providers to the Board of Supervisors and conduct an annual review of expenditures of revenue collected pursuant to this ordinance to determine whether such funds are expended for the purposes specified in the Expenditure Plan. Specific duties of the Committee include but are not limited to:

- A. Recommending the allocation of funds emphasizing proven programs including intensive community supervision, prevention, intervention, rehabilitation and alternatives-to-incarceration programs designed to reduce crime and recidivism.
- B. Evaluating all implemented programs relative to the goals of ensuring that programs initiated eliminate the need for future correctional facility beds.

The Advisory Committee for Recidivism Reduction Efforts and Alternatives-to-Incarceration shall issue an annual report on their findings to the Board of Supervisors. The Committee shall confine its review specifically to revenues generated pursuant to this ordinance and the corresponding programs. The Committee shall serve in an advisory-only role to the Board of Supervisors. The County Executive Officer or his/her designee shall provide reasonable administrative or technical assistance required by the Committee to fulfill its responsibilities or publicize its findings.

The Advisory Committee shall meet as needed but no less than quarterly. The Advisory Committee is subject to the Brown Act. Meetings must be noticed and open to the public. Committee minutes and reports are a matter of public record. Additional meetings may be scheduled by the Committee as necessary. Committee members are expected to attend all regular meetings.

The Advisory Committee for Recidivism Reduction Efforts and Alternatives-to-Incarceration will select members to serve as Chair and Vice Chair of the Committee. A County staff person will be appointed by the County Executive Officer or his/her designee to provide for administrative staff support. County staff will be responsible for preparing, posting and distributing agendas and taking minutes at each meeting. Approved minutes shall be made available to the public. Committee decisions, positions, findings and procedures shall require a simple majority vote of those Committee members in attendance. The quorum requirement for any meeting shall be a minimum of four (4) members.

All Committee members shall attend a training and orientation session prior to the first regular Committee meeting. Committee members are expected to attend all regular meetings. Failure to attend two consecutive meetings may result in removal from the Committee at the discretion of the Board of Supervisors. Committee members may be removed from the Committee only by the Board of Supervisors for repeated absences at committee meetings, malfeasance, failure to meet the qualifications set forth in this Section or for inability or unwillingness to fulfill the duties of a Committee member. In the event of removal, resignation, or death, the Board of Supervisors shall appoint a person to fill the vacant seat.

Section 19. 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.

Section 20. 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 County, or against any officer of the State or the County, 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.

Section 21. ANNUAL AUDIT. An annual independent financial audit will be conducted to ensure that the funds have been expended on projects, services and programs set forth to the voters. The audit shall include an accounting of the revenue received from the tax and expenditures thereof in an audited financial statement. The audit will be made available to the public. The cost of the annual audit shall be reimbursed to the County from net tax revenues received.

Section 22. 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.

Section 23. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the County transactions and use taxes and shall take effect immediately.

Section 24. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall expire June 30, 2025.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, on _____ 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CHAIR, BOARD OF SUPERVISORS

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By: _____
Deputy

DO NOT PUBLISH APPROVALS AS TO FORM:

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:

ROBERT GEIS
AUDITOR-CONTROLLER

By: _____
Deputy County Counsel

By: _____