

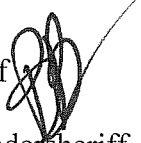


BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Sheriff
Department No.:
For Agenda Of: June 22, 2010
Placement: Departmental
Estimated Time: 1 hour
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: Department Bill Brown, Sheriff 
Director(s)
Contact Info: Ken Shemwell, Undersheriff 681.4290
Terri Nisich, Assistant CEO 568.3404
SUBJECT: Consideration of Jail Construction, Operation and Public Safety Enhancements ½
Percent Transactions (Sales) and Use Tax Ballot Measure

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- A. Consider the introduction as follows:
- 1) Consider the introduction (first reading) of an Ordinance Imposing a County of Santa Barbara ½ Percent Transactions (Sales) and Use Tax for Jail Construction, Operation and Public Safety Enhancements to be administered by the State Board of Equalization;
 - 2) Consider a Resolution Calling and Providing For an Election to be Held on November 2, 2010 to Submit to the Qualified Electors of the County of Santa Barbara a Measure on Whether to Approve an Ordinance Imposing a County of Santa Barbara ½ Percent Transactions (Sales) and Use Tax for Jail Construction, Operation and Public Safety Enhancements and Requesting and Ordering That the Election Be Consolidated with the November 2, 2010 Election; and,
 - 3) Consider directing the Auditor-Controller to review the Ordinance/Measure and determine whether the substance thereof, if adopted, would affect the revenues or expenditures of the County, and to prepare a fiscal impact statement pursuant to Elections Code Section 9160(c); and

B. Set a hearing for July 6, 2010 as follows:

- 1) Set a hearing for July 6, 2010 to consider the adoption (second reading) of an Ordinance Imposing a County of Santa Barbara ½ Percent Transactions (Sales) and Use Tax for Jail Construction, Operation and Public Safety Enhancements to be administered by the State Board of Equalization;
- 2) Adopt a Resolution Calling and Providing For an Election to be Held on November 2, 2010 to Submit to the Qualified Electors of the County of Santa Barbara a Measure on Whether to Approve an Ordinance Imposing a County of Santa Barbara ½ Percent Transactions (Sales) and Use Tax for Jail Construction, Operation and Public Safety Enhancements and Requesting and Ordering That the Election Be Consolidated with the November 2, 2010 Election;
- 3) Direct the Auditor-Controller to review the Ordinance/Measure and determine whether the substance thereof, if adopted, would affect the revenues or expenditures of the County, and to prepare a fiscal impact statement pursuant to Elections Code Section 9160(c); and

C. On July 13, 2010, consider and adopt an Argument in Favor of the Ordinance Imposing a County of Santa Barbara ½ Percent Transactions (Sales) and Use Tax for Jail Construction, Operation and Public Safety Enhancements.

Summary Text:

Since the early 1980's, Santa Barbara County has been under a court ordered jail population capacity limit, forcing the Sheriff to release offenders or not place some offenders in jail at all. For more than twenty years Grand Jury reports, regarding jail overcrowding, have been released expressing concerns pertaining to the continued jail overcrowding issue and delay in reaching a permanent solution.

The County Jail is rated to house 818 inmates, but consistently operates at 120% of capacity. Industry standards suggest that a jail should be populated at 85% of rated capacity in order to handle surges in arrests and changes in the demographics of inmates incarcerated (i.e. gender, risk level, gang affiliation etc.) Over the last several years the Sheriff's Office has aggressively pursued a variety of alternatives to the construction and operation of a new County Jail, including programs aimed at the reduction of recidivism. Unfortunately, the County now faces a situation where the reduction of criminal activity and alternatives-to-custody alone cannot solve the jail overcrowding problem. Therefore the Sheriff's Office has pursued a variety of alternatives to ultimately construct and operate a new jail facility, while simultaneously addressing those programs that reduce repeat criminal activity and the corresponding increase of inmates. Further, given the present State Budget dilemma and the proposed release of State prisoners to the local jurisdictions, local jail overcrowding may become significantly worse in the near future.

This item and the strategy now set forth before the Board is the culmination of a review of the Findings and Recommendations of the Blue Ribbon Commission on Jail Overcrowding, in-depth fiscal analysis of feasible funding options, community wide polling on feasibility of various jail and service funding options, and multiple discussions at the State level regarding AB 900 grant funding.

Background:

In 2007 the Blue Ribbon Commission on Jail Overcrowding was established and tasked with:

- Researching the ongoing overcrowding problems
- Recommending solutions: short, medium and long-term

The Commission determined that an effective solution to the jail overcrowding issue must involve increasing the capacity of the jail system and addressing the conditions that contribute to people committing crimes and being incarcerated. Specifically the report states:

A blended strategy, which includes prevention, intervention and recovery programs as well as enforcement, is the core of the Commission's recommendations. Key social issues such as mental illness, homelessness and substance abuse and gang involvement directly impact jail overcrowding, but cannot be dealt with by building more jail capacity alone. Therefore, the Commission recommends a strategy that addresses both the capacity of the jail system and effective means to deal with these social issues.¹

Six recommendations supporting the above statement were included within the report:

1. Increase the jail system by building a new 304-bed capacity facility.
2. Invest in prevention, intervention and recovery programs that address key factors contributing to crime and imprisonment.
3. Invest in new, and enhance existing, community corrections programs (i.e. alternatives-to-custody, such as work furlough programs, day reporting centers, and electronic monitoring, etc.)
4. Invest in jail overcrowding prevention funding (i.e. drug court, drug treatment programs, mental health programs, homeless discharge planning etc.)
5. Establish a Criminal Justice Coordinating Council to focus on criminal justice system issues that may reduce jail overcrowding.
6. Pursue strategies to pay for the investments.

On November 4, 2008 the Santa Barbara County Board of Supervisors received a report providing a fiscal analysis of the County Jail - North County Branch. The report provided an analysis of potential jail construction and operation funding options. Specifically, the report considered the costs associated with a 304-bed facility to be located in North County. The cost of the jail construction is estimated at \$80 million and ongoing operational costs are estimated at approximately \$15 to \$17 million annually. Presently the County has received conditional approval of \$56.3 million in AB 900 grant funding. The grant funding is contingent upon the County funding the remaining costs associated with construction of the jail facility. The Fiscal Analysis further revealed that until new revenue is found, in order to operate the new facility, the County's General Fund allocations to other services and programs would have to be reduced by 7 to 8%. Therefore, potential new revenue streams, generating the requisite amount of funds, were presented to the Board. Imposition of a special sales and parcel tax were delineated for further consideration. Following the report the Board of Supervisors directed staff to conduct polling regarding the sales tax and parcel tax options and return to the Board.

¹ Blue Ribbon Commission Report, page viii.

Per the direction of the Board of Supervisors, on November 10, 2008 the County retained the firm of Fairbanks, Maslin and Maullin to conduct polling on options regarding jail funding and broader public safety scenarios for consideration. A poll, consisting of a random sampling of 600 Santa Barbara County registered voters was conducted over a three day period in January of 2009. The survey yielded the following information and trends in voter sentiment:

- 60% of the voters have heard about the jail overcrowding issue but do not link the overcrowding to the early release of inmates.
- Inclusion of the Blue Ribbon Commission on Jail Overcrowding recommended actions regarding treatment and prevention and alternatives-to-custody programs increased voter approval.
- Inclusion of increased funding for fire protection and fire suppression services was supported.
- Economic factors such as the creation of new jobs and anticipated lower new jail construction costs increased voter approval.
- Prior proposed State Sales Tax increases negatively impacted voter approval (One cent State Sales Tax imposed to sunset in January 2011).
- Providing a fixed future date for expiration of the tax increased voter approval.
- Significant education and outreach on any measure is necessary to realize the requisite 67% approval rate of a special tax.
- Sales tax or a combination of a lower sales tax and parcel tax received higher approval than a parcel tax alone.

However, based on the overall Findings and Recommendations of the Blue Ribbon Commission on Jail Overcrowding, combined with the viable options determined via the survey, a one half of one percent (½%) Transactions (Sales) and Use Tax increase; yielding approximately \$30M annually is recommended at this juncture. This option:

- Generates approximately \$30M Countywide annually,
- Provides full funding for the new jail construction and operations and refurbishment of existing jail facilities,
- Augments funding for prevention and treatment, rehabilitation and alternatives-to-custody programs to reduce recidivism and the number of potential future inmates and,
- Provides for enhanced funding for enhancements for law enforcement and fire protection Countywide.

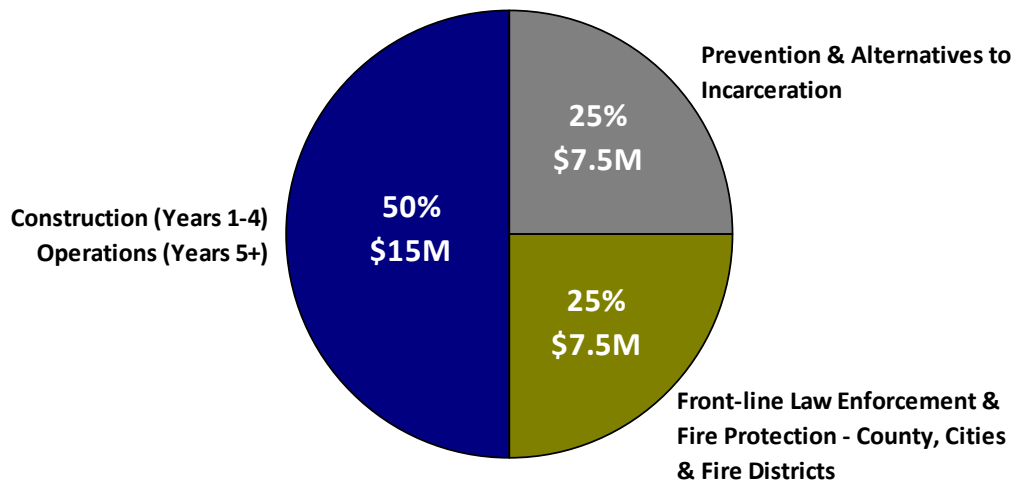
Ballot Measure Proposal

The proposed ballot measure recommended for November 2, 2010 would authorize a one half of one percent (½%) Transactions (Sales) and Use Tax to fund construction and operation of a 304-bed jail facility, refurbishment of existing jail facilities, enhanced front-line law enforcement and fire protection services, and prevention, treatment, rehabilitation and alternatives-to-incarceration programs to reduce the number of future inmates, within the incorporated and unincorporated areas of Santa Barbara County with the following requirements:

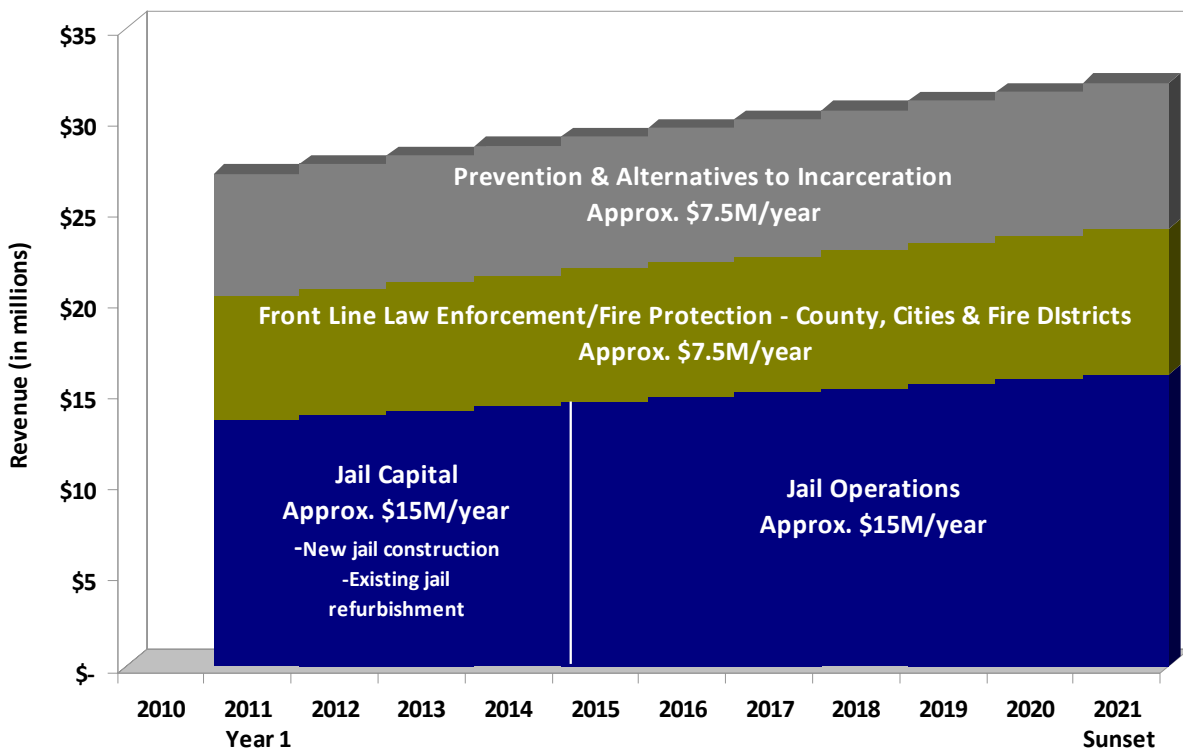
- The tax is recommended to be levied for ten (10) years.
- Revenue from the tax may only be used for financing costs, new jail construction and operation, refurbishment of existing jail facilities, and front-line law enforcement and fire protection services and prevention, treatment, rehabilitation, and alternatives-to-incarceration programs to reduce number of inmates in the future.
 - The measure will generate approximately \$30M annually to be apportioned by the following percentages:
 - Construction and Operation of Jail facility and Refurbishment of Existing Jail Facilities
(50% -- approximately \$15M annually)
 - Prevention, Treatment & Alternatives-to-Incarceration
(25%-- approximately \$7.5M annually)
 - Enhanced Law Enforcement and Fire Protection Services
(25%-- approximately \$7.5M annually)
- The County, all cities within the County, the County Fire District as well as the Carpinteria/Summerland, and Montecito Fire Districts will receive a per capita percentage share of the \$7.5 million dedicated to public safety purposes to enhance, not supplant, existing public safety efforts.
- An independent oversight advisory committee will monitor expenditure funds associated with prevention and treatment and alternatives-to-incarceration funding to ensure consistency with provisions of the measure.
- All funds derived from this measure remain local and cannot be taken by or redirected to the State of California.

Jail Construction, Operation and Public Safety Enhancement Ballot Measure

Allocation of Annual Revenue
Estimated at \$30 Million per Year



Jail Construction, Operation and Public Safety Enhancement Ballot Measure Use of Funds Over Time



Expenditure Plan

The following expenditure plan represents proposed allocations for the first year that sales tax revenue is collected and distribution based on population figures published by the State Department of Finance in 2009. The allocations may change from year to year based on actual sales tax generated and changes in population or amendment to the Expenditure Plan.

New Jail Construction, Operation and Refurbishment of Existing Jail Facilities (50% Total Revenue – Approximately \$15M)

Year 1 - 4 \$15M annually for construction of new jail facility and refurbishment of existing jail facilities (\$60M over 4 years) Funds will serve as match monies to State funded AB 900 grant anticipated to provide 75% of the total \$80M. Offsite costs associated with the new jail construction and existing jail refurbishment are not eligible for AB 900 monies.)

Year 5 – 10 \$15M annually for jail operations. Approximately \$15M will be dedicated annually to the ongoing costs of operations of the new jail facility.

Prevention, Treatment & Alternatives-to-Incarceration Programs (25% Total Revenue - Approximately \$7.5M)

Year 1 – 10 \$7.5M annually

Funds may be used for but not limited to the following program areas: Reducing incidents of Drug and Alcohol Abuse, Providing Mental Health Services, Homeless Services, Gang Intervention and Prevention.

Enhanced Law Enforcement and Fire Protection Services (25% Total Revenue - Approximately \$7.5M)

Year 1-10 \$7.5M annually

During the first year the tax is levied, revenues will be apportioned among the County, all cities within the County (cities) and the County, Carpinteria/Summerland and Montecito Fire Districts (Districts) on the following basis.

Public Safety funding will be allocated on a 50/50 sharing ratio between law enforcement and fire protection. All funds will be distributed to individual agencies on a per capita basis.

County/City	Fire Protection	Percent of Fire Protection	Law Enforcement	Percent of Law Enforcement	Total	Percent of Total
County of Santa Barbara	-	-	\$ 1,251,690	33%	\$ 1,251,690	17%
County of Santa Barbara Fire District	\$1,504,845	40%	-	-	1,504,845	20%
City of Santa Maria	804,597	21%	804,597	21%	1,609,195	21%
City of Santa Barbara	785,174	21%	785,174	21%	1,570,348	21%
City of Lompoc	372,920	10%	372,920	10%	745,841	10%
City of Goleta	Contract	-	264,971	7%	264,971	4%
Carp-Summerland	138,710	4%	-	-	138,711	2%
City of Carpinteria	Contract	-	125,278	3%	125,278	2%
City of Guadalupe	56,809	2%	56,809	2%	113,618	2%
Montecito	86,944	2%	-	-	86,944	1%
City of Solvang	Contract	-	47,350	1%	47,350	1%
City of Buellton	Contract	-	41,211	1%	41,211	1%
Total	\$ 3,750,000	100%	\$ 3,750,000	100%	\$ 7,500,000	100%

**Total allocation reflected in County of Santa Barbara Fire District allocation.*

- Total funding for fire protection services is \$3.75M and funding for law enforcement \$3.75M.
 - Based on allocation of \$7.5M, the Santa Barbara County Fire District will receive \$1,504,845. This includes funding for contract cities of Goleta, Carpinteria, Solvang and Buellton.
 - County, City, and Districts may not use revenue derived by this measure to supplant existing front-line law enforcement and fire protection funding. Such will be determined upon establishment of a general fund baseline public safety budget for Fiscal Year 2009/10 by County, Cities and Fire Districts.
-
- All tax revenue received will be deposited in a separate account maintained and administered by the County of Santa Barbara Auditor-Controller who distributes the amounts to County, Cities and Districts as provided by this measure. Funds will be distributed on a monthly basis to Cities, County and Districts once individual agencies certify the appropriate use of funds via a statement of qualifying expenditures annually and the Board of Supervisors adopts a resolution to distribute the certified amounts.
 - All funds associated with prevention and treatment, rehabilitation and alternatives-to-incarceration programs from the measure shall be monitored by an Independent Oversight Advisory Committee to be appointed by the Santa Barbara County Board of Supervisors.
 - The Committee shall ensure that funds for prevention and treatment, rehabilitation and alternatives-to-incarceration are used in a manner consistent with that specified in the measure and help ensure accountability to the voters regarding the funds and assist in ensuring that the provisions of the proposed measure are carried out appropriately by all agencies/entities in receipt of funds. It is recommended that the Independent Oversight Advisory Committee, appointed by the Board of Supervisors be composed of: A County Supervisor, the Sheriff, the District Attorney, the Chief Probation Officer, the Public Defender, the Director of Alcohol, Drug & Mental Health Services, a representative from the Santa Barbara County Law

Enforcement Chief’s Association, and representatives of several community based organizations.

Based on the recommendations of the Blue Ribbon Commission and the findings derived from the resident’s survey, the following ballot measure is recommended:

County of Santa Barbara ½ Percent Transactions (Sales) and Use Tax Ordinance for Jail Construction, Operation and Public Safety Enhancements

Shall the County of Santa Barbara Ordinance to construct and operate a 304-bed jail, refurbish existing jails, increase front-line law enforcement and fire protection within the County of Santa Barbara and cities of Buellton, Carpinteria, Goleta, Guadalupe, Lompoc, Santa Barbara, Santa Maria, and Solvang and the County of Santa Barbara, Carpinteria/Summerland and Montecito Fire Districts and, with independent advisory committee review, fund crime prevention, treatment and rehabilitation programs, with a ½ percent Transactions (Sales) and Use Tax increase beginning 7/01/2011 through 6/30/2021 be approved?

Yes_____

No_____

Disposition of Sales Tax:

In Fiscal Year 2009-10 \$459M of Sales Tax revenue for State and Local governments was generated in Santa Barbara County. The following chart represents the estimated Sales Tax for Fiscal Year 2009/10 distribution to agencies.

Sales & Use Tax	Rate (%)	County (\$)	Cities & Other Entities (\$)	State (\$)	Total Amount(\$)
State of California -General Fund	5.00	-	-	260.0	260.0
Temporary 1% Sales Tax Rate Increase*	1.00	-	-	52.0	52.0
Economic Recovery Fund: "Triple Flip"	0.25	-	-	13.0	13.0
Public Safety - Prop 172	0.50	25.3	0.7	-	26.0
County Health & Welfare - Realignment	0.50	17.4	8.6	-	26.0
City & County Road - Measure D	0.50	5.5	24.5	-	30.0
Countywide Transportation-LTF	0.25	1.0	12.0	-	13.0
County & Cities General Operations - Local Bradley Burns Sales Tax	0.75	7.4	31.6	-	39.0
Total Tax Revenue Received:	8.75	56.6	77.4	325.0	459.0

*The Sales and Use Tax Rate increased on April 1, 2009 resulting in the State's rate increasing from 5% to 6%.

- The 1% temporary State Sales Tax increase to 6% is anticipated to revert back to 5% on July 1, 2011. This sunset of the temporary State Sales Tax coincides with the timing of the ½% proposed increase in the ballot measure.

Should the proposed ballot measure be approved an 8.25% sales tax rate would exist in Santa Barbara County.

Estimated

Sales & Use Tax	Rate (%)	County (\$)	Cities & Other Entities (\$)	State (\$)	Total Amount(\$)
State of California - General Fund	5.00	-	-	260.0	260.0
Public Safety & Jail Construction ½ % *	0.50	25.3	4.7	-	30.0
Economic Recovery Fund: "Triple Flip"	0.25	-	-	13.0	13.0
Public Safety - Prop 172	0.50	25.3	0.7	-	26.0
County Health & Welfare - Realignment	0.50	17.4	8.6	-	26.0
City & County Road - Measure D	0.50	5.5	24.5	-	30.0
Countywide Transportation-LTF	0.25	1.0	12.0	-	13.0
County & Cities General Operations - Local Bradley Burns Sales Tax	0.75	7.4	31.6	-	39.0
Total Tax Revenue Received:	8.25	81.9	82.1	273.0	437.0

*estimate of \$30 million

Performance Measure:

Performance measures to be determined for individual programs and services.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis: All funds derived from measure are to be maintained in a separate fund. Funding cannot supplant monies currently dedicated to front-line public safety services and programs. The ballot measure is anticipated to generate approximately \$30 million annually.

Special Instructions:

Direct all items to the Clerk Recorder Assessor for inclusion in the November 2, 2010 Election materials.

Attachments:

- Resolution
- Ordinance
- Jail Survey Polling Data

Authored by:

Ken Shemwell, Undersheriff
Terri Nisich, Assistant CEO

cc:

Joe Holland, Clerk Recorder Assessor
Bob Geis, Auditor-Controller
Dennis Marshall, County Counsel
Mike Dyer, Fire Chief

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

A RESOLUTION CALLING AND PROVIDING FOR AN ELECTION TO BE HELD ON NOVEMBER 2, 2010 TO SUBMIT TO THE QUALIFIED ELECTORS OF THE COUNTY OF SANTA BARBARA A MEASURE ON WHETHER TO APPROVE AN ORDINANCE IMPOSING A COUNTY OF SANTA BARBARA ½ PERCENT TRANSACTIONS (SALES) AND USE TAX FOR JAIL CONSTRUCTION, OPERATION AND PUBLIC SAFETY ENHANCEMENTS AND REQUESTING AND ORDERING THAT THE ELECTION BE CONSOLIDATED WITH THE NOVEMBER 2, 2010 ELECTION

RESOLUTION NO. _____

WHEREAS, On July __, 2010, the Board of Supervisors passed the County of Santa Barbara ½ Percent Transactions (Sales) and Use Tax Ordinance for Jail Construction, Operation and Public Safety Enhancements (“Ordinance”) which establishes and implements a transactions and use tax pursuant to Revenue and Taxation Code Section 7285.5, which shall be applicable in the incorporated and unincorporated territory of the County of Santa Barbara (“County”); and

WHEREAS, pursuant to Revenue and Taxation Code Section 7285.5 and California Constitution Article XIII C, the Board of Supervisors shall submit the Ordinance to the voters for approval; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA AS FOLLOWS:

1. An election is hereby called and the Ordinance shall be submitted to the voters.
2. The election called by this resolution is hereby requested and ordered to be consolidated with all other elections to be held on November 2, 2010.
3. That on the ballots to be used at the election on November 2, 2010, there shall be submitted to the voters of the County the following proposal, which is described in the Ordinance as the abbreviated statement of the measure, as the same is to appear on the ballots:

County of Santa Barbara ½ Percent Transactions (Sales) and Use Tax Ordinance for Jail Construction, Operation and Public Safety Enhancements

Shall the County of Santa Barbara Ordinance to construct and operate a 304-bed jail, refurbish existing jails, increase front-line law enforcement and fire protection within the County of Santa Barbara and cities of Buellton, Carpinteria, Goleta, Guadalupe, Lompoc, Santa Barbara, Santa Maria, and Solvang and the County of Santa Barbara, Carpinteria/Summerland and Montecito Fire Districts and, with independent advisory committee review, fund crime prevention, treatment and rehabilitation programs, with a ½ percent Transactions (Sales) and Use Tax increase beginning 7/01/2011 through 6/30/2021 be approved?

YES _____

NO _____

Opposite the statement of the Ordinance to be voted on and to its right, the words “yes” and “no” shall be printed on separate lines, with voting squares.

4. A copy of the Ordinance is attached to this Resolution as Exhibit A.

5. The County Clerk shall prepare and mail to each eligible voter in the County a sample ballot containing the abbreviated statement of the measure as set forth in Section 14 of the Ordinance, and a voter’s pamphlet containing the summary of the measure as set forth in Section 13 of the Ordinance. The sample ballot and voter’s pamphlet shall include the following statement: “If you desire a copy of the entire Ordinance or measure, please contact the Elections Office at (805) 568-2200 and a copy will be mailed at no cost to you.”

6. The County Clerk is hereby authorized, instructed, and directed to provide and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct an election.

7. The County Clerk is hereby further directed to take the necessary and appropriate actions to provide the necessary election officers, polling places, and voting precincts.

8. In accordance with the provisions of the Election Code, the County Counsel is authorized to prepare an impartial analysis of the measure, and the Auditor is directed to prepare a fiscal analysis.

9. The polls for said election shall be open during the hours required by law and said election, with respect to the foregoing ballot measure, shall be held and conducted as provided by law for the holding of County elections.

10. Notice of time and place of holding said election, together with any other notices required by law, shall be given by the County Clerk.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair of the Board of Supervisors
County of Santa Barbara

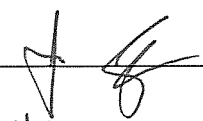
ATTEST:
Michael F. Brown
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

(DO NOT PUBLISH APPROVAL)
APPROVED AS TO FORM:
DENNIS MARSHALL
County Counsel

APPROVED AS TO FORM:
ROBERT W. GEIS
Auditor-Controller

By: 
Deputy County Counsel

By: 
Deputy

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
JAIL CONSTRUCTION, OPERATION AND PUBLIC SAFETY ENHANCMENTS

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 Jail Construction, Operation and Public Safety Enhancements**. 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, 2021.

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 ten years, for the purposes of funding construction and operation of a new 304-bed jail facility, refurbishment of existing jail facilities, enhanced front-line law enforcement and fire protection services, and prevention, treatment, rehabilitation 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, 2021 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 ten (10) 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 therefor. However, the substitution shall not be made when:

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

2. The result of that substitution would require action to be taken by or against this 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 Jail Construction, Operation and Public Safety Enhancements.

This Measure authorizes the approval of an Ordinance adopted by the County of Santa Barbara Board of Supervisors on July __, 2010, which enacts a one half of one percent (1/2%) Transactions (Sales) and Use Tax to fund construction and operation of a 304-bed jail facility, refurbishment of existing jail facilities, enhanced front-line law enforcement and fire protection services, and prevention, treatment, rehabilitation 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 ten (10) years.
- Revenue from the tax may only be used for financing costs, new jail construction and operation, refurbishment of existing jail facilities, enhanced front-line law enforcement and fire protection services, and prevention, treatment, rehabilitation and alternatives-to-incarceration programs to reduce number of future inmates.
- The measure will generate approximately \$30M annually to be apportioned by the following %:
 - a. Construction, and future operation of new jail facility and refurbishment of existing jail facilities (50%-approximately \$15M)
 - b. Front-line law enforcement and fire protection services (25%-approximately \$7.5M)
 - c. Prevention, treatment, rehabilitation and alternatives-to-incarceration programs (25%-approximately \$7.5M)
- An independent oversight advisory committee will help monitor the expenditure of funds associated with prevention, treatment, and rehabilitation and alternatives-to-incarceration programs to ensure consistency with provision of the measure.
- All funds derived from this measure 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 changes in population, the failure of an entity to maintain its baseline public safety budgets as described below or authorized amendments to the Expenditure Plan.

New Jail Construction, Operation and Refurbishment of Existing Jail Facilities
(50% Total Revenue – Approximately \$15M)

Year 1 - 4 \$15M annually

For construction of new jail facility (\$60 million over 4 years - Funds will serve as match monies to State funded AB 900 grant anticipated to provide 75% of the total \$80 million on site construction costs.

Measure funding will also be utilized for off-site construction and soft costs not eligible for AB 900 grant monies and refurbishment of existing jail facilities.

Year 5 – 10 \$15M annually

Ongoing jail operations. Approximately \$15 million is dedicated to the ongoing costs of operations of new jail facility.

Prevention, Treatment, Rehabilitation and Alternatives-to-Incarceration

(25% Total Revenue - Approximately \$7.5M)

Year 1 – 10 \$7.5M annually

Funds may be used for but not limited to the following program areas: Reducing incidences of Drug and Alcohol Abuse, Providing Mental Health Services, Homeless Services, Gang Intervention and Prevention.

All funds derived from the 25% dedicated to prevention, treatment, rehabilitation and alternatives-to-incarceration programs shall be monitored by an independent oversight advisory committee. The Committee shall ensure that funds are used in a manner consistent with that specified in measure. The Committee shall be appointed by the Board of Supervisors.

Enhanced Law Enforcement and Fire Protection Services

(25% - Approximately \$7.5M)

Public safety funding will be allocated on a 50/50 sharing ratio between law enforcement and fire protection. All funds will be distributed to individual agencies on a per capita percentage basis.

During the first year the tax is levied, revenues will be apportioned among the County, all cities within the County (Cities) and the County of Santa Barbara, Carpinteria/Summerland and Montecito Fire Districts (Fire Districts) on the following basis per \$7.5 million in actual collections. Funding totals may differ based on actual amounts received.

County/City	Fire Protection	Percent of Fire Protection	Law Enforcement	Percent of Law Enforcement	Total	Percent of Total
County of Santa Barbara	-	-	\$ 1,251,690	33%	\$ 1,251,690	17%
County of Santa Barbara Fire District	1,504,845	40%	-	-	1,504,845	20%
City of Santa Maria	804,597	21%	804,597	21%	1,609,195	21%
City of Santa Barbara	785,174	21%	785,174	21%	1,570,348	21%
City of Lompoc	372,920	10%	372,920	10%	745,841	10%
City of Goleta	Contract *	-	264,971	7%	264,971	4%
Carp-Summerland	138,710	4%	-	-	138,711	2%
City of Carpinteria	Contract *	-	125,278	3%	125,278	2%
City of Guadalupe	56,809	2%	56,809	2%	113,618	2%
Montecito	86,944	2%	-	-	86,944	1%
City of Solvang	Contract *	-	47,350	1%	47,350	1%
City of Buellton	Contract *	-	41,211	1%	41,211	1%
Total	\$ 3,750,000	100%	\$ 3,750,000	100%	\$ 7,500,000	100%

**Total allocation reflected in County of Santa Barbara Fire District allocation.*

In each year the County, Cities, and Fire Districts share in the tax in accordance with the 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 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 funding 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 front-line public safety funding in dollars measured against the baseline funding or funding from the tax measure may be reduced compared to the baseline funding in a percent no more that the percent by which other combined funding 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 funding compared to the baseline funding, measured on a percentage basis, more than the percentage of the combined funding 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 the per capita percentage basis.

Each year, the County, Cities and Fire Districts shall provide the Auditor-Controller with a Statement of Qualifying Expenditures and certify that proposed expenditures are consistent with the Expenditure Plan and "no supplanting" requirements referenced in this Ordinance. The Auditor-Controller shall disburse funds on a monthly basis consistent with the distribution schedule of the California State Board of Equalization.

Beginning 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, a resolution must be adopted by the Board of Supervisors authorizing 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.

Election and Startup Costs

Any election costs and startup costs required by State law, borne by the County, shall be reimbursed to the County from net tax revenues received during the first year of collection.

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 Jail Construction, Operation and Public Safety Enhancements

Shall the County of Santa Barbara Ordinance to construct and operate a 304-bed jail, refurbish existing jails, increase front-line law enforcement and fire protection within the County of Santa Barbara and cities of Buellton, Carpinteria, Goleta, Guadalupe, Lompoc, Santa Barbara, Santa Maria, and Solvang and the County of Santa Barbara, Carpinteria/Summerland and Montecito Fire Districts and, with independent advisory committee review, fund crime prevention, treatment and rehabilitation programs, with a ½ percent Transactions (Sales) and Use Tax increase beginning 7/01/2011 through 6/30/2021 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 Board of Supervisors may propose amendments to the Expenditure Plan to provide for changes to federal, state and local funds, 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. AB 900 funding will provide approximately 75% of funding for the jail facility. 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%) construction/operation and refurbishment of existing jail facilities funds.

Should the County, City or Fire Districts choose to not participate in the distribution of funds from the ½ cent measure dedicated to front-line law enforcement and fire protection services that funding will be redistributed among remaining agencies on a remaining agency 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 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 prevention, treatment, and rehabilitation and alternatives-to-incarceration programs shall be considered by the Independent Oversight Advisory Committee established to review and monitor funding. Recommendations of the Independent Oversight Advisory Committee shall be provided to the County of Santa Barbara Board of Supervisors for consideration and authorization of all expenditures by a 4/5 vote.

Section 17. INDEPENDENT OVERSIGHT ADVISORY COMMITTEE

An Independent Oversight Advisory Committee will be appointed by the Board of Supervisors to provide input to help ensure accountability to voters regarding the expenditure of the 25% of the tax revenue dedicated to prevention, treatment and rehabilitation and alternatives-to-incarceration programs 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 Committee, to be appointed by the Board of Supervisors, shall include a County Supervisor, the Sheriff, the District Attorney, the Chief Probation Officer, the Public Defender, the Director of Alcohol, Drug & Mental Health Services, a representative from the Santa Barbara County Law Enforcement Chiefs Association, and representatives of several community based organizations. The Committee would be responsible for:

- A. Recommending the allocation of funds to prevention, intervention, rehabilitation and alternatives-to-incarceration programs designed to reduce crime and recidivism.
- B. Pursuing additional grants and donations for such programs.
- C. Evaluating all implemented programs relative to the goals of ensuring that programs initiated eliminate the need for future jail beds.

Section 18. 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 19. 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 20. 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 21. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the County transactions and use taxes and shall take effect immediately.

Section 22. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall expire June 30, 2021.

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

By: 
Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:

ROBERT GEIS
AUDITOR-CONTROLLER

By: 
Deputy

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
JAIL CONSTRUCTION, OPERATION AND PUBLIC SAFETY ENHANCMENTS

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 ½ Percent Transactions (Sales) and Use Tax Ordinance for Jail Construction, Operation and Public Safety Enhancements.** 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 (½%) tax imposed by this ordinance shall commence. Collection of the one half of one percent (½%) tax shall terminate on June 30, 2021.

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 ten years, for the purposes of funding construction and operation of a new 304-bed jail facility, refurbishment of existing jail facilities, enhanced front-line law enforcement and fire protection services, and prevention, treatment, rehabilitation 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 (½%) in the incorporated and unincorporated areas of the County of Santa Barbara from July 1, 2011 to June 30, 2021 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 ten (10) 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 therefor. However, the substitution shall not be made when:

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

2. The result of that substitution would require action to be taken by or against this 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 Jail Construction, Operation and Public Safety Enhancements.

This Measure authorizes the approval of an Ordinance adopted by the County of Santa Barbara Board of Supervisors on July __, 2010, which enacts a one half of one percent (1/2%) Transactions (Sales) and Use Tax to fund construction and operation of a 304-bed jail facility, refurbishment of existing jail facilities, enhanced front-line law enforcement and fire protection services, and prevention, treatment, rehabilitation 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 ten (10) years.
- Revenue from the tax may only be used for financing costs, new jail construction and operation, refurbishment of existing jail facilities, enhanced front-line law enforcement and fire protection services, and prevention, treatment, rehabilitation and alternatives-to-incarceration programs to reduce number of future inmates.
- The measure will generate approximately \$30M annually to be apportioned by the following %:
 - a. Construction, and future operation of new jail facility and refurbishment of existing jail facilities (50%-approximately \$15M)
 - b. Front-line law enforcement and fire protection services (25%-approximately \$7.5M)
 - c. Prevention, treatment, rehabilitation and alternatives-to-incarceration programs (25%-approximately \$7.5M)
- An independent oversight advisory committee will help monitor the expenditure of funds associated with prevention, treatment, and rehabilitation and alternatives-to-incarceration programs to ensure consistency with provision of the measure.
- All funds derived from this measure 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 changes in population, the failure of an entity to maintain its baseline public safety budgets as described below or authorized amendments to the Expenditure Plan.

New Jail Construction, Operation and Refurbishment of Existing Jail Facilities
(50% Total Revenue – Approximately \$15M)

Year 1 - 4 \$15M annually

For construction of new jail facility (\$60 million over 4 years - Funds will serve as match monies to State funded AB 900 grant anticipated to provide 75% of the total \$80 million on site construction costs.

Measure funding will also be utilized for off-site construction and soft costs not eligible for AB 900 grant monies and refurbishment of existing jail facilities.

Year 5 – 10 \$15M annually

Ongoing jail operations. Approximately \$15 million is dedicated to the ongoing costs of operations of new jail facility.

Prevention, Treatment, Rehabilitation and Alternatives-to-Incarceration

(25% Total Revenue - Approximately \$7.5M)

Year 1 – 10 \$7.5M annually

Funds may be used for but not limited to the following program areas: Reducing incidences of Drug and Alcohol Abuse, Providing Mental Health Services, Homeless Services, Gang Intervention and Prevention.

All funds derived from the 25% dedicated to prevention, treatment, rehabilitation and alternatives-to-incarceration programs shall be monitored by an independent oversight advisory committee. The Committee shall ensure that funds are used in a manner consistent with that specified in measure. The Committee shall be appointed by the Board of Supervisors.

Enhanced Law Enforcement and Fire Protection Services

(25% - Approximately \$7.5M)

Public safety funding will be allocated on a 50/50 sharing ratio between law enforcement and fire protection. All funds will be distributed to individual agencies on a per capita percentage basis.

During the first year the tax is levied, revenues will be apportioned among the County, all cities within the County (Cities) and the County of Santa Barbara, Carpinteria/Summerland and Montecito Fire Districts (Fire Districts) on the following basis per \$7.5 million in actual collections. Funding totals may differ based on actual amounts received.

County/City	Fire Protection	Percent of Fire Protection	Law Enforcement	Percent of Law Enforcement	Total	Percent of Total
County of Santa Barbara	-	-	\$ 1,251,690	33%	\$ 1,251,690	17%
County of Santa Barbara Fire District	1,504,845	40%	-	-	1,504,845	20%
City of Santa Maria	804,597	21%	804,597	21%	1,609,195	21%
City of Santa Barbara	785,174	21%	785,174	21%	1,570,348	21%
City of Lompoc	372,920	10%	372,920	10%	745,841	10%
City of Goleta	Contract *	-	264,971	7%	264,971	4%
Carp-Summerland	138,710	4%	-	-	138,711	2%
City of Carpinteria	Contract *	-	125,278	3%	125,278	2%
City of Guadalupe	56,809	2%	56,809	2%	113,618	2%
Montecito	86,944	2%	-	-	86,944	1%
City of Solvang	Contract *	-	47,350	1%	47,350	1%
City of Buellton	Contract *	-	41,211	1%	41,211	1%
Total	\$ 3,750,000	100%	\$ 3,750,000	100%	\$ 7,500,000	100%

**Total allocation reflected in County of Santa Barbara Fire District allocation.*

In each year the County, Cities, and Fire Districts share in the tax in accordance with the 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 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 funding 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 front-line public safety funding in dollars measured against the baseline funding or funding from the tax measure may be reduced compared to the baseline funding in a percent no more than the percent by which other combined funding 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 funding compared to the baseline funding, measured on a percentage basis, more than the percentage of the combined funding 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 the per capita percentage basis.

Each year, the County, Cities and Fire Districts shall provide the Auditor-Controller with a Statement of Qualifying Expenditures and certify that proposed expenditures are consistent with the Expenditure Plan and "no supplanting" requirements referenced in this Ordinance. The Auditor-Controller shall disburse funds on a monthly basis consistent with the distribution schedule of the California State Board of Equalization.

Beginning 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, a resolution must be adopted by the Board of Supervisors authorizing 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.

Election and Startup Costs

Any election costs and startup costs required by State law, borne by the County, shall be reimbursed to the County from net tax revenues received during the first year of collection.

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 Jail Construction, Operation and Public Safety Enhancements

Shall the County of Santa Barbara Ordinance to construct and operate a 304-bed jail, refurbish existing jails, increase front-line law enforcement and fire protection within the County of Santa Barbara and cities of Buellton, Carpinteria, Goleta, Guadalupe, Lompoc, Santa Barbara, Santa Maria, and Solvang and the County of Santa Barbara, Carpinteria/Summerland and Montecito Fire Districts and, with independent advisory committee review, fund crime prevention, treatment and rehabilitation programs, with a ½ percent Transactions (Sales) and Use Tax increase beginning 7/01/2011 through 6/30/2021 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 Board of Supervisors may propose amendments to the Expenditure Plan to provide for changes to federal, state and local funds, 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. AB 900 funding will provide approximately 75% of funding for the jail facility. 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%) construction/operation and refurbishment of existing jail facilities funds.

Should the County, City or Fire Districts choose to not participate in the distribution of funds from the ½ cent measure dedicated to front-line law enforcement and fire protection services that funding will be redistributed among remaining agencies on a remaining agency 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 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 prevention, treatment, and rehabilitation and alternatives-to-incarceration programs shall be considered by the Independent Oversight Advisory Committee established to review and monitor funding. Recommendations of the Independent Oversight Advisory Committee shall be provided to the County of Santa Barbara Board of Supervisors for consideration and authorization of all expenditures by a 4/5 vote.

Section 17. INDEPENDENT OVERSIGHT ADVISORY COMMITTEE

An Independent Oversight Advisory Committee will be appointed by the Board of Supervisors to provide input to help ensure accountability to voters regarding the expenditure of the 25% of the tax revenue dedicated to prevention, treatment and rehabilitation and alternatives-to-incarceration programs 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 Committee, to be appointed by the Board of Supervisors, shall include a County Supervisor, the Sheriff, the District Attorney, the Chief Probation Officer, the Public Defender, the Director of Alcohol, Drug & Mental Health Services, a representative from the Santa Barbara County Law Enforcement Chiefs Association, and representatives of several community based organizations. The Committee would be responsible for:

- A. Recommending the allocation of funds to prevention, intervention, rehabilitation and alternatives-to-incarceration programs designed to reduce crime and recidivism.
- B. Pursuing additional grants and donations for such programs.
- C. Evaluating all implemented programs relative to the goals of ensuring that programs initiated eliminate the need for future jail beds.

Section 18. 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 19. 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 20. 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 21. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the County transactions and use taxes and shall take effect immediately.

Section 22. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall expire June 30, 2021.

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

By: 
Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:

ROBERT GEIS
AUDITOR-CONTROLLER

By: 
Deputy

**Santa Barbara County
Jail Expansion
Feasibility Survey**

January 17-20, 2009

220-2667

SANTA BARBARA COUNTY JAIL EXPANSION FEASIBILITY SURVEY
220-2667 WFT
N= 600

Time Began _____
 Time Ended _____
 Minutes _____

Hello, I'm _____ from FMM&A, a public opinion research company. We are not telemarketers trying to sell you something or solicit a contribution. We are conducting an opinion survey on issues that interest people living in Santa Barbara County, and we would like to include your opinions. If you are on a cell phone, please make sure you are speaking from a safe location. May I speak with _____ (MUST SPEAK WITH VOTER LISTED. IF NOT AVAILABLE, ASK: "Is there another time I may call back to speak to _____?")

1. Thinking about elections in California, some people tell us they vote in every primary and general election no matter what candidates and ballot measures are on the ballot. Other people tell us that they don't vote in every election but tend to vote mostly in the November general election. How would you best describe the way you usually vote?

Vote in every primary and general election no matter what -----86 %
 Tend to vote in November general elections only -----13 %
 (DON'T READ) DK/Refused----- 1 %

2. Next, on an overall basis, do you think things in Santa Barbara County are going in the right direction or are they off on the wrong track?

Right direction-----48 %
 Wrong track-----36 %
 (DON'T READ) DK/NA -----16 %

3. Now I'd like to mention some issues that people say may be problems facing residents of Santa Barbara County. For each one I read, please tell me whether you think it is a very serious problem, a somewhat serious problem, not too serious a problem or not a problem at all for residents of your area.

	<u>VERY</u> <u>SER</u>	<u>SMWT</u> <u>SER</u>	<u>NOT</u> <u>TOO.</u> <u>SER.</u>	<u>NOT</u> <u>A PROB</u> <u>AT ALL</u>	<u>(DON'T</u> <u>READ)</u> <u>DK/NA</u>
(ROTATE)					
[]a. Crime including drug abuse -----	42 %	38 %	12 %	7 %	1 %
[]b. The availability of good-paying jobs-----	38 %	39 %	10 %	6 %	6 %
[]c. The amount of state and local taxes we have to pay -----	29 %	30 %	22 %	15 %	4 %
[]d. The cost of gasoline and diesel-----	27 %	33 %	23 %	16 %	1 %
[]e. The quality of public schools-----	27 %	29 %	17 %	14 %	13 %

	<u>VERY SER</u>	<u>SMWT SER</u>	<u>NOT TOO. SER.</u>	<u>NOT A PROB AT ALL</u>	<u>(DON'T READ) DK/NA</u>
(ROTATE)					
[]f. The condition of California's economy-----	56%	39%	3%	2%	0%
[]g. Traffic congestion-----	27%	30%	21%	20%	2%
[]h. The affordability of housing for middle-class people-----	45%	37%	8%	8%	2%
[]i. Illegal immigration-----	37%	33%	13%	12%	5%

NEXT, I AM GOING TO ASK YOU SOME QUESTIONS ABOUT SANTA BARBARA COUNTY GOVERNMENT.

4. First, on an overall basis, how would you rate the job being done by Santa Barbara County government in carrying out its duties and providing services to Santa Barbara County residents. Would you say County government is doing an ...? **(READ ALL, THEN RECORD)**

Excellent----- 5%
 Good-----42%
 Just fair, or-----40%
 Poor job-----11%
(DON'T READ) DK/NA ----- 3%

5. Specifically, how would you rate the overall job being done by Santa Barbara County government in managing its finances? Would you say County government is doing an ...? **(READ RESPONSES)**

Excellent----- 2%
 Good-----28%
 Just fair, or-----39%
 Poor job of managing its finances-----21%
(DON'T READ) DK/NA ----- 9%

6. Next, I am going to mention some departments of Santa Barbara County government. After hearing each one, please tell me how you would rate the job being done by that department in carrying out its duties. We will use a scale of one to seven where one means a **POOR** job and seven means an **EXCELLENT** job. Remember you can pick any number between one and seven. If you can't rate the job being done by a department, you can tell me that too.

	POOR					EXCELLENT		DK	
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>MEAN</u>
(ROTATE)									
[]a. Santa Barbara County's Board of Supervisors	5%	4%	8%	28%	26%	11%	6%	12%	3.9
[]b. Santa Barbara County's Public Works Department	3%	3%	6%	24%	23%	17%	11%	13%	4.2
[]c. The Santa Barbara County Sheriff's Department	2%	3%	4%	17%	25%	24%	20%	5%	5.0
[]d. The Santa Barbara County Fire Department	1%	1%	2%	4%	7%	39%	43%	1%	6.0

NEXT, I AM GOING TO ASK YOU A FEW MORE QUESTIONS ABOUT THE SANTA BARBARA COUNTY SHERIFF'S DEPARTMENT.

7. I am going to mention some of the responsibilities and functions of the Sheriff's Department. After hearing each one, please tell me how you would rate the job being done by the Sheriff's Department in carrying out that specific function or responsibility. We will use a scale of one to seven where one means a **POOR** job and seven means an **EXCELLENT** job. Remember you can pick any number between one and seven. If you can't rate the job being done by a department, you can tell me that too.

	POOR					EXCELLENT		DK	
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>MEAN</u>
(ROTATE)									
[]a. Providing patrol and other police services	2%	2%	6%	14%	28%	26%	16%	7%	4.9
[]b. Investigating and arresting people who commit violent crimes	2%	4%	5%	14%	22%	25%	15%	13%	4.5
[]c. Managing the County Jail	3%	3%	4%	17%	19%	12%	9%	31%	3.3
[]d. Investigating and arresting people who commit burglary and robbery	2%	3%	6%	22%	20%	17%	13%	17%	4.1
[]e. Investigating and arresting people who commit white collar crime	4%	4%	7%	21%	19%	9%	7%	28%	3.2
[]f. Conducting rehabilitation programs to reduce the number of repeat crime offenders	5%	10%	8%	18%	18%	8%	6%	26%	3.0

POOR EXCELLENT DK
1 2 3 4 5 6 7 8 MEAN

(ROTATE)

g. Cooperating with other Santa Barbara County police departments to prevent and combat crime-----1% -----3% ----6% ---14% ----18% ----19% --14% --25% **3.8**

8. As you may know, in these difficult economic times, local governments in California are facing serious budget problems. Taxes may have to be increased and some government services and programs cut in order to balance budgets. With a budget deficit of at least seven million dollars in the fiscal year starting this coming July 1st which can greatly increase if State government cuts funding to local governments even more -- Santa Barbara County government is no exception. With this in mind, I am going to mention some of Santa Barbara County government's services and responsibilities. After hearing each one, please tell me whether that service or responsibility should get more money in the Santa Barbara County government budget for the next fiscal year, about the same amount of money as it gets now, or should it get less for the next fiscal year.

(DON'T
 READ)
 DON'T
 KNOW

GET MORE GET SAME GET LESS

(ROTATE)

a. Child support enforcement services -----29% -----57%----- 9% ----- 6%
 b. The County Fire Department's paramedic, fire protection and fire suppression services-----47% -----46%----- 4% ----- 2%
 c. Storm drain maintenance and construction-----16% -----58%-----20%----- 6%
 d. Housing and community development programs -----29% -----38%-----27%----- 6%
 e. The County Jail administered by the Sheriff's Department-----24% -----54%-----13%----- 9%
 f. The County libraries -----32% -----50%-----16%----- 2%
 g. The Probation Department's supervision of convicted felons -----29% -----54%----- 9% ----- 8%
 h. County road maintenance and construction -----28% -----54%-----15%----- 4%
 i. The District Attorney's office -----14% -----59%-----19%----- 9%
 j. Social assistance for the poor and needy -----45% -----41%-----11%----- 3%
 k. The Sheriff's Department's police services -----32% -----56%----- 7% ----- 5%
 l. The Public Health Department's local health clinics -----42% -----44%----- 9% ----- 4%
 m. County parks maintenance, including beaches and open spaces-----17% -----55%-----25%----- 2%
 n. Countywide emergency trauma care centers -----37% -----52%----- 6% ----- 4%
 o. The County's disaster emergency preparedness and recovery services -----29% -----57%-----10%----- 4%

9. Have you seen or seen or heard anything in the news over the last year regarding overcrowding at the Santa Barbara County Jail? **(IF YES, ASK: "Have you heard a lot or just a little?")**

Yes, a lot ----- **(ASK Q10)** 27 %
 Yes, a little ----- **(ASK Q10)** 33 %
 No, seen/heard nothing -----38 %
(DON'T READ) DK/NA/refused----- 2 %

(ASK QUESTION 10 ONLY IF "YES" IN QUESTION 9)

10. In a few words, of your own, what have you seen or heard about County Jail overcrowding?

Overcrowded/double bunking in cells/not enough room -----54 %
 They are building a new jail/opening a new one-----19 %
 Are releasing prisoners early -----11 %
 Problem exists/something needs to be done ----- 3 %
 Need more drug rehab. programs/people not getting help ----- 3 %
 Too many petty crimes sending people to jail -----2 %
 Some criminals don't serve time because no room in jail -----2 %
 Might lose control of the jail/leading to more crime/violence-----2 %
 Relieve pressure on the other jail-----1 %
 There is only one jail/facility-----1 %
 Are outsourcing criminals to other counties -----1 %
 Needs to be fixed/improve size/maintenance -----1 %

 Don't know/Refused -----19 %

(RESUME ASKING ALL RESPONDENTS)

11. Next, if a measure were on the ballot to relieve jail overcrowding by building a new, additional jail facility, do you think you would vote Yes in favor or No to oppose such a ballot measure? **(IF YES/NO, ASK: "Is that definitely or just probably?")**

Definitely yes -----24 %
 Probably yes -----21 %
 Probably no -----19 %
 Definitely no -----19 %
(DON'T READ) Need more information -----15 %
(DON'T READ) DK/NA/refused----- 2 %

READ SLOWLY

LET ME GIVE YOU SOME MORE INFORMATION. LAST YEAR, A SHERIFF'S BLUE-RIBBON COMMISSION STUDIED OVERCROWDING AT THE SANTA BARBARA COUNTY JAIL. THE BLUE RIBBON COMMISSION FOUND THAT THE EXISTING JAIL IS 120 PERCENT OVER ITS OFFICIALLY-RATED CAPACITY, AND IT HAS BEEN IN THIS CONDITION FOR SEVERAL YEARS. A COURT ORDER NOW LIMITS THE NUMBER OF PRISONERS THAT CAN BE HELD IN THE JAIL ON ANY GIVEN DAY. THIS LEADS TO NEARLY TWO THOUSAND COUNTY INMATES BEING RELEASED EARLY EACH YEAR BEFORE THEY COMPLETE THEIR SENTENCES AND MANY THOUSANDS OF CONVICTED CRIMINALS NOT EVEN GOING TO JAIL BECAUSE OF A LACK OF ROOM IN THE JAIL.

THE BLUE RIBBON COMMISSION SAYS JAIL OVERCROWDING CREATES SERIOUS PUBLIC SAFETY CONCERNS, ADDITIONAL SAFETY RISKS TO JAILERS AND INMATES, LESS PRISONER REHABILITATION AND AN OVERBURDENED PROBATION SYSTEM. ALSO JUDGES CANNOT PUNISH DRUG OFFENDERS WHO VIOLATE PROBATION OR THEIR DRUG TREATMENT PROGRAMS WITH SHORT TERM JAIL SENTENCES.

12. Having heard what the Sheriff's Blue Ribbon Commission says about Santa Barbara's overcrowded jail, let me ask you again. If a measure were on the ballot to build a new, additional jail facility to relieve jail overcrowding and provide jail space for convicted criminals who should be in jail but are not, do you think you would vote Yes in favor or No to oppose such a ballot measure? **(IF YES/NO, ASK: "Is that definitely or just probably?")**

Definitely yes -----	33%
Probably yes -----	26%
Probably no -----	13%
Definitely no -----	18%
(DON'T READ) Need more information -----	9%
(DON'T READ) DK/NA/refused-----	3%

13. Next, the ballot measure to relieve jail overcrowding by building a new, additional jail facility has not yet been written. I am going to mention some possible elements or features that could be incorporated in this measure. After I mention each possible element or feature, please tell me if having it as part of this ballot measure would make you more inclined or less inclined to support a ballot measure to eliminate jail overcrowding by building a new jail facility. **(IF MORE/LESS INCLINED, ASK: Is that much MORE/LESS inclined or just somewhat?) (ROTATE b through e. ALWAYS ASK “a” FIRST)**

	<u>MUCH MORE INCL</u>	<u>S.W. MORE INCL</u>	<u>S.W. LESS INCLIN</u>	<u>MUCH LESS INCLIN</u>	<u>(NO DIFF)</u>	<u>(DON'T READ) (DK/NA)</u>
[] a. Building a new 300-bed new jail facility at a rural north County site to relieve overcrowded conditions in the existing County jail and stop the early release of inmates -----	33 %	29 %	9 %	7 %	18 %	4 %
[] b. Establishing a Jail Overcrowding Prevention Commission to direct federal, state and local funds to programs, including drug treatment and alcohol use rehabilitation and gang diversion, to reduce the number of potential jail inmates-----	38 %	30 %	8 %	8 %	14 %	2 %
[] c. Distributing funds raised by this measure on the basis of fifty percent for construction and operation of a new jail facility, 25 percent for alcohol, drug and other rehabilitation programs and 25 percent to County government and local cities in Santa Barbara County to improve policing-----	28 %	29 %	10 %	10 %	18 %	5 %
[] d. Creating an independent citizens oversight committee to review expenditures and make annual public reports regarding construction and operation of a new jail facility-----	34 %	29 %	8 %	8 %	18 %	3 %
[] e. Providing a fixed future date for the expiration of the portion of the tax that pays for the construction of a new jail facility-----	32 %	30 %	5 %	8 %	19 %	6 %

14. Now having heard more, if a measure with these elements and features were on the ballot to provide funds to build a new, additional jail facility to relieve jail overcrowding and provide jail space for convicted criminals who should be in jail but are not, do you think you would vote Yes in favor or No to oppose this ballot measure? **(IF YES/NO, ASK: "Is that definitely or just probably?")**

Definitely yes -----35%
 Probably yes -----28%
 Probably no -----14%
 Definitely no -----16%
(DON'T READ) Need more information----- 6%
(DON'T READ) DK/NA/refused----- 2%

15. Next, there are different ways to pay for the construction and operating costs of a new 300-bed jail facility as well as the other programs I just asked you about. The funding sources could be an increase in the County sales tax of one half cent, or a tax of one half cent per square foot on each parcel of developed and undeveloped land in the County, or a combination of the sales tax increase and the parcel tax on property so that the sales tax increase and the amount of the parcel tax would each be at a lower rate. Regardless of how you think you might vote on this measure at some future date, which funding method would you personally prefer? Would it be...? **(READ EACH ITEM BEFORE RECORDING)**

A one half cent County sales tax increase -----34%
 A parcel tax of one half cent per square foot-----12%
 A combination of the sales tax increase and the
 parcel tax but each at a lower rate-----32%
(DON'T READ) None of these/no tax-----15%
(DON'T READ) Need more information----- 4%
(DON'T READ) DK/NA/refused ----- 2%

16. Next, let me mention some statements that could be made by people who favor a measure to relieve jail overcrowding by building a new, additional 300-bed jail facility in Santa Barbara County funded by a one half cent increase in the County sales tax. After hearing each statement, please tell me whether it makes you more inclined to vote Yes on a measure to fund a new 300-bed jail facility. If you do not believe the statement, or if it has no effect on your thinking one way or the other, please tell me that too. (IF MORE INCLINED, ASK: "Is that much more or just somewhat?")

<u>MUCH MORE INCL.</u>	<u>SMWT MORE INCL.</u>	<u>(LESS INCL.)</u>	<u>DON'T BELIEVE</u>	<u>NO EFFECT</u>	<u>(NO OPIN.)</u>
--------------------------------	--------------------------------	-------------------------	--------------------------	----------------------	-----------------------

(ROTATE)

- | | | | | | | | |
|--------|---|-----------|-----------|----------|-----------|-----------|----------|
| [] a. | Without a new 300-bed jail facility, more and more inmates will have to be released from the existing County jail before their sentences are completed. This measure will end overcrowding at the County jail and stop the early release of inmates, thus making a major improvement to public safety in Santa Barbara County. | ----- 31% | ----- 23% | ----- 7% | ----- 8% | ----- 26% | ----- 5% |
| [] b. | Today's overcrowded conditions in the County's single existing jail severely limit inmate access to the Sheriff Department's rehabilitation programs. This means more inmates return again to crime and then to jail. A new jail facility will increase access to rehabilitation programs, thus helping close the revolving door to crime and jail. | ----- 35% | ----- 22% | ----- 8% | ----- 11% | ----- 18% | ----- 6% |
| [] c. | With the cost of construction materials and labor at a low point due to current slow economic conditions, this is the best time to build a new jail facility at the lowest cost. Waiting for an economic upturn will only increase taxpayer costs and delay a solution to the jail overcrowding and early release problem. | ----- 33% | ----- 27% | ----- 7% | ----- 9% | ----- 20% | ----- 4% |

(ROTATE)

	<u>MUCH MORE INCL.</u>	<u>SMWT MORE INCL.</u>	<u>(LESS INCL.)</u>	<u>DON'T BELIEVE</u>	<u>NO EFFECT</u>	<u>(NO OPIN.)</u>
[]d. Building a new 300-bed jail will pump as much as 80 million dollars into the County's economy, provide construction jobs for 100 people in Santa Barbara County over a two-year construction period and create about 150 permanent jobs to operate the new jail facility -----	36%	30%	7%	6%	18%	3%
[]e. Forced early release of jail inmates because of an overcrowded jail sends the message that criminals don't have to pay the full penalty if they are caught and convicted. This measure says criminals belong in jail for their full sentence and voters intend to make sure of that -----	36%	21%	8%	8%	23%	4%
[]f. Overcrowding in the Santa Barbara jail creates severe health and safety problems for jail inmates and greatly reduces access to effective rehabilitation programs. There is no way to resolve these problems other than to build more capacity for the County's growing jail population -----	27%	24%	9%	11%	26%	4%
[]g. Unless this measure is passed providing new revenue for an additional 300 hundred bed jail, the courts may force Santa Barbara County to build a jail anyway to relieve jail crowding. This could only be funded by massive cuts in everything, from emergency and public safety services to road maintenance to parks -----	27%	21%	11%	15%	19%	7%

<u>MUCH MORE INCL.</u>	<u>SMWT MORE INCL.</u>	<u>(LESS INCL.)</u>	<u>DON'T BELIEVE</u>	<u>NO EFFECT</u>	<u>(NO OPIN.)</u>
--------------------------------	--------------------------------	-------------------------	--------------------------	----------------------	-----------------------

(ROTATE)

[]h. Nine in ten jail inmates are alcohol and/or drug abusers, one in three has a certified mental health problem and two in five are involved in gangs. Overcrowding makes it impossible to get the most out of inmate rehabilitation and diversion programs. That means more inmates return to jail again after release, which results in more taxpayer costs for dealing with them. A new, 300-bed jail facility will help break this vicious cycle, reduce jail costs in the long run and improve overall public safety ----- 32% -----25%----- 8% -----13% ----- 17% -----4%

[]i. Unless a new, additional jail is built, law-abiding Santa Barbara County residents will continue to have thousands of convicted criminals in their midst -- some of whom continue to commit crimes -- simply because there is not enough jail space to handle them----- 30% -----22%----- 8% -----14% ----- 21% -----4%

17. Now having heard what people have to say who favor a measure to provide funds to build a new, additional jail facility to relieve jail overcrowding and provide jail space for convicted criminals who should be in jail but are not, do you think you would vote Yes in favor or No to oppose this ballot measure? (IF YES/NO, ASK: "Is that definitely or just probably?")

Definitely yes -----	37%
Probably yes -----	25%
Probably no -----	13%
Definitely no -----	17%
(DON'T READ) Need more information -----	5%
(DON'T READ) DK/NA/refused-----	3%

18. Regardless of how you think you may vote on this measure, what do you recall was the strongest argument to vote Yes in favor of a measure to relieve jail overcrowding by building a new jail facility? (OPEN-END, RECORD VERBATIM RESPONSE)

Prisoners are getting released early -----	14 %
Need rehabilitation/drug/alcohol programs that work -----	13 %
People should have to serve their whole time -----	8 %
Will create jobs/help economy -----	8 %
Provide a place for criminals/have more room/overcrowding-----	6 %
Keep more crime off the streets-----	6 %
Build new jail no matter how we vote/cheaper to build now -----	5 %
None/No reasons to vote in favor -----	5 %
Stop repeat offenders/close revolving door on criminals -----	3 %
Don't need an increase in taxes -----	2 %
Reduce the cost -----	2 %
 Don't know/Refused -----	 29 %

19. Next, let me mention some statements that could be made by people who oppose a measure to relieve jail overcrowding by building a new, additional 300-bed jail facility in Santa Barbara County funded by a one half cent increase in the County sales tax. After hearing each statement, please tell me whether it makes you more inclined to vote No on a measure to fund a new 300-bed jail facility. If you do not believe the statement, or if it has no effect on your thinking one way or the other, please tell me that too. (IF MORE INCLINED, ASK: "Is that much more or just somewhat?")

	<u>MUCH MORE INCL.</u>	<u>SMWT MORE INCL.</u>	<u>(LESS INCL.)</u>	<u>DON'T BELIEVE</u>	<u>NO EFFECT</u>	<u>(NO OPIN.)</u>
(ROTATE)						
[]a. Whatever the merits of a new jail, taxpayers simply can't afford another tax increase in these troubled economic times -----	25 %	18 %	9 %	15 %	27 %	5 %
[]b. If a new jail is needed, it can be paid for by cutbacks and greater efficiency in the way County government spends the hundreds of millions of dollars it already collects from taxpayers -----	25 %	21 %	6 %	17 %	24 %	7 %
[]c. Jails are not supposed to be luxury hotels, and we definitely don't need yet another jail hotel to coddle criminals. The fact is we don't need this measure because there is plenty of room in the existing jail for criminals -----	15 %	12 %	12 %	29 %	25 %	7 %

<u>MUCH MORE INCL.</u>	<u>SMWT MORE INCL.</u>	<u>(LESS INCL.)</u>	<u>DON'T BELIEVE</u>	<u>NO EFFECT</u>	<u>(NO OPIN.)</u>
--------------------------------	--------------------------------	-------------------------	--------------------------	----------------------	-----------------------

(ROTATE)

[]d. The simple fact is that with State government likely to add another one and a half cents to the sales tax to balance the state budget and the County raising the sales tax another half cent to pay for a new jail, the overall sales tax in Santa Barbara County will be nine and three-quarters cents per dollar. That's simply too much sales tax. -----33% -----24% ----- 11% -----10% ----- 18% -----4%

20. Now having heard what people have to say who oppose a measure to provide funds to build a new, additional jail facility to relieve jail overcrowding and provide jail space for convicted criminals who should be in jail but are not, do you think you would vote Yes in favor or No to oppose this ballot measure? (IF YES/NO, ASK: "Is that definitely or just probably?")

Definitely yes -----	33%
Probably yes -----	21%
Probably no -----	18%
Definitely no -----	20%
(DON'T READ) Need more information -----	5%
(DON'T READ) DK/NA/refused-----	3%

21. Next, State government could raise the sales tax statewide this year by one and a half cents to help balance the state budget. Would you be less inclined to vote for an additional half cent sales tax increase in Santa Barbara County to pay for a new, additional jail facility if State Government also added one and a half cents to the overall sales tax? Or, would a state sales tax increase not affect your vote on a new jail in Santa Barbara County, one way or the other?

Less inclined -----	45%
No effect -----	45%
(DON'T READ) Need more information -----	7%
(DON'T READ) DK/NA/refused-----	3%

22. Next, some people say that instead of a one half cent sales tax increase to fund a new 300-bed jail plus additional programs to reduce the potential number of inmates through crime prevention and rehabilitation, the sales tax increase should only be one quarter of a cent, which would provide only the money needed to pay construction costs for the new jail and provide annual funding for jail operations. If a measure to fund a new jail with a quarter cent sales tax were on the ballot, do you think you would vote Yes in favor or NO to oppose such a measure? **(IF YES/NO, ASK: "Is that definitely or just probably?")**

Definitely yes -----30%
 Probably yes -----23%
 Probably no -----13%
 Definitely no -----25%
(DON'T READ) Need more information ----- 5%
(DON'T READ) DK/NA/refused----- 4%

23. Next, here is different idea for a ballot measure. This measure would be for general public safety improvements in Santa Barbara County. It would raise the County sales tax one half cent to fund increased fire prevention and suppression services, improved emergency services, including an Emergency Operations Communications Center, emergency trauma care facilities, additional policing and a new, additional County jail facility. If this measure were on the ballot, would you vote Yes to approve or No to oppose it? **(IF YES/NO, ASK: "Is that definitely or just probably?")**

Definitely yes -----28%
 Probably yes -----22%
 Probably no -----13%
 Definitely no -----23%
(DON'T READ) Need more information -----10%
(DON'T READ) DK/NA/refused----- 4%

24. Let's assume that the State portion of the sales tax was increased one and a half cents to help balance the state budget, and that -- as a result of continued economic crisis -- Santa Barbara County had to make deep cuts in its expenditures, including for public safety services, to balance the County budget. Would you vote Yes to approve or No to oppose a ballot measure raising the county portion of the sales tax by one half cent in order to preserve and enhance public safety services such as the County Fire Department, the Sheriff, and disaster preparedness and recovery?

Definitely yes -----26%
 Probably yes -----21%
 Probably no -----17%
 Definitely no -----24%
(DON'T READ) Need more information ----- 7%
(DON'T READ) DK/NA/refused----- 4%

SAMPLE A

25. Next, let me mention different amounts of money people might be willing to pay in new taxes over a year's time --whether through a sales tax increase or a new parcel tax or a combination of both -- to provide funds for the construction and operation of a new, additional jail. Would you be willing to pay one hundred fifty dollars over a year's time, which about 41 cents a day? **(IF "NO," ASK: "What if it was between ...?" READ EACH ITEM UNTIL "YES" RESPONSE OR LIST COMPLETED. RECORD "NOTHING/0" AS "LESS THAN FIVE DOLLARS")**

150 dollars-----34%

IF "NO" ASK:

- Between 125 and 149 dollars, which is 34 to 40 cents a day ----- 8%
- Between 100 and 124 dollars, which is 27 to33 cents a day ----- 7%
- 75 and 99 dollars, which is 21 to 27 cents a day -----7%
- Between 50 and 74 dollars, which is 14 to 20 cents a day ----- 1%
- Between 25 and 49 dollars, which is 7 to 20 cents a day-----2%
- Between 15 and 24 dollars, which is 4 to 7 cents a day ----- 3%
- Between 5 and 14 dollars, which is one to 4 cents a day----- 1%
- Less than 5 dollars -----31%
- (DON'T READ) Refused**----- 7%

SAMPLE B

26. Next, let me mention different amounts of money people might be willing to pay in new taxes -- whether through a sales tax increase or a new parcel tax or a combination of both -- to provide funds for increased fire prevention and suppression services, improved emergency services, additional policing and a new, additional County jail facility. Please stop me when I mention the amount that would be maximum you personally would be willing to pay.

150 dollars-----43%

IF "NO" ASK:

- Between 125 and 149 dollars, which is 34 to 40 cents a day ----- 6%
- Between 100 and 124 dollars, which is 27 to33 cents a day ----- 6%
- 75 and 99 dollars, which is 21 to 27 cents a day -----4%
- Between 50 and 74 dollars, which is 14 to 20 cents a day ----- 5%
- Between 25 and 49 dollars, which is 7 to 20 cents a day----- 4%
- Between 15 and 24 dollars, which is 4 to 7 cents a day ----- 4%
- Between 5 and 14 dollars, which is one to 4 cents a day----- 0%
- Less than 5 dollars -----25%
- (DON'T READ) Refused**----- 4%

HERE ARE MY FINAL QUESTIONS; THEY ARE JUST FOR CLASSIFICATION PURPOSES

27. In what year were you born?

1991-1985 (18-24)	7%
1984-1980 (25-29)	9%
1979-1975 (30-34)	5%
1974-1970 (35-39)	7%
1969-1965 (40-44)	11%
1964-1960 (45-49)	6%
1959-1955 (50-54)	12%
1954-1950 (55-59)	9%
1949-1945 (60-64)	8%
1944-1935 (65-74)	14%
1934 or earlier (75 & over)	11%
(REFUSED/ DK/NA)	1%

28. What was the last level of school you completed?

Grades 1-8	0%
Grades 9-11	1%
High school graduate (12)	15%
Some college/business/ Vocational school	27%
College graduate (4)	36%
Post-graduate work/ Professional school	21%
(DON'T READ) Refused	1%

29. With which racial or ethnic group do you identify yourself? **(READ RESPONSES)**

Hispanic or Latino	17%
African-American or Black	2%
Anglo/White	78%
Asian	1%
Something else	1%
(DON'T READ) Refused/NA	1%

30. Are you or any member of your immediate family a member of a labor union?

Yes, self	9%
Yes, family member only	10%
No	79%
(DON'T READ) Refused/NA	1%
Yes, self and family member	1%

31. How would you describe your political outlook? Would you say that you are very conservative, somewhat conservative, a moderate, somewhat liberal, or very liberal?

- Very conservative-----12%
- Somewhat conservative -----20%
- Moderate-----30%
- Somewhat liberal-----25%
- Very liberal -----10%
- (DON'T READ)** Refused/DK/NA----- 3%

32. Do you own or rent your place of residence?

- Own -----71%
- Rent-----26%
- (DON'T READ)** Refused/DK/NA----- 3%

33. I don't need to know the exact amount, but please stop me when I read the category that includes the total income for your household before taxes in 2008? Was it:

- \$30,000 and under ----- 7%
- \$30,001 - \$60,000 -----14%
- \$61,001 - \$75,000 -----14%
- \$75,001 - \$100,000-----19%
- \$100,001 - \$150,000 -----15%
- More than \$150,000 ----- 9%
- (DON'T READ)** Refused/NA -----22%

34. Could you give me your ZIP code? _____

THANK YOU FOR PARTICIPATING IN THIS SURVEY.

Gender: By observation

- Male -----46%
- Female -----54%

Party: By observation

- Democrat -----43%
- Republican-----36%
- Declined-to-State -----17%
- Any other party----- 4%

Name _____

Verified by _____

Address _____

Date _____

City _____

ZIP _____

Phone: (_____) _____

Rep # _____

Interviewer _____

Page # _____

Cluster # _____

FLAGS

P02 ----- 39%
G02 ----- 56%
R03 ----- 64%
P04 ----- 55%
G04 ----- 82%
S05 ----- 63%
P06 ----- 54%
G06 ----- 73%
F08 ----- 74%
P08 ----- 51%
BLANK ----- 6%

VOTE BY MAIL

1 ----- 13%
2 ----- 5%
3+ ----- 42%
BLANK ----- 41%

SUPERVISORIAL DISTRICT

1 ----- 20%
2 ----- 28%
3 ----- 19%
4 ----- 19%
5 ----- 14%

PERMANENT ABSENTEE

Yes ----- 50%
No ----- 50%

TYPE OF PHONE

Landline ----- 84%
Cell ----- 16%