



TO: Mayor and Councilmembers

FROM: Kristine Schmidt, Assistant City Manager
Deborah S. Lopez, City Clerk

SUBJECT: Resolutions to Hold a General Municipal Election on November 8, 2022 for the Election of Certain Officers and Submission to Qualified Voters Questions Relating to a One Cent Sales Tax and a Ban on the Sale of Flavored Tobacco

RECOMMENDATION:

- A. Approve the ballot questions;
- B. Adopt Resolution No. 22-__ entitled "A Resolution of the City Council of the City of Goleta, California, Calling and Giving Notice of the Holding of a General Municipal Election to Be Held on Tuesday, November 8, 2022, for the Election of Certain officers as Required by the Provisions of the Law of the State of California Relating to General Law Cities";
- C. Adopt Resolution No.22-__ entitled "A Resolution of the City Council of the City of Goleta, California Calling for the Placement of a General Tax Measure on the Ballot for the November 8, 2022 General Municipal Election for the Submission to the Qualified Voters of an Ordinance to Enact a General Transactions and Use Tax (Sales Tax) at the Rate of One Cent (1¢)";
- D. Adopt Resolution No.22-__ entitled "A Resolution of the City Council of the City of Goleta, California, Calling for the Submission to the Voters for Approval Ordinance 21-09 that Was Protested by Referendum";
- E. Adopt Resolution No.22-__ entitled "A Resolution of the City Council of the City of Goleta, California, Requesting the Board of Supervisors of the County of Santa Barbara to Consolidate a General Municipal Election to Be Held on November 8, 2022, with the Statewide General Election to Be Held on that Date Pursuant to Elections Code Section 10403"; and
- F. If desired, Adopt Resolution No. 22-__ entitled "A Resolution of the City Council of the City of Goleta, California, Setting Priorities for the Filing of Written Arguments Regarding City Measures and Directing the City Attorney to Prepare an Impartial Analysis".

BACKGROUND:

The City of Goleta holds a General Municipal Election in even numbered years. Pursuant to the provisions of the law relating to general law cities in the State of California, the City of Goleta will be holding a General Municipal Election on Tuesday, November 8, 2022. The City Council is required to adopt a resolution requesting that the County of Santa Barbara consolidate a General Municipal Election in the City of Goleta with the Statewide General Election scheduled for November 8, 2022 (Attachment 4). There are three matters to be placed before the voters: the election of two City Council members, the approval of an ordinance banning the sale of flavored tobacco, and the approval of a 1% (or 1 cent per dollar) sales tax increase.

On March 15, 2022, Council adopted "An Ordinance of the City Council of the City of Goleta, California, Adding a New Chapter 2.16 to the Goleta Municipal Code to Change the System of Elections for Members of the City Council from an At-Large System to a By-District System and Adopting a Map Describing the Boundaries and Identifying Election Sequencing for Each Electoral District." As a result, this will be the City's first by-district election, for the election of two City Council Members: one (1) Council Member to represent District 1 and one (1) Council Member to represent District 2.

On October 5, 2021, the City Council adopted Ordinance No. 21-09 Amending Chapter 5.07 of Title 5 of the Goleta Municipal Code Banning the Sales of Flavored Tobacco, with an effective date of December 4, 2021. A referendum petition against Ordinance No. 21-09 was submitted to the City Clerk's Office, and on October 8, 2021, the City Attorney provided an impartial summary of the adopted ordinance to the proponents, per Elections Code Section 9238. At the December 21, 2021, City Council meeting, the City Council received and filed the signature verification calculations from the Santa Barbara County Clerk-Recorder and the City Clerk, certifying the sufficiency of the Referendum Petition against Ordinance No. 21-09, Amending Chapter 5.07 of Title 5 of the Goleta Municipal Code Banning the Sales of Flavored Tobacco. This action had the effect of suspending Ordinance No. 21-09. On February 15, 2022, the City Council directed that staff submit the Referendum on Ordinance No. 21-09 to the voters for consideration at the next regular municipal election (November 8, 2022) and directed staff to return with the requisite resolutions to call such election.

On June 7, 2022, after significant research, voter polling, and community engagement, the City Council directed staff to return with a resolution to place a measure on the November 2022 ballot that, if approved by voters, would add a 1% Transaction and Use Tax (Sales Tax) to provide general revenues to fund community needs. A supermajority of the Council (4 of 5 Councilmembers) is required to adopt the resolution placing a general tax measure on the ballot. The measure would also require majority (50% + 1) approval from Goleta voters.

DISCUSSION:

By-District Council Elections (Districts 1 and 2)

The current terms of Councilmember Roger S. Aceves and Councilmember James Kyriaco will conclude in December 2022. These two offices are to be filled at the November 2022 General Municipal Election in accordance with the new by-district electoral system and sequencing of elections. Voters will be asked to vote for one (1) Councilmember to represent District 1 for a full four-year term with a term expiring November 2026 and one (1) Councilmember to represent District 2 for a full four-year term with a term expiring November 2026¹.

The candidate filing period for the two City Council seats will be July 18, 2022, through August 12, 2022. However, the candidate filing period may be extended to August 17, 2022, for persons other than the incumbents should an incumbent who is eligible to file elect not to file. No incumbent may file during the extended candidate filing period.

Referendum- Sales of Flavored Tobacco

On August 28, 2020, Governor Gavin Newsom signed into law Senate Bill 793, which banned the sale of flavored tobacco products in all flavors from fruit to mint to candy products, which would have applied to menthol cigarettes and flavored e-cigarettes. SB 793 was set to go into effect on January 1, 2021. Prior to that, a petition to referendum the law acquired enough signatures to place the item on the ballot in November 2022. The vote in the November 2022 General Election will determine whether the state-wide ban on flavored tobacco will be enforceable. However, litigation is likely to ensue even if the voters affirm SB 793 and could delay enforcement of the statewide ban for years. Local entities have the authority to pass their own flavored tobacco ban.

After considering the public policy reasons for a flavored tobacco ban, including the dangers of flavored tobacco and e-Cigarettes and negative health effects of nicotine, Council adopted Ordinance No. 21-09 on October 5, 2021, which was subsequently suspended as the result of a Referendum Petition. Council is asked to consider submitting Ordinance 21-09 to the voters for approval (see Attachment 3). The ordinance would amend Chapter 5.07 of Title 5 of the Goleta Municipal Code to ban the sale of flavored tobacco. The ordinance will ban tobacco retailers operating within City limits from selling “flavored tobacco products,” which the ordinance defines as any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, molasses, or any candy, dessert, alcoholic beverage, herb, or spice.

¹ Under the by-district election system sequencing adopted in March 2022, City Council elections from Districts 3 and 4 will occur in November 2024. In the meantime, two remaining incumbent councilmembers who were elected “at-large” in 2020 (Stuart Kasdin and Kyle Richards) will continue to serve the City at large through the end of their terms in 2024.

The proposed ballot question is included in the resolution and reads as follows:

“Shall Ordinance No. 21-09, an Ordinance of the City of Goleta, California, banning the sale of flavored tobacco products within the City’s limits, be adopted?”

Sales Tax Measure

In the City’s Strategic Plan and work programs for the last several budget cycles, the City Council has directed staff to explore new revenue sources to help maintain current service levels and programs while also meeting the demand of the City’s growing infrastructure maintenance and improvement needs. Current City funding levels are not sufficient to meet the demands of the community, and many important projects and programs cannot be completed. The City has significant revenue limitations resulting from the Revenue Neutrality Agreement with the County, and the City’s sales tax is one of the lowest in the County. There are more than \$104 million dollars in unfunded capital projects and many other community priorities for which there is insufficient funding, such as pavement and infrastructure maintenance programs and supporting projects and objectives from the City’s various strategic plans and goal-setting documents.

The City Council last considered placing a revenue measure, a 1% (or 1 cent per dollar) sales tax increase, on the ballot on July 7, 2020. However, the 3-2 vote did not achieve the required super majority and the sales tax measure was not approved for placement on the ballot. Councilmembers voting against a 2020 sales tax measure acknowledged the need for the sales tax revenue but indicated that it was the timing of the measure during the financial uncertainty of the COVID-19 pandemic that influenced their decision.

The City has now conducted four separate formal public opinion polling surveys of likely voters, administered by a professional polling consultant, about a general-purpose sales tax measure, all of which have showed sustained community support for such a measure. The first was in February 2020 before the COVID-19 crisis began. The second was conducted in late May 2020 at the direction of the City Council to see if voter support for such a measure had changed in light of new community challenges presented by the COVID-19 pandemic. Both surveys showed likely voter support for a 1% (or 1 cent per dollar) sales tax increase, with the second survey actually showing stronger, though statistically similar, support. The third round of polling was conducted in November 2021 and the final round of polling was conducted very recently, concluding in May 2022, amid recent increases in consumer prices. Both of the most recent polling efforts demonstrated sustained likely voter support for a 1% (or 1 cent per dollar) sales tax increase in a manner statistically consistent with the earlier polling results. A report on the most recent results was presented to Council on June 7, 2022.

At various meetings over the last several years, the City Council has discussed the need for a sales tax measure, most recently at a special workshop on June 14, 2022, held to discuss potential spending priorities from among the community’s many unfunded needs. Council has also thoroughly explored potential alternative revenue enhancement options, most recently at a March 31, 2022, workshop dedicated to that purpose, which included discussion of detailed study prepared by the City’s tax consultants, HdL. The study concluded that based on the pros and cons of the alternative revenue options, the

transactions and use tax (sales tax) provided the most effective method at meeting the City's growing revenue needs.

As noted above, on June 7, 2022, the City Council directed staff to return on June 21, 2022, with a draft ordinance to place a local sales tax measure on the ballot for the November 8, 2022, General Election. If approved, the voters will be asked whether to impose a local one cent (1¢) per dollar Transactions and Use Tax (sales tax) on the sale and/or use of all tangible personal property sold at retail locations in the City of Goleta, excluding food purchased as groceries or prescription medication², providing approximately \$10,600,000 annually until ended by voters.

The resolution related to the sales tax measure includes the proposed sales tax ballot measure ordinance (Attachment 2, Exhibit A). If approved, the resolution will authorize the tax measure to be placed on the ballot. As noted above, the vote to place the measure on the ballot requires a two-thirds majority of the City Council (i.e., four of five Councilmembers), and the vote required for the measure to pass is a majority (50%+1) of the votes cast . The proposed ballot question is as follows:

"To support Goleta's 9-1-1 response/crime prevention; clean-up trash in creeks to maintain coastal waters; address homelessness, fire risks from illegal encampments; maintain public safety, clean/maintain public areas; repair streets/potholes; increase recycled water use for parks; retain local businesses/jobs; maintain open spaces/natural areas and for general government use; shall a measure be adopted establishing a 1¢ sales tax providing approximately \$10,600,000 annually until ended by voters, requiring public spending disclosure?"

Resolutions to Call Election and Place Measures on the Ballot

The California Elections Code requires that the City Council adopt the resolutions described in the recommendation to authorize election actions. City staff recommends that the City Council adopt the required resolutions concerning the upcoming November 8, 2022, General Municipal Election to: call and give notice of the holding of a General Municipal Election to be for the election of certain Municipal Officers, call for the submission to the voters of the proposed measures to be placed on the ballot (if the City Council so directs), and request the County Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election. In anticipation of City Council direction, staff has included the requisite resolutions for City Council consideration (Attachments 1, 2, 3 and 4).

In connection with the two measures, the City Council may set priorities for written arguments regarding the measures and direct the City Attorney to prepare impartial analyses of the sales tax and flavored tobacco measures. For each measure, the City must establish and comply with rules concerning the filing and selection of arguments for and against the measure, and the City must establish rules for rebuttal arguments (to be

² A full list of exemptions from sales tax is available from the CA Department of Tax and Fee Administration: <https://www.cdfta.ca.gov/formspubs/pub61.pdf>

included in the Official County Voter Information Guide), should the City wish to allow them (Attachment 5). These provisions are described below.

- **Authorizing Councilmember(s) to File Written Arguments for the Measures** – Pursuant to California Elections Code § 9282, for measures placed on the ballot by the legislative body, the legislative body, or any member or members of the legislative body authorized by that body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associates, may file a written argument for or against any city measure. The City Council or certain Councilmembers may be authorized to author an argument for the measure if the City Council wishes to do so. A process for this is included in the draft optional resolution (Attachment 5). Arguments shall not exceed 300 words.

The filing period for arguments is July 26, 2022 – August 4, 2022. Arguments must be submitted and received by the City Clerk by 5:00 p.m. on August 4, 2022. Due to this deadline, the City Council would need to name/authorize the elected official(s) who will be the Author(s) of the requisite argument(s) at this June 21, 2022 meeting.

If the City Council or Councilmembers do not write an argument for the measure, and if more than one argument for the measure is submitted, pursuant to California Elections Code § 9287, the City Clerk will select the argument and give preference and priority as follows:

- 1) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
- 2) Bona fide associations of citizens.
- 3) Individual voters who are eligible to vote on the measure.

The public examination period for all arguments received is August 4, 2022 – August 14, 2022.

- **Impartial Analysis** – Pursuant to California Elections Code § 9280, City Council may direct the City Clerk to transmit a copy of the measure to the City Attorney to prepare an impartial analysis of the measure showing the effect of the measure on the existing law and operation of the measure. The analysis shall not exceed 500 words and will be printed preceding the arguments for and against the measure. The impartial analysis must be filed by 5:00 p.m. on July 21, 2022. The first day the City Clerk's Office could receive the City Attorney's impartial analysis is July 14, 2022, and the last day will be July 21, 2022. The public examination period for the impartial analysis is July 22, 2022 – August 1, 2022.
- **Rebuttal Arguments (Optional Resolution)** – The rebuttal process only applies if the City Council adopts rebuttal provisions no later than the day on which the election is called. A rebuttal process is included in the draft optional resolution (Attachment 5). Pursuant to California Elections Code § 9285, when the City Clerk receives arguments regarding a measure, the City Clerk will send a copy of the argument in favor of or against the proposition to the author(s) of the other argument immediately upon

receiving it.

The author or a majority of the authors of an argument relating to a measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. A rebuttal argument may not be signed by more than five authors and will appear immediately following the direct argument which it seeks to rebut.

The filing period for rebuttals is August 5, 2022 – August 15, 2022. The rebuttal arguments must be submitted and received by the City Clerk by 5:00 p.m. on August 15, 2022.

The public examination period for all rebuttal arguments received is August 15, 2022 - August 25, 2022.

FISCAL IMPACTS:

The estimated costs associated with the election have been provided by the Santa Barbara County Elections office and are included in the City Clerk Division, Election Costs Account 101-10-1300-54002 for FY 2022-23. Staff had estimated these costs at approximately \$35,000; however, it is likely to be higher given that two potential measures could be placed on the ballot. If both measures are approved to be submitted, staff will return to the City Council to request an appropriation to cover the additional cost if necessary.

ALTERNATIVES:

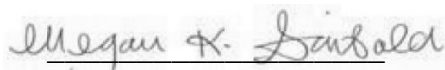
The alternatives available to the City Council vary. Since the terms of office for the two Council seats are expiring, there are no alternatives to calling for the holding of a General Municipal Election on Tuesday, November 8, 2022, to fill those seats as required by law. Additionally, as staff do not have the expertise or resources to conduct an independent election, there is no reasonable alternative to approving the consolidation of the City's election with the County's statewide election process. However, Council could decide to not place the two measures on the ballot, or not to file written arguments, impartial analysis or rebuttal arguments.


Reviewed By:

Legal Review By:

Approved By:


Kristine Schmidt
Assistant City Manager


Megan Garibaldi
City Attorney


Michelle Greene
City Manager

ATTACHMENTS:

1. A Resolution of the City Council of the City of Goleta, California, Calling and Giving Notice of the Holding of a General Municipal Election to Be Held on Tuesday, November 8, 2022, for the Election of Certain officers as Required By the Provisions of the Law of the State of California Relating to General Law Cities
2. A Resolution of the City Council of the City of Goleta, California Calling for the Placement of a General Tax Measure on the Ballot for the November 8, 2022 General Municipal Election for the Submission to the Qualified Voters of an Ordinance to Enact a General Transactions and Use Tax (Sales Tax) at the Rate of One Cent (1¢).
3. A Resolution of the City Council of the City of Goleta, California, Calling for the Submission to the Voters for Approval Ordinance 21-09 that Was Protested by Referendum.
4. A Resolution of the City Council of the City of Goleta, California, Requesting the Board of Supervisors of the County of Santa Barbara to Consolidate a General Municipal Election to Be Held on November 8, 2022, with the Statewide General Election to Be Held on that Date Pursuant to Elections Code Section 10403.
5. A Resolution of the City Council of the City of Goleta, California, Setting Priorities for the Filing of Written Arguments Regarding City Measures and Directing the City Attorney to Prepare an Impartial Analysis.

ATTACHMENT 1:

A Resolution of the City Council of the City of Goleta, California, Calling and Giving Notice of the Holding of a General Municipal Election to Be Held on Tuesday, November 8, 2022, for the Election of Certain officers as Required By the Provisions of the Law of the State of California Relating to General Law Cities

RESOLUTION NO. 22-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAW OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, a General Municipal Election shall be held on November 8, 2022, for the election of Municipal Officers; and

WHEREAS, the next regularly-scheduled General Election at which City Council Members are to be elected is November 8, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Goleta, California, on Tuesday, November 8, 2022, a General Municipal Election for the purpose of electing one Member of the City Council from District 1 and one Member of the City Council from District 2, each for the full term of four years.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk is authorized, instructed, and directed to coordinate with the County of Santa Barbara to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. That the precincts, ballot drop box locations and hours of operations, vote center locations and hours of operations, vote-by-mail procedures and timing, and election officers, and all other persons and procedures for the General Municipal Election shall be the same as those utilized by the County of Santa Barbara.

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

SECTION 6. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 7. That the City Clerk shall, not later than the 88th day prior to the General Municipal Election to be held on Tuesday, November 8, 2022, file with the Board of Supervisors and the County Clerk – Registrar of Voters of the County of Santa Barbara, State of California, a certified copy of this Resolution.

SECTION 8. That the City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 9. This Resolution shall become effective upon its adoption.

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

PAULA PEROTTE,
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MEGAN GARIBLADI
CITY ATTORNEY

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

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

AYES: NONE

NOES: NONE.

ABSENT: NONE.

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 2:

A Resolution of the City Council of the City of Goleta, California Calling for the Placement of a General Tax Measure on the Ballot for the November 8, 2022 General Municipal Election for the Submission to the Qualified Voters of an Ordinance to Enact a General Transactions and Use Tax (Sales Tax) at the Rate of One Cent (1¢).

RESOLUTION NO. 22-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA CALLING FOR THE PLACEMENT OF A GENERAL TAX MEASURE ON THE BALLOT FOR THE NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF AN ORDINANCE TO ENACT A GENERAL TRANSACTIONS AND USE TAX (SALES TAX) AT THE RATE OF ONE CENT (1¢)

WHEREAS, the City Council of the City of Goleta ("City") is authorized to levy a Transactions and Use Tax ("sales tax") for general purposes pursuant to California Revenue and Taxation Code section 7285.9, subject to approval by a majority vote of the electorate pursuant to Article XIII C, section 2 of the California Constitution ("Proposition 218"); and

WHEREAS, pursuant to California Elections Code section 9222, the City Council has authority to place local measures on the ballot to be considered at a Municipal Election; and

WHEREAS, the City Council would like to submit to the voters at the November 8, 2022 General Municipal Election a measure enacting a general sales tax at a rate of one cent (1¢) on the sale and/or use of all tangible personal property sold at retail in the City until it is ended by voters, as more specifically set forth in the attached proposed ordinance adding Chapter 3.10 to Title 3 of the City's Municipal Code; and

WHEREAS, the one cent (1¢) sales tax is a general tax, the revenue of which will be placed in the City's general fund and will be used to pay for important general City services; and

WHEREAS, on November 6, 1996, the voters of the State of California approved Proposition 218, an amendment to the State Constitution which requires that all general taxes which are imposed, extended or increased must be submitted to the electorate and approved by a majority vote of the qualified electors voting in the election; and

WHEREAS, pursuant to Proposition 218 (California Constitution, Article XIII C, § 2(b)), the general rule is that any local election for the approval of an increase to a general tax must be consolidated with a regularly-scheduled General Election for members of the governing body of the local government; and

WHEREAS, the next regularly-scheduled General Election at which City Council Members are to be elected is November 8, 2022; and

WHEREAS, pursuant to Government Code section 53724 (“Proposition 62”) and Revenue and Taxation Code section 7285.9, a two-thirds (2/3) vote of all members of the City Council is required to place the Measure on the November 8, 2022 ballot; and

WHEREAS, the ordinance to be considered by the qualified voters and the terms of approval, collection and use of the general sales tax are described and provided for in the ordinance/measure attached hereto as Exhibit “A” (the “Measure”) and by this reference made an operative part hereof, in accordance with all applicable laws.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA:

SECTION 1. Incorporation of Recitals. The foregoing recitals are true and correct and are hereby incorporated and made an operative part of this Resolution.

SECTION 2. Submission of Ballot Measure. Pursuant to California Elections Code section 9222, Government Code section 53724, Revenue and Taxation Code section 7285.9 and any other applicable requirements of the laws of the State of California relating to the City, the City Council, **by a two-thirds (2/3) vote of all members**, hereby orders the Measure to be submitted to the voters of the City at the General Municipal Election to be held on **Tuesday, November 8, 2022**.

SECTION 3. The City Council, pursuant to California Elections Code section 9222, hereby orders that the Measure shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the General Municipal Election to be held on Tuesday, November 8, 2022, in addition to any other matters required by law, there shall be printed substantially the following ballot question:

<i>“To support Goleta’s 9-1-1 response/crime prevention; clean-up trash in creeks to maintain coastal waters; address homelessness, fire risks from illegal encampments; maintain public safety, clean/maintain public areas; repair streets/potholes; increase recycled water use for parks; retain local businesses/jobs; maintain open spaces/natural areas and for general government use; shall a measure be adopted establishing a 1¢ sales tax providing approximately \$10,600,000 annually until ended by voters, requiring public spending disclosure?”</i>	YES
	NO

SECTION 4. Impartial Analysis. Pursuant to Elections Code section 9280,

the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure, and transmit such impartial analysis to the City Clerk not later than the deadline for submittal of primary arguments for or against the Measure.

The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the Office of the City Clerk at (805) 961-7505 and a copy will be mailed at no cost to you.”**

SECTION 5. Notice of Election. Notice of the election is hereby given, and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 6. Placement on the Ballot. The full text of the Measure shall not be printed in the voter information guide, and a statement shall be printed on the ballot pursuant to Elections Code section 9223 advising voters that they may obtain a copy of this Resolution and the Measure, at no cost, upon request made to the City Clerk.

SECTION 7. Filing with County. The City Clerk shall, not later than the 88th day prior to the General Municipal Election to be held on Tuesday, November 8, 2022, file with the Board of Supervisors and the County Clerk – Registrar of Voters of the County of Santa Barbara, State of California, a certified copy of this Resolution.

SECTION 8. Public Examination. Pursuant to Elections Code section 9295, this Measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The City Clerk shall post notice in the Clerk’s office of the specific dates that the examination period will run.

SECTION 9. CEQA. The City Council hereby finds and determines that the Measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, section 15378(b)(5).

SECTION 10. Severability. The provisions of this Resolution are

severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

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

SECTION 12. The City Clerk shall certify to the adoption of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Goleta this ____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

PAULA PEROTTE
MAYOR

ATTEST:

DEBORAH S. LOPEZ
CITY CLERK

APPROVED AS TO FORM:

MEGAN GARIBALDI
CITY ATTORNEY

Exhibit "A"
Transactions and Use Tax Ordinance

[attached behind this page]

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

Section 4. Operative Date. "Operative Date" for the Transactions and Use Tax means the first day of the first calendar quarter commencing more than 110 days after the date this Ordinance is adopted, as set forth in Section 3 above, but no earlier than October 1, 2023.

Section 5. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

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

CITY OF GOLETA

PAULA PEROTTE, MAYOR

ATTEST:

DEBORAH S. LOPEZ
CITY CLERK

APPROVED AS TO FORM:

MEGAN GARIBALDI
CITY ATTORNEY

Chapter 3.10 - Transactions and Use Tax

Sections:

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

Sections:

3.10.010 - Purpose.

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

- A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

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

3.10.020 - Contract With State.

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.10.030- Transactions Tax Rate.

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

3.10.040 - Place of Sale.

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

3.10.050 - Use Tax Rate.

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

3.10.060 - Adoption of Provisions of State Law.

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

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

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

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

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

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

3.10.080 - Permit not Required.

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

3.10.090 - Exemptions and Exclusions.

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

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

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

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

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.
 7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.
- D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for, a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.10.100 - Amendments.

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

3.10.110 - Enjoining Collection Forbidden.

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

3.10.120 – Duration of Tax.

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

ATTACHMENT 3:

A Resolution of the City Council of the City of Goleta, California, Calling for the Submission to the Voters for Approval Ordinance 21-09 that Was Protested by Referendum.

RESOLUTION NO. 22-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, CALLING FOR THE SUBMISSION TO THE VOTERS FOR APPROVAL OF ORDINANCE 21-09 THAT WAS PROTESTED BY REFERENDUM

WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, a General Municipal Election shall be held on November 8, 2022, for the election of Municipal Officers;

WHEREAS, the City Council desires to submit to the voters for approval Ordinance 21-09 that was protested by Referendum; and

WHEREAS, the next regularly-scheduled general election at which City Council members are to be elected is November 8, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The foregoing recitals are true and correct and are hereby incorporated and made an operative part of this Resolution.

SECTION 2. Submission of measure. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election to be held on Tuesday, November 8, 2022, the following question:

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

SECTION 3. Text of Ordinance. That the complete text of Ordinance No. 21-09 to be submitted to the voters is attached as Exhibit "A".

SECTION 4. Vote required to pass. That the vote required for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 5. Impartial Analysis. Pursuant to Elections Code section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure, and transmit such impartial analysis to the

City Clerk not later than the deadline for submittal of primary arguments for or against the Measure.

The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the Office of the City Clerk at (805) 961-7505 and a copy will be mailed at no cost to you.”**

SECTION 6. Notice of Election. Notice of the election is hereby given, and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. Placement on the Ballot. The full text of the Measure shall not be printed in the voter information guide, and a statement shall be printed on the ballot pursuant to Elections Code section 9223 advising voters that they may obtain a copy of this Resolution and the Measure, at no cost, upon request made to the City Clerk

SECTION 8. Effective Date if Passed. That in the event a majority of City Electors voting on the ballot measure approving Ordinance No. 21-09 set forth above vote in favor thereof, Ordinance No.21-09 shall be automatically adopted and shall amend the Goleta Municipal Code to read as set forth in Exhibit “A”, effective ten (10) days following the certification of the election results with no further action by the Council.

SECTION 9. Filing with County. The City Clerk shall, not later than the 88th day prior to the General Municipal Election to be held on Tuesday, November 8, 2022, file with the Board of Supervisors and the County Clerk – Registrar of Voters of the County of Santa Barbara, State of California, a certified copy of this Resolution.

SECTION 10. Public Examination. Pursuant to California Elections Code Section 9295, the measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the sample ballot. The Clerk shall post notice in the Clerk’s office of the specific dates that the examination period will run.

SECTION 11. Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

SECTION 12. This Resolution shall become effective upon its adoption.

SECTION 13. The City Clerk shall certify to the adoption of this Resolution.

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

PAULA PEROTTE,
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MEGAN GARIBLADI
CITY ATTORNEY

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

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

AYES: NONE

NOES: NONE.

ABSENT: NONE.

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ORDINANCE NO. 21-09

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

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

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

5.07.010 Definitions.

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

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

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

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

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

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

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

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

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

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

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

“Tobacco product”

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

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

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

“Tobacco retailing license” means the license required pursuant to this chapter.

5.07.020 Requirements and Prohibitions.

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

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

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

5.07.030 Application and Procedure.

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

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

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

5.07.040 License Term and Renewal.

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

5.07.050 Initial and Renewal Fees—Late Penalty After Expiration.

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

5.07.060 When License Commences.

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

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

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

5.07.070 Grounds for Denial, Suspension and Revocation.

A. Denial.

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

B. Suspension.

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

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

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

C. Revocation.

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

5.07.080 Notice of Denial, Suspension or Revocation—Appeal.

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

SECTION 2. Certification of City Clerk.

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

SECTION 3. Effective Date.

This ordinance shall take effect on December 4, 2021.

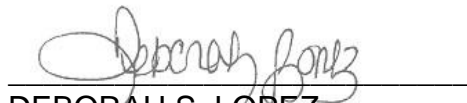
INTRODUCED ON the 21st day of September, 2021.

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



PAULA PEROTTE
MAYOR

ATTEST:



DEBORAH S. LOPEZ
CITY CLERK

APPROVED AS TO FORM:



MEGAN GARIBALDI
CITY ATTORNEY

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

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

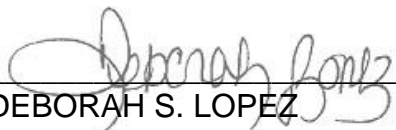
AYES: MAYOR PEROTTE, MAYOR PRO TEMPORE
KYRIACO, COUNCILMEMBERS ACEVES, KASDIN
AND RICHARDS

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)


DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 4:

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

RESOLUTION NO. 22-__

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

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

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

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

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

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

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

<i>"To support Goleta's 9-1-1 response/crime prevention; clean-up trash in creeks to maintain coastal waters; address homelessness, fire risks from illegal encampments; maintain public safety, clean/maintain public areas; repair streets/potholes; increase recycled water use for parks; retain local businesses/jobs; maintain open spaces/natural areas and for general government use; shall a measure be adopted establishing a 1¢ sales tax providing approximately \$10,600,000 annually until ended by voters, requiring public</i>	Yes
	No

<i>spending disclosure?"</i>	
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SECTION 3.

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

SECTION 4.

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

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

SECTION 5.

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

SECTION 6. Canvass of Returns. The County election department is authorized to canvass the returns and perform all other proceedings incidental to and connected with the General Municipal Election. The Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. Pursuant to Elections Code sections 10403 and 10418, the election will be held and conducted in accordance with the provisions of law regulating the Statewide General Election.

SECTION 7. Necessary Steps. The Board of Supervisors is requested to issue instructions to the County election department to take any and all steps necessary for the holding of the consolidated election.

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

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

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

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

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

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MEGAN GARIBALDI
CITY ATTORNEY

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

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

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 5:

A Resolution of the City Council of the City of Goleta, California, Setting Priorities for the Filing of Written Arguments Regarding City Measures and Directing the City Attorney to Prepare an Impartial Analysis.

RESOLUTION NO. 22-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA,
CALIFORNIA, SETTING PRIORITIES FOR THE FILING OF WRITTEN
ARGUMENTS REGARDING CITY MEASURES AND DIRECTING THE
CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS**

WHEREAS, a General Municipal Election is to be held in the City of Goleta, California on November 8, 2022, at which there will be submitted to the voters the following measures:

Referendum Language

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

Sales Tax Measure Language

<i>"To support Goleta's 9-1-1 response/crime prevention; clean-up trash in creeks to maintain coastal waters; address homelessness, fire risks from illegal encampments; maintain public safety, clean/maintain public areas; repair streets/potholes; increase recycled water use for parks; retain local businesses/jobs; maintain open spaces/natural areas and for general government use; shall a measure be adopted establishing a 1¢ sales tax providing approximately \$10,600,000 annually until ended by voters, requiring public spending disclosure?"</i>	Yes
	No

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

SECTION 1. That pursuant to California Elections Code 9282, the City Council authorizes the following member(s) of its body

_____	(Council Member in Favor)	or	(Council Member Against)
_____	(Council Member in Favor)	or	(Council Member Against)
_____	(Council Member in Favor)	or	(Council Member Against)
_____	(Council Member in Favor)	or	(Council Member Against)
_____	(Council Member in Favor)	or	(Council Member Against)

to file (a) written argument(s) not exceeding 300 words regarding the City measure (related to Ordinance No. 21-09 as specified above), accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

SECTION 2. That pursuant to California Elections Code 9282, the City Council authorizes the following member(s) of its body

_____ (Council Member in Favor) or	(Council Member Against)
_____ (Council Member in Favor) or	(Council Member Against)
_____ (Council Member in Favor) or	(Council Member Against)
_____ (Council Member in Favor) or	(Council Member Against)
_____ (Council Member in Favor) or	(Council Member Against)

to file (a) written argument(s) not exceeding 300 words regarding the City measure (related to the enactment of 1 cent sales tax as specified above), accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

SECTION 3. Primary Arguments. That the City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above measures, (iii) a bona fide association of such citizens, or (iv) any combination of voters and associations, to file a written argument in favor of or against the City measures, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed below by the City Clerk, after which no arguments for or against the City measures may be submitted to the City Clerk.

The deadline to submit arguments for or against the City measures pursuant to this Resolution is declared by the City Clerk to be **Thursday, August 4, 2022 5:00 p.m.** Each argument shall not exceed 300 words and shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

SECTION 4. Rebuttal Arguments. Pursuant to Section 9285 of the Elections Code of the State of California, when the City Clerk has selected the primary arguments for and against the City measures which will be printed and distributed to the voters, the Clerk shall send copies of the primary argument in favor of the measures to the authors of the primary argument against, and copies of the primary argument against to the authors of the primary argument in favor. The authors or persons designated by them

may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than **Monday, August 15, 2022, at 5:00 p.m.** Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument which it seeks to rebut.

SECTION 5. Impartial Analysis. That the City Council directs the City Clerk to transmit a copy of the measures to the City Attorney, unless the organization or salaries of the office of the City Attorney are affected.

a. The City Attorney shall prepare an impartial analysis of the measures not exceeding 500 words showing the effect of the measure on the existing law and the operation of the measure. If the measure affects the organization or salaries of the office of the City Attorney, the City Clerk shall prepare the impartial analysis.

b. The analysis shall include a statement indicating whether the measures were placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the City.

c. In the event the entire text of the measures is not printed on the ballot, nor in the voter information portion of the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the election official's office at (insert phone number) and a copy will be mailed at no cost to you."

d. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 7. This Resolution shall become effective upon its adoption.

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

PAULA PEROTTE
MAYOR

ATTEST:

DEBORAH S. LOPEZ
CITY CLERK

APPROVED AS TO FORM:

MEGAN GARIBALDI
CITY ATTORNEY

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

I, _____, City Clerk of the City of Goleta, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City Council at a regular meeting on the 21st day of June 2022, by the following vote to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

DEBORAH S. LOPEZ
CITY CLERK