



## City of Kingsburg

1401 Draper Street, Kingsburg, CA 93631-1908  
Phone (559)897-5821 Fax (559)897-5568

Mayor Michelle Roman  
Mayor Pro Tem Bruce Blayney  
Council Member Staci Smith  
Council Member Sherman Dix  
Council Member Laura North

City Manager Alexander J. Henderson

# AGENDA KINGSBURG CITY COUNCIL SPECIAL MEETING

Council Chambers, 1401 Draper Street, Kingsburg, CA 93631 (559) 897-5821  
[www.cityofkingsburg-ca.gov](http://www.cityofkingsburg-ca.gov)

**Wednesday, February 28, 2018 at 6pm**

1. **Call to order and roll call –**
2. **Public Comments -** Any person may directly address the Council at this time on any item not on the agenda, or on any item that is within the subject matter jurisdiction of the Council. A maximum of five minutes is allowed for each speaker.
3. **REGULAR CALENDAR**
  - 3.1 **Special Sales Tax –** Oral Staff Report by City Attorney Michael Noland  
Possible Action(s):
    - a. Presentation by City Attorney Michael Noland
    - b. Council Discussion and review of Ballot language and Impartial Analysis language
    - c. Adopt Resolution 2018-017- A Resolution Of The City Council Of The City Of Kingsburg Calling For And Giving Notice Of The Holding Of A General Municipal Election To Be Held On June 5, 2018 To Present To Voters A Measure To Levy A Public Safety Transactions And Use Tax Of Three-Fourths Of One Percent, As Required By The Provisions Of The Laws Of The State Of California Relating To General Law Cities; Requesting Consolidation Thereof With The Statewide Election To Be Held On The Same Date; And Requesting That The Fresno County Board Of Supervisors Authorize The Fresno County Clerk To Render Specified Services To The City Of Kingsburg Relating To The Conduct Of The General Municipal Election.
    - d. Waive the first reading and introduce Urgency Ordinance No. 2018-002 Adding Section 3.14 of Title 3 of the Kingsburg Municipal Code Enacting a Public Safety Transactions and Use Tax To Be Administered By the California Department of Tax and Fee Administration Upon Adoption By The Voters and pass to a second

reading with the following recital constituting reading of the title of the Ordinance:

“AN URGENCY ORDINANCE OF THE CITY OF KINGSBURG, CALIFORNIA ENACTING A PUBLIC SAFETY TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION UPON ADOPTION BY THE VOTERS AND ADDING CHAPTER 3.14, TO TITLE 3 OF THE KINGSBURG MUNICIPAL CODE”

**4. Adjourn Kingsburg City Council Special Meeting.**

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the City Clerk’s office, during normal business hours. In addition, such writings and documents may be posted on the City’s website at [www.cityofkingsburg-ca.gov](http://www.cityofkingsburg-ca.gov).

**Resolution No. 2018-017**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KINGSBURG CALLING FOR AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON JUNE 5, 2018 TO PRESENT TO VOTERS A MEASURE TO LEVY A PUBLIC SAFETY TRANSACTIONS AND USE TAX OF THREE-FOURTHS OF ONE PERCENT, AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; REQUESTING CONSOLIDATION THEREOF WITH THE STATEWIDE ELECTION TO BE HELD ON THE SAME DATE; AND REQUESTING THAT THE FRESNO COUNTY BOARD OF SUPERVISORS AUTHORIZE THE FRESNO COUNTY CLERK TO RENDER SPECIFIED SERVICES TO THE CITY OF KINGSBURG RELATING TO THE CONDUCT OF THE GENERAL MUNICIPAL ELECTION**

**WHEREAS**, current City of Kingsburg (“City”) funding is inadequate to hire additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment; and

**WHEREAS**, in order to address these issues, the City Council has expressed the need to place a local funding measure on the ballot at the statewide general election on June 5, 2018; and

**WHEREAS**, Section 10002 of the Elections Code of the State of California provides that the governing body of the City may by resolution request the board of supervisors of the county to permit the county clerk to render specified services to the City relating to the conduct of elections; and

**WHEREAS**, the City Council desires to call such election and request its consolidation with the statewide election to be held on the same date and have the Fresno County Clerk perform specified election services to the City; and

**WHEREAS**, the Transaction and Use Tax will be a special tax, the revenue of which will be placed in a dedicated fund and will be used for hiring additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment; and

**WHEREAS**, all funds from a locally approved tax cannot be taken by the State of California and must stay in the City to benefit local residents; and

**WHEREAS**, if the “City of Kingsburg Public Safety Measure” is approved, the City Council wishes to prioritize funding for public safety purposes; and

**WHEREAS**, the proposed urgency ordinance includes strict accountability provisions, such as a citizens’ oversight committee, an annual expenditure report, and a ten (10) year sunset clause to ensure every cent is used effectively, efficiently, and as promised to the voters.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KINGSBURG DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1. MEASURE TO BE VOTED ON AT GENERAL MUNICIPAL ELECTION**

a. Ballot Language.

That the City Council pursuant to its right and authority, does order submitted to the voters at the General Municipal Election on June 5, 2018, the following question:

**KINGSBURG PUBLIC SAFETY MEASURE**

*To generate approximately \$700,000 annually for a period of ten years in order to hire additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment, shall the City of Kingsburg enact a ¼ cent sales tax, requiring a citizens' oversight committee and annual reporting of expenses, with all funds generated staying in the City of Kingsburg?*

YES

NO

The measure shall be designated on the ballot by a letter, as provided in California Elections Code Section 13116.

b. Proposed Ordinance.

The full text of the ordinance authorizing the transactions and use tax to be approved by the voters, entitled "An Urgency Ordinance of the City of Kingsburg, California Enacting a Public Safety Transactions and Use Tax to be Administered by the California Department of Tax and Fee Administration Upon Adoption by the Voters," is attached as Exhibit "A" to this Resolution. The full text of the urgency ordinance shall be printed in the Voter Information Pamphlet.

c. Form of the Measure

The exact form of the measure is as specified in Section 1(a) of this Resolution.

d. Passage of the Measure

The transactions and use tax is a special tax requiring the approval of a 66.66% of the votes cast by qualified electors of the City voting in the election on the issue.

e. Publication of Measure

The City Clerk is hereby directed to cause notice of the measure to be published in accordance with California Elections Code Section 12111.

f. Letter Designation

This measure shall be designated by letter by the Fresno County Clerk. The City will request the measure be identified as "Measure "P."

**SECTION 2.** IMPLEMENTATION

The City Clerk is authorized and directed to perform all acts necessary or required by law to implement this Resolution and related to the election, including, without limitation, the following:

- a. The ballots to be used at the election shall be in form and content required by law.
- b. Pursuant to Section 10002 of the Elections Code of the State of California, the City requests the Boards of Supervisors of the County of Fresno to permit the Fresno County Clerk to render specified services to the City relating to the election.
- c. The Fresno County Clerk is authorized and directed to do any and all things necessary in order to ensure the lawful conduct of the election.
- d. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding elections in the City of Kingsburg that are consolidated with any other election.
- e. Notice of time and place of holding the election is given and the Fresno County Clerk is authorized and directed to give such further or additional information in the time, form and manner as required by law in connection with the election.
- f. Pursuant to Section 10403 of the Elections Code of the State of California, the Board of Supervisors of the County of Fresno is hereby requested to consolidate the election referred to herein with the statewide election to be held on Tuesday, June 5, 2018.
- g. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 3.** ELECTION EXPENSES

For and in consideration of the election services rendered by the Fresno County Clerk, the City agrees to pay to Fresno County the proportionate share of reasonable expenses of said election, said share to consist of all direct costs as determined by the Fresno County Clerk to be directly related to the conduct of the City of Kingsburg's general municipal election together with the City's proportionate share of the expenses for election services rendered by Fresno County that are being shared equally with other jurisdictions, if any, by virtue of the consolidation of the City's municipal election with the elections being held by other jurisdictions, if any, in the City of Kingsburg on June 5, 2018.

#### **SECTION 4.** CEQA

The adoption of this Resolution is exempt from the California Environmental Quality Act, Public Resources Code §§ 21000 et seq. ("CEQA") and 14 Cal. Code Reg. §§ 15000 et seq. ("CEQA Guidelines"). The calling and noticing of a General Municipal Election for the submission of a ballot measure to voters is not a project within the meaning of CEQA Guidelines Section 15378. The transactions and use tax submitted to the voters is a general tax that can be used for any governmental purpose; it is not a commitment to any particular action or actions. As such, under CEQA Guidelines Section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.

#### **SECTION 5.** SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Resolution or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or its application to other persons and circumstances. The City Council of the City of Kingsburg hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

#### **SECTION 6.** IMPARTIAL ANALYSIS

The impartial analysis of Measure \_\_\_\_ to be placed in the Voter Information Pamphlet shall read as follows:

"The City Council of the City of Kingsburg voted unanimously to place Measure \_\_\_\_ on the June 5, 2018 ballot seeking voter approval of a ¾ cent transactions and use (sales) tax. The tax would add 75 cents to the purchase price of an item that costs \$100.

The City estimates that Measure \_\_\_\_ could generate approximately \$700,000 each year to hire additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment. This sales tax is a special tax, meaning revenues raised from the sales tax will go into a dedicated fund to be used

The Council has identified a policy for the use of proceeds from the tax to hire additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment. The creation of a Citizens' Oversight Committee and the preparation of annual expenditure report will ensure the funds are used for these purposes.

The tax will be paid in addition to current sales taxes and will be collected at the same time and in the same manner as existing sales taxes. By law, all revenues raised by Measure \_\_\_\_ will belong to the City of Kingsburg and cannot be taken by or shared with the State of California or any other agency.

A YES vote will authorize a ¾ cent increase in the transactions and use (sales) tax to be used to hire additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment.

A NO vote will not allow a ¾ cent increase in the transactions and use (sales) tax to be used to hire additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment.”

## **SECTION 7. SYNOPSIS OF THE MEASURE**

The Synopsis of the Measure to be published at least one time not later than one week before the election in a newspaper of general circulation in the City shall read as follows:

*“To generate approximately \$700,000 annually for a period of ten years in order to hire additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment, shall the City of Kingsburg enact a ¾ cent sales tax, requiring a citizens’ oversight committee and annual reporting of expenses, with all funds generated staying in the City of Kingsburg?”*

## **SECTION 8. EFFECTIVE DATE**

This Resolution shall take effect immediately upon its adoption and shall supersede replace City Council Resolution No. 2018-010.

PASSED AND ADOPTED by the City Council of the City of Kingsburg this \_\_\_\_ day of \_\_\_\_\_, 2018 by the following vote:

AYES:

NOES:

ABSTENTATIONS:

ABSENT:

APPROVED:

\_\_\_\_\_  
Michelle Roman, Mayor

ATTEST:

\_\_\_\_\_  
Abigail Palsgaard, City Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Mike Noland, City Attorney



**ORDINANCE NO. 2018-002**

**AN URGENCY ORDINANCE OF THE CITY OF KINGSBURG, CALIFORNIA  
ENACTING A PUBLIC SAFETY TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY  
THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION UPON ADOPTION  
BY THE VOTERS AND ADDING CHAPTER 3.14, TO TITLE 3 OF  
THE KINGSBURG MUNICIPAL CODE**

The City Council of the City of Kingsburg does hereby ordain as follows:

Chapter 3.14 is added to Title 3 of the Kingsburg Municipal Code to read as follows:

Section 1. TITLE. This ordinance shall be known as the "City of Kingsburg Public Safety Transactions and Use Tax Ordinance." The City of Kingsburg hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

Section 2. URGENCY ORDINANCE. Currently, City of Kingsburg ("City") funding is inadequate to hire additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment and address other public safety issues in order to preserve the public peace, health, safety and welfare of the citizens of the City. In order to obtain the funding needed to hire additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment in order to preserve the public peace, health, safety and welfare of the citizens of the City, the City Council of the City has elected to present to the voters of the City a measure to levy a Public Safety Transaction and Use Tax for three-fourths of one percent to be placed on the City's June 5, 2018 general election ballot ("Measure"). However, in order to place the Measure on the City's June 5, 2018 general election ballot, this ordinance must be adopted and effective and presented to the County of Fresno on or prior to March 9, 2018. With only one regular City Council meeting occurring prior to March 9, 2017, unless this ordinance is presented as an urgency ordinance, this ordinance cannot be adopted and effective prior to March 9, 2018. If this ordinance is not adopted and effective prior to March 9, 2018, the Measure will not be placed on the City's June 5, 2018 general election ballot and public peace, health, safety and welfare of the citizens of the City will not be preserved because of the lack of adequate and necessary funding to hire additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment and address other public safety issues.

Section 2. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than one hundred ten (110) days after the adoption of this ordinance. The Operative Date of this ordinance, if approved by voters, shall be October 1, 2018.

Section 3. 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 on 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 66.66% 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.

Section 4. 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.

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 territory of the City at the rate of 0.75% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the incorporated territory of the City 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 City or has more than one place of business in the State of California, 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.

Section 7. 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 the

incorporated territory of the City at the rate of 0.75% 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 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, 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 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 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 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 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 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 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) below, 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.

Section 12. 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, all amendments to the California Constitution or all amendments to other applicable provisions of California law 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 unless otherwise required by such amendment.

Section 13. 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.

Section 14. CITIZENS' OVERSIGHT COMMITTEE. Consistent with the City's ongoing commitment to citizen involvement as a fundamental principle of good government, specific citizen oversight and fiscal accountability provisions regarding the revenues collected as a result of the adoption of this ordinance are hereby established as follows. In addition to the accountability measures required by State law, an independent Community Oversight Committee shall be appointed by the City Council of Kingsburg to advise the City Council on the expenditures funded by Measure \_\_\_ in order to ensure that said funds are spent in accordance with City Council public safety objectives.

Section 15. ANNUAL REPORTING. An annual report shall be prepared each year by the City identifying the amount of revenue generated by the Ordinance and how those funds were used for public safety.

Section 16. 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 17. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately. However, no tax imposed by this ordinance shall be effective unless that tax has been approved by the voters of the City as required by section 2( d) of Article XIII C of the California Constitution and applicable law.

Section 18. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall expire on September 30, 2028 unless otherwise extended by voter approval.

PASSED AND ADOPTED by the City Council of the City of Kingsburg,  
State of California, on March 7, 2018, by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Michelle Roman, Mayor

ATTEST:

\_\_\_\_\_  
Abigail Palsgaard, City Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Mike Noland, City Attorney

(Kingsburg Seal)