

**MEASURE F
TOWN OF LOOMIS**

To support the continued operation of the Loomis library, and for other general fund purposes, shall a quarter percent transactions and use tax ("sales tax") raising approximately \$250,000 annually be adopted for a period of ten years, subject to annual audits?

YES

NO

**TOWN ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE F:
LOOMIS GENERAL TRANSACTION AND USE TAX MEASURE**

The Town Council of the Town of Loomis has placed Measure F on the November 8, 2016 ballot. Measure F would, if approved by voters, raise revenue for general governmental purposes in the Town of Loomis by establishing a 0.25 percent (i.e., 1/4 cent) transactions and use (sales) tax. A transactions and use tax is administered by the State Board of Equalization. A transactions and use tax is allocated to the community where any goods are delivered or placed into use.

The transactions and use tax that would be established by Measure F is considered to be a "general tax." As a "general tax," the revenue generated by Measure F will be deposited in the Town's general fund. Because this transactions and use tax will be a "general tax," the Town of Loomis will be able to use tax proceeds for any legal governmental purpose. The Town's expenditure of these funds would be subject to annual audit.

Also, because Measure F is a "general tax," it will be approved if a simple majority (over 50%) of voters vote in favor of it. If approved, Measure F would become operative on April 1, 2017, and would remain in effect for a period of 10 years.

A **"YES"** vote is a vote in favor of authorizing the transactions and use tax. A **"NO"** vote is a vote against the tax.

Jeffrey A. Mitchell
Town Attorney

The above statement is an impartial analysis of Measure F. If you desire a copy of the ordinance or measure, please call the Elections Division at (530) 886-5650 and a copy will be mailed at no cost to you.

Argument in favor of Measure F

Although the County closed the Loomis Branch Library in July, the Town prepared for re-opening it as a town library. The Town Council voted 5-0 to lease the building, establish a municipal (town) library, and put this tax measure on the ballot to support it. Town funds do not cover this additional expense. By collecting 25 cents per hundred dollars of taxable sales, this measure would bring in up to \$250,000 annually, enough to support the library and community learning center with paid staff, a growing collection, increased open hours, and robust community programs. The nonprofit Friends of the Library would manage the Library for the Town, with regular audits and accountability by the Library Board. The Library is open this fall on a temporary volunteer basis with limited hours and services, but must move to sustainable funding to meet community needs. This measure is essential to that goal, and the cost is small compared to that of losing our library and the community services provided.

Measure F is for a "general" tax, requiring a simple 50% plus one majority vote. A "special" tax for the library alone would require a 2/3 majority vote. This is a small town where the Council is accountable to the citizens, and the accompanying advisory Measure G provides additional public support for using this money predominantly for the library, to see that its needs are met. A professional voter survey showed very positive community support for this measure. Measure F is crucial to the future of the Loomis Library center. If it doesn't pass, Loomis won't have a Town library and these vital community facilities.

By the "Measures F & G for Your Loomis Library" Campaign Committee, www.FundYourLoomisLibrary.com

Brian Baker

Mayor Town of Loomis

Rhonda A. Morillas

Council Member

Bonnie London

President Friends of
Loomis Library

Robert Ferreira

President, Loomis Basin
Chamber of Commerce

Ann R. Baker

Loomis Union School
District Trustee

Rebuttal to argument in favor of Measure F

This is another TAX INCREASE that will hurt those who can least afford it.

The proponents talk about the Loomis Library, but they fail to mention that the revenues raised by this sales tax increase can be spent for anything a future Town Council might decide. If this measure passes, the money could be used for staff salary increases, compensation and benefits for Council members, wasteful government programs, or even hand-outs for special interests. Don't be fooled that a "yes" vote will increase funding for the library.

Even IF future politicians decide to spend this tax increase on the library, it would be a mistake to assume that Measure F will provide adequate library funding without future tax increases. If this tax increase causes some shoppers and businesses to transact business outside of Loomis, which we believe is likely, then it might actually cause a decline in Loomis revenues. Does anyone believe that the library will remain fully funded even if critical services are being cut and Town employees are being laid off due to declining revenues?

Loomis has already collected enough of our hard-earned money. With record-breaking revenues, Loomis doesn't need a tax increase to pay for the library. We need to teach our elected officials to live within their means -- and raising taxes again will send them the wrong message.

Please vote NO on Measure F.

David P. Harris

Resident, Loomis

Debra Jackson

Chairman, Placer Tea Party

Ed Rowen

President, Placer County
Republican Assembly

Dan Sokol

Past President, League of
Placer County Taxpayers

Jean Pagnone

Treasurer, Placer County
Taxpayers Association

Argument against Measure F

This is an unnecessary TAX INCREASE that will damage the business climate in Loomis and chase retail sales out of town. Sales taxes are inherently regressive and this tax increase will hurt Loomis residents who can least afford it.

Paradoxically, this tax increase might actually cause a decline in revenue to Loomis, especially in combination with the other tax increases on the ballot this year. Increasing tax rates will cause some customers and retail businesses to take their business elsewhere, particularly for high-dollar items that generate substantial sales tax revenues. Even if this tax increase only encourages a small number of people to conduct business outside Loomis, it could have a negative impact on our local economy and reduce tax revenues, forcing businesses to close and jobs to disappear. We should learn from the urban blight that exists in so many of California's high-tax cities where businesses are fleeing. There is no reason for us to take the first step down that miserable road to ruin!

The proponents want you to believe that this tax increase is all about the Loomis Library, but this ballot measure was cynically designed to allow the new tax revenues to be spent on anything else a future town council might want. Don't fall for another bait-and-switch tax increase!

Taxes are already high enough in Loomis and our town is enjoying record-breaking tax revenues overall, as assessed property values continue to soar to new heights. When will the politicians admit that we have given them enough of our hard-earned money? Send a message by voting NO on this tax increase. Send the politicians back to the drawing board to figure out how to live within their means.

Please vote NO on Measure F.

Thomas N. Hudson
Executive Director, California
Taxpayer Protection Committee

Debra Jackson
Chairman, Placer Tea Party

Ed Rowen
President, Placer County
Republican Assembly

Jean Pagnone
Treasurer, Placer County
Taxpayers Association

Rebuttal to argument against Measure F

Measure F did not begin with politicians, but with the people. And the people will make sure their elected officials use the money properly, under local control, for its intended purposes.

These opponents don't live in Loomis. They don't share our small-town values or our passion for a Loomis Library and Community Learning Center. They have not struggled for over a year to keep our library after the County announced closing our branch. They have not seen the community come together with petitions, overflow crowds, and a voter poll showing 67% support for this tax. This project and tax come from the Council listening to the people to create a sustainable library center.

Opponents claim a sales tax of 25 cents on \$100 will "chase retail sales out." Yet the business community supports this library project, because they care about its value to Loomis, and know library patrons are also purchasers. Don't believe scare tactics. Measure F is strongly supported by Chamber of Commerce business members.

We need a Library for our children, teens, and elders. We need a community room for programs, classes, discussion groups, for meetings, family gatherings, and community events. We need the Library's free computers and Internet so our students can do homework and our unemployed can apply for jobs. 25¢ on a \$100 purchase is a very wise investment in our town's and children's future.

Without this tax, we won't have a library. Vote Yes on Measure F.

(www.FundYourLoomisLibrary.com)

Scott Paris
Business Owner - High Hand

Patrick Taylor
Business Owner - Taylor

Gordon Takemoto
Main Drug / Owner

Grace Kamphefner
Community Philanthropist

Edward Horton
Horton Farm

Full text of Measure F

ORDINANCE NO. 266

AN ORDINANCE OF THE TOWN OF LOOMIS IMPOSING A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

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

Section 2. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

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

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

Section 5. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the Town at the rate of .25% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

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

Section 7. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the Town 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 .25% 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 Town 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 Victim Compensation & Government Claims Board, State Board of Equalization, State Treasury, or the Constitution of the State of California;
 2. The result of that substitution would require action to be taken by or against this Town or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.
 3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;
 - b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.
 4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.
- B. The word "Town" shall be substituted for the "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 Town, Town 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 Town which is shipped to a point outside the Town, 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 Town 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-Town 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-Town 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 Town of tangible personal property:
1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
 2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.
 3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.
 4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.
 5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
 6. Except as provided in subparagraph (7), a retailer engaged in business in the Town 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 Town or participates within the Town 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 Town or through any representative, agent, canvasser, solicitor, subsidiary, or person in the Town under the authority of the retailer.
 7. "A retailer engaged in business in the Town" 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 Town.
- 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

Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Section 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 Town, or against any officer of the State or the Town, 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. 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 15. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the Town transactions and use taxes and shall take effect immediately.

Section 16. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall expire March 31, 2027.

PASSED AND ADOPTED by the Town Council of the Town of Loomis, State of California, on June 14, 2016, by the following vote:

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|------------|--|
| AYES: | Baker, Black, Morillas, Ucovich, Wheeler |
| NOES: | None |
| ABSTAINED: | None |
| ABSENT: | None |

Brian Baker, Mayor

Attest:
Crickett Strock, Town Clerk