

**TO:** CITY COUNCIL  
**FROM:** JAMES L. APP, CITY MANAGER  
**SUBJECT:** SAN LUIS OBISPO COUNTY SALES TAX BALLOT MEASURE  
**DATE:** July 6, 2004

---

**NEEDS:** For the City Council to consider reaffirming its opposition to the Countywide, limited term, ¼ cent sales tax to fund Libraries.

- FACTS:**
1. The San Luis Obispo County Library Director has successfully proposed a limited term ¼ cent sales tax measure solely to support county libraries
  2. The City has been informed that the County's Library sales tax must include all public libraries in the county, including the Paso Robles Municipal Library.
  3. The sales tax measure will be included in the November 2004 ballot.
  4. In view of other substantive, ongoing public agency financial needs, and that the proposed tax is limited both as a special single interest and short-term tax, and that some of its proposed uses are for ongoing commitments, Paso Robles formally opposed the tax (Exhibit A).
  5. The City may publish its opposition, for registered voter information, by submitting a formal written argument opposing the tax(Exhibit B).
  6. Arguments cannot exceed 300 words, may appear with up to five signatures, and must be submitted to the County Clerk no later than July 14, 2004. If more than one opposition argument is submitted, the County Clerk will select one for publication.

**ANALYSIS &  
CONCLUSION:**

The County Board of Supervisors has authorized a library sales tax measure for the November, 2004 ballot. The measure includes Paso Robles (even though the City Council opposes the tax), and if passed, will increase sales tax by ¼ cent per dollar for five years. Revenue generated by the increase must be used for library facilities, materials, programs, staff and services. The measure disallows reduction or substitution of the current Library budget.

This measure competes for voter support against other initiatives that may be needed for State deficit financing, or facilities and/or services for local schools, colleges, and universities. Nor does it consider or address funding requirements for other essential public services. It does not, therefore, allow the public to comprehensively address broad public service challenges.

The City Council may reaffirm its opposition to this tax through submission of a formal ballot measure opposition argument.

**POLICY  
REFERENCE:**

City Fiscal Policy: *"General Fund revenues shall be pooled and allocated according to Council goals and established policy."* Additionally, as a matter of long-standing

practice, the City Council does not endorse the use of one-time or limited-term revenue to create or support ongoing expense.

**FISCAL  
IMPACT:**

If the ballot measure is successful, sales tax rates throughout the county will be increased by ¼ cent for five years. Based on estimated sales tax projections, Paso Robles City library revenues could increase approximately \$1.4-1.5M per year, and, current Library budget commitments could not be reduced or substituted.

**OPTIONS:**

- a. Reaffirm Position Regarding the Library Limited Term Sales Tax but do not Submit an Opposition Argument.
- b. Direct Preparation of an Opposition Argument for Signature by All Five Council Members.
- c. Amend, modify, or reject the above option.

**Attachments:**

Exhibit A – 4/8/04 Letter of Opposition  
Exhibit B – County Library Tax Measure Information

**COPY**

April 8, 2004

The Honorable Harry Ovitt  
Chairman, Board of Supervisors  
County of San Luis Obispo

Dear Chairman Ovitt & Honorable Members of the Board:

PROPOSED SALES TAX MEASURE ~ LIBRARY SERVICES

The City Council of the City of El Paso de Robles has learned that the Board of Supervisors will be asked to consider placing a sales tax measure on the November 2004 ballot. The measure, as we understand it, is proposed as a ¼ cent sales tax for five years to fund Library services. It is being scheduled for the Board's agendas of April 20 & 27, 2004.

The County Librarian has been gracious in sharing the rationale for the proposed tax. He reported that State initiated property tax shifts in 1992/93 (a) reduced funding to local governments and libraries, (b) eliminated the Special District Augmentation Fund which expressly funded Libraries, and (c) other similar shifts over the ensuing 11 years have resulted in the permanent loss of ongoing revenues that supported libraries, (d) that this loss has negatively impacted library operations, collections, staffing, and facilities, (e) and, despite these reductions, public use of Library services have increased substantially. He concludes that, as a consequence, there is a need to "restore and protect library services and guarantee that these services are accountable to and under the control of local residents."

We concur with the rationale, have experienced the losses, but cannot agree with the solution. As you well know, the fate that has befallen Libraries is shared by all general public services – services such as police, fire, recreation, parks as well as the Library. All these services are demanded and funded by local residents. All have been impacted by State-initiated redirection of local taxes. To single out one for protection, or suggest that a short-term tax will correct long-term service deficiencies, is misleading. And, to do so without alerting residents to the risks for, and consequences upon, the balance seems a disservice.

Residents should control their government, and do so with full knowledge of its scope. It is precisely for that reason we strongly urge the Board to present residents the full range of public service challenges (not just one), and to do so along with an opportunity to control the level of all services they expect. Specifically, we urge the Board to place a ½ cent sales tax measure on the November 2004 ballot to fund all general services (including Libraries), and do so in perpetuity. Then, if residents choose to oppose the tax, we can adjust all government services accordingly.

On Behalf of the City Council,

Frank R. Mecham  
Mayor

**EXHIBIT A**

**NOTICE FIXING TIME FOR SUBMISSION OF ARGUMENTS  
FOR OR AGAINST MEASURE L-04  
TRANSACTION AND USE TAX FOR COUNTYWIDE LIBRARY PROGRAMS & OPERATIONS  
SAN LUIS OBISPO COUNTY  
NOVEMBER 2, 2004 CONSOLIDATED GENERAL ELECTION**

**NOTICE IS HEREBY GIVEN**, by the County Clerk of San Luis Obispo County, State of California, that at the Consolidated General Election to be held on Tuesday, November 2, 2004, the following measure will be submitted to the voters of San Luis Obispo County:

**MEASURE L-04**

Shall Ordinance No. 3027 of the County of San Luis Obispo be approved to increase the countywide sales tax by one-quarter percent as a transactions and use tax and a special tax to provide needed funds for countywide local library operations including maintenance and repair of library facilities, restoring and protecting funding for books and materials, increasing open hours, and restoring and protecting services and programs for children, young adults, and older adults?

YES

NO

Arguments FOR or AGAINST this measure should be submitted to the Office of the County Clerk-Recorder, Elections Division, 1144 Monterey Street, Suite A, San Luis Obispo, not later than 5:00 p.m., **Wednesday, July 14, 2004**, which has been determined by the County Clerk-Recorder to be a reasonable date based upon the time necessary to prepare, print and distribute the arguments to the voters as provided by law. Arguments shall not exceed **300** words in length and shall be titled either "Argument in Favor of Measure L-04" or "Argument Against Measure L-04." Arguments may be submitted by the Board of Supervisors or any member or members of the board authorized by the board, any individual voter who is eligible to vote on the measure; any bona fide association of citizens, or any combination of these voters and associations.

No argument will be accepted unless it is signed by the person or persons submitting it, or, if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument. If there are more than five signatures only the first five will be printed. We would prefer to have the argument submitted on diskette in either Word or Word Perfect along with the hard copy. All arguments shall be typed and in paragraph form and shall be accompanied (on a separate sheet) by the following form statement, to be signed by each author or proponent of the argument:

"The undersigned (proponents) or (authors) of the (primary) or (rebuttal) argument (in favor of) or (against) ballot Measure L-04 at the Consolidated General Election to be held on November 2, 2004, hereby state that such argument is true and correct to the best of (his) (her) (their) knowledge and belief."

**NOTICE IS ALSO HEREBY GIVEN** that if more than one argument FOR or more than one argument AGAINST Measure L-04 is submitted, the County Clerk-Recorder will select the argument FOR and the argument AGAINST, according to law. If an argument FOR and an argument AGAINST Measure L-04 is filed the County Clerk-Recorder will send a copy to the respective opposing authors in order that they may prepare and submit a rebuttal argument. Rebuttal arguments, if applicable, shall be titled "Rebuttal to Argument in Favor of or Against Measure L-04." Rebuttal arguments shall not exceed **250** words in length and shall be filed no later than 5:00 p.m., **Thursday, July 22, 2004**.

The ten-day public examination period for Primary Arguments, Impartial Analysis and the Tax Rate Statement (if applicable) begins July 15, 2004, and ends on July 26, 2004. The Public Examination Period for Rebuttal Arguments (if applicable) begins July 23, 2004, and ends on August 2, 2004.

Dated: June 23, 2004

JULIE L. RODEWALD, County Clerk-Recorder

By  Deputy Registrar of Voters

**EXHIBIT B**

ORDINANCE NO. 3027

AN ORDINANCE ADDING CHAPTER 3.21 TO TITLE 3 OF THE  
SAN LUIS OBISPO COUNTY CODE  
IMPOSING A TRANSACTIONS AND USE TAX FOR  
COUNTYWIDE LIBRARY PROGRAMS AND OPERATIONS  
TO BE ADMINISTERED BY  
THE STATE BOARD OF EQUALIZATION

WHEREAS, this Board finds that public libraries in San Luis Obispo County provide unique and valued cultural, recreational, and educational services for lifelong learning; and

WHEREAS, in Fiscal Year ("FY") 1992/1993 the State of California began shifting local property tax dollars away from local government and eliminated the Special District Augmentation Fund which expressly funded public libraries; and

WHEREAS, in the eleven years that followed, this and other State-imposed revenue reductions have resulted in the permanent loss of over \$1 million annually of ongoing revenues for public libraries in San Luis Obispo County; and

WHEREAS, this permanent loss has reduced library building repairs and maintenance, reduced purchase of new books and other library materials, and library hours open to the public countywide; and

WHEREAS, despite these reductions, the public's use of public library facilities increased during this eleven-year period, with over one million visits to San Luis Obispo County public library branches in FY 2003-2004 alone; and

WHEREAS, public libraries in San Luis Obispo County need to restore and protect public library services and guarantee that these services are accountable to and under the control of local residents; and

C-1  
8

WHEREAS, the San Luis Obispo City-County Library and the Paso Robles Public Library will ensure the creation and operation of a "Library Oversight Committee" established by the San Luis City-County Library Director and the Paso Robles Public Library Director to make certain that revenues generated are spent as described herein; and

WHEREAS, Revenue and Taxation Code section 7286.59 authorizes this Board of Supervisors to place a measure on the November 2, 2004, ballot to impose a transactions and use tax of 0.25% in the county for 5 years with revenues from this tax dedicated to funding public library building maintenance and repairs, operations, programs, and acquisitions of books and other library materials.

THEREFORE, the Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

**SECTION I:** That Chapter 3.21 shall be added to the County Code, subject to approval of two-thirds of the qualified voters voting on the measure at the general election to be held on November 2, 2004; said Chapter 3.21 to read as follows:

Chapter 3.21

---

Save Our Public Libraries Transactions And Use Tax

---

Sections:

- 3.21.010. Title.
- 3.21.020. Operative Date.
- 3.21.030. Purpose.
- 3.21.040. Contract with State.
- 3.21.050. Transactions Tax Rate.
- 3.21.060. Place of Sale.
- 3.21.070. Use Tax Rate.
- 3.21.080. Adoption of Provisions of State Law.
- 3.21.090. Limitations on Adoption of State Law and Collection of Use Taxes.
- 3.21.100. Permit Not Required.
- 3.21.110. Exemptions and Exclusions.

C-1  
a

- 3.21.120. Amendments.
- 3.21.130. Enjoining Collection Forbidden.
- 3.21.140. Severability.
- 3.21.150. Effective Date.
- 3.21.160. Termination Date.
- 3.21.170. Use of the Taxes.
- 3.21.180. Expenditure Plan.

**3.21.010**      **Title.** This ordinance shall be known as the "Save Our Public Libraries Transactions and Use Tax Ordinance." The County of San Luis Obispo hereinafter shall be called "County." This ordinance shall be applicable in the incorporated and unincorporated territory of the County (hereinafter referred to as "District").

**3.21.020**      **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.

**3.21.030**      **Purpose.** This ordinance is adopted to achieve the following, among other purposes, and its provisions should be interpreted 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 7286.59 of Part 1.7 of Division 2 which authorizes the County to adopt this tax ordinance which shall be operative if a two-thirds 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 provisions of this ordinance.

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

3.21.050 Transactions Tax Rate. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the District at the rate of 0.25 percent 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.

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

3.21.070 Use Tax Rate. An excise tax is hereby imposed on the storage, use or other consumption in the District 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 0.25 percent 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.

3.21.080 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.

3.21.090 Limitations on Adoption of State Law and Collection of Use Taxes. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this County shall be substituted therefor. However, the substitution shall not be made when:

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



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

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

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

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

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

B. The word "District" 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.

**3.21.100 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.

**3.21.110 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 District which is shipped to a point outside the District, 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 District 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 Chapter 2 of Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-District 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-District 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 subsections (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 District 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 subsections (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 subsection (7), a retailer engaged in business in the District 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 District or participates within the District 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 District or through any representative, agent, canvasser, solicitor, subsidiary, or person in the District under the authority of the retailer.

7. "A retailer engaged in business in the District" 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 Chapter 2 of 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 District.

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.

**3.21.120 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.

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

3.21.140 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.

3.21.150 Effective and Operative Dates. This ordinance will take effect as provided by law. This ordinance will become operative according to law only if at least two-thirds of the electors voting on the measure at the November 2, 2004 election approve the enactment of the ordinance. If approved, the provisions of this ordinance authorizing the levy of the 0.25% transactions and use tax will become operative on April 1, 2005.

3.21.160 Termination Date. The authority to levy the tax imposed by this ordinance shall expire on March 31, 2010.

3.21.170 Use of the Taxes.

A. All transactions and use tax revenue received from the State Board of Equalization pursuant to the operation of this ordinance shall be used exclusively for countywide library programs and operations.

B. The percentage of the total transactions and use taxes collected countywide less any State Board of Equalization administrative fees which shall be allocated to the City of Paso Robles (Paso Robles Public Library) shall be the sales tax generated in the incorporated area of the City of Paso Robles for the prior fiscal year as a percentage of the total sales tax generated in the District for that fiscal year as set out in the most current edition of the State Board of Equalization's published document entitled "*Taxable Sales in California: Sales and Use Tax Annual Report*."

C. The balance of the total amount of the transactions and use taxes collected countywide less any State Board of Equalization administrative fees each fiscal year shall be allocated to the County of San Luis Obispo (San Luis Obispo City-County Library) for use for library operations and services within all areas of the County of San Luis Obispo except the incorporated area of the City of Paso Robles.

3.21.180 Expenditure Plan. The expenditure plan is designed to accomplish the specific projects listed below with the revenues from the transactions and use tax for only as long as that tax is in effect. The expenditure plan provides for preserving existing libraries, reversing the deterioration in services at existing libraries, upgrading of facilities, services and collections, and extending branch library services to the served, underserved and unserved areas of the county. The revenues from the transactions and use tax will supplement, and not replace, existing funding for public libraries.

This expenditure plan is intended to provide residents of San Luis Obispo County services that are similar to libraries operated in other areas of California where local voters have approved the restoration and protection of their public library services.

It is the intent of this ordinance and expenditure plan that the specific purposes for which the revenues from the transactions and use tax may be expended will be the following:

A. Repairing, maintaining and upgrading public library facilities and equipment in San Miguel, Shandon, Simmler, Atascadero, Creston, Santa Margarita, Cambria, Cayucos, Morro Bay, Los Osos, San Luis Obispo, Shell Beach, Arroyo Grande, Nipomo and Paso Robles. San Luis Obispo City-County Library staff will meet with library customers and supporters in every community served by one of its branch libraries listed above to discuss what should be the priority of maintenance and repair projects.

B. Restoring and protecting funding to the book and materials budgets at the San Luis Obispo City-County Library and at the Paso Robles Public Library. For the San Luis Obispo City-County Library, the currency of materials in critical areas such as consumer health, consumer law, and computer technology will increase 100%. Book and material collections will be refreshed and enhanced in every San Luis Obispo City-County branch library.

C. Restoring and enhancing open hours at San Luis Obispo City-County Library branches and at the Paso Robles Public Library. Specific goals at San Luis Obispo City-County Library branches are at a minimum the following percentage increases for weekly open hours: Arroyo Grande, 40%; Atascadero, 40%; Cambria, 60%; Cayucos, 70%; Creston, 40%; Los Osos, 33%; Morro Bay, 33%; Nipomo, 60%; San Luis Obispo, 40%; San Miguel, 20%; Santa Margarita, 30%; Shandon, 40%; Shell Beach, 70%; Simmler, 20%; and the Bookmobile, 25%.

D. Restoring, protecting, and enhancing library services and programs for older adults, such as service for the homebound, books by mail, large print books, books on tape, books for the visually-impaired, and outreach to senior living communities.

E. Restoring, protecting, and enhancing library services and programs for children and young adults.

**SECTION II:** This ordinance shall take effect after approval by the Board of Supervisors and two-thirds of the voters voting on this ordinance at the November 2, 2004, General Election. It will be submitted to the voters of the County of San Luis Obispo on November 2, 2004, and if two-thirds of the voters voting on the ordinance approve it, the operative date for the ordinance will be April 1, 2005. After passage of this ordinance by the Board of Supervisors and before the expiration of fifteen (15) days after passage, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

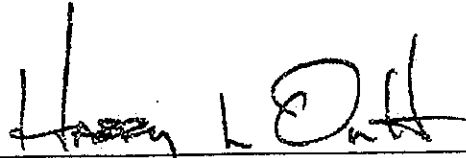
Introduced at a regular meeting of the Board of Supervisors held on the 20th day of April, 2004, and passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 21th day of April, 2004, by the following roll call vote, to-wit:

AYES: Supervisors Michael P. Ryan, Shirley Bianchi, Peg Pinard, K.H. "Katcho" Achadjian, and Chairperson Harry L. Ovitt

NOES: None

ABSENT: None

ABSTAINING: None



Chairman of the Board of Supervisors of  
the County of San Luis Obispo,  
State of California

ATTEST:

Julie L. Rodewald  
County Clerk and Ex-Officio Clerk of  
the Board of Supervisors,  
County of San Luis Obispo,  
State of California

BY: Cheri Casper Deputy Clerk  
[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By: R. Wyatt Cash  
R. WYATT CASH  
Chief Deputy County Counsel

DATED: April 9, 2004

The undersigned County Clerk of the Board of Supervisors certifies that pursuant to Section 26103 of the Government Code, delivery of this document has been made on 5-5-04

**JULIE L. RODEWALD**  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors

By: Cheri Casper  
Deputy Clerk



*1/1 sent to  
cc on 6/23*

**IN THE BOARD OF SUPERVISORS  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA**

Tues day April 21, 2004

**PRESENT:** Supervisors Shirley Bianchi, Peg Pinard, K.H. "Katcho" Achadjian  
Michael P. Ryan and Chairperson Harry L. Ovitt

**ABSENT:** None

**RESOLUTION NO. 2004-131**

**RESOLUTION APPROVING AN ORDINANCE AND BALLOT MEASURE  
TO IMPOSE A TRANSACTIONS AND USE TAX FOR  
COUNTYWIDE LIBRARY PROGRAMS AND OPERATIONS**

The following resolution is now offered and read:

WHEREAS, public libraries in San Luis Obispo County provide unique and valued cultural, recreational, and educational services for lifelong learning; and

WHEREAS, in Fiscal Year ("FY") 1992/1993 the State of California began shifting local property tax revenue away from local government and eliminated the Special District Augmentation Fund which expressly funded public libraries; and

WHEREAS, in the eleven years that followed, this and other State-imposed revenue reductions have resulted in the permanent loss of over \$1 million annually of ongoing revenues for public libraries in San Luis Obispo County; and

WHEREAS, this permanent loss has reduced library building repairs and maintenance, reduced purchase of new books and other library materials, and reduced library hours open to the public countywide; and

WHEREAS, despite these reductions, the public's use of public library facilities increased during this eleven-year period, with over one million visits to San Luis Obispo County public library branches in FY 2003-2004 alone; and

WHEREAS, public libraries in San Luis Obispo County need to restore and protect public library services, assuring that these services are accountable to and under the control of local residents; and

*CL*

WHEREAS, the San Luis Obispo City-County Library and the Paso Robles Public Library will ensure the creation and operation of a "Library Oversight Committee" established by the San Luis Obispo City-County Library Director and the Paso Robles Public Library Director to make certain that revenues generated are spent as described herein; and

WHEREAS, Revenue and Taxation Code section 7286.59 authorizes this Board of Supervisors to place a measure on the November 2, 2004 ballot to impose a transactions and use tax of 0.25% in the county for 5 years with revenues from this tax dedicated to funding public library building maintenance and repairs, operations, programs, and acquisitions of books and other library materials.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS:

1. That all of the "Whereas" recitations listed above are true and correct;
2. Regarding the "Ordinance Adding Chapter 3.21 to Title 3 of the San Luis Obispo County Code Imposing a Transactions and Use Tax for Countywide Library Programs and Operations to be Administered by the State Board of Equalization," after reading its title, further reading of said ordinance is waived. Said ordinance, which is attached and incorporated by reference as "Exhibit A," is hereby approved;
3. That said ordinance shall be referred to the electorate and will become operative according to law only if at least two-thirds (2/3) of the electors voting on the measure at the November 2, 2004, election approve the enactment of said ordinance;
4. That the County Clerk-Recorder is directed to place the question of whether this ordinance should be approved on the November 2, 2004, General Election ballot. The entire text of the ordinance shall be printed in the voter information portion of the sample ballot; and
5. That the text of the ballot language expressing whether this ordinance should be approved shall read as follows:

"Shall Ordinance No. 3027 of the County of San Luis Obispo be approved to increase the countywide sales tax by one-quarter percent as a transactions and use tax and a special tax to provide needed funds for countywide local library operations including maintenance and repair of library facilities, restoring and protecting funding for books and materials, increasing open hours, and restoring and protecting services and programs for children, young adults, and older adults?"

C-1  
6



Upon motion of Supervisor Ryan, seconded by Supervisor Blanchi, and on the following

roll call vote, to-wit:

AYES: Supervisors Ryan, Bianchi, Pinard, Achadjian, Chairperson Ovitt

NOES: None

ABSENT: None

ABSTAINING: None

The foregoing resolution is hereby adopted:

*[Handwritten Signature]*  
Chairman of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD,  
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By: *[Signature]*  
Chief Deputy County Counsel

Dated: April 9, 2004  
Department/initials

STATE OF CALIFORNIA )  
COUNTY OF SAN LUIS OBISPO ) ss  
I, JULIE L. RODEWALD, County Clerk of the above  
sanctified County, and Ex-Officio Clerk of the Board  
of Supervisors thereof, do hereby certify the fore-  
going to be a full and correct copy of an order  
entered in the minutes of said Board of Super-  
visors, and now remaining of record in my office.  
Witness, my hand and seal of said Board of  
Supervisors this 5 5 04  
  
JULIE L. RODEWALD  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
*[Signature]*  
Deputy Clerk

*[Handwritten mark]*