

**ARTICLE XIV. SOLANO COUNTY PUBLIC LIBRARY TRANSACTIONS  
AND USE TAX**

**Sec. 11-300. Title**

This ordinance will be known as the “Solano County Public Library Transactions and Use Tax Ordinance.” The transactions and use tax provisions of this ordinance will be applicable in the incorporated and unincorporated territory of Solano County (“District”).

(Ord. No. 1551, §1)

**Sec. 11-301. Purpose**

This ordinance is adopted to achieve the following, among other, purposes and directs that its provisions are interpreted to accomplish those purposes:

(a) To extend the imposition of the existing one-eighth of one percent (0.125%) retail transactions and use tax according to the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, and as specifically authorized by Section 7286.59 of Part 1.7 of the Revenue and Taxation Code; which authorizes the County to extend 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 which incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are consistent 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 which imposes a tax and provides a measure for it that the State Board of Equalization can administer and collect 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 Sales and Use Taxes;

(d) To adopt a retail transactions and use tax ordinance which can be administered in a manner which will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, reduce the cost of collecting the transactions and use taxes and simultaneously reduce the burden of record keeping upon persons subject to taxation under the provisions of this ordinance;

(e) To adopt a retail transactions and use tax ordinance that provides for funding public library operations, programs and acquisitions within Solano County. These revenues will be used only to supplement existing expenditures for public libraries and will not be used to supplant existing funding for the support of Solano County public libraries.

(Ord. No. 1551, §1; Ord. No. 1724, §1)

**Sec. 11-302. Expenditure Plan**

The expenditure plan is designed to accomplish the specific projects listed below with the revenues from the transactions and use tax. The expenditure plan provides for maintaining the existing public libraries and their collections, programs and services.

This expenditure plan is intended to provide Solano County with libraries which are on a par with those operated in other Bay and Sacramento Area communities.

The specific projects for which the revenues from the transactions and use tax will be expended are as follows:

- (a) Maintaining local public libraries throughout the county;
- (b) Maintaining open hours at Solano County Library branches in the cities of Fairfield, Rio Vista, Suisun City, Vacaville and Vallejo; the Benicia Public Library and the Dixon Public Library District;
- (c) Maintaining funding to the book and materials budgets at Solano County Library branches, Benicia Public Library and Dixon Public Library District;
- (d) Maintaining library programs for children and young adults at Solano County Library branches, Benicia Public Library and Dixon Public Library District;
- (e) Maintaining the cost of the Literacy Program at Solano County Library.

(Ord. No. 1551, §1; Ord. No. 1724, §1)

**Sec. 11-303. Contract with State**

Before October 1, 2014, the Solano County Library will 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 Solano County Library has not contracted with the State Board of Equalization before October 1, 2014, it will nevertheless reach an agreement, with the operative date the first day of the first calendar quarter following the execution of the contract.

(Ord. No. 1551, §1; Ord. No. 1724, §1)

**Sec. 11-304. Transactions tax rate**

For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the incorporated and unincorporated territory of the District at the rate of one-eighth of one percent (0.125%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the territory on and after October 1, 2014.

(Ord. No. 1551, §1; Ord. No. 1724, §1)

**Sec. 11-305. 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 or her 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, despite the place to which delivery is made. In the event a retailer has no permanent 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.

(Ord. No. 1551, §1)

**Sec. 11-306. Use tax rate**

An excise tax is 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 the territory at the rate of one-eighth of one percent (0.125%) 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 despite the place to which delivery is made.

**Sec. 11-307. Adoption of provisions of State law**

Except as otherwise provided in this ordinance and to the extent that 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 adopted and incorporated by this reference.

(Ord. No. 1551, §1)

**Sec. 11-308. Limitations on adoption of State law and collection of use taxes**

(a) In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the State of California is named or referred to as the taxing authority, the name of this District will be substituted for it. However, the substitution will 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 District or any agency, officer, or employee of it 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 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;

(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 provisions of that code.

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

(b) The word "District" will 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.

(Ord. No. 1551, §1)

**Sec. 11-309. Permit not required**

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, this ordinance will not require an additional transactor's permit.

(Ord. No. 1551, §1)

**Sec. 11-310. Exemptions and exclusions**

(a) There will 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 Sale 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 California, 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 or her agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this subsection, delivery to a point outside the District will be satisfied:

(A) With respect to vehicles other than commercial vehicles subject to registration under Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed according to 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, stating 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 under a contract entered into before October 1, 2014.

(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 before October 1, 2014.

(5) For the purposes of subsections (3) and (4) of this section, the sale or lease of tangible personal property will be deemed not to be obligated under 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 is 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 under the laws of California, 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;

(3) If the purchaser is obligated to purchase the property for a fixed price under a contract entered into before 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 before 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 will be deemed not to be obligated under 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 for in subsection (7), a retailer engaged in business in the District will 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 canvasser, solicitor, subsidiary, or person in the District under the authority of the retailer;

(7) "A retailer engaged in business in the District" will also include any retailer of the following: vehicles subject to registration under Chapter 1 (commencing with section 4000) of Division 3 of the Vehicle Code, aircraft licensed according to 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. This 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 a retailer liable for a transactions tax under 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.

(Ord. No. 1551, §1; Ord. No. 1724, §1)

**Sec. 11-311. Amendments**

All amendments after October 1, 2014 to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes which are consistent with Part 1.6 of Division 2 of the Revenue and Taxation Code, will automatically become a part of this ordinance; but, no such amendment will operate to affect the rate of tax imposed by this ordinance.

(Ord. No. 1551, §1; Ord. No. 1724, §1)

**Sec. 11-312. Enjoining collection forbidden**

No injunction or writ of mandate or other legal or equitable process will issue in any suit, action or proceeding in any court against the State of California or the District, or against any officer of the State of California or the District, 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.

(Ord. No. 1551, §1)

**Sec. 11-313. Use of the taxes**

(a) Any and all transactions and use tax shall be used exclusively for countywide library programs and operations.

(b) The percentage of the total transactions and use taxes collected countywide which shall be allocated to the City of Benicia shall be the percentage of sales tax generated in the incorporated area of the City of Benicia for the prior 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 percentage of the total transactions and use taxes collected countywide which shall be allocated to the Dixon Public Library District shall be the percentage of sales tax generated in the incorporated area of the City of Dixon for the prior 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."

(d) The percentage of the total transactions and use taxes collected countywide which shall be allocated to the Vacaville Unified School District/Library District shall be the percentage of sales tax generated in the incorporated area of the City of Vacaville for the prior 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."

(e) The balance of the total amount of transactions and use taxes collected each fiscal year shall be allocated to the Solano County Library for use for library operations and services within all areas of the County of Solano except the incorporated areas of the City of Benicia, the City of Dixon and the City of Vacaville.

(f) Each jurisdiction named in this section shall be responsible for its portion of any fees imposed to administer this tax.

(Ord. No. 1551, §1; Ord. No. 1724, §1)

**Sec. 11-314. Independent Citizens' Oversight Committee**

The Board of Supervisors shall appoint a seven member citizen's' oversight committee with one member appointed from each of the seven cities within the county's public library systems. The committee shall review and report on the public libraries' administration of and compliance with the expenditure plan and the terms of this

measure, monitor and audit the use of the funds and prepare an annual report on the expenditures of the Board of Supervisors and the community.

(Ord. No. 1551, §1; Ord. No. 1724, §1)

**Sec. 11-315. Implementing policies and regulations**

Upon approval of this ordinance by two-thirds of the voters, the public libraries within Solano County may adopt policies and regulations and take such other action as may be necessary for the implementation of the one-eighth of 1 percent (0.125%) transactions and use tax authorized by this ordinance.

(Ord. No. 1551, §1)

**Sec. 11-316. Effective and operative dates**

This ordinance will take effect as provided by law. This ordinance will take effect according to law only if at least two-thirds of the electors voting on the measure at the June 2, 2014 election, approve the enactment of the ordinance. If approved, the provisions of this ordinance authorizing the levy of the one-eighth of 1 percent (0.125%) transactions and use tax will become operative on October 1, 2014.

(Ord. No. 1551, §1; Ord. No. 1724, §1)

**Sec. 11-317. Termination date**

This ordinance will terminate on September 30, 2030.

(Ord. No. 1551, §1; Ord. No. 1724, §1)

**Sec. 11-318. Severability**

If any provision of this ordinance or its application 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.

(Ord. No. 1551, §1; Ord. No. 1724, §1)