



Rancho Santa Margarita Sales Tax Update

First Quarter Receipts for Fourth Quarter Sales (October - December 2017)

Rancho Santa Margarita In Brief

Rancho Santa Margarita's receipts from October through December were 1.9% below the fourth sales period in 2016. Excluding reporting aberrations, actual sales were up 0.5%.

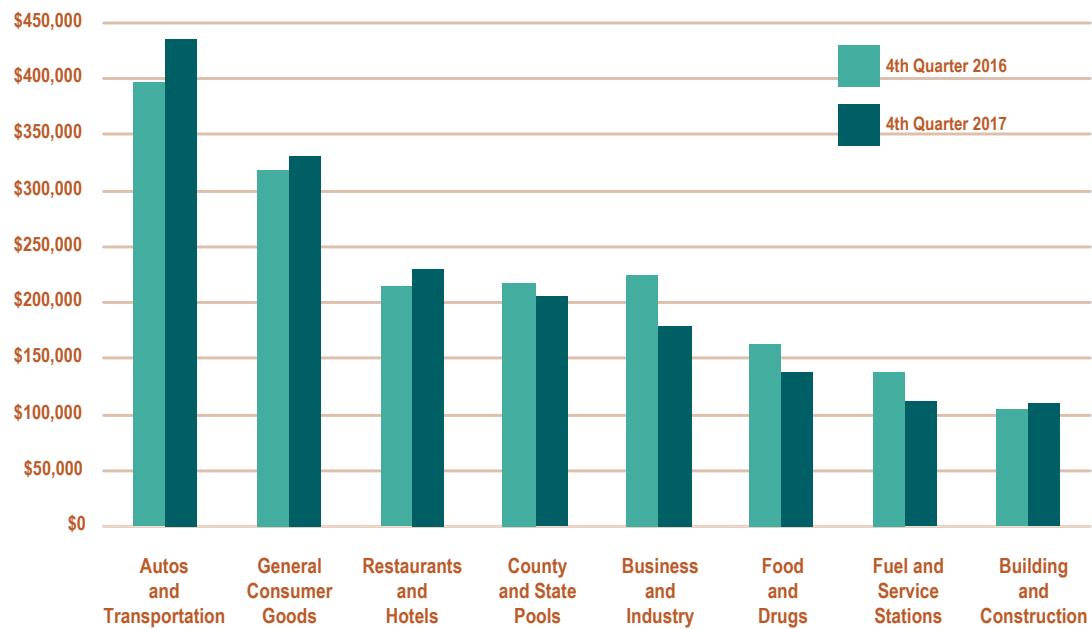
Two large payment corrections resulted in artificial declines in the categories of service stations and grocery stores. Absent these anomalies, both groups would have otherwise posted positive results.

Business-industrial returns were negatively impacted by a spike in revenue last year from a local supplier that made for a difficult comparison.

Auto-transportation cash proceeds surged 10%, nearly triple the statewide trend of 3.5%.

Net of aberrations, taxable sales for all of Orange County grew 3.6% over the comparable time period; the Southern California region was up 3.5%.

SALES TAX BY MAJOR BUSINESS GROUP



TOP 25 PRODUCERS

IN ALPHABETICAL ORDER

Applied Medical Distribution	Ralphs Fresh Fare
Applied Medical Resources	Rancho Santa Margarita Honda
Arco	Ross
Bed Bath & Beyond	Santa Margarita Ford
Circle K	Santa Margarita Toyota
Del Mar Petroleum	Target
Denault Commercial Supply	Tesoro
Hannas Restaurants & Bar	Tutto Fresco
Honda Lease Trust	Ulta Beauty
In N Out Burgers	Verizon Wireless
Kohls	Walmart
Lowes	Neighborhood Market
Pavillions	Wood Ranch BBQ & Grill

REVENUE COMPARISON

Three Quarters – Fiscal Year To Date

	2016-17	2017-18
Point-of-Sale	\$4,383,400	\$4,555,499
County Pool	733,959	587,905
State Pool	2,608	812
Gross Receipts	\$5,119,967	\$5,144,217

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California Overall

Factored for accounting anomalies, statewide fourth quarter receipts from local government's one cent sales tax were 4.4% higher than the holiday quarter of 2016.

Rising fuel prices and solid gains from building/construction supplies, restaurants and e-commerce were the primary contributors to the overall increase. A healthy quarter for auto sales and construction equipment were additional factors. Tax revenues from general consumer goods sold through brick and mortar stores rose a modest 1% over last year's comparable quarter while receipts from online sales increased 13.2%.

Performance for the inland areas of the state were generally stronger than the coastal areas which had earlier recovered from the previous downturn.

Nexus Issue to be Revisited

In 1992, the U.S. Supreme Court ruled in *Quill v. North Dakota* that businesses lacking a physical presence or "nexus" in a state cannot be required to collect or remit that state's taxes. This does not excuse buyers from paying a corresponding use tax but the costs of enforcement, particularly on smaller purchases, is difficult and local brick and mortar retailers are placed at a competitive disadvantage.

California has been more effective at collecting use tax than most states with an aggressive program of auditing major business purchases, requiring CPA's to report unpaid use tax on client's annual returns and requiring businesses with annual gross receipts of \$100,000 or more to register for the purposes of reporting use tax.

The State has also increased the number of out-of-state sellers required to collect sales tax through broader definitions of what constitutes physical presence including a requirement that larger internet retailers collect and remit sales tax if paying a commission for customer referrals obtained via a link on a California seller's website.

Still, the estimated revenue losses are substantial particularly for agencies with voter-approved transactions tax districts. Because of *Quill*, retailers are

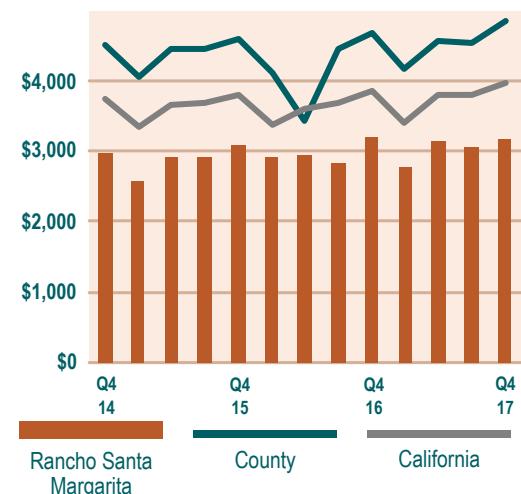
not required to collect the tax for purchases in an adjacent jurisdiction if the retailer has no physical presence in that jurisdiction. The resulting loss to local governments projected by the State Board of Equalization in 2016-17 was \$756 Million in uncollected tax revenues and losses to the state of \$697 Million: (<https://www.boe.ca.gov/legdiv/pdf/e-commerce-2017F.pdf>).

Congress has refused to act on numerous attempts to seek legislative relief over the last two decades. However, three justices – Clarence Thomas, Neil Gorsuch and Anthony Kennedy have recently expressed doubts about the *Quill* decision with Kennedy noting in 2015, that the ruling has produced a "startling revenue shortfall" in many states as well as "unfairness to local retailers and customers."

In January 2018, the U.S. Supreme Court agreed to hear arguments in the case of *South Dakota v. Wayfair Inc.* where *Wayfair* is challenging the State's recently adopted requirement that retailers collect and remit, or pay, sales tax on purchases made by South Dakota residents.

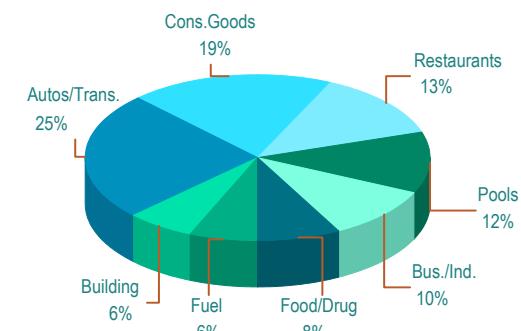
Oral arguments are scheduled for April with a decision expected by the end of June 2018.

SALES PER CAPITA



REVENUE BY BUSINESS GROUP

Rancho Santa Margarita This Quarter



RANCHO SANTA MARGARITA TOP 15 BUSINESS T

Business Type	*In thousands of dollars		Rancho Santa Margarita Change	County Change	HdL State Change
	Q4 '17*	Change			
Auto Lease	25.9	2.9%	20.1%	16.6%	
Building Materials	— CONFIDENTIAL —		11.1%	11.6%	
Casual Dining	97.3	7.4%	4.7%	3.5%	
Department Stores	— CONFIDENTIAL —		-5.8%	-5.4%	
Discount Dept Stores	— CONFIDENTIAL —		4.6%	4.1%	
Electronics/Appliance Stores	29.5	21.5%	3.6%	5.8%	
Family Apparel	26.2	1.5%	3.5%	2.1%	
Fast-Casual Restaurants	41.9	22.9%	6.2%	8.9%	
Grocery Stores	96.5	-13.4%	-2.9%	-1.5%	
Home Furnishings	29.7	0.2%	11.9%	2.6%	
Medical/Biotech	86.0	16.2%	23.7%	4.9%	
New Motor Vehicle Dealers	— CONFIDENTIAL —		2.6%	2.6%	
Quick-Service Restaurants	63.6	-1.5%	7.3%	5.0%	
Service Stations	110.9	-19.3%	7.8%	11.4%	
Specialty Stores	56.9	2.7%	4.4%	4.4%	
Total All Accounts	1,539.1	-1.4%	4.2%	4.0%	
County & State Pool Allocation	205.4	-5.8%	-0.4%	0.8%	
Gross Receipts	1,744.5	-1.9%	3.6%	3.6%	