November 8, 2010

The Honorable City Council Palo Alto, California

City of Palo Alto Sales Tax Digest Summary Second Quarter Sales (April – June 2010)

This is an informational report and no action is required.

## **BACKGROUND**

Sales and use tax represents about 13%, or \$18.2 million, of projected General Fund revenue in the City's Adopted Operating Budget for fiscal year 2011. This revenue includes sales and use tax for the City of Palo Alto and pool allocations<sup>1</sup> from the State and Santa Clara County.

The City Auditor's Office contracts with MuniServices LLC (hereafter MuniServices), the City's sales and use tax consultant, to provide sales and use tax recovery services and informational reports. The City Auditor's Office uses the recovery services and informational reports to help identify misallocation of tax revenue owed to the City, and to follow up with the State Board of Equalization to ensure the City receives identified revenues. The City Auditor's Office includes information on sales and use tax recoveries in our quarterly reports to the Finance Committee.

The City Auditor's Office also shares the information provided by MuniServices with the Administrative Services Department (ASD) for use in revenue forecasting and budgeting, and Economic Development/Redevelopment for business outreach strategies. We coordinated this informational memo with them.

#### DISCUSSION

The attached report (Attachment A) was prepared by MuniServices and covers calendar year second quarter sales (April through June 2010). These funds are reported as part of the City's fiscal year 2011 revenue. Due to the timing of reporting by businesses and the State, MuniServices' detailed reports on third quarter sales (July through September 2010) should be available by February 2011. ASD advises that in mid-December, it should receive information from the State on aggregate sales and use tax receipts for third quarter 2010.

<sup>&</sup>lt;sup>1</sup> See definitions on page 4.

Following are some highlights of the sales and use tax information we received:

- In Palo Alto, overall sales and use tax revenue (cash receipts) for the second quarter ending June 2010 decreased 2.6% (including pool allocations) compared to the second quarter ending June 2009. Second quarter revenue from local businesses decreased 5.7% compared to the second quarter ending June 2009.
- Statewide, every region in California experienced a decline in sales and use tax revenue for the year ending June 2010, compared to the prior year ending June 2009. After ten consecutive quarters of decline or no growth, statewide sales and use tax revenue showed minimal growth beginning last quarter. Statewide sales and use tax revenue has shown growth of 7.3% during the second quarter ending June 2010 compared to the second quarter ending June 2009.
- Sales and use tax revenue totaled \$18.4 million for the year ending June 2010, a decrease from \$19.0 million in the prior year ending June 2009. This amount includes sales and use tax for the City of Palo Alto and pool allocations from the State and Santa Clara County.

A more detailed table of information is shown on page 1 of Attachment A.

## **Economic Influences on Sales and Use Tax**

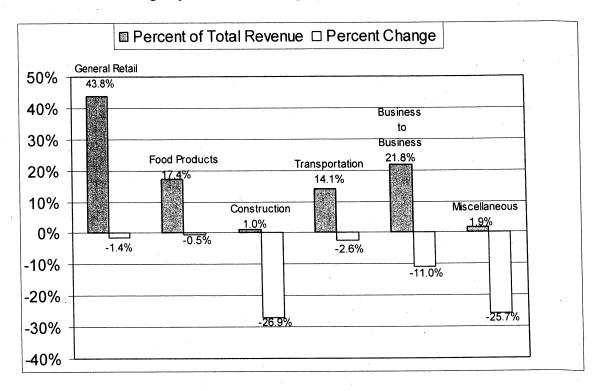
According to information from MuniServices, the following current economic influences may affect our City's sales and use tax revenue:

- Although several economists expect the economy to keep growing slowly for the rest of the
  year, the recovery is weaker than expected with an estimated increase at an annual rate of
  1.6%. The economic recovery for California may be delayed until the end of 2011.
- It is anticipated that shoppers won't spend until they feel more secure, and businesses won't hire until people start spending. Because of job worries and tight credit, analysts expect stores will need to continue providing discounts to shoppers to encourage spending this Fall and holiday season.
- Unemployment may be more than a temporary, transitional condition in the United States.
  Job losses continue in California while two industries, professional and business services
  and mining and logging, have added employees. Preliminary estimates show the
  September 2010 unemployment rate in Santa Clara County at 11.1% and Palo Alto at 6.0%.

#### **Economic Category Analysis**

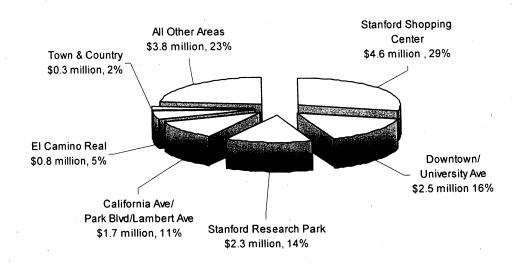
Analysis of six economic categories, for the year ending June 2010, shows that General Retail comprised the largest percentage of Palo Alto's sales and use tax revenue and experienced a 1.4% decline. Business to business experienced an 11.0% decline and comprised 21.8% of total revenues. Construction experienced a 26.9% decline, but it also represented only 1.0% of total sales and use tax revenue.

Exhibit 1 - Comparison of Palo Alto's Sales and Use Tax Revenue and Percent Change by Economic Category for the Year Ending June 2010



The following chart shows sales and use tax revenue by geographical area based on information provided by MuniServices.

Exhibit 2 – Palo Alto's Sales and Use Tax Revenue by Geographical Area For the Year Ending June 2010 (Amounts include tax estimates and exclude pool allocations)



#### **DEFINITIONS**

In California, either sales tax or use tax may apply to a transaction, but not both. The sales and use tax rate in Palo Alto is 8.25%, and the City should receive 1% of every taxable transaction. A temporary tax rate increase to 9.25% went into effect April 1, 2009 and is scheduled to expire on July 1, 2011.

Sales tax - imposed on all California retailers; applies to all retail sales of merchandise (tangible personal property) in the state.

Use tax - generally imposed on: consumers of merchandise (tangible personal property) that is used, consumed, or stored in this state; purchases from out-of-state retailers when the out-of-state retailer is not registered to collect California tax, or for some other reason does not collect California tax; leases of merchandise (tangible personal property).

Countywide/statewide pools – mechanisms used to allocate local tax that cannot be identified with a specific place of sale or use in California. Local tax reported to the pool is distributed to the local jurisdiction each calendar quarter using a formula that relates to the direct allocation of local tax to each jurisdiction for a given period.

Examples of taxpayers who report use tax allocated through the countywide pool include construction contractors who are consumers of materials used in the improvement of real property and whose job site is regarded as the place of business, out-of-state sellers who ship goods directly to consumers in the state from inventory located outside the state, and California sellers who ship goods directly to consumers in the state from inventory located outside the state.

Other examples of taxpayers who report use tax through the pools include auctioneers, construction contractors making sales of fixtures, catering trucks, itinerant vendors, vending machine operators and other permit holders who operate in more than one local jurisdiction, but are unable to readily identify the particular jurisdiction where the taxable transaction takes place.

Respectfully submitted.

Michael a. Edmonds

Michael Edmonds

**Acting City Auditor** 

Sources: MuniServices; the State Board of Equalization; the City's Adopted Operating Budget Fiscal

Year 2011

Audit staff: Lisa Wehara

Attachment A: City of Palo Alto Sales Tax Digest Summary



# City of Palo Alto Sales Tax Digest Summary

Collections through September 2010 Sales through June 2010 (2Q2010)

#### California Overview

The percent change in cash receipts from the prior year was (4.0%) statewide, (3.6%) in Northern California and (4.3%) in Southern California. The period's cash receipts include tax from business activity during the period, payments for prior periods and other cash adjustments. When we adjust for non-period related payments, we determine the overall business activity declined for the year ended 2nd Quarter 2010 by (4.8%) statewide, (4.8%) in Northern California and (4.8%) in Southern California.

## City of Palo Alto

For the year ended 2nd Quarter 2010, sales tax cash receipts for the City fell (3.1%) from the prior year. On a quarterly basis, sales tax revenues declined (2.6%) from 2nd Quarter 2009 to 2nd Quarter 2010. The period's cash receipts include tax from business activity during the period, payments for prior periods and other cash adjustments.

Excluding state and county pools and adjusting for anomalies (payments for prior periods) and late payments, local sales tax declined (4.6%) for the year ended 2nd Quarter 2010 from the prior year. On a quarterly basis, sales tax activity fell (0.8%) in 2nd Quarter 2010 compared to 2nd Quarter 2009.

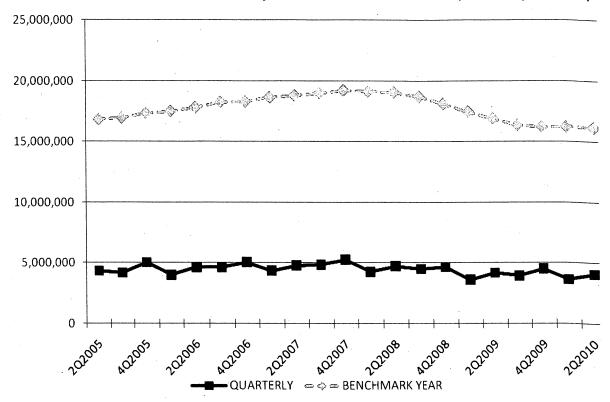
# Regional Overview

This seven-region comparison includes estimated payments and excludes net pools and adjustments.

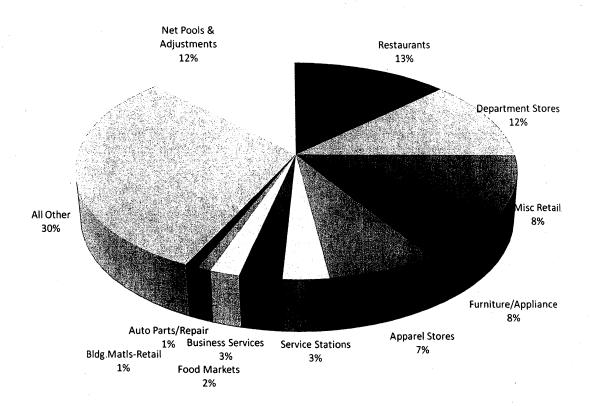
ECONOMIC CATEGORY ANALYSIS FOR YEAR ENDED 2ND QUARTER 2010

	Palo Alto	California Statewide	S.F. Bay Area	Sacramento Valley	Central Valley	South Coast	North Coast	Central Coast
General Retail % of Total / % Change	43.8 / -1.4	30.8 / -3.0	30.5 / -3.0	30.7 / -2.2	33.4 / -2.5	30.7/-3.4	30.4/-2.8	34.1 / -6.2
Food Products % of Total / % Change	17.4 / -0.5	19.5 / -2.7	20.0 / -2.0	17.5 / -3.2	18.0 / -2.4	19.9 / -3.1	19.4/-2.8	29.8 / -0.4
Construction % of Total / % Change	1.0 / -26.9	8.7/-12.2	8.3 / -11.7	10.5 / -15.4	11.0/-15.6	8.1 / -10.5	12.8/-16.4	9.1 / -12.3
Transportation % of Total / % Change	14.1 / -2.6	22.4 / -0.2	19.5 / 3.4	24.5 / -1.4	23.6 / -3.7	22.7/-1.0	26.4/-1.4	19.1 / 6.9
Business to Business % of Total / % Change	21.8 / -11.0	17.3 / -10.9	20.4 / -10.0	15.4 / -14.4	13.0 / -14.8	17.4 / -11.3	8.7/-14.7	6.4 / -10.4
Miscellaneous % of Total / % Change	1.9 / -25.7	1.3 / -9.6	1.3 / -8.8	1.3 / -4.4	0.9 / -5.8	1.2 / -14.6	2.3 / 150.0	1.4 / 20.2
Total	100.0 / -4.6	100.0 / -4.8	100.0 / -4.0	100.0 / -5.8	100.0 / -6.1	100.0 / -5.0	100.0 / -4.2	100.0 / -2.8
		THREE LARG	EST SEGMENTS FO	OR YEAR ENDED 2N	D QUARTER 2010			
	Palo Alto	California Statewide	S.F. Bay Area	Sacramento Valley	Central Valley	South Coast	North Coast	Central Coast
Largest Segment	Restaurants	Restaurants	Restaurants	Department Stores	Department Stores	Restaurants	Department Stores	Restaurants
% of Total / % Change	15.0 / -1.4	13.2 / -3.5	13.7/-2.9	13.0 / -0.5	16.2 / -3.7	14.0/-3.5	13.1/-3.7	19.8 / -2.7
2nd Largest Segment	Department Stores	Department Stores	Department Stores	Restaurants	Service Stations	Department Stores	Services Stations	Misc. Retail
% of Total / % Change	13.7 / -1.6	11.5 / -1.2	10.4 / -0.8	10.9 / -4.7	10.6 / -0.6	11.0/-0.7	11.8 / 3.7	10.9 / -5.5
3rd Largest Segment	Electronic Equipment	Service Stations	Service Stations	Service Stations	Restaurants	Service Stations	Restaurants	Department Stores
% of Total / % Change	Confidential/ -13.4	9.4 / 1.1	8.1 / 3.2	9.4 / 1.9	10.5 / -4.1	9.4 / 0.0	10.0/-5.9	9.4 / -12.3

## Gross Historical Sales Tax Performance by Benchmark Year and Quarter (Before Adjustments)



# Net Cash Receipts for Benchmark Year 2nd Quarter 2010: \$18,413,855



#### **TOP 25 SALES/USE TAX CONTRIBUTORS**

The following list identifies Palo Alto's Top 25 Sales/Use Tax contributors. The list is in alphabetical order and represents the year ended 2nd Quarter 2010. The Top 25 Sales/Use Tax contributors generate 51.7% of Palo Alto's total sales and use tax revenue.

Anderson Honda
Apple Stores
Bloomingdale's
Carlsen Motor Cars
Carlsen Subaru
Crate & Barrel
CVS/Pharmacy
Dow Jones & Company

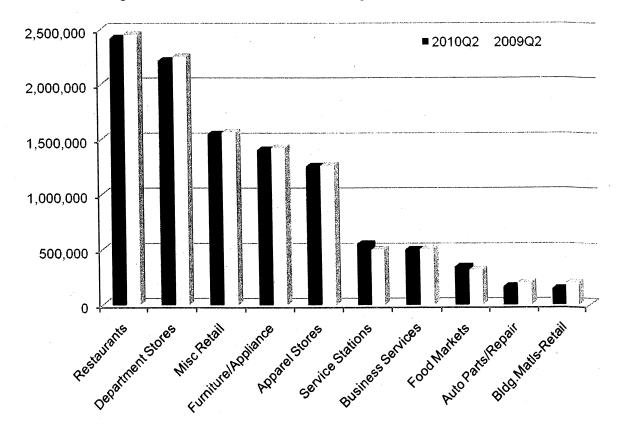
Fry's Electronics

Hewlett-Packard
Integrated Archive Systems
Keeble & Shuchat Photography
Loral Space Systems
Macy's Department Store
Magnussen's Toyota
Neiman Marcus Department Store
Nordstrom Department Store

Pottery Barn

Shell Service Stations
Stanford University Hospital
The Gap
Tiffany & Company
Valero Service Stations
Varian Medical Systems
Walgreen's Drug Stores

## Sales Tax from Largest 10 Non-confidential Economic Segments



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Historical Arianysis by or								٠		
Economic Category	%	2010Q2	2010Q1	2009Q4	2009Q3	200902	2009Q1	2008Q4	2008Q3	2008Q2
General Retail	39.8	1,864,922	1,473,821	2,064,636	1,615,455	1,671,676	1,401,746	2,134,924	1,942,546	2,025,574
Business To Business	16.8	788,373	849,181	993,411	894,386	1,096,153	871,861	1,003,360	949,417	1,044,467
Food Products	15.8	739,629	666,388	699,788	665,680	694,271	649,563	730,351	733,080	771,761
Transportation	11.8	551,313	534,793	516,345	594,725	726,213	495,640	596,634	665,857	700,718
Miscellaneous	1.7	78,340	67,673	70,822	79,799	79,758	101,377	111,476	115,678	81,252
Construction	6.0	40,415	37,914	48,862	44,182	38,589	26,568	29,367	72,868	67,136
Net Pools & Adiustments	13.4	626,593	487,801	634,071	684,537	508,710	619,790	331,300	550,414	499,562
Total	100.0	4,689,585	4,117,571	5,027,935	4,578,764	4,815,370	4,196,545	4,967,412	5,029,860	5,190,470
Economic Segments	<b>%</b>	201002	201001	2009Q4	2009Q3	2009Q2	2009Q1	2008Q4	2008Q3	200802
Restaurants	13.6	636,566	568,305	597,762	580,829	604,861	565,461	627,710	641,492	676,150
Department Stores	12.1	565,706	455,378	714,431	480,038	529,267	426,855	723,247	571,259	643,944
Miscellaneous Retail	8.1	381,222	325,512	459,998	341,947	360,311	304,199	474,090	412,826	432,541
Furniture/Annliance	6.8	416,128	282,989	345,141	352,050	302,007	292,437	378,643	449,934	370,034
Approved Stores	6.9	321,787	267,315	375,133	286,511	299,896	243,222	385,510	335,428	377,457
Service Stations	3.0	140,859	139,906	128,317	134,369	119,637	95,957	111,830	173,307	177,430
Business Septices	3.1	143,241	110,989	113,481	124,575	116,394	109,472	143,531	132,365	153,478
business services	2.0	92.036	86,892	88,469	74,317	75,997	72,517	88,559	78,856	81,678
FOOD MAINERS	) o	40.037	39 150	39,592	40,669	65,174	37,341	39,787	49,199	48,145
Auto Parts/ Repair	) «	36.129	34.760	37,222	41,697	34,892	36,308	37,049	45,324	42,611
Leasing Old-Martic Dotail	ο α ο α	35 783	33.297	38,766	39,314	33,879	50,548	53,188	61,367	58,082
Bidg.Matis-hetaii	5	11 027	11.162	13,297	10,534	13,313	11,585	14,075	12,707	13,933
ridnor stores	, ,	7 689	6.550	9,061	7,637	6,730	6,092	9,847	7,223	8,775
Miscellaneous Other	5 6	788 4	4 787	5,944	2,090	5,369	5,596	690'6	5,829	7,406
Heavy Industry	5 6	,00,t	7 617	10.096	4.868	4,710	6,020	6,179	11,501	9,054
Bldg.Matls-Whsie	T:0	4,032	770,4	1 117 154	1 369 782	1.734.223	1,313,145	1,533,798	1,490,829	1,590,190
All Other	26.1	1,225,263	1,236,100	+61,114,1	507 537	508 710	619,790	331,300	550,414	499,562
Net Pools & Adjustments	13.4	626,593	487,801	034,071	100,400	4 645 370	A 196 5A5	4 967 412	5.029.860	5,190,470
Total 100 4,689,585 4,117,571 5,027,935 4,578,764 4,815,370 4,136,545 5,027,412 5,027,935 7,027,412 5,027,935 7,027,412 7,027,	100	4,689,585	4,117,571	5,027,935	4,578,764	4,815,370 h receipte	The historic	al amounts	by calenda	ar quarter: (1
*Net Pools & Adjustments	s recond	ile economi	ic pertorma	oried or each	מצ וובו כמי	ו ומנטטטווי	2	5		· ·

include \*Net Pools & Adjustments reconcile economic performance to perious tiet cast recording the current period any prior period adjustments and payments in the appropriate category/segment and (2) exclude businesses no longer active in the current period.

Florist/Nursery

Business

Services

**Energy Sales** 

Chemical Products

Auto Parts/Repair Department Stores

Auto Parts/Repair

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	s es, jsableg pidoa <b>s</b>	Auto Sales - Used	Office Equipment	Apparel Stores	Electronic Equipment	Furniture/Appliance	Apparel Stores	Department Stores	Auto Sales - New	Auto Sales - New	Office Equipment	Service Stations	Auto Sales - New	Misc. Vehicle Sales	Restaurants	Light Industry
Change from 2009Q2 to 2010Q2	აშე <b>(</b> sagie <b>7</b>	Service Stations	Business Services	Service Stations	Service Stations	Miscellaneous Retail	Auto Sales - New	Miscellaneous Retail	Service Stations	Service Stations	Furniture/Appliance	Office Equipment	Office Equipment	Light Industry	Office Equipment	Office Equipment
om 200	€u⊖ ** <sub>0</sub>	-4.7%	39.0%	4.3%	2.3%	10.8%	9.4%	15.0%	11.4%	2.6%	-2.5%	9.5%	12.8%	16.2%	1.8%	8.8%
Change fr	#421.2.50 <b>02</b>	1,806,791	3,392,382	2,485,884	472,524	1,793,703	2,998,956	2,415	1,042,672	3,059,029	4,166,805	25,461,327	6,558,158	804,726	195,160	5,077,067
ategory, Total and Segments:	801() \ 1915	1,721,319	4,716,531	2,592,286	483,295	1,987,184	3,280,543	2,778	1,161,291	3,229,067	4,062,990	27,884,821			198,657	5,524,547
and S	snoaute <b>008W</b> ]	-40.4%	-16.7%	24.2%	12.4%	12.0%	-2.4%	-23.6%	2.5%	-14.3%	0.2%	3.9%	9.0%	23.8%	-53.7%	7.7%
', Total	ลลายลง d ป ≀ลายเลย <b>ธ</b>	-15.0%	56.4%	24.9%	19.1%	23.0%	-3.5%	-23.1%	18.9%	5.4%	-28.2%	14.4%	14.4%	62.6%	75.4%	16.2%
Category	e amasaoC	-12.1%	-2.2%	-13.0%	-29.4%	0.3%	-8.4%	-100.0%	%9·8-	18.7%	4.8%	11 7%		-	8.1%	1
omic	acqete (sugi)	11.6%	25.6%	19.7%	14.5%	-3.1%	55.2%	~9.0-	20.2%	27.1%	.7 5%	10.2%	21.2%	21.9%	-1 1%	
by Econ	stundol <u>d poo</u>	-5.7%	7.3%	-8.0%	1.2%	%6.0	2.1%	-100.0%	1.5%	2.0%	٦ %	7	7,7%			1.4%
alysis	: ୯୬୫ (୯୬ ୫୧	-1.7%	-5.9%	2.2%	-2.9%	17.4%	12.3%	74.0%	13.7%	-3 8%	70 06	10.0%	3.1%		0,4.4	11.2%
Quarterly Analysis by Economic C		Campbell	Cupertino	Gilrov	Los Altos	Los Gatos	Milnitas	Monte Sereno	Morgan Hill	Mountain View	and the state of t	Paio Aito	San Jose	Santa Clara	Santa Clara Co.	Saratoga Suppovale

Miscellaneous Other

Bldg.Matls-Retail

Light Industry

Department Stores Department Stores

Bidg.Matis-Retail

Leasing

Light Industry

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