

Q1 2011



Laguna Niguel Sales Tax Update

Second Quarter Receipts for First Quarter Sales (Jan-Mar 2011)

Laguna Niguel In Brief

Receipts for Laguna Niguel's January through March sales were 4.3% higher than the same quarter one year ago. Actual sales were up 5.0% when reporting aberrations were factored out.

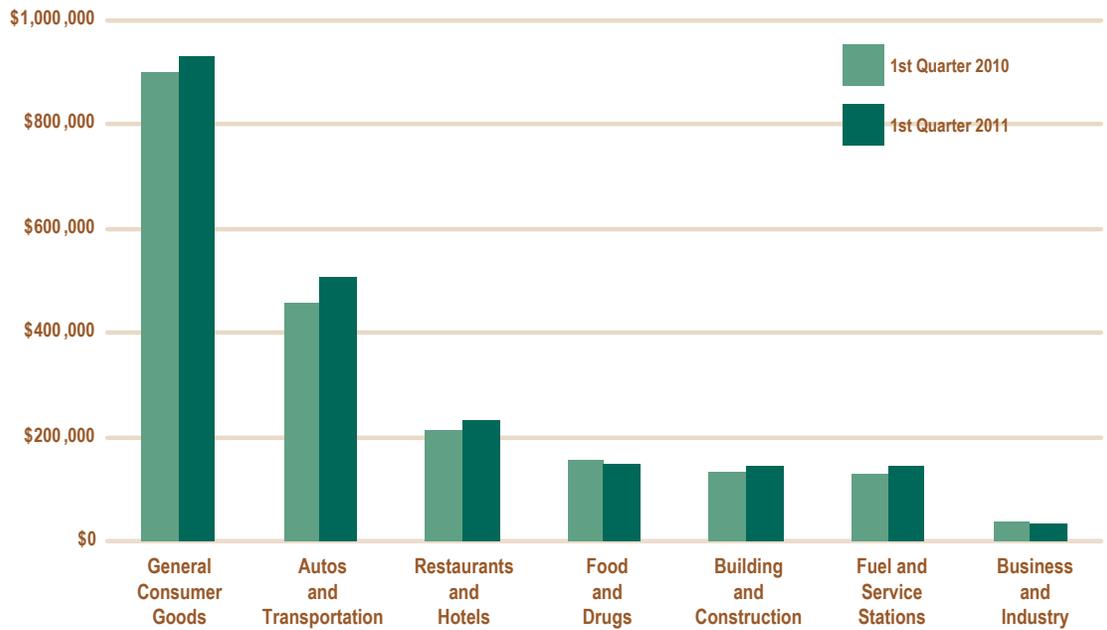
A strong sales quarter for autos & transportation, general consumer goods and building & construction was primarily responsible for the current increase.

A recent addition helped boost revenues from restaurants with no alcohol. Higher fuel prices increased returns from service stations.

The gains were partially offset by decline in sales from the business & industry sector.

Adjusted for aberrations, taxable sales for all of Orange County increased 10.2% over the comparable time period, while the Southern California region as a whole was up 8.7%.

SALES TAX BY MAJOR BUSINESS GROUP



TOP 25 PRODUCERS

In Alphabetical Order

Albertsons	Kohls
Allen Cadillac GMC	Laguna Niguel Shell
Allen Hyundai	Loehmanns
Arco	Mercedes Benz of Laguna Niguel
Avery Petroleum	On The Run at Mobil
Bed Bath & Beyond	Sport Chalet
BevMo	Tesoro Refining & Marketing
Chevron Laguna Niguel	Trader Joes
Costco w/ Gas	Tucker Tire
CVS Pharmacy	Vons
CVS Pharmacy	Wal Mart
Daimler Trust	
Home Depot	
In N Out Burgers	

REVENUE COMPARISON

Three Quarters – Fiscal Year To Date

	2009-10	2010-11
Point-of-Sale	\$6,684,299	\$7,047,981
County Pool	705,889	737,729
State Pool	5,598	2,898
Gross Receipts	\$7,395,786	\$7,788,608
Less Triple Flip*	\$(1,848,947)	\$(1,947,152)

*Reimbursed from county compensation fund

Statewide Sales on the Rise

Adjusted for accounting aberrations, California's local sales and use tax revenues from transactions during the first quarter of 2011 were 9.2% higher than the previous year's comparable quarter. This represents the fifth consecutive quarter of recovery and the largest percentage gain since the second quarter of 2005. Total annual revenues however, are still 14.8 % below 2006-2007.

Most regions of the state shared in the increase with the largest contributor coming from a dramatic surge in fuel prices. Allocations from new car sales also were a factor with a statewide gain of 19.8% over the first quarter of 2010. Revenues from full service restaurants and consumer electronics exhibited increases of 10% or more.

California Outlook

The good news is that California's economy is recovering and sales tax growth will follow. However, gains in the next two quarters will be held back by temporary supply chain disruptions caused by the earthquake and tsunami in Japan and by reduced consumer spending as rising gas prices cut into disposable incomes. New uncertainties from further declines in home values and additional government layoffs may also soften consumer spending and business investment for the first half of the fiscal year.

Sales tax growth is expected to pick up in the second half although sluggish improvement in employment and lackluster construction spending will continue to affect the economies of the state's inland regions.

Internet Taxation

Under federal case law, states cannot require businesses without a physical presence in their state to collect sales tax. Companies such as Amazon have built their business plans around avoiding collecting the tax thereby put-

ting local brick and mortar stores at a competitive disadvantage.

This year, California has attempted to partially correct the inequity through the passage of ABX1 28 which combines the differing strategies of three previous bills with each designed to be severable in the event of a successful court challenge.

The first follows the lead of New York State by declaring that internet sales through a host of in-state affiliates constitutes "substantial nexus" and therefore makes sales through those affiliates subject to sales tax. ABX1 28 also prevents companies with in-state brick and mortar stores from treating those stores as separate legal entities to avoid collecting tax on internet sales. The third strategy permits the state to use a revised definition of "engaged in business in this state" if future court decisions expand the definition of nexus so that internet sellers must collect sales tax in their customers' jurisdictions.

ABX1 28 is expected to increase

statewide tax collections by \$317 million annually, with local governments splitting about \$39 million or roughly \$1.00 per capita. Revenues from these out of state sales would be distributed primarily though the countywide use tax allocation pools.

Staying Alive (shrinking retailers)

Agencies in smaller market areas may have fresh opportunities for new retail with big box stores now planning on smaller facilities. Reducing floor area is seen as another method of cost containment as consumer thriftiness keeps pressure on corporate profit margins. JC Penney, Petsmart, TJ Maxx and Staples have announced plans to build stores up to 40% smaller than their existing locations while Best Buy is planning to sublease part of the space in their existing stores and retail giant Wal-Mart is experimenting with stores as small as 14,000 square feet to recapture lost market share from dollar stores.

LAGUNA NIGUEL TOP 15 BUSINESS TYPES

Business Type	Laguna Niguel		County	HdL State
	Q1 '11*	Change	Change	Change
Auto Lease	120.2	-7.7%	-27.0%	-28.1%
Discount Dept Stores	— CONFIDENTIAL —		3.8%	2.1%
Drug Stores	45.9	3.3%	3.7%	3.1%
Family Apparel	51.8	-2.5%	6.7%	4.5%
Grocery Stores Liquor	64.0	-17.2%	-29.8%	-12.7%
Home Furnishings	61.4	6.7%	7.1%	5.1%
Lumber/Building Materials	102.6	15.0%	5.6%	2.6%
New Motor Vehicle Dealers	339.2	16.8%	18.0%	20.0%
Restaurants Beer And Wine	36.1	15.6%	0.2%	-2.6%
Restaurants Liquor	56.1	-1.4%	7.0%	8.3%
Restaurants No Alcohol	135.7	12.6%	8.0%	8.6%
Service Stations	143.5	9.4%	24.4%	19.8%
Specialty Stores	37.2	-11.9%	2.6%	3.3%
Sporting Goods/Bike Stores	31.2	-5.1%	5.8%	3.5%
Women's Apparel	27.9	-13.2%	6.6%	4.6%
Total All Accounts	\$2,144.0	5.7%	10.0%	7.5%
County & State Pool Allocation	211.4	-8.3%		
Gross Receipts	\$2,355.4	4.3%		<i>*In thousands</i>