

AGENDA
MCFARLAND CITY COUNCIL
MCFARLAND SUCCESSOR AGENCY
MCFARLAND PUBLIC FINANCE AUTHORITY
MCFARLAND IMPROVEMENT AUTHORITY
MCFARLAND PARKING AUTHORITY
MCFARLAND USA FOUNDATION

SPECIAL MEETING
CITY COUNCIL CHAMBERS
103 W. SHERWOOD AVE, MCFARLAND, CA

July 14, 2022
5:30 PM

In Person Meeting

How to submit public comments:

The meetings of the City Council and all municipal entities, commissions, and boards (“the City”) are open to the public. At regularly scheduled meetings, members of the public may address the city on any item listed on the agenda, or on any non-listed matter over which the city has jurisdiction. At special or emergency meetings, members of the public may only address the city on items listed on the agenda. There is a time limitation of two minutes per person. For any item that is not on the agenda and within the jurisdiction or interest of the city, please come to the podium at this time. The Brown Act does not permit any action or discussion on items not listed on the agenda. If you wish to speak regarding a scheduled agenda item, please come to the podium when the item number and subject matter are announced, and the mayor opens Public Comment on the item. When recognized, please begin by providing your name and address for the record (optional). Anyone wishing to submit written information at the meeting needs to furnish ten (10) copies to the City Clerk in advance to allow for distribution to City Council, staff, and the media. Willful disruption of the meeting shall not be permitted. If the Mayor finds that there is in fact willful disruption of any City Council Meeting, he/she may order the disrupting parties out of the room and subsequently conduct the City’s business without them present.

Americans with Disabilities Act:

In compliance with the ADA, if you need special assistance to participate in a city meeting or other services offered by the City, please contact the City Clerk’s office, at (661) 792-3091 ext. 2135. Notification of at least 48 hours prior to the meeting, or time when services are needed, will assist the city staff in assuring those reasonable arrangements can be made to provide accessibility to the meeting or services.

CALL TO ORDER: Mayor Sally Tafoya

ROLL CALL:

Mayor, Sally Tafoya
Mayor Pro Tem, María T. Pérez
Council Member/Board Member, Saul Ayon
Council Member/Board Member, Ricardo Cano
Council Member/ Board Member, Amador Ayon

INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS, INTRODUCTIONS AND AWARDS

None

PUBLIC COMMENT: The public may address the Council/Board Member on items, which do not appear on the agenda. Council/Board Members may respond briefly to statements made or questions posed. They may ask a question for clarification; may refer the item to staff for further study or for placement on a future agenda. **Speakers are limited to two minutes for each person. Please state your name and address for the record prior to making a presentation. Fifteen minutes total will be allowed for any one subject.**

CONSENT AGENDA: The Consent Agenda consists of items that in staff's opinion are routine and non-controversial. These items are approved in one motion unless a Council Member/Board Member removes a particular item.

NONE

PUBLIC HEARINGS:

NONE

ADMINISTRATIVE AGENDA

1. Report, Discuss, and Possible Approval of ***Resolution No. 2022-0069***, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND RECOMMENDING APPROVAL OF SUBMITTING TO CITY VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION TO BE HELD NOVEMBER 8, 2022, A BALLOT MEASURE TO ADOPT AN ORDINANCE APPROVING TRANSACTIONS AND USE GENERAL TAX TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION AND REQUESTING THAT THE BOARD OF SUPERVISORS CONSOLIDATE THAT ELECTION WITH THE STATEWIDE ELECTIONS AND REGULAR MUNICIPAL ELECTION HELD ON THE SAME DATE.

REPORTS FROM CITY COUNCIL ON COMMITTEE/SPECIAL DISTRICT MEETINGS

- a. Delano Mosquito Abatement District (DMAD) – Ricardo Cano
- b. Kern Council of Governments (KCOG)- Mayor Tafoya or Mayor Pro-Tem Pérez
- c. Kern Economic Development Corp. (KEDC) – Mayor Tafoya or Mayor Pro-Tem Pérez
- d. Kern County Association of Cities (KCAC)
- e. Poso Creek (IRWMP)- Councilmember Ayon
- f. Kern Local Agency Formation Commission (LAFCO) – Councilmember Ayon

COUNCIL STATEMENTS AND REPORTS

On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. In addition, Council Members may ask a question of staff or the public for clarification on any matter, provide a reference to staff or other resources for information. Alternatively, request staff to report to the City Council at a later meeting concerning any matter. Furthermore, the City Council, or any member thereof, may take action to direct staff to place a matter of business on a future agenda.

CLOSED SESSION

NONE

ADJOURNMENT

This is to certify this agenda was posted at McFarland City Hall on **July 13, 2022**.

Francisca Alvarado, City Clerk

Peter Cosentini, Assistant City Manager

Kenneth Williams, Interim City Manager

Next Meeting: Regular City Council **July 14, 2022**.

The City of McFarland does not discriminate based on disability and complies with the provisions of the Americans with Disabilities Act (ADA). If you need special assistance to participate in this meeting, please contact the City Clerk's Office at (661) 792-3091 at least 48 hours prior to the meeting to make reasonable arrangements to ensure accessibility to this meeting.

CITY OF MCFARLAND

MEMORANDUM

TO: Honorable Mayor and Council Members

FROM: Kenny Williams, City Manager

DATE: July 14, 2022

SUBJECT

On March 24, 2022, the City Council approved Resolution No 2022-0016, which approved the addition of a measure to adopt an ordinance approving a 1% transactions and general use tax to be placed on the November 2022 ballot. Thereafter, it was discovered that the proposed ordinance was improperly numbered. Accordingly, this resolution renumbers the proposed ordinance and reaffirms that the renumbered proposed ordinance shall be placed on the ballot.

Resolution Submitting to City Voters at Next Regular Election To Be Held on November 8, 2022, a Ballot Measure to Adopt an Ordinance Approving a One Cent (1.00%) Retail Transactions and Use General Tax to Provide Funding for Essential City Services and Projects in the City of McFarland such as Police Patrols, Quick 9-1-1 Response, Repairing Potholes and Infrastructure, Maintaining Streets, Revitalizing Downtown, Improving Community Facilities, Parks, Senior Services, and other General City Services.

RECOMMENDATION

1. Adopt resolution submitting to city voters at the next regular municipal election to be held November 8, 2022, a ballot measure to adopt an ordinance approving transactions and use general tax to be administered by the California Department of Tax and Fee Administration and requesting that the Board of Supervisors consolidate that election with the statewide election and regular municipal election held on that same date by a 2/3 vote of all members of the City Council (4 votes);
2. Designate two members of the Council or Community or Staff to author the ballot argument in favor of the measure, and insert names into adopted resolution

SUMMARY

Section 2(b) of Article XIII C of the California Constitution requires a tax for general municipal purposes to be submitted to the voters for approval and consolidated with the regularly scheduled general municipal election for members of the City Council, unless an emergency is declared by a unanimous vote of the City Council. The next general municipal election is November 8, 2022.

Ordinance

Under the State Revenue and Taxation Code if the Council wishes to increase the City's sales tax, the City Council must propose an ordinance to City voters establishing the sales tax by a 2/3 vote of the Council. The proposed ordinance is attached to the Council resolution calling for the election. Thereafter, the voters would vote on the ordinance via the ballot measure. Approval requires a 50% plus one vote of the votes cast. The ordinance is intended as a general sales tax, includes accountability language (annual audit, report, and a Citizens Oversight Committee), and includes text required by the California Department of Tax and Fee Administration.

If the local revenue sales tax measure passes and the ordinance is adopted, the City of McFarland will enter into two contracts with the State: (1) to set up the tax and (2) for ongoing administration. The tax will not be operative until the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance at the election. This means that a tax passed in November 2022 would not be imposed and collected until February 2023. The ordinance would also become part of the McFarland Municipal Code.

Ballot Measure Resolution

The Elections Code has specific requirements for placing a ballot measure on the ballot. The attached resolution includes text required by the Elections Code as to the placement on the ballot, consolidation of Election, arguments, the ballot question, synopsis of the measure, and requirements of the Elections Office, City Clerk, and City Attorney.

The attached resolution proposes to place on the November ballot an ordinance that would implement a local transaction and use tax in the amount of one cent (1.00%). This will be a general tax. Passage requires a 50% plus one vote of the votes cast, and the City Council must determine by a two-thirds vote to place it on the ballot. Voters will be voting on adoption of the entire Ordinance, but the ballot question to be placed before the voters is limited by statute to 75 words or less, and reads as follows:

MEASURE ___

To provide funding for essential city services and projects in the City of McFarland such as: police patrols, crime prevention, and quick 9-1-1 emergency response; repairing potholes and infrastructure, maintaining streets, revitalizing the downtown area, and improving community facilities, parks, senior services, and other general city services, shall the measure establishing a one percent sales tax providing approximately \$579,662 annually until ended by voters, requiring citizen oversight, independent audits, and all funds controlled locally, be adopted?

The entire Ordinance will be accessible to the public via the County Elections Office, the City's website, and the McFarland City Clerk's Office.

Council Preparation of Argument in Support of Measure

Under Elections Code section 9282, a ballot argument on this City Council-sponsored measure may be authored by the City Council, or any members of the Council authorized by that body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens,

or any combination of voters and associations. The City Council is asked to designate two persons to author the ballot argument in support of the measure. The two names will be included in the resolution. The argument may not exceed three hundred (300) words. Those two members may solicit up to three additional signatories.

Impartial Analysis

As required by the Elections Code, the City Attorney will prepare an impartial analysis of the measure, not to exceed five hundred (500) words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit the impartial analysis to the Elections Division by the deadline set by the Elections Office.

Roles and Limitations During Ballot Measure Campaign Period

The City can provide educational materials to the public, informing them about the Measure. But the City cannot expend any time, money, staff resources, or effort advocating a position supporting passage of the ballot measure. Councilmembers and staff can work on the campaign on their own time and at their own expense, provided it is made clear that they are doing so on their own time and not with City resources. The City Attorney will provide further guidance on this if the Resolution is adopted.

FISCAL IMPACT

Cost of placing initiative on the ballot: \$4,000-\$6,000.

Potential revenue of \$579662 annually.

Attachment:

- A. Resolution with Ordinance as Exhibit

RESOLUTION NO. 2022-0069

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, SUBMITTING TO CITY VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION TO BE HELD NOVEMBER 8, 2022, A BALLOT MEASURE TO ADOPT AN ORDINANCE APPROVING TRANSACTIONS AND USE GENERAL TAX TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION AND REQUESTING THAT THE BOARD OF SUPERVISORS CONSOLIDATE THAT ELECTION WITH THE STATEWIDE ELECTION AND REGULAR MUNICIPAL ELECTION HELD ON THAT SAME DATE

WHEREAS, under the provisions of the laws relating to general law cities in the State of California a General Municipal Election shall be held in the City of McFarland on November 8, 2022, for the election of Municipal Officers; and

WHEREAS, on March 24, 2022, the City Council approved Resolution No 2022-0016, which approved the addition of a measure to adopt an ordinance approving a 1% transactions and general use tax to be placed on the November 2022 ballot. Thereafter, it was discovered that the proposed ordinance was improperly numbered. Accordingly, this resolution renumbers the proposed ordinance and reaffirms that the renumbered proposed ordinance shall be placed on the ballot.

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to imposing a one percent (1.00%) Local Sales Tax; and

WHEREAS, the City of McFarland provides essential public safety and park services to the residents of McFarland; and

WHEREAS, a vibrant and healthy downtown promotes economic well-being and growth for the City and encourages new business development in the City; and

WHEREAS, the City General Fund lacks funds for basic repairs and maintenance to streets, storm drains and facilities, construction of senior center and police station, and other similar projects, as well as downtown revitalization; and

WHEREAS, keeping the City clean, safe and well-maintained attracts families to the community and maintains our quality of life and local property values; and

WHEREAS, the City Council has reviewed its economic forecast and determined that without an additional revenue source, the City will be unable to maintain high-quality essential city services, repair potholes and maintain local streets and ensure the City has enough police officers to respond quickly to 9-1-1 emergencies; and

WHEREAS, such a measure will also allow the City to provide police services including neighborhood police patrols, crime prevention and investigations and expand and improve the number of services provided locally to seniors; and

WHEREAS, the State cannot take away funds from a local sales tax measure and a measure will have a clear system of fiscal accountability with an independent citizens' oversight committee and annual audits to ensure funds are spent properly and all funds stay local; and

WHEREAS, at its meeting of January 27, 2022, the Council considered a staff report, public testimony, and deliberated on the matter regarding submitting a ballot measure to the voters concerning a General Sales Tax; and

WHEREAS, Revenue and Taxation Code section 7285.9 authorizes the City Council to levy a transactions and use tax for general purposes, if the ordinance proposing the tax is approved by a two thirds vote of all members of the City Council and the tax is approved by a majority vote of the qualified voters of the city voting in an election on the issue; and

WHEREAS, the City Council wishes to approve the attached transactions and use tax ordinance and submit it to the votes in the form of the McFarland Essential City Services and

Public Safety Measure which imposes a one percent (1.00%) transactions and use tax to be administered by the California Department of Tax and Fee Administration, subject to adoption by the voters of the City; and

WHEREAS, the California Department of Tax and Fee Administration shall collect the tax from retailers subject to the tax and remit the funds to the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of McFarland as follows:

SECTION 1. The City Council submits to the voters of the City of McFarland at its next regular municipal election to be held on November 8, 2022, a ballot measure for consideration of an ordinance for establishment of a General Sales Tax of one percent (1.00%).

SECTION 2. The City Council requests the Kern County Board of Supervisors that the election for this measure be consolidated with the statewide election also held on November 8, 2022, and the general municipal election to be held on that same date.

SECTION 3. The question to be submitted to the voters with respect to the ballot measure shall be printed on the election ballot with the title and in the form set forth as follows:

<p>MEASURE _____ To provide funding for essential city services and projects in the City of McFarland such as: police patrols, crime prevention, and quick 9-1-1 emergency response; fire service; repairing roads, potholes and infrastructure, maintaining streets, revitalizing the downtown area, and improving community facilities, parks, senior services, and other general city services, shall the measure establishing a one percent sales tax providing approximately \$579,662 annually until ended by voters, requiring citizen oversight, independent audits, and all funds controlled locally, be adopted?</p>	YES
	NO

SECTION 4. The following constitutes the synopsis of the measure to be voted on for purposes of meeting the publication requirements of Elections Code Section 12111:

MEASURE TO BE VOTED ON

Notice is hereby given that the following measure is to be voted on at the general municipal election to be held in the City of McFarland, on Tuesday, the 8th day of November, 2022. **ADOPTION OF ORDINANCE APPROVING A ONE PERCENT (1.00%) TRANSACTIONS AND USE TAX. Ordinance No. 0005-2022** would add Chapter 3.22 to the McFarland Municipal Code establishing a one percent sales tax and generate approximately \$579,662 annually. To become effective, Ordinance No. 0004-2022 as a general tax measure must be approved by a majority of the City’s voters at the November 8, 2022, regular municipal election. If approved by the voters, the ordinance would continue until ended by the voters. The ordinance would allow the City to provide funding for essential city services and projects such as: police patrols, crime prevention, and quick 9-1-1 emergency response; fire service; repairing roads, potholes, maintaining streets, repairing infrastructure, revitalizing the downtown area, and improving community facilities, parks, senior services, and other general city services, shall the measure establishing a one cent sales tax providing approximately \$ 579,662 annually until ended by voters. The ordinance requires citizen oversight and annual independent audits.

Dated: _____

 City of McFarland, City Elections Official

SECTION 5. The full text of the ordinance submitted to the voters is attached as Exhibit ‘A’ and incorporated by reference. The full text of the proposed ordinance is not required to be printed in

the Sample Ballot and Voters Pamphlet. However, the full text of the measure shall be made available to the public and to any voter at the Office of the Kern County Clerk/Registrar of Voters and the McFarland City Clerk’s Office.

SECTION 6. Passage of this measure requires a majority (50% plus 1) of votes cast at the election.

SECTION 7. The City of McFarland requests that the Kern County Clerk/Registrar of Voters conduct the election and canvass the returns, and the City consents to reimburse the Registrar of Voters for all costs incurred by said services.

SECTION 8. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 9. Arguments in favor or against the proposed measure are permissible and shall be filed with the Kern County Clerk/Registrar in accordance with Elections Code Section 9282. Sally Tafoya and Saul Ayon are authorized to prepare and file a written argument in favor of the proposed measure not to exceed 300 words on behalf of the City Council. The City Manager and City Clerk are authorized to provide input to the Kern County Clerk/Registrar in determining a letter designation for this measure. In the event that an argument is filed against the Measure, Sally Tafoya and Saul Ayon are also authorized to submit a rebuttal argument on behalf of the City Council.

SECTION 10. The Kern County Clerk/Registrar of Voters shall give the appropriate notices for the election and shall conduct the election pursuant to appropriate provisions of state law. The City of McFarland acknowledges the Kern County Clerk/Registrar may conduct the election in accordance with Elections Code 10418.

SECTION 11. The City Attorney shall prepare an impartial analysis of the measure in accordance with Elections Code Section 9280 and file it with the Kern County Clerk/Registrar of Voters.

SECTION 12. The City Clerk shall file a certified copy of this resolution with the Kern County Clerk/Registrar of Voters as required by applicable law. The City Clerk is hereby authorized and directed to work with the Kern County Clerk/Registrar of Voters and take all steps necessary to cause placement of the Measure on the ballot.

SECTION 13. The City Clerk and City Attorney are authorized to make any typographical, clerical, non-substantive corrections to this resolution as may be deemed necessary by the Kern County Clerk/Registrar of Voters.

SECTION 14. This Resolution is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(2) of the CEQA guidelines (Title 14, Chapter 3 of the California Code of Regulations) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly

The foregoing City of McFarland resolution was adopted at a regular meeting of the City Council of the City of McFarland held on the 14th day of July 2022 and passed at said meeting by the following vote:

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of McFarland at a regular meeting thereof held on the 14th day of July 2022 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

Kenny Williams, City Manager/Chief of Police

CITY OF MCFARLAND

By: _____
Sally Tafoya, Mayor

APPROVED AS TO FORM

By: _____
Nathan M. Hodges, City Attorney
Hodges Law Group

ATTEST:

Francisca Alvarado, City Clerk

I, _____, City Clerk of the City of McFarland, California, DO HEREBY CERTIFY that the foregoing resolution is a true and accurate copy of the Resolution passed and adopted by the City Council of the City of McFarland on the date and by the vote indicated herein.