

FILED

NOV 21 2023

FRESNO COUNTY CLERK

By,

DEPUTY

RESOLUTION NO. 2023-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE COVE, CALIFORNIA, SUBMITTING TO CITY VOTERS AT THE NEXT PRIMARY ELECTION TO BE HELD MARCH 5, 2024, A BALLOT MEASURE RELATING TO ORDINANCE NO. 396 REGARDING THE CONTINUANCE OF A SPECIAL TAX (MEASURE) FOR POLICE AND FIRE SERVICES IN THE CITY OF ORANGE COVE.

WHEREAS, the Orange Cove Police Department provides essential public safety services to the citizens of Orange Cove; and

WHEREAS, the City General Fund lacks funds to hire the police officers needed to maintain the necessary level for police protection in the City; and

WHEREAS, fire prevention and protection services in Orange Cove are provided by the Orange Cove Fire Protection District ("Fire Protection District"); and

WHEREAS, the Fire Protection District's revenues are inadequate to serve the City of Orange Cove;

WHEREAS, historically the City has assisted the Fire Protection District with funding for training and equipment to assist in providing fire protection and prevention in the City; and

WHEREAS, State law (including Government Code Section 53978 *et seq.*) authorizes a special tax for the purpose of providing police and fire services; and

WHEREAS, the voters of the City of Orange Cove have previously approved a special tax to help fund police and fire services; and

WHEREAS, the special tax will "Sunset" on November 30, 2024; and

WHEREAS, the Orange Cove City Council wishes to continue the special tax which will fund police and fire services in the City of Orange Cove; and

WHEREAS, the City Council held a Special Council Meeting on November 20, 2023; and

WHEREAS, at this hearing the City Council considered a staff report, public testimony, and deliberated on the matter regarding submitting a ballot measure to the voters concerning the continuance of a Special Tax for Police and Fire services; and

WHEREAS, the City Council has determined that a parcel tax is necessary to generate the financial resources necessary for maintaining Police Services and improving Fire Services as set forth above.

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

SECTION 1. The City Council submits to the voters of the City of Orange Cove at a Special Municipal Election to be consolidated with the regularly scheduled March 5, 2024 Statewide Election, a ballot measure for consideration of an ordinance for establishment of a Special Tax for Police and Fire as set forth in the ordinance attached as Exhibit "A" to this resolution.

SECTION 2. 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:

ORANGE COVE POLICE AND FIRE SPECIAL TAX: Measure 	YES
To continue generating approximately \$263,965 annually to fund police and fire services where 80% of the special tax proceeds shall be used for police services and 20% shall be used for fire services, shall the measure levying \$95/parcel for single-family homes and specified amounts for multifamily, commercial, agricultural, and industrial parcels, known as Measure O , be adopted without expiration, with all funds generated staying in the City of Orange Cove?	NO

SECTION 3. The following constitutes the synopsis of the measure to be voted on for purposes of meeting the publication requirements of Election Code Section 12111:

MEASURE TO BE VOTED ON
APPROVAL OF ORDINANCE NO. 396 ADOPTING A SPECIAL
TAX FOR POLICE AND FIRE AS AUTHORIZED IN
GOVERNMENT CODE SECTION 53978

Ordinance No. 396 amends existing Ordinance No. 368 which added Chapter 3.34 to the Orange Cove Municipal Code. Chapter 3.34 establishes a special parcel tax. Single family residential will be taxed \$95 annual; multi-family residential will be taxed \$65 per unit annually; agricultural parcels will be taxed \$95 annually; commercial parcels will be taxed \$495 annually; and industrial parcels will be taxed \$750 annually.

Currently, Chapter 3.34 has a sunset clause which would cause the special parcel tax to expire on November 30, 2024. Ordinance No. 396 will amend Chapter 3.34 to remove the sunset clause and allow the special parcel tax to continue, without expiration, until repealed. Ordinance No. 396 will not amend the amounts of the parcel tax established in Ordinance No. 368, it only seeks to remove the sunset clause.


SECTION 4. The full text of the ordinance submitted to the voters is attached as Exhibit A. The full text of Ordinance No. 396 is not required to be printed in the Sample Ballot and Voters

Pamphlet. However, the full text of the measure shall be made available at the Office of the Fresno County Clerk/Registrar of Voters and the Office of the Orange Cove City Clerk.

SECTION 5. Passage of this measure requires a two-thirds majority of votes.

SECTION 6. The City of Orange Cove requests that the Fresno 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 7. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. Arguments in favor or against the proposed measure are permissible and shall be filed with the Fresno County Clerk/Registrar in accordance with Elections Code Section 9282. The Mayor is 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 of Orange Cove requests the Fresno County Clerk/Registrar of voters to assign letter  for this Measure.

SECTION 9. The Fresno County Clerk/Registrar of Voters shall give the appropriate notices for the election in the Fresno Bee and shall conduct the election pursuant to appropriate provisions of state law.

SECTION 10. The City Attorney shall prepare an impartial analysis of the measure in accordance with Elections Code Section 9280 and file it with the Fresno County Clerk/Registrar of Voters.

SECTION 11. The City request the Measure be designated as Measure O.

SECTION 12. The City Clerk shall file a certified copy of this resolution with the Fresno County Clerk/Registrar of Voters as required by applicable law.

CLERK'S CERTIFICATION

I, Cynthia Cisneros, City Clerk for the City of Orange Cove, hereby certify that a public hearing was held and that the foregoing Resolution No. 2023-52 was duly approved at a special meeting of the Orange Cove City Council on November 20, 2023, by the following vote:

AYES: 5	COUNCIL MEMBERS: Cervantes, Garcia, Vacio, Rodriguez, Silva
NOES: 0	COUNCIL MEMBERS:
ABSENT: 0	COUNCIL MEMBERS
ABSTAIN: 0	COUNCIL MEMBERS:

APPROVED

Diana Guerra-Silva, Mayor

ATTEST:

APPROVED AS TO FORM:

Cynthia Cisneros, City Clerk

Megan Dodd, City Attorney

FILED

NOV 21 2023

By _____
CLERK

DEPUTY

EXHIBIT "A" TO RESOLUTION NO. 2023-52

ORDINANCE NO. 396

AN ORDINANCE OF THE CITY OF ORANGE COVE AMENDING A SPECIAL TAX FOR POLICE AND FIRE AS AUTHORIZED IN GOVERNMENT CODE SECTION 53978, AMENDING CHAPTER 3.34.070 OF THE CITY OF ORANGE COVE MUNICIPAL CODE.


THE CITY COUNCIL OF THE CITY OF ORANGE COVE DOES ORDAIN AS FOLLOWS:

SECTION 1. Amendment of Special Police/Fire Tax. Chapter 3.34.070 of the Orange Cove Municipal Code is amended to read as follows:

3.34.070 ~~**Sunset Clause.** The Special Tax adopted under this Chapter shall sunset and expire by operation of law on November 30, 2024.~~ **Expiration.** The Special Tax adopted under this Chapter shall continue until repealed.

ORDINANCE No. 396 was PASSED AND ADOPTED by the Voters of the City of Orange Cove, County of Fresno, by a 2/3 vote of the voters at a Primary Election held on March 5, 2024.

ATTEST:

Cynthia Cisneros 
City Clerk

—