

WHEREAS, City has provided continued recreational activities for the residents of Orange Cove but the costs of providing those activities, maintaining parks, and maintaining City facilities where residents can meet, play, and socialize; and

WHEREAS, without the proposed increases in utility user tax funds the City would be forced to cut a number of positions of frontline police responders, cut after-school programs for students, eliminate youth sports programs and support for senior services, cut other recreational services; close parks and other City facilities; and

WHEREAS, the increase in the current utility tax and the addition of water rates to the utility user tax to be submitted to the voters, if approved, would be imposed on utility users transactions in water, gas, electricity, and telecommunications, which tax has never been increased since its adoption; and

WHEREAS, passage of this measure requires a majority of votes or fifty percent plus one of those voting in the affirmative for the measure; and

WHEREAS, proceeds from the tax could be used for a variety of general services including for retention of frontline police responders, maintaining after-school programs for students, retention of youth sports programs, maintaining parks, acquiring parks, providing for capital improvements at parks, providing for recreational services, maintaining support for senior service and other municipal purposes; and

WHEREAS, on July 28, 2021, the City Council restated this resolution to cure clerical and non-substantive changes in the resolution; and

WHEREAS, the City council unanimously declare a fiscal emergency pursuant to the requirements of the California Constitution, Article XIIC ; 2(b) and said resolution is incorporated herein as if set in full; and,

WHEREAS the previous Resolution 2021-27 contained clerical errors in reference to code sections and there is a need to amend and restate Resolution 2021-27; and

WHEREAS, there is a need to correct those errors so as to allow the Fresno County Elections Clerk to proceed with the consolidation of the special municipal election with any other established election to be held November 2, 2021; and,

WHEREAS, based on all of the information presented at the July 14, 2021, meeting, both written and oral, including the staff reports, minutes, and other relevant materials, the City Council finds that under CEQA Guidelines 15060(c)(2) and 15378, subdivisions (2) and (4) of subdivision (b), this tax does not constitute a project under CEQA and therefore review under CEQA is not required.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE COVE,
AS FOLLOWS:**

Section 1. Pursuant to Elections Code Section 9222, the City Council of the City of Orange Cove hereby calls a special municipal election at which it shall submit to the qualified voters of the City of Orange cove , a measure that, if approved, increase the utility user tax to ten percent and add water use as another utility to be taxed at ten percent.

Section 2. This measure shall be designated by letter by the Fresno County Registrar of Voters. Pursuant to Election Code Section 10400 *et seq.*, the special municipal election for this measure shall be consolidated with the established election to be conducted on November 2, 2021.

Section 3. The ballot language for the proposed measure shall be as follows:

ORANGE COVE SAFETY AND SUSTAINABILITY MEASURE		
Shall the Orange Cove’s measure increasing the utility users tax on gas, electricity, and telephone from seven to ten percent and initiating a use tax on water use at ten percent to raise an estimated \$346,832 annually in perpetuity, with citizen oversight, to maintain and not have to cut or lose general city services like police officers, park facilities, job creation, job training, recreational activities, and other city services be adopted?	YES	
	NO	

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

SYNOPSIS OF MEASURE

This Measure proposes an ordinance to raise revenue for general services. The utility users taxes would be collected at the same time and in the same manner as the existing utility users tax by collection on the utility bill. Water use will be taxed at ten percent, currently it is not taxed. Electricity, gas, and telephone use will have the tax on use increase from seven percent to ten percent, a three percent increase on use.

The Measure provides for citizens oversight, and the tax is permanent if approved by fifty percent plus one of the registered voters voting in the special municipal election on November 2, 2021.

Section 5. The full text of the ordinance submitted to the voters is attached as Exhibit A. The full text of Ordinance No. 389 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 6. Passage of this measure requires a majority of votes or fifty percent plus one of those voting in the affirmative for the measure.

Section 7. The City of Orange Cove requests that the Fresno County Clerk/Registrar

of voters conduct the special municipal election and canvass the returns, and the City consents to reimburse the Registrar of Voters for all costs incurred by said services.

Section 8. The Fresno County Clerk/Registrar is hereby directed to cause notice of the measure to be published once in The Fresno Bee, in accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code.

Section 9. a. A special municipal election on the measure set forth in Section 3 shall be held in the City of Orange Cove on Tuesday, November 2, 2021. The City Council requests that the Board of Supervisors of Fresno County consolidate the special municipal election on the measure with any established election on the same day. The City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors of Fresno County and the Registrar of Voters of Fresno County on or before August 6, 2021.

b. The special municipal election on the measure set forth in Section 3 shall be held and conducted, the votes canvassed and the returns made, and the results ascertained and determined as provided for herein. In all particulars not prescribed in this resolution, the special municipal election shall be held as provided by law for the holding of municipal elections in the City of Orange Cove, and otherwise in accordance with the Elections Code of the State of California.

c. The special municipal election for the measure set forth in Section 3 shall be held in Fresno County in the City of Orange Cove on November 2, 2021, as required by law, and the Board of Supervisors of the County of Fresno is authorized to canvas the returns of that special municipal election with respect to the votes cast in the City of Orange Cove and certify the results to the City Council of the City of Orange Cove.

d. At the next regular meeting of the City Council of the City of Orange Cove occurring after the returns of the special municipal election for the measure set forth in Section 3 have been canvassed and the certification of the results to the City Council, the City Council shall cause to be entered in its minutes a statement of the results of the special municipal election.

Section 10.

a. Direct arguments shall not exceed three hundred words and shall be signed by not more than five persons.

b. Rebuttal arguments shall not exceed two hundred fifty words and shall be signed by not more than five persons; those persons may be different persons than the persons who signed the direct arguments.

c. The City Attorney shall prepare an impartial analysis of the

measure, not to exceed five hundred words, showing the effect of the measure.

Section 11. The City Manager is hereby authorized and directed to appropriate the necessary funds to pay for the City's cost and reimburse the County in full for the services performed and the costs of placing the Measure on the special municipal election ballot.

Section 12. The City Manager and City Clerk are directed and authorized to make such non-substantive and clerical changes to the Resolution as deemed necessary and proper to effectuate the intent of the Resolution.

Section 13. The County Clerk is hereby authorized and directed to take all steps necessary to place the Measure on the ballot and to cause the Ordinance or Measure to be printed. A copy of the Ordinance or Measure shall be made available to any voter upon request.

PASSED, APPROVED and ADOPTED this 28th day of July 2021 by the following vote:

AYES: 5 Lopez, Silva, Rodriguez, Cervantes, Rodriguez

NOES: 0 COUNCILMEMBERS: None


ABSENT: 0 COUNCILMEMBERS: None

ABSTAIN: 0 COUNCILMEMBERS: None



Victor P. Lopez
Mayor of the City of Orange Cove

ATTEST:



June Bracamontes
City Clerk of the City of Orange Cove