



**AGENDA
ORANGE COVE CITY COUNCIL
ADJOURNED REGULAR MEETING
Thursday, August 1, 2024
6:00 PM**

City of Orange Cove Council Chambers
633 6th St.
Orange Cove, CA 93646

ZOOM Information

<https://us06web.zoom.us/j/89594384681?pwd=G1nTvygtcpFTkyAHRgCWb9JhukgwmR.1>

Meeting ID: 895 9438 4681

Passcode: 051378

1. CALL TO ORDER/WELCOME

Roll call
Invocation
Flag Salute (Pledge of Allegiance)

2. CONFIRMATION OF AGENDA

3. REGULAR BUSINESS

3.a. **SUBJECT:** Receive "Certificate of Sufficiency" dated *Crouch*
August 1, 2024, respect to the initiative petition entitled "Continues Orange Cove
Police and Fire Special Tax" filed with the County Clerk/Registrar of Voters on
pursuant to Elections Code Section 9114.

RECOMMENDATION: Receive "Certificate of Sufficiency" dated
August 1, 2024, respect to the initiative petition entitled "Continues Orange
Cove Police and Fire Special Tax" filed with the County Clerk/Registrar of
Voters on pursuant to Elections Code Section 9114.

3.b. **SUBJECT:** Resolution No. 2024-24 of the City Council of the Crouch City of Orange Cove requesting the Board of Supervisors of the County of Fresno to consolidate and canvass the General Municipal Election to be held on November 5, 2024, with the Statewide General Election to be held on that date pursuant to California Elections code section 10400 et seq. for the purpose of submitting to the Electors of the City of Orange Cove an Initiative Measure amending the existing parcel tax to remove the sunset date and allowing it to continue on indefinitely; to permit the County Clerk/Registrar of Voters of the County of Fresno to render specified services to the City of Orange Cove relating to the conduct of said General Municipal Election pursuant to California Elections Code Section 10002; and authorizing reimbursement funds to pay for said services

RECOMMENDATION: Approve Resolution No. 2024-24 of the City Council of the City of Orange Cove requesting the Board of Supervisors of the County of Fresno to consolidate and canvass the General Municipal Election to be held on November 5, 2024, with the Statewide General Election to be held on that date pursuant to California Elections code section 10400 et seq. for the purpose of submitting to the Electors of the City of Orange Cove an Initiative Measure amending the existing parcel tax to remove the sunset date and allowing it to continue on indefinitely; to permit the County Clerk/Registrar of Voters of the County of Fresno to render specified services to the City of Orange Cove relating to the conduct of said General Municipal Election pursuant to California Elections Code Section 10002; and authorizing reimbursement funds to pay for said services

4. PUBLIC COMMENTS

Notice(s) to the Public: This is the opportunity for any member of the public to address the City Council on any item over which the Council has jurisdiction. No action or discussion will be taken on any item not on the agenda. Issues raised will be referred to the City Manager for review. Members of the public shall limit their remarks to three (3) minutes

5. ADJOURNMENT

ADA Notice: *In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (559) 626-4488 ext. 213. Notification 48 hours prior to the meeting will enable the city to make arrangements to ensure accessibility to this meeting.*

Documents: *Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the front counter at City Hall, Orange Cove, CA during normal business hours. In addition, most documents are posted on the City's website at cityoforange Cove.com.*

STATEMENT ON RULES OF DECORUM AND ENFORCEMENT

The Brown Act provides that members of the public have a right to attend public meetings, to provide public comment on action items and under the public forum section of the agenda, and to criticize the policies, procedures, or services of the city or of the acts or omissions of the city council. The Brown Act also provides that the City Council has the right to exclude all persons who willfully cause a disruption of a meeting so that it cannot be conducted in an orderly fashion.

During a meeting of the Orange Cove City Council, there is a need for civility and expedition in the carrying out of public business in order to ensure that the public has a full opportunity to be heard and that the Council has an opportunity to conduct business in an orderly manner. The following is provided to place everyone on notice of the rules of decorum and enforcement.

GENERAL RULES OF DECORUM

While any meeting of the City Council is in session, the following rules of decorum shall be observed:

1. All remarks shall be addressed to the City Council as a whole and not to any single member, unless in response to a question from a member of the City Council.
2. A person who addresses the City Council under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct (i) which is likely to provoke others to violent or riotous behavior, (ii) which disturbs the peace of the meeting by loud and unreasonable noise, (iii) which is irrelevant or repetitive, or (iv) which disrupts, disturbs, or otherwise impedes the orderly conduct of any City Council meeting.
3. A person, other than members of the Council and the person, who has the floor, shall not be permitted to enter into the discussion unless requested by the mayor to speak.
4. Members of the City Council may not interrupt a person who has the floor and is making public comments. Members of the City Council shall wait until a person completes his or her public comments before asking questions or commenting. The mayor shall then ask Councilmembers if they have comments or questions.
5. No person in the audience at a Council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any Council meeting.

ENFORCEMENT OF DECORUM RULES

(Resolution No. 2012-16)

While the City Council is in session, all persons must preserve order and decorum. A person who addresses the city council under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct which is likely to provoke others to violent or riotous behavior, which disturbs the peace of the meeting by loud and unreasonable noise, which is irrelevant or repetitive, or which disrupts, disturbs, or otherwise impedes the orderly conduct of any City Council meeting.

The mayor or other presiding officer shall request that a person who is breaching the rules of decorum cease such conduct. If after receiving such a warning, the person persists in breaching the rules of decorum, the mayor or other presiding officer may order the person to leave the City Council meeting. If such person does not leave, the mayor or presiding officer may request any law enforcement officer who is on duty at the meeting as sergeant-at-arms to remove the person from the Council Chambers. In the event there is no one from law enforcement present, the mayor or presiding officer may direct the City Manager to contact law enforcement.

In accordance with the Point of Order Rule 4.6, the majority of the Council may overrule the mayor if the majority of the Council believes the mayor or other presiding officer is not applying the rules of decorum appropriately.

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Orange Cove City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

CONTINUES ORANGE COVE POLICE AND FIRE SPECIAL TAX. This measure proposes to amend 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. The proposed measure will amend Chapter 3.34 to remove the sunset clause and allow the special parcel tax to continue, without expiration, until repealed. The proposed measure will not amend the amounts of the parcel tax established in Ordinance No. 368, it only seeks to remove the sunset clause. Instead, the proposed measure will prevent the ending and re-starting of the police and fire special tax, and will allow the special tax to continue on.

NOTICE OF INTENTION TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Orange Cove for the purpose of Measure O. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

Measure O proposes to raise revenue for police and fire protection by removing the sunset clause from the existing police and fire parcel tax, which is set to expire in November 2024. By removing the sunset clause, Measure O proposes to continue the police and fire parcel tax beyond November 2024, without expiration, until repealed by the voters. Measure O is a continuation of a parcel tax on each parcel of real property in the City. The tax would be paid in addition to current State and local property taxes and would be collected at the same time and in the same manner as the existing real property taxes. Approval of Measure O will not change anyone's assessment and 100% of funds stay in Orange Cove and can only be spent on our police and fire. Measure O continues the highest level of public safety which residents expect and have experienced since its adoption, including rapid-response emergency and life-saving services, top-tier fire and police protection, as well as continuing improvements in response times and crime prevention.

Measure O proposes that the parcel tax continue to be used to fund police and fire protection and prevention services. The City is legally bound to use the funds for police and fire prevention and protection. The Measure provides for a citizen oversight committee to ensure the funds are spent as intended by the voters.

Measure O will protect lives and maintain the highest level of safety in Orange Cove by providing needed funding to police and fire. Every penny of Measure O funds remain in Orange Cove to protect residents, homes, schools, businesses and property. It provides approximately \$263,965 annually, which went directly to our Fire and Police budgets.

Approval of Measure O will prevent cuts in public safety personnel and equipment that could result in longer police and fire response times and reductions in service. In an emergency, every second matters. Measure O protects our community and keeps our police and fire services top-tier for the residents of Orange Cove.

Josie Cervantes
Printed Name of Proponent

[Signature]
Signature of Proponent

803 11th St.
Business or Residence Address

Orange Cove, Ca 93644
City, State, Zip Code

Proponent Statement of Acknowledgement

I, Josie Cervantes , acknowledge that it is a misdemeanor under state law (Section 18650 of the elections code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot.

I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than the qualification of the measure for the ballot.


Signature of Proponent

Dated this day 3 of July, 2024

PUBLIC NOTICE

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IPL0182790

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Notice of Intention to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Orange Cove for the purpose of Measure O.

/s/ Josie Cervantes _____
 Name of Proponent Proponent Address City, State, Zip Code

NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRUCALTED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER.
 YOU HAVE A RIGHT TO ASK.

Official Use
Only

1. (Print Name)	(Residence Address ONLY)	
(Signature)	(City)	
2. (Print Name)	(Residence Address ONLY)	
(Signature)	(City)	
3. (Print Name)	(Residence Address ONLY)	
(Signature)	(City)	
4. (Print Name)	(Residence Address ONLY)	
(Signature)	(City)	

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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. The Special tax will not end on November 30, 2024, and re-start, the Special Tax will continue on.

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(Signature)	(City)	
6. (Print Name)	(Residence Address ONLY)	
(Signature)	(City)	
7. (Print Name)	(Residence Address ONLY)	
(Signature)	(City)	

DECLARATION OF PERSON CIRCULATING SECTION OF MEASURE PETITION

I, _____, solemnly swear all of the following:

1. That I am 18 years of age or older.
2. That my residence address, including street and number, is _____.
3. That the signatures on this section of the petition form were obtained between _____, 20____, and _____, 20____; that I circulated the petition and I witnessed the signatures on this section of the petition form being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ at _____, California.

Signed _____ Date _____

ORDINANCE NO. _

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. The Special tax will not end on November 30, 2024, and re-start, the Special Tax will continue on.

ORDINANCE No. _ 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 regular election held on March 5, 2024.

ATTEST:

Cynthia Cisneros
City Clerk

RESOLUTION NO. 2024-24

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE COVE REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO TO CONSOLIDATE AND CANVASS THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10400 ET SEQ. FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF ORANGE COVE AN INITIATIVE MEASURE AMENDING THE EXISTING PARCEL TAX TO REMOVE THE SUNSET DATE AND ALLOWING IT CONTINUE ON INDEFINITELY; TO PERMIT THE COUNTY CLERK/REGISTRAR OF VOTERS OF THE COUNTY OF FRESNO TO RENDER SPECIFIED SERVICES TO THE CITY OF CITY OF ORANGE COVE RELATING TO THE CONDUCT OF SAID GENERAL MUNICIPAL ELECTION PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10002; AND AUTHORIZING REIMBURSEMENT FUNDS TO PAY FOR SAID SERVICES

WHEREAS, on _____, Proponent submitted to the Fresno County Clerk/Registrar of Voters a citizens initiative petition (“Petition”) signed by not less than 10% of registered voters in the City of Orange Cove; and

WHEREAS, the Petition proposes the ordinance, attached hereto as Exhibit 1, to amend the existing parcel tax for police and fire to remove the sunset clause and allow the tax to continue on beyond November, 2024 (“Ordinance”); and

WHEREAS, on _____, pursuant to Elections Code Section 9115, the Fresno County Clerk/Registrar of Voters completed a random sample signature verification of the Petition, finding that the Petition is signed by the requisite number of qualified voters to declare the Petition sufficient; and

WHEREAS, the City of Orange Cove shall submit the Ordinance, without alteration, to the voters in the next statewide election; and

WHEREAS, the Proponent has requested that the measure be designated “Measure O”; and

WHEREAS, approval of a regular majority of the electors voting upon the measure is required for passage of the measure.

WHEREAS, a Statewide General Election will be held on November 5, 2024; and

WHEREAS, it is the desire of the City Council of the City of Orange Cove to adopt a Resolution requesting the Board of Supervisors of the County of Fresno to consolidate said election with the Statewide General Election pursuant to Part 3 of Division 10 of the Elections Code of the State of

California (commencing with Section 10400) to be held on the same date and that, within the City of Orange Cove, the precincts, vote center locations, ballot drop box locations, and election officers of the two (2) elections be the same; the County Clerk/Registrar of Voters canvass the returns of the General Municipal Election; and the election be held in all respects as if there were only one (1) election; and

WHEREAS, it is the desire of the City Council of the City of Orange Cove to adopt a Resolution requesting the Board of Supervisors of the County of Fresno to render specified services to the City of Orange Cove relating to the conduct of a General Municipal Election pursuant to Section 10002 of the Elections Code of the State of California; and

WHEREAS, Section 10002 of the Elections Code of the State of California requires the City of Orange Cove to reimburse the County of Fresno in full for the services performed upon presentation of a bill to the city of Orange Cove.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE COVE as follows:

SECTION 1. A General Municipal Election is called and ordered for the City of Orange Cove to be held on November 5, 2024, for the purpose of an election to decide on a parcel tax measure, to be called “Measure O.”

SECTION 2. Pursuant to the requirements of Section 10403 of the Elections Code of the State of California, the Board of Supervisors of the County of Fresno is hereby requested to consent and agree to the consolidation of the General Municipal Election and the Statewide General Election on November 5, 2024.

SECTION 3. In accordance with the provisions of Section 10403 of the Elections Code of the State of California, the City Council of the City of Orange Cove acknowledges that the consolidated election will be held and conducted in accordance with the provisions of law regulating the Statewide General Election pursuant to Section 10418 of the Elections Code of the State of California.

SECTION 4. The Board of Supervisors of the County of Fresno is requested to direct the County Clerk/Registrar of Voters to take any and all steps necessary for and related to the holding of the consolidated election in a manner consistent with law, including, without limitation: the provision of all election materials and equipment; publication of notices; the hiring, training and supervision of election officers and other election personnel; the printing and distribution of ballot materials; the translation of ballot materials; the collection of submitted ballots; the tallying and canvassing of votes; and the certification of election results.

SECTION 5. Pursuant to Section 10002 of the Elections Code of the State of California, the City Council of the City of Orange Cove authorizes reimbursement to the County of Fresno in full for the services to be performed as herein requested and that said sum be paid to the County of Fresno upon demand and presentation of a bill to the City of Orange Cove.

SECTION 6. The ballot question hereby approved for said election shall read as follows:

ORANGE COVE POLICE AND FIRE SPECIAL TAX. To continue generating approximately \$263,965 annually to fund police and fire services where eighty (80%) of the special tax proceeds shall be used for police services and twenty percent (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?

SECTION 7. Because the Measure is an initiative proposed by the citizens of the City of Orange Cove, it will require only require a regular majority for passage.

SECTION 8. The City requests that the Registrar of Voters publish the Notice of Election in the following newspaper, which is the newspaper of general circulation that is regularly circulated in the City: Reedley Exponent.

THE FOREGOING RESOLUTION WAS APPROVED AND ADOPTED by the City Council of the City of Orange Cove at an adjourned regular meeting of the City Council held on August 1, 2024, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

APPROVED:

Diana Guerra-Silva, Mayor

ATTEST:

Cynthia Cisneros, City Clerk