

RESOLUTION NO. 2026-83

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND AMENDING
RESOLUTION NO. 2026-75 AND APPROVING A NUNC PRO TUNC CLERICAL
CORRECTION TO SECTION 1.01 OF THE PROPOSED CITY CHARTER, AND
CONFIRMING SUBMISSION OF THE CHARTER TO THE VOTERS AT THE TUESDAY,
NOVEMBER 3, 2026 STATEWIDE GENERAL ELECTION**

WHEREAS, Article XI, Sections 3 and 5 of the California Constitution authorize a city to adopt a charter for its own governance by majority vote of its electors; and

WHEREAS, Government Code section 34458 authorizes the legislative body of a city, on its own motion, to propose the adoption of a city charter and to submit that proposal to the voters at a statewide general election; and

WHEREAS, the City Council of the City of McFarland initiated the preparation of a proposed City Charter pursuant to Government Code section 34458 and appointed a City Charter Advisory Committee to assist with drafting, review, and public engagement; and

WHEREAS, in compliance with Government Code section 34458(b), the City Council held two public hearings on the proposal to adopt a City Charter and the content of the proposed Charter, as follows:

- Public Hearing No. 1: March 11, 2026
- Public Hearing No. 2: April 22, 2026; and

WHEREAS, notice of both public hearings was duly published in a newspaper of general circulation and posted in public places at least twenty-one (21) calendar days prior to each hearing, and at least one hearing was held outside of normal business hours, all in compliance with Government Code section 34458(b); and

WHEREAS, more than twenty-one (21) days have elapsed since the second public hearing, and the City Council has considered public testimony and finalized the proposed City Charter; and

WHEREAS, pursuant to Elections Code section 9255(b)(1), a city charter proposed by the governing body must be submitted to the voters at a statewide general election; and

WHEREAS, the next statewide general election will be held on Tuesday, November 3, 2026, which is an appropriate election for submission of the proposed City Charter to the voters of the City of McFarland; and

WHEREAS, on June 10, 2026, the City Council adopted Resolution No. 2026-75, ordering the submission of the Proposed City Charter to the voters at the Tuesday, November 3, 2026 Statewide General Election; and

WHEREAS, following adoption of Resolution No. 2026-75, the City identified a clerical error within Section 1.01 of the Proposed City Charter, wherein the term "Hume Rule" was inadvertently used instead of the intended term "Home Rule"; and

WHEREAS, the City Council finds that this error is clerical in nature, does not reflect the intent of the City Council, and does not constitute a substantive change to the Proposed City Charter; and

WHEREAS, the City Council desires to amend Resolution No. 2026-75 solely to correct this clerical error and ensure consistency in the official Charter text, while preserving the Council's original intent and action; and

WHEREAS, it is appropriate to correct the record on a nunc pro tunc basis to reflect the City Council's original intent at the time Resolution No. 2026-75 was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of McFarland that it hereby finds and determines as follows:

Section 1. Approval of Proposed City Charter

The City Council hereby approves the proposed City of McFarland City Charter, attached hereto as Exhibit A and incorporated herein by this reference.

Section 2. Amendment of Resolution No. 2026-75

Resolution No. 2026-75 is hereby amended solely to correct a clerical error in Section 1.01 of the Proposed City Charter by replacing the term "Hume Rule" with "Home Rule."

Section 3. Nunc Pro Tunc Correction

The correction set forth in this resolution shall be effective nunc pro tunc to the original adoption date of Resolution No. 2026-75, solely for the purpose of correcting a clerical error and ensuring the official record accurately reflects the intent of the City Council.

Section 4. Order Submitting Charter to the Voters

Pursuant to Government Code section 34458 and Elections Code section 9255, the City Council hereby orders the submission of the proposed City Charter to the voters of the City of McFarland at the Tuesday, November 3, 2026 statewide general election.

Section 5. Ballot Question

The following question shall be placed on the ballot:

"Shall the City of McFarland adopt a City Charter that would provide local control over municipal affairs while remaining subject to state and federal law?"

Section 6. Consolidation and Election Administration

The election shall be consolidated with the Tuesday, November 3, 2026, Statewide General Election, and the Kern County Elections Office is hereby requested and authorized to conduct the election on behalf of the City.

Section 7. Direction to City Clerk

The City Clerk is hereby authorized and directed to take all actions necessary to carry out this resolution, including but not limited to transmitting this resolution, the ballot question, and the full text of the proposed City Charter to the Kern County Elections Office, and coordinating preparation of election materials as required by law.

Section 8. Effective Date

This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland on July 8, 2026 by the following vote:

	Aye	Nae	Abstain	Absent
Saul Ayon	✓			
Ricardo Cano	✓			
Anita Gonzalez				✓
María T. Pérez				✓
Martin Gutierrez	✓			

CITY OF MCFARLAND

[Redacted Signature]
Saul Ayon, Mayor

ATTEST:

[Redacted Signature]
Erika De La Cruz, City Clerk

I, [Redacted Signature], 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.

[Redacted Signature]
Nathan Hodges, City Attorney



