

**RESOLUTION NO. 2026-95**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF A BALLOT MEASURE AUTHORIZING THE CITY COUNCIL TO AMEND CHAPTER 17.200 OF THE MCFARLAND MUNICIPAL CODE, RELATING TO CONCENTRATED ANIMAL FEEDING OPERATIONS, AT THE TUESDAY, NOVEMBER 3, 2026 MUNICIPAL ELECTION; REQUESTING THAT THE COUNTY OF KERN CONDUCT THE ELECTION; AND DIRECTING THE CITY CLERK AND CITY ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO PLACE THE MEASURE ON THE BALLOT**

**WHEREAS**, the City of McFarland is a California municipal corporation and general law city; and

**WHEREAS**, Chapter 17.200 of the McFarland Municipal Code regulates and prohibits concentrated animal feeding operations within the City; and

**WHEREAS**, Chapter 17.200 was adopted by the City Council following the qualification of an initiative petition pursuant to the California Elections Code; and

**WHEREAS**, Elections Code section 9217 provides that an ordinance proposed by initiative petition and adopted by the legislative body shall not be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance; and

**WHEREAS**, Chapter 17.200 does not presently contain a provision authorizing the City Council to amend the ordinance; and

**WHEREAS**, as a result, the City Council does not currently have authority to amend Chapter 17.200 without further voter approval; and

**WHEREAS**, the City Council desires to submit to the voters a measure that would add Section 17.200.120 to the McFarland Municipal Code to expressly authorize the City Council to amend, revise, extend, supplement, or repeal provisions of Chapter 17.200 by ordinance following a duly noticed public hearing; and

**WHEREAS**, Elections Code section 9222 authorizes the legislative body of a city to submit to the voters, without a petition, a proposition for the repeal, amendment, or enactment of any ordinance, to be voted upon at any succeeding regular or special city election; and

**WHEREAS**, the City Council desires to submit the measure attached hereto as Exhibit A to the qualified electors of the City of McFarland at the November 3, 2026 election; and

**WHEREAS**, the City Council desires to request that the Kern County Elections Office conduct the election and canvass the returns on behalf of the City; and

**WHEREAS**, the proposed measure does not itself approve any development project, physical improvement, or land use entitlement, and instead concerns the procedural authority of the City Council to consider future amendments to Chapter 17.200; and

**WHEREAS**, the City Council finds that placing the measure on the ballot is not a project subject to the California Environmental Quality Act, or alternatively is exempt under the common sense exemption set forth in CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that submitting the measure to the voters will not, by itself, result in a significant effect on the environment.

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

**Section 1. Recitals.**

The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Submission of Measure to Voters.**

Pursuant to Elections Code section 9222 and other applicable law, the City Council hereby orders the submission to the qualified electors of the City of McFarland of the ordinance measure attached hereto as Exhibit A and incorporated herein by this reference.

**Section 3. Election Date.**

The measure shall be submitted to the qualified electors of the City of McFarland at the November 3, 2026 municipal election, or such other election date as may be lawfully established by the City Council and conducted in accordance with the Elections Code.

**Section 4. Ballot Question.**

The exact form of the ballot question shall be as follows:

**Shall the measure authorizing the McFarland City Council, after a duly noticed public hearing, to amend, revise, extend, supplement, or repeal provisions of Chapter 17.200 of the McFarland Municipal Code, relating to concentrated animal feeding operations, be adopted?**

The City Council authorizes the City Clerk, in consultation with the City Attorney and the County Elections Official, to make any non-substantive revisions to the ballot question necessary to comply with formatting, word limit, or administrative requirements, provided that the substance of the measure is not changed.

**Section 5. Majority Vote Required.**

The measure shall be approved if it receives a majority of the votes cast on the measure. If approved by a majority of the voters voting on the measure, the ordinance attached as Exhibit A shall be adopted and shall take effect in accordance with applicable law.

**Section 6. Request for Election Services and Consolidation.**

The City Council hereby requests that the Board of Supervisors of the County of Kern and the Kern County Elections Office conduct the election for this measure and canvass the returns.

The City Council further requests that the election be consolidated with all other elections to be held within the City of McFarland on November 3, 2026, pursuant to applicable provisions of the Elections Code.

The City acknowledges that it shall reimburse the County of Kern for the City's share of costs associated with placing the measure on the ballot and conducting the election.

**Section 7. Full Text of Measure.**

The full text of the proposed ordinance measure is attached hereto as Exhibit A and shall be made available to the public in the manner required by law.

#### **Section 8. City Attorney Impartial Analysis.**

The City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney is requested to prepare an impartial analysis of the measure in accordance with the Elections Code.

#### **Section 9. Arguments and Rebuttals.**

The City Council authorizes the filing of ballot arguments for and against the measure in accordance with the Elections Code.

The City Council authorizes the Mayor and one or more members of the City Council or other designated person(s) to prepare and file a written argument in favor of the measure on behalf of the City Council, if the City Council so directs.

The City Clerk is authorized and directed to establish and publish deadlines for the submission of arguments and rebuttal arguments in accordance with the Elections Code and all applicable County election procedures.

#### **Section 10. Authority of City Clerk.**

The City Clerk is hereby authorized and directed to take all actions necessary and appropriate to place the measure on the ballot, including but not limited to:

1. Transmitting this Resolution and the full text of the measure to the Kern County Elections Office;
2. Coordinating with the County Elections Office regarding ballot materials, deadlines, and election procedures;
3. Publishing, posting, or otherwise making available all notices required by law;
4. Receiving and processing ballot arguments and rebuttal arguments, if any;
5. Providing the City Attorney with materials necessary for preparation of the impartial analysis; and
6. Taking all other ministerial or administrative actions necessary to conduct the election in accordance with law.

#### **Section 11. CEQA.**

The City Council finds that this action is not a project subject to CEQA because it involves the submission of a measure to the voters and does not, by itself, approve any physical development, land use entitlement, construction activity, or change in physical conditions.

The City Council further finds that, even if this action were considered a project, it would be exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility that submitting the measure to the voters will have a significant effect on the environment.

#### **Section 12. Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Resolution shall remain in full force and effect.

#### **Section 13. Effective Date.**

This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland on July 22, 2026 by the following vote:

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

CITY OF MCFARLAND

~~Saul Ayon~~ Mayor

ATTEST:

Erika De La Cruz, 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.

APPROVED AS TO FORM:

~~Nathan Hodges~~, City Attorney

