

**CITY COUNCIL MEETING
OF THE
CITY OF PARLIER**

“SPECIAL MEETING AGENDA”

DATE: Wednesday, August 02, 2017
TIME: 6:30 P.M.
PLACE: Parlier City Council Chambers
1100 E. Parlier Avenue
Parlier, CA. 93648

I. CALL TO ORDER/WELCOME:

Roll Call: Mayor Alma M. Beltran, Mayor Pro-Tem Jose Escoto, Councilwoman Diane Maldonado, Councilman Noe Rodriguez, Councilman Pimentel, City Clerk Dorothy Garza.

II. CITY MANAGER:

- A. SUBJECT:** Introduction and First Reading of Ordinance No. 2017-01 Adding Chapter 3.23 to Title 3 of the City of Parlier Municipal Code Pertaining to a Special Parcel tax for Fire Protection Services; and Review and Approve Resolution No. 2017-74 Approving Special Parcel Tax Ordinance and Ballot Synopsis for Fire Protection Services to be Designated as Measure“__” to be submitted to the Voters on November 07, 2017.

RECOMMENDATION:

1. That the City Council Introduce and conduct the first reading of Ordinance No. 2017-01;
2. That the City Council approve Resolution No. 2017-74

III. ADJOURNMENT

ADA Notice: In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (559) 646-3545 ext. 227. 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 located at 1100 E. Parlier Avenue, Parlier, CA. during normal business hours. In addition, most documents are posted on the City’s website at parlier.ca.us

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 Parlier 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 Council members 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 impeded the orderly conduct of any Council meeting.



STAFF REPORT

TO: PARLIER CITY COUNCIL

FROM: Sam Escobar, City Manager

DATE: August 2, 2017

SUBJECT: Introduction and First Reading of Ordinance No. 2017-01 Adding Chapter 3.23 to Title 3 of the City of Parlier Municipal Code Pertaining to a Special Parcel Tax for Fire Protection Services; and Review and Approve Resolution No. 2017-74 Approving Special Parcel Tax Ordinance and Ballot Synopsis for Fire Protection Services to Be Designated as measure “__” to be Submitted to the Voters on November 7, 2017.

Proposed Motions:

1. Introduction and First Reading of Ordinance No. 2017-01 Adding Chapter 3.23 to Title 3 of the City of Parlier Municipal Code Pertaining to a Special Parcel Tax for Fire Protection Services;
2. Approve Resolution No. 2017-74 Approving Special Parcel Tax Ordinance and Ballot Synopsis for Fire Protection Services to Be Designated as measure “__” to be Submitted to the Voters on November 7, 2017

Subject/Discussion:

On July 5, 2017, the City Council approved Resolution 2017-59 directing the placement of a measure on the ballot for the general municipal election on November 7, 2017, to provide continued fire protection services for the City of Parlier. It is now necessary to consider and approve the specific language of the ordinance that will implement the special parcel tax for fire protection services, if passed by the citizens of Parlier. In addition, the City Council also needs to consider the synopsis of the ballot measure to be included in the ballot and election materials.

The synopsis of the proposed ballot measure reads:

MEASURE TO BE VOTED ON

Notice is hereby given that the following measure is to be voted on at the general municipal election to be held in the City of Parlier, on Tuesday, the 7th day of November, 2017.

ADOPTION OF ORDINANCE APPROVING A SPECIAL PARCEL TAX FOR FIRE PROTECTION SERVICES

This proposed ordinance adds Chapter 3.23 to Title 3 of the Parlier Municipal Code establishing a special parcel tax to pay only for fire protection services. If approved by a two-thirds majority of voters, the ordinance would impose a tax equal to the Fresno County Fire Protection District's county-wide tax rate, which is currently set at

.00078377, as applied to assessed property values, with both the rate and the assessed property values adjusted for the most recent fiscal year. The special parcel tax for fire protection services would approximate \$78.37 annually for each \$100,000 of assessed property value and is estimated to raise \$282,413 based on current values for fire protection services to benefit the citizens of Parlier. If the measure does not pass, the City will be legally obligated to pay approximately \$336,612 annually for fire protection services consistent with a 2004 settlement agreement with the Fresno County Fire Protection District.

Recommendation:

That the City Council conduct the first reading of and approve Ordinance No. 2017-01 and that the City Council approve Resolution No. 74.

Fiscal Impact:

According to the Fresno County Registrar of Voters, placing this measure on the November 7, 2017 ballot will cost the city an estimate of \$38,000.00 to \$42,000.00.

Alternatives:

None at this time.

Attachments:

Ordinance No. 2017-01 and Resolution No. 2017-74

[00520030]

RESOLUTION NO. 2017-74

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PARLIER APPROVING SPECIAL PARCEL TAX ORDINANCE AND
BALLOT SYNOPSIS FOR FIRE PROTECTION SERVICES TO BE
DESIGNATED AS MEASURE “_” TO BE SUBMITTED TO THE
VOTERS ON NOVEMBER 7, 2017**

WHEREAS, on July 5, 2017, the City Council of the City of Parlier approved Resolution 2017-59 directing the placement of a measure on the ballot for the general municipal election on November 7, 2017, to provide continued fire protection services for the City of Parlier;

WHEREAS, it is now necessary to consider and approve the specific language of the ordinance that will implement the special parcel tax for fire protection services, if passed by the citizens of Parlier; and

WHEREAS, the City Council also needs to consider the synopsis of the ballot measure to be included in the ballot and election materials.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Parlier as follows:

SECTION 1: 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

Notice is hereby given that the following measure is to be voted on at the general municipal election to be held in the City of Parlier, on Tuesday, the 7th day of November, 2017.

**ADOPTION OF ORDINANCE APPROVING A SPECIAL PARCEL
TAX FOR FIRE PROTECTION SERVICES**

This proposed ordinance adds Chapter 3.23 to Title 3 of the Parlier Municipal Code establishing a special parcel tax to pay only for fire protection services. If approved by a two-thirds majority of voters, the ordinance would impose a tax equal to the Fresno County Fire Protection District's county-wide tax rate, which is currently set at .00078377, as applied to assessed property values, with both the rate and the assessed property values adjusted for the most recent fiscal year. The special parcel

tax for fire protection services would approximate \$78.37 annually for each \$100,000 of assessed property value and is estimated to raise \$282,413 based on current values for fire protection services to benefit the citizens of Parlier. If the measure does not pass, the City will be legally obligated to pay approximately \$336,612 annually for fire protection services consistent with a 2004 settlement agreement with the Fresno County Fire Protection District.

Dated: _____

City Elections Official
City of Parlier

SECTION 2: The full text of Ordinance 2017-01 is attached hereto as Exhibit A. The full text 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 Parlier City Clerk's Office (559-646-3545).

SECTION 3: The City Clerk shall file a certified copy of this resolution with the Fresno County Clerk/Registrar of Voters as required by law.

The foregoing resolution was approved and adopted at a regular meeting of the City Council of the City of Parlier held on the 2nd day of August, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Alma M. Beltran, Mayor

ATTEST:

Dorothy Garza
City Clerk

[518334]

EXHIBIT "A" TO RESOLUTION NO. 2017-74

ORDINANCE NO. 2017-01

AN ORDINANCE OF THE CITY OF PARLIER ADDING CHAPTER 3.23 TO TITLE 3 OF THE CITY OF PARLIER MUNICIPAL CODE PERTAINING TO A SPECIAL PARCEL TAX FOR FIRE PROTECTION SERVICES

THE CITY COUNCIL OF THE CITY OF PARLIER DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 3.23 is added to Title 3 of the Parlier Municipal Code to read as follows:

CHAPTER 3.23
FIRE SPECIAL PARCEL TAX

3.23.010	Imposition of Special Fire Parcel Tax
3.23.020	Maximum Tax Amounts
3.23.030	Exemptions
3.23.040	Administrative Determinations; Appeals Procedures
3.23.050	Collection With Property Taxes

3.23.010 Imposition of Fire Special Parcel Tax. A special parcel tax to fund fire protection services is hereby imposed on every parcel of property in the City of Parlier. The tax shall be imposed each fiscal year in the amounts permitted by this Chapter. The tax imposed by this Chapter shall be a tax upon each parcel of property within the City and the tax shall be measured by the value of the property.

3.23.020 Maximum Tax Amounts. The maximum annual amount of the tax imposed on each parcel pursuant to this Chapter shall be determined as follows:

A. A tax rate equal to the county-wide tax rate of Fresno County, California, for the Fresno County Fire Protection District, as adjusted for the most recent fiscal year, shall be used to compute the special parcel tax for fire protection services.

B. The tax rate set forth in subdivision A of this article shall be applied to the Fresno County assessed parcel values of all parcels within the City of Parlier, as adjusted for the most recent fiscal year.

3.23.030 Exemptions.

A. Parcels owned by the City, federal or state government or any other public agency, and parcels owned by any public or private entity that are specifically exempted from a parcel tax enacted as a special tax under applicable federal or state statute or

regulation shall be exempt from the imposition of the Special Parcel Tax set forth in this Chapter.

B. Private property owners claiming an exemption under subsection A above shall file proof of exemption on a form prescribed by the City Manager not later than March 31 prior to the first fiscal year for which the exemption is sought.

3.23.040 Administrative Determinations; Appeal Procedures.

A. The records of the Fresno County Assessor as of March 1 of each year shall be used to determine the assessed value of each parcel for the calculation of the special tax applicable to that parcel in the following fiscal year.

B. The City Manager, or authorized designee, shall administer the special parcel tax under this Chapter.

C. Appeals of any determination of the City Manager shall be submitted in writing to the City Clerk within 30 days of the date of the notice of the determination. The City Council shall consider the appeal and issue a decision to the appellant in writing not later than June 30 of the fiscal year prior to imposition of the tax.

3.23.050 Collection With Property Taxes. The special tax imposed by this Chapter shall be due in the same manner, on the same dates, and subject to the same penalties and interest as established by law for other charges and taxes fixed and collected by the County of Fresno on behalf of the City of Parlier. The special tax imposed by this Chapter, together with all penalties and interest thereon, shall constitute a lien upon the parcel upon which it is levied until it has been paid, and shall constitute a personal obligation of the owners of the parcel on the date the tax is due.

SECTION 2. Severability. If any section, subsection, sentence, clause phrase, or portion of this ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining sections, subsections, sentences, clauses, phrases or portions of this ordinance shall nonetheless remain in full force and effect. The people of the City of Parlier hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portions of this ordinance be declared invalid or unenforceable.

SECTION 3. Two-Thirds Approval: Effective Date. The tax imposed by this ordinance is a special tax. This ordinance shall be effective only if approved by at least two-thirds of the City's voters voting thereon on November 7, 2017, at the general election and shall go into effect immediately after the result of the vote is declared by the City Council. The City Manager is directed to convey to the County information as necessary to ensure the measure is effective on the next available tax roll.

INTRODUCED at a special meeting of the Council on the ___ day of July, 2017.

PASSED AND ADOPTED as an ordinance of the City of Parlier at a regular meeting of said Council on the ___ day of August, 2017, subject to a two-thirds vote of the voters of the City of Parlier, County of Fresno, at a regular election held on November 7, 2017.

PUBLICATION AND CERTIFICATION. The City Clerk shall publish this ordinance, or a summary thereof, as required by applicable law. Upon approval by the voters, the City Clerk shall certify the passage of this ordinance by the voters, forward a copy of the adopted ordinance to the County of Fresno, and cause the ordinance to be codified in the Parlier Municipal Code.

ATTEST:

APPROVED:

Dorothy Garza
City Clerk

Alma M. Beltran, Mayor

[518363]