

September 1, 2026

Board of Supervisors
Kern County Administrative Center
1115 Truxtun Avenue
Bakersfield, CA 93301

CITY OF MCFARLAND
Fiscal Impact: None

Attached is resolution 2026-89 from the City of McFarland requesting the Elections Official to consolidate a General Municipal Election for a Measure with the General Election be held on November 3, 2026.

Therefore, IT IS RECOMMENDED that your Board authorize the Elections Division to conduct the election as requested.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aimee X. Espinoza".

Aimee X. Espinoza
Auditor-Controller-County Clerk

AXE/jj

Attachment

cc: County Administrative Office

RESOLUTION NO. 2026-89

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA,
CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY,
NOVEMBER 3, 2026 AND SUBMITTING TO THE MCFARLAND ELECTORATE AN
INITIATIVE ORDINANCE PROHIBITING CONCENTRATED ANIMAL FEEDING
OPERATIONS IN THE CITY OF MCFARLAND**

WHEREAS, on May 19, 2026, the proponents of a proposed initiative measure entitled "Authorization of Existing and Prohibition of New Concentrated Animal Feeding Operations" submitted a petition to the City Clerk requesting that the measure be placed before the voters of the City of McFarland; and

WHEREAS, pursuant to California Elections Code section 9210, the City Clerk transmitted the petition to the Kern County Elections Division for examination and verification of the signatures appearing thereon; and

WHEREAS, on May 22, 2026, the Kern County Elections Division certified that the petition contained 632 valid signatures, exceeding the 524 valid signatures required to qualify the initiative petition; and

WHEREAS, the initiative petition has therefore been determined to be sufficient pursuant to California Elections Code section 9210; and

WHEREAS, following certification of the petition's sufficiency, the City Council is authorized pursuant to California Elections Code section 9215 to submit the initiative measure to the qualified voters of the City of McFarland at a municipal election; and

WHEREAS, the City Council has elected to submit the initiative measure to the qualified voters of the City of McFarland at the General Municipal Election to be held on Tuesday, November 3, 2026, which will be consolidated with the statewide election conducted by the Kern County Elections Division ; and

WHEREAS, certain actions are required in connection with the conduct of the election and the submission of the initiative measure to the voters.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of McFarland that it hereby resolve, declare, determine and order as follows:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of McFarland, California, on Tuesday, November 3, 2026, a General Municipal Election for the purpose of submitting the following proposed initiative measure:

CITY OF MCFARLAND INITIATIVE ORDINANCE

Shall the measure to allow the continued operation of the existing dairy in the City of McFarland be adopted? Yes

No

SECTION 2. The full text of the ordinance submitted to the voters is attached as Exhibit 'A' and incorporated by reference.

SECTION 3. The City Council will request that the Kern County Clerk/Registrar of Voters include on the ballots and sample the ballots the Measure enumerated above to be voted on by the voters of the qualified electors of the City of McFarland.

SECTION 4. The City Council will also request that the Kern County Clerk/Registrar of Voters that the full text of the proposed measure and the City Attorney's analysis will be printed in Voter Information Pamphlet mailed to all voters in the City of McFarland.

SECTION 5. Passage of this measure requires a majority (50% plus 1) of votes cast at the election for passage.

SECTION 6. The City Council requests that the Kern County Clerk/Registrar of Voters conduct the election and canvass the returns, and the City consents to reimburse the Registrar of Voters for all costs incurred by said services.

SECTION 7. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. Arguments in favor or against the proposed measure are permissible and shall be filed with the Kern County Clerk/Registrar in accordance with Elections Code Section 9282.

SECTION 9. The City Manager and City Clerk are authorized to provide input to the Kern County Clerk/Registrar in determining a letter designation for this measure.

SECTION 10. The Kern County Clerk/Registrar of Voters shall give the appropriate notices for the election and shall conduct the election pursuant to appropriate provisions of the Election Code.

SECTION 11. The City of McFarland acknowledges the Kern County Clerk/Registrar may conduct the election in accordance with Elections Code 10418.

SECTION 12. The City Clerk shall file a certified copy of this resolution with the Kern County Clerk/Registrar of Voters as required by applicable law. The City Clerk is hereby authorized and directed to work with the Kern County Clerk/Registrar of Voters and take all steps necessary to cause placement of the Measure on the ballot.

SECTION 13. The City Clerk and City Attorney are authorized to make any typographical, clerical, non-substantive corrections to this resolution as may be deemed necessary by the Kern County Clerk/Registrar of Voters.

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

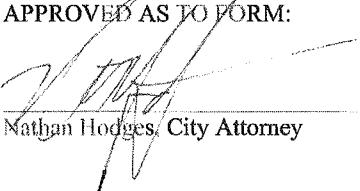

Saul Ayon, Mayor

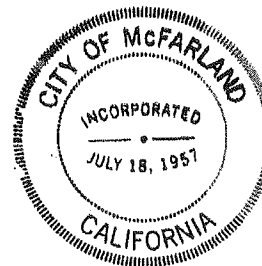
ATTEST:


Erika De La Cruz, City Clerk

I, Erika De La Cruz, 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



The people of the City of McFarland ("City") do ordain as follows:

Section 1. Findings & Declarations and Statement of Purpose.

The people of the City of McFarland find and declare that:

- A. In October 2025, a bare majority of the McFarland City Council chose to adopt a proposed initiative measure that requires an existing McFarland feed lot, that has existed on that site for many years, to cease its operations. It did this without notice to the owner of the business and without adequate notice to the public.
- B. Worse yet, the Council took this action without any consideration of the financial consequences to the City of adopting the proposed initiative, effectively denying the citizens of McFarland the opportunity to vote.
- C. Had the Council conducted a fiscal analysis of the initiative, as permitted by law, it would have learned that the Constitution likely requires the City to compensate the business owner for the forced taking of the business. Indeed, the City has now been sued as a result of the Council's decision.
- D. The City may be required to pay millions—if not tens of millions—of dollars in compensation and legal fees, funds the City does not possess. As a result, the City may be forced to increase taxes in order to maintain public services and pay the compensation that the Constitution requires.
- E. The initiative adopted by the City also prohibited future operation of feed lots within the City of McFarland. That decision is permissible and does not put the City into financial risk.
- F. Therefore, the People of the City of McFarland enact this measure to:
 - a. Maintain the prohibition on all future concentrated animal feeding operations (CAFOs) within the City of McFarland.
 - b. Repeal the prohibition and phasing out of pre-existing animal feeding operations (CAFOs) that currently operate within the City of McFarland; and
 - c. Require operators of such pre-existing CAFOs to annually certify compliance with all applicable state and federal laws and regulations.

Section 2. Section 17.200.060 of Chapter 17.200 of Title 17 of the McFarland Municipal Code is amended (text deleted is denoted in ~~strikeout type~~ and text added is denoted in *italicized type*) to read:

~~17.200.60 Existing CAFOs; Phase-Out Period~~ *Pre-Existing CAFOs.*

- 1. ~~Notwithstanding anything in this Section, Pre-Existing CAFOs shall be deemed a nonconforming use and shall be required to register on a public database maintained by the City of McFarland. Nothing in this Chapter shall prohibit a person from operating, or maintaining a Pre-Existing CAFO within the City of McFarland. The~~

City shall require the operator of a pre-existing CAFO to annually certify its compliance with all state and federal requirements imposed on such an operator.

- ~~2. Pre Existing CAFOs shall be given a phase out period of no more than twenty four (24) months from the effective date of this Section to terminate their operations. Proof of this shall be provided to the City of McFarland prior to the end of the phase out period. During the phase out period, Pre Existing CAFOs shall not increase the number of animals in confinement.~~
- ~~3. The City Manager or his/her designee shall inspect closed CAFOs within one month of receiving such proof of termination from a Pre Existing CAFO to ensure that all relevant operations have ceased or been appropriately terminated.~~
- ~~4. Any Pre Existing CAFO may apply to the City of McFarland for ninety (90) day extensions beyond the phase out period identified in section E-2, provided that no more than two (2) extension periods are granted. The extensions would be in the form of a Conditional Use Permit and would include plans and phases for the termination of the pre existing CAFO and may include the payment of exactions as determined by the City Council.~~

Section 3. Section 17.200.070 of Chapter 17.200 of Title 17 of the McFarland Municipal Code is amended (text deleted is denoted in ~~strikeout type~~ and text added is denoted in *italicized type*) to read:

17.200.070 Violations.

1. Any person ~~who continues to operate a Pre Existing CAFO after the one (1) year phase out period elapses (or any extension as provided in E4), or who establishes or maintains~~ a CAFO following the enactment of this Section, or who violates any other provision of this Section, shall be subject to a civil penalty of one thousand dollars (\$1,000) for the first offense, five thousand dollars (\$5,000) for the second offense, and ten thousand dollars (\$10,000) for the third and any subsequent offenses, payable to the City of McFarland General Fund.
2. Notwithstanding the foregoing, the City Manager or his/her designee may also pursue on behalf of the city any other civil or administrative penalty or remedy otherwise available for failure to comply with the requirements of this Section.
3. Each day, or portion thereof, during which the violation occurs shall be treated as a separate offense.
4. Nothing herein shall impact the standing of other interested parties, or the availability of remedies under other applicable federal, state and local laws, regulations and ordinances, including the remedies afforded by any person set forth in Subsection I of this Ordinance.
5. For the purposes of this Subsection (F), "person" includes any owner, officer, or director of a CAFO. No penalties shall be issued to individuals solely for working at a CAFO operation unless they also meet one of the foregoing criteria.

Section 4. Section 17.200.080 of Chapter 17.200 of Title 17 of the McFarland Municipal Code is amended (text deleted is denoted in ~~strikeout type~~ and text added is denoted in *italicized type*) to read:

17.200.80 Annual Report.

The City Manager or his/her designee shall prepare an annual report containing the following information: the number of CAFOs currently operating in City of McFarland; ~~the number of CAFO termination notices received in the previous year; the number of CAFO termination inspections conducted in the previous year; the number of CAFO workers in the retraining program; the City required a certification pursuant to section 17.200.060;~~ and the amount of penalties assessed and collected in the previous year. Such report shall be presented to the City Council at a duly-noticed public hearing and posted on the City's webpage, beginning one year after the effective date of this Section ~~and continuing until all CAFOs, as defined herein, have been phased out of the City.~~

Section 5. Effective Date.

This Initiative shall be binding and effective as of the earliest date allowed by law.

Section 6. Severability.

If any section, subsection, sentence, phrase, or clause of this Initiative is declared invalid by a court of competent jurisdiction, the remaining sections, subsections, sentences, phrases, and clauses shall remain valid and enforceable. The voters declare that they would have passed all sections, subsections, sentences, phrases, and clauses of this initiative without this section, subsection, phrase, or clause declared invalid by a court of competent jurisdiction.

Section 7. Conflicts with State and Federal Law.

The provisions of this Initiative shall not apply to the extent they violate state or federal laws. This Initiative shall not be applied in a manner that would result in an unconstitutional taking of private property.

Section 8. Relationship to City's Municipal Code.

If any provision of this Initiative conflicts with the provisions contained in the City's Municipal Code, the provisions of the Initiative ordinance shall supersede any other conflicting provision.