



City of McFarland

City Council Meeting

STAFF REPORT

Agenda Item No. 14.
Section: PUBLIC HEARINGS
Meeting Date: April 22, 2026

TO: Honorable Mayor and Council Members

FROM: Diego Viramontes, City Manager
Paul Saldaña, Economic Development Manager

SUBJECT: PUBLIC HEARING NO.2 - PROPOSED CITY CHARTER (GOV. CODE §34458): RECEIVE PUBLIC COMMENT AND COUNCIL DIRECTION ON PROPOSED CHARTER

SUMMARY:

The City Council initiated the process to place a City Charter before McFarland voters at the November 4, 2026 statewide general election via the council-initiated method in Gov. Code § 34458. This is the first of two required public hearings on the proposal and the content of the Charter. Proper notice for both hearings was published on February 18, 2026 in the *Bakersfield Californian* and posted in three public places at least 21 days in advance, as required. Staff and the Charter Advisory Committee will incorporate Council and public input from tonight's hearing into a revised draft for Public Hearing No. 2 on April 22, 2026.

Legal authority:

- **California Constitution, Article XI, §§ 3–5** (charter authority; effective upon filing with Secretary of State).
- **Gov. Code §§ 34450–34466** (charter procedures); **§ 34458** (council-initiated charter, two hearings, 21-day notice, 30-day spacing, one hearing outside normal business hours, no Council vote until 21 days after second hearing).
- **Elections Code § 9255** (submission at statewide general election for council-initiated proposals).

Purpose of a charter: A charter functions as the City's "local constitution," defining the City's powers over municipal affairs (e.g., form of government, local elections, procurement/contracting, finance). Matters of statewide concern remain governed by state law.

Process to date:

- Council initiated the charter process and appointed a Charter Advisory Committee (January 2026).
- Advisory Committee meetings (Jan–Feb) produced Working Draft.
- Notice for both hearings was published and posted on February 18, 2026; this hearing is scheduled at 6:00 p.m. (outside normal business hours), satisfying § 34458(b).
- A public hearing was conducted on March 11, 2026. No public comment was received.

1) Content Overview (by Article)

- **Article I – General Provisions:** Name, boundaries, purpose, definitions, severability.
- **Article II – Powers of the City (Municipal Affairs):** Statement of municipal affairs; intergovernmental relations.
- **Article III – Form of Government:** Council–Manager structure; powers/duties; boards/commissions framework.
- **Article IV – Elections & Officers:** Election timing/procedures consistent with charter authority; vacancies; qualifications (consistent with constitutional constraints).
- **Article V – Finance:** Budget procedures; fiscal administration; independent audit; reserves policy references.
- **Article VI – Public Contracting & Procurement:** Local procedures for bidding/award (with flexibility and integrity controls); compliance disclaimers where state law governs funding.
- **Article VII – Ethics, Transparency & Records:** Public transparency commitments and Brown Act/Public Records conformance.
- **Article VIII – Amendments & Effective Date:** Voter approval; filing with Secretary of State; amendment procedures.

2) Compliance & Timeline

- **Public Hearing No. 1: March 11, 2026** conducted.
- **Public Hearing No. 2: April 22, 2026** tonight hearing is more than 30 days after Hearing #1 pursuant to Govt. Code § 34458(b).
- **Council action** (no earlier than 21 days after Hearing #2): May 13, 2026, consider resolution to place the Charter on the November 3, 2026 ballot.
- **E-88 filing deadline:** Early August 2026, staff will meet all County Elections timelines for measure text, impartial analysis, arguments, and rebuttals.

Noticing Requirements

- **Publication & posting:** Notice for both hearings ran in the *Bakersfield Californian* on February 18, 2026 and was posted in three public locations ≥ 21 days before each hearing (**Gov. Code § 34458(b)**).
- **Brown Act compliance:** Agendas posted ≥ 72 hours before each meeting; packet materials available at City Hall and online.

FINANCIAL IMPACT:

No immediate fiscal impact from conducting the hearing. If the Council ultimately places the measure on the ballot, the City will incur election-related costs in FY 2026–27; staff will return with updated cost estimates with the May 13 action.

RECOMMENDATION:

1. Conduct Public Hearing No. 2 on the proposed City Charter pursuant to Gov. Code § 34458(b).
2. Receive public testimony and provide direction to staff and the Charter Advisory Committee regarding preferred policy choices and edits for the final draft (if any).

ATTACHMENTS:

1. Committee Recommended Charter (w_CA review)