



Board Agenda Item 38

DATE: March 9, 2021

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: First Amendment to Amended and Restated Memorandum of Understanding
between County of Fresno and City of Orange Cove

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute First Amendment to the Amended and Restated Memorandum of Understanding, Agreement No. 06-071, between the County of Fresno and City of Orange Cove extending the term of the MOU from March 21, 2021, to March 21, 2022; and**
- 2. Determine that the approval and authorization of the Chairman to execute First Amendment to the Amended and Restated Memorandum of Understanding between the County of Fresno and City of Orange Cove is exempt from the requirements of the California Environmental Quality Act, Public Resources Code 2100, et seq., and direct staff to file a Notice of Exemption with the Office of the Fresno County Clerk.**

Approval of the recommended actions would extend the Amended and Restated Memorandum of Understanding (MOU) between the County of Fresno and City of Orange Cove from March 21, 2021 to March 21, 2022. The MOU was originally approved in 2006, and addresses land use matters and revenue (property and sales tax) sharing for lands annexed by the City of Orange Cove. This item pertains to areas located in District 4

ALTERNATIVE ACTION(S):

None available. If the Recommended Actions are not approved, the MOU will expire on March 21, 2021, in which case the City could no longer annex lands without a valid tax sharing agreement and the County would no longer receive sales taxes generated by the City.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. Approval of the First Amendment does not modify existing property or sales tax sharing provisions contained in the existing MOU between the County and the City of Orange Cove.

DISCUSSION:

On March 21, 2006, the Board of Supervisors approved and executed an MOU with the City of Orange Cove addressing land use and revenue sharing (Agreement No. 06-071). The agreement provides for the sharing of property tax and local sales and use tax revenue between the City of Orange Cove and the County of Fresno from revenues generated in the City of Orange Cove. Both parties would like to negotiate a

long-term extension, and in anticipation of the forthcoming negotiations for a long-term extension, City and County staff have agreed upon a one-year extension to provide the parties adequate time to negotiate a long-term extension.

California Environmental Quality Act

The proposed amendment to the MOU is exempt under Section 15061, subdivision (b)(3) of the California Environmental Quality Act (CEQA) Guidelines, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. In addition, under CEQA Guidelines section 15378, subdivisions (b)(2), (b)(4), and (b)(5), the activity does not meet the definition of a "project."

OTHER REVIEWING AGENCIES:

The First Amendment to the MOU between the County of Fresno and City of Orange Cove was prepared and coordinated between City and County staff. The Orange Cove City Council approved the Amendment at a public hearing on January 27, 2021.

REFERENCE MATERIAL:

BAI #9, March 21, 2006

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - First Amendment to MOU with City of Orange Cove

CAO ANALYST:

Samantha Buck