CITY OF AVENAL

"Pistachio Capital of the World®"

SPECIAL CITY COUNCIL MEETING

JANUARY 21, 2026; 12:00 P.M.

AVENAL THEATER & EVENT CENTER, 233 E. KINGS ST., AVENAL, CA

LAST ORDINANCE: 2025-04 | **CITY LAST RESOLUTION: 2026-03**
(SA) LAST RESOLUTION: 2025-02 | **PFA LAST RESOLUTION: 2025-03**

AGENDA

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE**:

2. **ROLL CALL**: Councilmembers: Ricardo Verdugo, David Reynosa, Pablo Hernandez, Mayor Pro Tem, M. Leticia Gamez; Mayor, Alvaro Preciado.

   CITY CLERK:
   Government Code Section 54952.3: The members of the City Council/Successor Agency are entitled to receive a total of $450.00 per month because of being elected to the City Council. They receive no other compensation for sitting as a member of Successor Agency.

3. **PUBLIC COMMENT/ANNOUNCEMENTS & UNSCHEDULED APPEARANCES**:
   This time is reserved for members of the audience to address the City Council on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the City Council/Successor Agency. State Law prohibits any member of the Council from commenting or acting on matters not on the agenda. The Council asks that you keep your comments concise and positive. Creative criticism, presented with appropriate courtesy, is welcome. Each speaker will be allowed three minutes, and a timer will notify you when your time is expired. Please begin your comments by stating and providing your place of residence.

4. **NEW BUSINESS**:
   A. Consideration of Request by the Kings County Registrar of Voters (ROV) for Recall Election (Discussion/Action).

5. **CLOSED SESSION: (City/Successor Agency):**
   It is the intent of this governing body to meet in closed session to review its position and to instruct its designated representatives:

   A. A. **PENDING LITIGATION** (Government Code § 54956.9). It is the intention of this governing body to meet in closed-session concerning: Conference with legal counsel – ANTICIPATED LITIGATION (Government Code § 54956.9(d)). Significant exposure to litigation (Government Code § 54956.9(d)(2)). Number of potential cases is: 1.

   Facts and circumstances clearly known to potential plaintiff (if any) that might result in litigation (Government Code § 54956.9(e)(2)):

   a. *City of Avenal v. Lupe Villa, County of Kings, et al.,*
   County's attempted to usurp and/or impersonate City Elections Official; Lupe Villa, County Elections Official confirmed at the 1/8/2026 Council meeting that no agreement exists for the County to provide any municipal recall election services on behalf of the City, stating he acted under prior City elections resolutions in handling municipal recall petitions.

ADJOURNMENT:

1) In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office (559) 386-5766. Avenal Theater & Event Center, 233 East Kings Street Avenal, CA 93204. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.02.35.1044 AA Title II].
2) Materials related to an item on this Agenda submitted to the [Council/ Authority] after distribution of the agenda packet are available for public inspection in the [City Clerks] office at 919 Skyline Blvd., Avenal, CA 93204 during normal business hours.

I certify this Agenda of the City of Avenal City Council workshop is to be posted at the following locations: 1) City Council Chambers, Avenal Theater 233 E. Kings St.; 2) City Hall 919 Skyline Blvd.; 3) Avenal Lumber, 600 Skyline Blvd.; and 4) T&T Market, 801 Skyline Blvd. Avenal CA 93204 on January 20, 2026.

/s/ Maria Ortiz
Maria Ortiz, City Clerk

CIUDAD DE AVENAL
"Capital® Mundial del Pistacho"
REUNIÓN ESPECIAL DEL AYUNTAMIENTO
21 DE ENERO DE 2026; 12:00 P.M.
AVENAL THEATER & EVENT CENTER, 233 E. KINGS ST., AVENAL, CA

ÚLTIMA ORDENANZA: 2025-04. **ÚLTIMA RESOLUCIÓN DE LA CIUDAD: 2026-03**
(SA) ÚLTIMA RESOLUCIÓN: 2025-02 **ÚLTIMA RESOLUCIÓN DE PFA: 2025-03**

AGENDA

1. **LLAMADA AL ORDEN Y COMPROMISO DE LEIDAD**:

2. **LISTA**: Concejales: Ricardo Verdugo, David Reynosa, Pablo Hernández, Alcalde Interino, M. Leticia Gamez; Alcalde, Álvaro Preciado.

   SECRETARIO MUNICIPAL:
   Código de Gobierno Sección 54952.3: Los miembros del Ayuntamiento/Agencia Sucesora tienen derecho a recibir un total de 450,00 dólares al mes por ser elegidos para el Ayuntamiento. No reciben ninguna otra compensación por ser miembros de la Agencia Sucesora.

3. **COMENTARIOS PÚBLICOS/ANUNCIOS Y APARICIONES NO PROGRAMADAS**:
   Este tiempo está reservado para que los miembros del público se dirijan al Ayuntamiento sobre asuntos de interés que no estén en la agenda y que estén dentro de la jurisdicción del Ayuntamiento o Agencia Sucesora. La ley estatal prohíbe que cualquier miembro del Consejo comente o actúe sobre asuntos que no estén en el orden del día. El Consejo pide que mantengas tus comentarios concisos y positivos. La crítica creativa, presentada con la cortesía adecuada, es bienvenida. Cada ponente tendrá tres minutos y un temporizador te notificará cuando tu tiempo haya expirado. Por favor, comiencen sus comentarios indicando y proporcionando su lugar de residencia.

4. **NUEVOS NEGOCIOS**:
   A. Consideración de la solicitud del Registrador de Votantes (ROV) del Condado de Kings para la elección revocatoria (discusión/acción).

5. **SESIÓN CERRADA: (Ciudad/Agencia Sucesora):**
   La intención de este órgano de gobierno es reunirse en sesión cerrada para revisar su posición e instruir a sus representantes designados:

   A. Un. **LITIGIO PENDIENTE** (Código de Gobierno § 54956.9). La intención de este órgano de gobierno es reunirse en sesión cerrada respecto a: Conferencia con asesores legales – LITIGIO ANTICIPADO (Código de Gobierno § 54956.9(d)). Exposición significativa a litigios (Código de Gobierno §54956.9(d)(2)). El número de casos potenciales es: 1. Hechos y circunstancias claramente conocidos por el posible demandante (si los hay) que podrían dar lugar a litigios (Código de Gobierno § 54956.9(e)(2)):

   a. *Ciudad de Avenal contra Lupe Villa, Condado de Kings, y otros,*
   El Condado intentaron usurpar y/o suplantar a funcionario electoral de la ciudad; Lupe Villa, funcionario electoral del condado, confirmó en la reunión del 8/1/2026 que no existe ningún acuerdo para que el condado preste servicios de revocación electoral municipal en nombre de la ciudad, afirmando que actuó bajo resoluciones electorales municipales previas al gestionar las peticiones municipales de revocación.

   Aplazamiento:

   1) En cumplimiento con la Ley de Estadounidenses con Discapacidad, si necesita asistencia especial para participar en esta reunión, por favor contacte con la Oficina del Secretario Municipal (559) 386-5766. Avenal Theater & Event Center, 233 East Kings Street Avenal, CA 93204. La notificación 48 horas antes de la reunión permitirá a la ciudad tomar medidas razonables para garantizar la accesibilidad a esta reunión [28 CFR 35.02.35.1044 AA Título II].
   2) Los materiales relacionados con un punto de esta agenda enviados al [Consejo/Autoridad] tras la distribución del paquete de la agenda están disponibles para su inspección pública en la oficina de [Secretarios Municipales] en 919 Skyline Blvd., Avenal, CA 93204 durante el horario laboral normal.

Certifico que esta agenda del taller del Ayuntamiento de la Ciudad de Avenal se publicará en los siguientes lugares: 1) Sala del Ayuntamiento, Teatro Avenal 233 E. Kings St.; 2) Ayuntamiento, 919 Skyline Blvd.; 3) Avenal Lumber, 600 Skyline Blvd.; y 4) T&T Market, 801 Skyline Blvd. Avenal CA 93204 el 20 de enero de 2026.

/s/ Maria Ortiz
Maria Ortiz, secretaria municipal

AGENDA ITEM NO. 4. A

City of Avenal
919 Skyline Blvd.
Avenal, CA 93204
Phone: (559) 386-5766

TO: **The Honorable Mayor and City Council**

FROM: **Antony V. López, City Manager**

DATE: **January 21, 2026**

RE: **Consideration of Request by the Kings County Registrar of Voters (ROV) for Recall Election**

INFORMATION:

This item is before the City Council to consider the Kings County Registrar of Voters' (Lupe Villa) request that the City call a recall election. As of the time this report was prepared, the City is awaiting a written response from the County identifying the specific legal authority under which the County asserts it may call or otherwise initiate a municipal recall election on behalf of the City. The City has formally requested that the County provide any statutory, contractual, or other legal basis supporting that position and has advised that, absent such authority, the City does not believe the County has the right to call a City election.

A letter from the City Attorney outlining the City's legal position and requesting clarification from the County is attached for reference. If a response is received prior to or at the meeting, the Council may consider the County's stated legal position and determine whether any action is warranted; if no response is received, no action may be necessary at this time.

RECOMMENDATION:

Receive and consider the request from the Kings County Registrar of Voters; take no action unless and until the County provides a written legal basis supporting its authority to call a municipal recall election.

PUBLIC INTEREST LAW FIRM
A Professional Corporation
2924 West Main Street
Visalia, California 93291
Tel 559-900-3500 • Fax 559-900-3555
www.PILF.net

Mr. Lupe Villa, Kings County Registrar of Voters
COUNTY OF KINGS
1400 West Lacey Boulevard, Bldg. 7
Hanford, California 93230
559-852-4401

January 14, 2026
Via fax and U.S. Mail:
559-585-8453

RE: *Alleged Recall Petitions; Usurpation of City of Avenal's Legal Autonomy and Authority; and Public Records Request (1)*

Dear Mr. Villa:

We write on behalf of the City of Avenal ("**City**" or "**Avenal**"), an incorporated municipality which has its own autonomous local government that operates independently of the County of Kings ("**County**"), seeking clarification from you as to your comments to the Avenal City Council ("**Council**") on January 8, 2026 in regard to a potential recall election spearheaded by your County office. It appears that you have overlooked basic election statutes which authorize cities to conduct their own election procedures, including recall elections, and instead assumed that the County somehow has authority to override a city's elections official.

First of all, in regard to the recall of someone who is elected by the public to a seat on the governing body of a city government, **Division 11** of the Elections Code provides in relevant part each and all of the following:

1. "A recall petition **shall be submitted to the elections official** for filing in his or her office during normal office hours…" [Elections Code § 11220(a).]

2. "(a) The petition shall be filed by the proponents, or by any person or persons authorized, in writing, by a proponent…(b)…A section of the **petition not so filed is void for all purposes**…" [Elections Code § 11222.]

3. "(a)…within 30 days from the date of filing of the petition…the **elections official** shall examine the petition, and…ascertain whether or not the petition is signed by the requisite number of voters… (d) If the petition is found sufficient, the elections official shall certify the results…" [Elections Code § 11224.]

4. "If the **elections official finds** the signatures on the petition to be sufficient, he or she shall submit his or her certificate as to the sufficiency of the petition to the governing body at its

next regular meeting. The **certificate shall contain**…(b) The **title of his…office**…" [Elections Code § 11227.]

5. "For the purposes of this division, "**elections official**" means **one** of the following: ... (b) A **city elections official**, including…a **city clerk**, **in the case of the recall of elective officers of a city**." [Elections Code § 11002(b).]

The purported certificates-of-sufficiency presented in Avenal by you on January 8, 2026, cited to and relied upon Elections Code § 11227, and (as noted above) such statute requires a certificate from the "**elections official**" and the certificate must specify their title. The purported certificates-of-sufficiency indicate that Mr. Villa signed them on **December 11, 2025** in the capacity of "**Registrar of Voters County of Kings**", which is not the title of Avenal's election official.[1] Such certificates which you presented are clearly invalid and are defective because they are **not** signed by the **City Clerk** who is actually the true "elections official" of the City of Avenal under the unequivocal language which the Legislature used in Elections Code § 11002(b).

The Avenal City Clerk, Maria "Angie" Ortiz was present during your comments at the Avenal Council meeting on January 8, 2026, and she is heard on the video recording of your presentation, confirming on-the-record that she never authorized your office to perform any recall election services. In fact, you also admitted on-the-record at the Council meeting on January 8, 2026 that the recall proponents went to your County government office to submit a recall petition and that you helped them. You admitted that your authority to conduct elections comes from the County, and confirmed that you do not have any existing agreement with Avenal for recall elections services, and at point claimed that recall proponents have to go to your public office to pursue a recall. This clearly contradicts the framework which the Legislature prescribed within Elections Code § 11002(b) and the other statutes cited above.

You went on to claim that the Council was required to call an election within 14 days, presumably attempting to rely upon Elections Code § 11240. The time specified in Elections Code § 11240 is fourteen (14) days **"**…after the meeting at which the governing body receives the certificate of sufficiency as specified in Section 11227…**"** [Elections Code § 11240.] As noted above in regard to **Elections Code § 11227**, under Elections Code § 11002(b) the Avenal's elections official (i.e. City Clerk) must make the relevant findings, certify them and then present them to the City Council, not the County's elections official. Therefore, the certificates-of-sufficiency which were signed by the County, and presented by a County elections official, without any authority from the Avenal City Clerk, do not satisfy the requirements of Elections Code § 11227, and accordingly do not trigger the 14-day deadline in Elections Code § 11240.

[1] Avenal Municipal Code § 2-6.102 clearly provides that **"**The City Clerk is the elections official…**"**

Also during your public presentation at the January 8, 2026 meeting, you admitted that the City Council's prior resolutions, which hired the County to provide election services when each of the existing Council members were elected, were solely **"**for that particular election**"** only. Yet you went on to claim, without any statute or documentation, that those prior resolutions somehow constitute an contract for the County to provide subsequent recall election services. In reviewing the prior resolutions and the Elections Code, no such language appears in either the Elections Code nor the resolutions for past elections. The heading to **EXHIBIT A** to Avenal City Council Resolution No. 2024-22, clearly limits the scope of services to **"**…Requested Services for November 5, 2024 Elections**"**, and does not mention any subsequent election, including no mention of any subsequent recall election services. The third paragraph of Avenal City Council Resolution No. 2022-37 similarly provides that Avenal requested **"**…the County Clerk to render…specified services…relating to the conducting of a…municipal election to be held on Tuesday, November 8, 2022…**"**, and does not mention any subsequent election, including no mention of any subsequent recall election services.

The Kings County Counsel's letter dated January 8, 2026 attempts to confuse the issues by stating that your conduct does not usurp the Avenal City Council's authority. Nobody has ever claimed that your conduct in the capacity as the Kings County ROV is usurping the City Council's lawful authority but instead that the Kings County ROV is attempting to commandeer and usurp the lawful authority and role of the Avenal City Clerk by disregarding Elections Code § 11002(b). If we are overlooking some written agreement, ordinance, resolution, statute or other legal authority or document which suggest that a county's ROV can unilaterally assume the role of a city's election official, please by all means let us know what that is by the close of business on **January 20, 2026** so that the City Council can convene a special meeting to consider adopting a resolution for a recall election. Otherwise, if you fail to provide any legal or documentary support for your failure to allow the Avenal City Clerk to handle recall petitions as the Avenal elections official, then we will have no choice but to request that the courts intervene and declare invalid the purported certificates-of-sufficiency, which the County created on its own and without authority from Avenal.

The City of Avenal wants to avoid having to take this matter to the courts, which are already overburdened, to resolve this matter. Therefore, it is respectfully requested that you please provide a written response to this letter, disclosing each public record and legal authority which you are relying upon, which you believe gives the Kings County ROV any authority to accept, review, certify and otherwise handle recall petitions and the recall process for a municipality which has not contracted with the County for such services.

If you fail to respond to this request for clarification, we will have no choice but to ask the courts to review and issue a ruling on the matter before any election can proceed. This is because there is

no legal authority nor any existing documentation which authorizes you to pretend as if the Avenal City Clerk has enlisted the services of the County of Kings for any component of the recall process for any elected seat on Avenal's governing body.

This correspondence also constitutes a public records request on behalf of the City of Avenal, for signed copies of each and all of the following public records:

1. The signed document which called and/or scheduled the most recent recall election for one or more members of the elected governing body of Reef Sunset School District;

2. Copy of each and all signed resolutions under which the County of Kings (including Lupe Villa, Registrar of Voters) claims to have any lawful authority to undertake any of the activity(ies) reserved to Avenal's elections official, in connection with the recall process for any seat(s) on the Avenal City Council;

3. Copy of each and all signed agreements under which the County of Kings (including Lupe Villa, Registrar of Voters) claims to have any lawful authority to undertake any of the activity(ies) reserved to Avenal's elections official, in connection with the recall process for any seat(s) on the Avenal City Council;

4. Copy of each and all records under which the County of Kings (including Mr. Lupe Villa, Registrar of Voters) claims to have any lawful authority to undertake any of the activity(ies) reserved to Avenal's elections official, in connection with the recall process for any seat(s) on the Avenal City Council;

5. Copy of each and all budgets, for the department under the authority of the County of Kings Registrar of Voters, commencing from Fiscal Year ending on June 30, 2020 through the current fiscal year;

6. A copy of each and all emails, text messages, voicemails, facsimiles, memoranda and other communications between the County Administrative Office ("**CAO**") and the department under the authority of the County of Kings Registrar of Voters, in any way discussing the budget for one or more fiscal years, commencing from the Fiscal Year ending on June 30, 2020 through the current fiscal year;

7. A copy of each and all emails, text messages, voicemails, facsimiles, memoranda and other communications between the department under the authority of the County of Kings Registrar of Voters and the Office of the Avenal City Clerk, in any way discussing any aspect of the recall process pertaining to any one or more of the purported certificates-of-

sufficiency which Mr. Lupe Villa claims to have delivered in Avenal on January 8, 2026.

8. A copy of each and all records which schedule or otherwise call a recall election for each seat on the Avenal City Council.

We look forward to your timely response to this correspondence, no later than the close of business on January 20, 2026, so that this matter can be resolved in a timely manner, and without the need to involve the courts. Thank you for your consideration.



Moses Diaz, Avenal City Attorney

Enclosures:

CC: (Avenal City Hall)

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*** FAX TX REPORT ***
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TX/RX TIME                 04' 47
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RESULT                     OK
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PUBLIC INTEREST LAW FIRM
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Mr. Lupe Villa, Kings County Registrar of Voters
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January 14, 2026
Via fax and U.S. Mail:
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RE: *Alleged Recall Petitions; Usurpation of City of Avenal's Legal Autonomy and Authority; and Public Records Request (1)*

Dear Mr. Villa:

We write on behalf of the City of Avenal ("**City**" or "**Avenal**"), an incorporated municipality which has its own autonomous local government that operates independently of the County of Kings ("**County**"), seeking clarification from you as to your comments to the Avenal City Council ("**Council**") on January 8, 2026 in regard to a potential recall election spearheaded by your County office. It appears that you have overlooked basic election statutes which authorize cities to conduct their own election procedures, including recall elections, and instead assumed that the County somehow has authority to override a city's elections official.

First of all, in regard to the recall of someone who is elected by the public to a seat on the governing body of a city government, **Division 11** of the Elections Code provides in relevant part each and all of the following:

1. "A recall petition **shall be submitted to the elections official** for filing in his or her office during normal office hours..." [Elections Code § 11220(a).]

2. "(a) The petition shall be filed by the proponents, or by any person or persons authorized, in writing, by a proponent...(b)...A section of the **petition not so filed is void for all purposes**..." [Elections Code § 11222.]

3. "(a)...within 30 days from the date of filing of the petition...the **elections official** shall

BEFORE THE CITY COUNCIL OF THE CITY OF AVENAL

DECLARATION OF CITY CLERK REGARDING CITY OF AVENAL ELECTION.

I, Maria A. Ortiz, declare as follows:

1. I am over the age of eighteen (18) years.

2. I have personal knowledge of the facts stated in this declaration and, if called as a witness, could and would testify competently thereto.

3. I have been continuously employed by the City of Avenal ("**City**" or "**Avenal**") for more than two decades.

4. I currently serve in various capacities for the City, which is a California municipal corporation and local government agency, including continuous service since 2013 as the City Clerk, Custodian of Records, and the City's Elections Official, pursuant to Avenal Municipal Code ("**AMC**") section 2-6.102.

5. As the Custodian of Records, I maintain custody of the City of Avenal's official records, including enacted ordinances, approved Council resolutions, approved Council meeting minutes, approved City agreements, and other official City records. I do not approve City minutes, resolutions, or agreements. My responsibilities are limited to maintaining, safeguarding, and producing the City's official records in their approved form. I have reviewed the City's official ordinances, and AMC section 2-6.102 is currently in effect and has not been repealed by any subsequent City ordinance.

6. With respect to all municipal elections conducted by the City of Avenal, AMC section 2-6.102 provides in full: "The City Clerk is the elections official. The City Council, by resolution, may request the County Clerk to render specific election services to the City."

7. Based on my experience, each time the Registrar of Voters of the County of Kings ("**ROV**") provides election services to any city within Kings County, the ROV and/or the County of Kings requires a resolution approved by the governing body of the requesting city, authorizing the ROV to provide election services for a specific municipal election and agreeing that the city will reimburse the County of Kings for the cost of such services. Absent such authorization, the ROV does not perform election services for the city.

8. I have learned that the ROV posted an online estimate of recall election services for a potential City of Avenal recall election, indicating that the City's costs could reach up to **$66,750.00**, payable to the County of Kings and/or the ROV.

9. I have reviewed the official City records, including City minutes, resolutions, and agreements approved since the City's most recent municipal election. There is no record of the City approving any **resolution** or agreement requesting recall election services from the ROV, the County of Kings, or any other person or entity. At this time, there is also no record of any existing City **agreement** for recall election services with the County of Kings and/or the ROV.

10. I have not signed any agreement for recall election services with the County of Kings and/or the ROV, nor have I otherwise requested or authorized recall election services to be performed by the County of Kings and/or the ROV.

11. Any and all certificates of sufficiency prepared by the ROV and/or the County of Kings were not prepared at the direction of, nor under the authority of, the Office of the City Clerk of the City of Avenal. No agreement exists for reimbursing the County of Kings and/or the ROV for services rendered in connection therewith.

12. Lupe Villa, Registrar of Voters of the County of Kings ("**ROV**"), communicated to me by email and stated that: (A) On November 12, 2025, the proponents of recall efforts against Mayor Preciado and Councilmembers Gamez, Reynosa, and Hernandez delivered petitions for each of the respective city council members; (B) The task of validating the submitted signatures was completed by the Registrar of Voters of Kings County; (C) all four petitions were found to be sufficient and qualify to go on the ballot; and (D) It was the ROV's intent to present the certificates

of sufficiency to the City Council during the scheduled December 11, 2025, City Council meeting. At that time, no certificate of sufficiency had been presented to, approved by, or signed by the City Clerk.

13. On December 11, 2025, at approximately 4:00 p.m. to 4:30 p.m., Antony V. Lopez, City Manager, came into my office and informed me that he had received calls indicating that Councilmember Leticia Gamez was out of town, Councilmember Pablo Hernandez was ill, and Councilmember David Reynosa was out of the country.

14. Based on this information, Mr. Lopez and I contacted Moses Diaz, City Attorney, to obtain legal advise as to whether the City Council meeting should not be held under the Brown Act because there would be no quorum.

15. Acting pursuant to that direction and in the performance of my duties as City Clerk, I posted a notice of adjournment.

16. Mr. Lopez further stated that there would be no City Council meeting and that the Avenal Theater & Event Center (City Council meeting Chambers), the publicly noticed meeting location, would be closed due to the lack of a quorum.

17. I followed Mr. Lopez's direction as my supervisor and did not go to the meeting location.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in Avenal, California on this 14th, day of January 2026

Maria A. Ortiz, Records, and
Elections Official City of Avenal