

SUBJECT: FINAL BALLOT RESULTS – AREA 458 SEWER UTILITY DISTRICT

SOURCE: Public Works Department - Engineering Division

COMMENT: This report is a follow-up to the Area 458 Sewer Utility District Public Hearing held on April 16, 2013. At the Public Hearing, it was decided that due to the copious number of ballots received and time constraints, it would not be feasible to tabulate them at that time and make a determination if the Sewer Utility District had passed or failed. Due to the time constraint, Council directed the City Clerk to count and tabulate the votes the following day and directed that the results be presented to the City Council at the May 7, 2013, meeting.

The votes were subsequently tabulated and certified. 74.4% (145 votes) of the ballots received voted in favor of forming the Sewer Utility District; 25.6% (50 votes) of the ballots received voted against forming the Sewer Utility District. City Council may now consider the attached Resolution approving the formation of the Sewer Utility District and the levying of the assessment.

RECOMMENDATION: That the City Council:

1. Accept the voting results of Area 458 Sewer Utility District and adopt the resolution approving the Formation of Sewer Utility District No. 458.

ATTACHMENTS: Resolution
Certification of Ballot Results

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Dir BSZ Appropriated/Funded N/A CM J

Item No. 8

RESOLUTION NO.: _____ - 2013

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING
THE FORMATION OF A
AREA 458 SEWER UTILITY DISTRICT, AND
LEVYING THE ASSESSMENT

WHEREAS, Area 458 was annexed into the City of Porterville in November 2006;
and

WHEREAS, the parcels in this area utilize individual septic tanks that are failing;
and

WHEREAS, in accordance with California Streets and Highways Code Section 10000 et seq. and other applicable law, the property owners were provided with notice of the public hearing and assessment ballot proceeding; and

WHEREAS, the public hearing has been held and the ballots from the proceeding have been tabulated; and

WHEREAS, the property owners within the proposed District have approved, via ballots cast at the end of the Public Hearing held April 16, 2013, with tabulation of said ballots continued to April 17, 2013, the imposition of the assessment and the formation of the District.

NOW THEREFORE BE IT RESOLVED,

- 1) The City Council of the City of Porterville approves the formation of the Area 458 Sewer Utility District establishing an assessment to pay for the installation of sewer mains and sewer laterals. A diagram of the District setting forth the boundaries and parcels located within the District is attached hereto as Exhibit "A."
- 2) The City Council of the City of Porterville hereby authorizes the levying of the assessment based on the cost of actual construction to install sewer mains, laterals, manholes, trench pavement, etc.
- 3) The City Council of the City of Porterville hereby authorizes the City to permit property owners to pay the one-time assessment over the period of a 30 year loan, with 3% interest. The City Council authorizes the execution and transmittal of all documents necessary to effect the payment schedule through the Tulare County Assessor's Office.
- 4) The City Council of the City of Porterville hereby proclaims that property owners may, via an agreement with the City may, as an alternative, opt to pay the assessment at the time of development but subject to 3% interest compounded annually from the date of imposition of the assessment.

- 5) The certification of the assessment election results, affirming the formation of the Area 458 Sewer Utility District is attached and made a part hereof.

PASSED, APPROVED AND ADOPTED this 7th day of May, 2013

Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By:_____
Patrice Hildreth, Chief Deputy City Clerk

CITY OF PORTERVILLE

CERTIFICATION OF BALLOT RESULTS FOR ANNEXATION AREA 458 SEWER UTILITY DISTRICT INTENT TO CREATE SEWER UTILITY DISTRICT

BALLOT TABULATION RESULTS

Total of Valid Ballots Received	Total "Yes" Ballots	Total "No" Ballots
No. of Ballots <u>195</u>	No. of Ballots <u>145</u> AYES Percent "Yes" <u>74.4%</u>	No. of Ballots <u>50</u> NAYS Percent "No" <u>25.6%</u>

In addition, 10 ballots received were
invalid due to:

0 Ballot vote not marked 0 Ballot not signed
9 Already connected 1 Duplicate

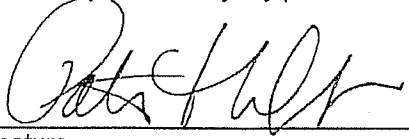
Ballots Tabulated By:

Patrice Hildreth, Chief Deputy City Clerk

Luisa Herrera, Deputy City Clerk

Vickie Ratta, Secretary

I hereby certify that the above are true and accurate ballot tabulation results for the Annexation Area 458
Sewer Utility District majority protest/election for all affected property owners



Signature

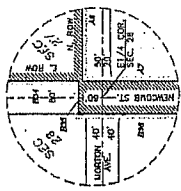
Patrice Hildreth
Print Name

Chief Deputy City Clerk
Title

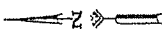
4/18/2013
Date

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AREA 8 DEFENSES & FENCE			DIST.		APRIS N AREA - ALONG BOUNDARY
LINE					
B1	368.01 +/-	245-120-03.025,034,014			
B2	49.00 +/-	245-120-011,012			
B3	30.00 +/-	245-120-013			
B4	30.00 +/-	245-120-013			
B5	22.75 +/-	245-120-005			
B6	25.25 +/-	245-120-006,005			
B7	153.60 +/-	245-120-003,005			
B8	45.76 +/-	245-120-002			
B9	108.33 +/-	245-120-001			
B10	93.21 +/-	245-163-005,003			
B11	178.87 +/-	245-163-011			
B12	37.32 +/-	245-161-005,001,003,002,001			
B13	73.00 +/-	245-161-001			
B14	180.00 +/-	245-161-001			
B15	97.67 +/-	245-161-001			
B16	352.00 +/-	245-018, 245-161-018, 017, 016, 015, 014			
B17	917.03 +/-	245-161-014, 013, 012, 011, 010, 009, 008, 007, 006, 005, 004, 003			
B18	114.14 +/-	245-161-001			
B19	80.00 +/-	245-161-001			
B20	338.60 +/-	245-161-001, 006, 007, 005, 007, 005, 004, 003, 002, 001			
B21	465.15 +/-	245-161-001, 006, 005, 004, 003, 002, 001			
B22	5.0 +/-	245-101-008			
B23	11.58 +/-	245-101-009			
B24	336.5 +/-	245-003-016,004,003			
B25	15.5 +/-	245-093-003			
B26	48.5 +/-	245-093-001,002			
B27	16.5 +/-	245-093-002			
B28	560.2 +/-	245-093-001, 245-083-002,001			
B29	481.1 +/-	245-081-001			
B30	25.95 +/-	245-081-001, 004, 003, 004, 004, 006, 007, 008			
B31	179.38 +/-	245-081-009, 010			
B32	330.87 +/-	245-081-001, 012, 014			
B33	40 +/-	---			
B35	00 +/-	251-010-001			
B36	1,351 +/-	245-093-003			
B37	908 +/-	245-01-005, 006, 007, 006, 009, 010, 011,			
B38	908 +/-	245-01-005, 006, 007, 006, 009, 010, 011, 012			
B39	729 +/-	245-11-011, 013, 011			
B40	729 +/-	245-11-011, 013, 011			
B41	352 +/-	245-150-050, 051			
B42	939 +/-	245-170-001, 003, 004, 004, 009, 010, 021			
B43	311 +/-	245-170-021			
B44	352 +/-	245-170-021, 022, 023, 024, 025			

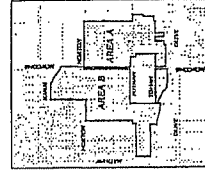
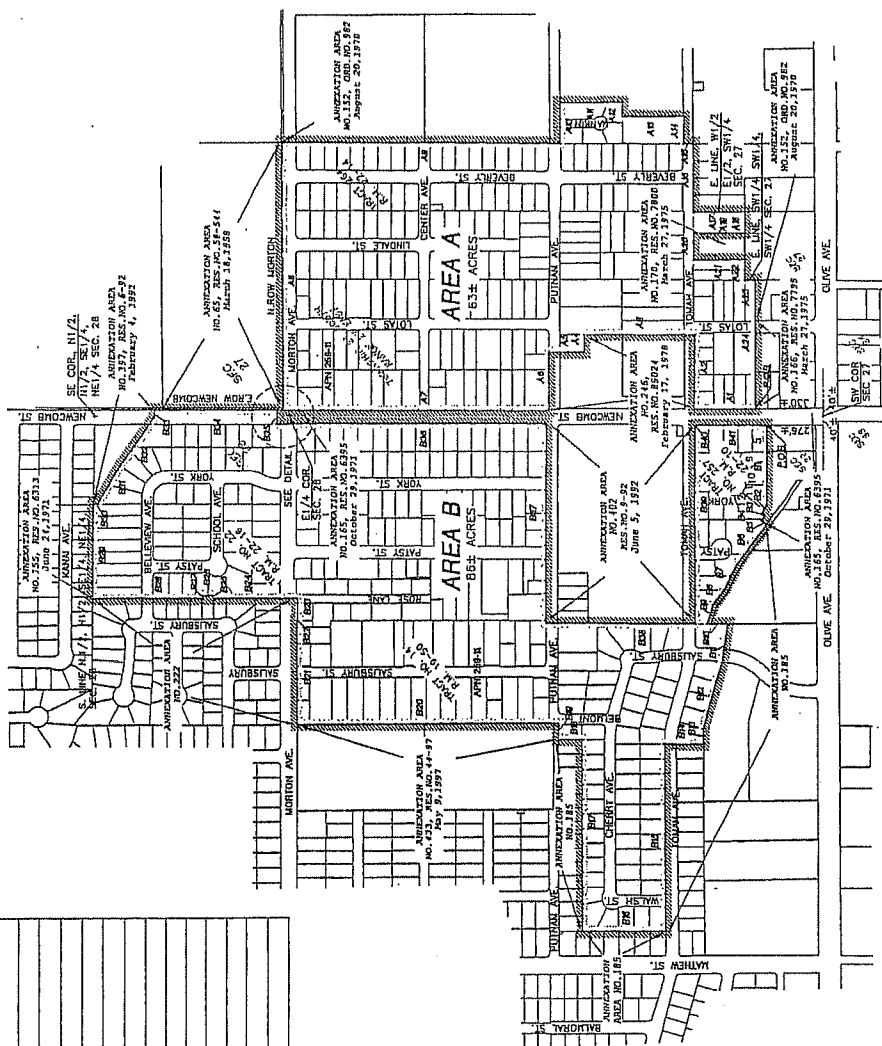
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DETAIL
SCALE: 1"=200'



SCALE: 1" = 400'

1. DATE
 2. NAME
 3. ADDRESS
 4. CITY
 5. STATE
 6. ZIP
 7. PHONE
 8. TELETYPE
 9. TELEFAX
 10. EMAIL
 11. WWW
 12. MOBILE
 13. PAGER
 14. TELEVISION
 15. RADIO
 16. VIDEO
 17. CD
 18. DVD
 19. MP3
 20. MP4
 21. MP5
 22. MP6
 23. MP7
 24. MP8
 25. MP9
 26. MP10
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 229. MP213



PROXIMITY MAP - NO SCALE