

COUNCIL AGENDA: NOVEMBER 19, 2013

SUBJECT: FINAL BALLOT RESULTS – AREA 455A SEWER UTILITY DISTRICT

SOURCE: Public Works Department - Engineering Division

COMMENT: Due to a conflict of interest at the November 5, 2013, Council meeting, a quorum was not met for the adoption of the resolution. Therefore, this staff report is required to go before the Council this night for re-adoption of the resolution. At the Public Hearing, held on October 15, 2013, staff requested for the Hearing to be opened, comments and ballots received, and due to time constraints, to open and tabulate the votes the following day.

The votes were subsequently tabulated and certified. 76.6% (72 votes) of the ballots received voted in favor of forming the Sewer Utility District; 23.4% (22 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 455A Sewer Utility District and adopt the resolution approving the Formation of Sewer Utility District No. 455A.

ATTACHMENTS: Resolution
Certification of Ballot Results

P:\pubworks\General\Council\Final Ballot Results - Area 455A Sewer Utility District - 2013-11-19.doc

Dir FBZ Appropriated/Funded MP CM J

Item No. 7

RESOLUTION NO.: _____ - 2013

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING
THE FORMATION OF AREA 455A SEWER UTILITY DISTRICT,
AND LEVYING THE ASSESSMENT

WHEREAS, Area 455A was annexed into the City 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 October 15, 2013, with tabulation of said ballots continued to October 16, 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 455A 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 a 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, opt in the alternative to pay the assessment at the time of development but subject to 3% interest compounded annually from the date of imposition of the assessment.

PASSED, APPROVED AND ADOPTED this 19th day of November, 2013.

Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By:_____
Patrice Hildreth, Chief Deputy City Clerk

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23

Annex 455

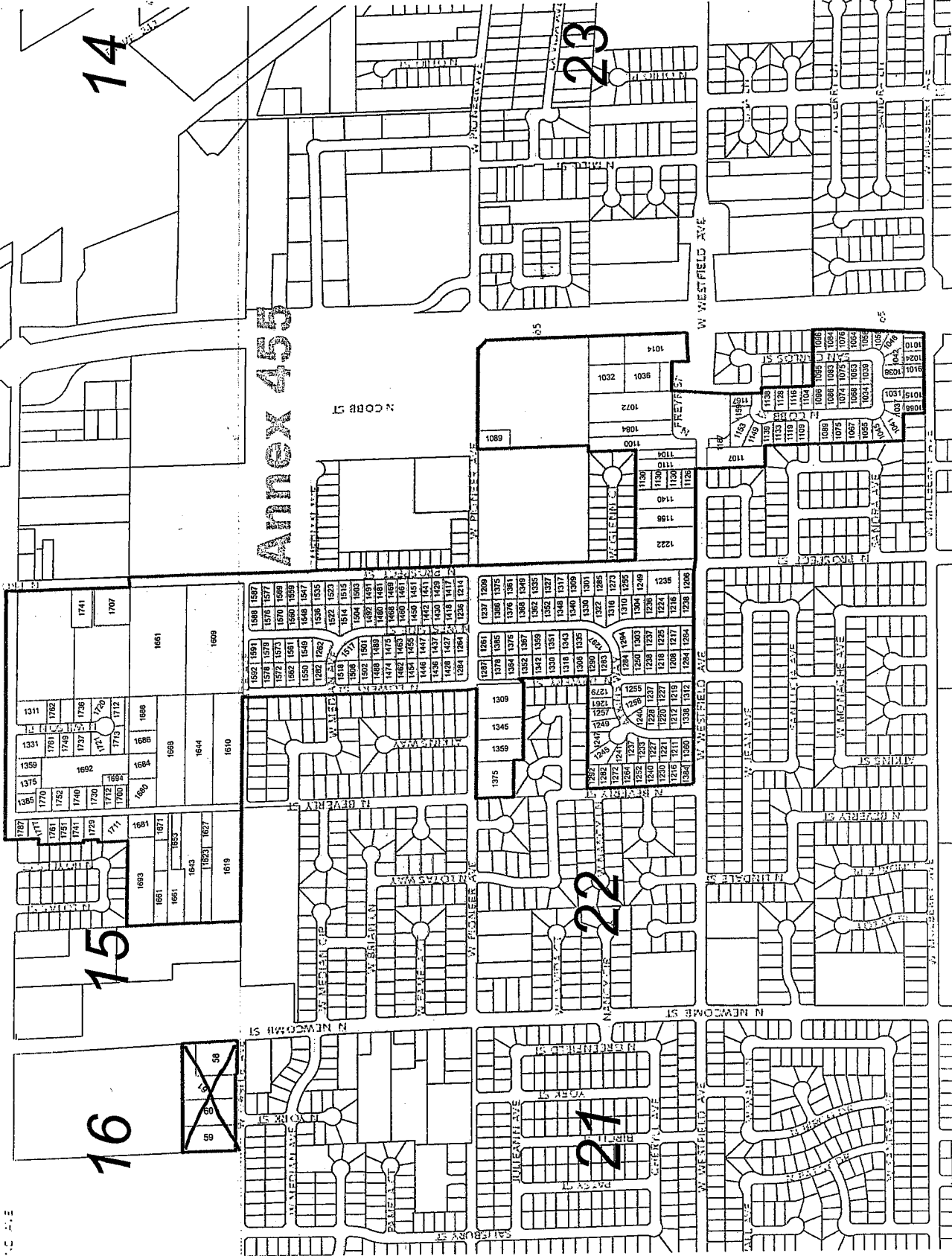
Exhibit 'A'

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CITY OF PORTERVILLE

CERTIFICATION OF BALLOT RESULTS FOR
ANNEXATION AREA 455 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>94</u>	No. of Ballots <u>72</u>	No. of Ballots <u>22</u>
	AYES	NAYS
	Percent "Yes" <u>76.60%</u>	Percent "No" <u>30.56%</u>

In addition, 3 ballots received were invalid due to: 1 Already connected
1 Voter was not the property owner
1 Duplicate

Ballots Tabulated By:

Luisa Zavala, Deputy City Clerk

Vickie Ratta, Secretary

I hereby certify that the above are true and accurate ballot tabulation results for the Annexation Area 455 Sewer Utility District majority protest/election for all affected property owners.


Signature

Luisa Zavala
Print Name

Deputy City Clerk
Title

10/16/2013
Date