

COUNCIL AGENDA: FEBRUARY 17, 2015

SUBJECT: FINAL BALLOT RESULTS – AREA 459 SEWER UTILITY DISTRICT

SOURCE: Public Works Department - Engineering Division

COMMENT: This report is a follow-up to the Area 459 Sewer Utility District Public Hearing held on February 3, 2015. At the Public Hearing, 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. Staff also requested that the results be presented to the City Council at the February 17, 2015, meeting.

The votes were subsequently tabulated and certified. 91.54% (119 votes) of the ballots received voted in favor of forming the Sewer Utility District; 9.24% (11 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 459 Sewer Utility District and adopt the resolution approving the Formation of Sewer Utility District No. 459.

ATTACHMENTS: Resolution
Certification of Ballot Results

P:\pubworks\General\Council\Final Ballot Results - Area 459 Sewer Utility District - 2015-02-17.doc

Dir 382 Appropriated/Funded AMP CM 8

Item No. 7

RESOLUTION NO.: _____ - 2015

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING
THE FORMATION OF AREA 459 SEWER UTILITY DISTRICT,
AND LEVYING THE ASSESSMENT

WHEREAS, Area 459 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 February 3, 2015, with tabulation of said ballots continued to February 4, 2015, 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 459 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 final 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, decline to participate in the Sewer Utility District and to pay all connection fees based on actual construction costs or per the City's Exhibit "H", "Connection Fees" schedule, whichever is the lesser amount adjusted 3% interest compounded annually.

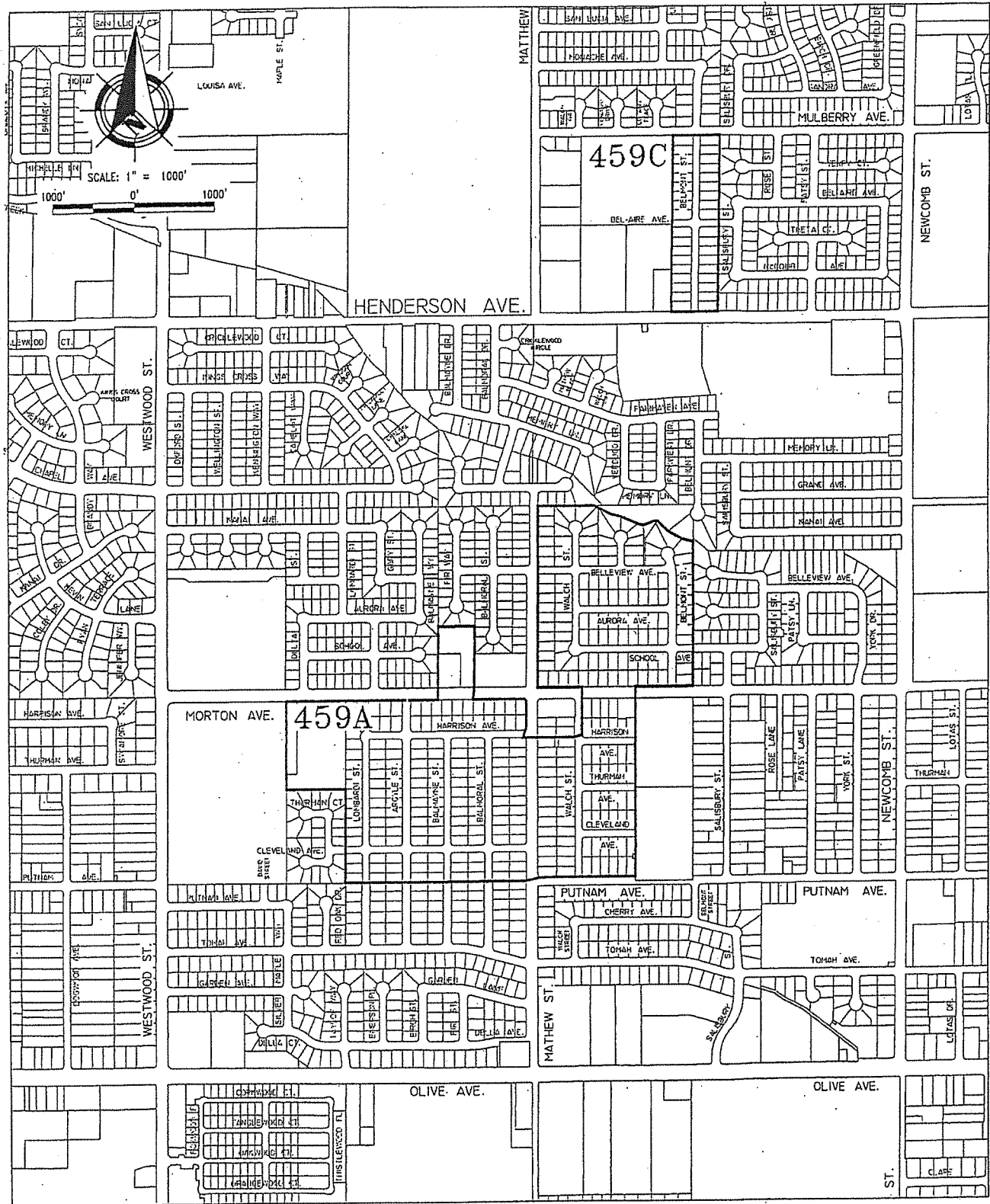
Sewer lateral costs shall be per actual construction costs adjusted 3% annually.

PASSED, APPROVED AND ADOPTED this 17th day of February, 2015.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By:_____
Patrice Hildreth, Chief Deputy City Clerk



□ PROJECT BOUNDARIES

ISLAND ANNEX. 459A & 459C

CITY OF PORTERVILLE

CERTIFICATION OF BALLOT RESULTS FOR ANNEXATION AREA 459 SEWER UTILITY DISTRICT INTENT TO CREATE SEWER UTILITY DISTRICT

BALLOT TABULATION RESULTS

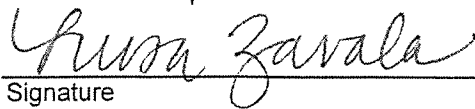
Total of Valid Ballots Received	Total "Yes" Ballots	Total "No" Ballots
No. of Ballots <u>130</u>	No. of Ballots <u>119</u> AYES Percent "Yes" <u>91.54%</u>	No. of Ballots <u>11</u> NAYS Percent "No" <u>9.24%</u>

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 459 Sewer Utility District majority protest/election for all affected property owners.


Signature

Luisa Zavala
Print Name

Deputy City Clerk
Title

2/4/2015
Date