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
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

<table>
<thead>
<tr>
<th>Total of Valid Ballots Received</th>
<th>Total “Yes” Ballots</th>
<th>Total “No” Ballots</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Ballots</td>
<td>195</td>
<td>145</td>
</tr>
<tr>
<td></td>
<td>AYES</td>
<td>NAYS</td>
</tr>
<tr>
<td>Percent “Yes”</td>
<td>74.4%</td>
<td>Percent “No”</td>
</tr>
<tr>
<td></td>
<td></td>
<td>25.6%</td>
</tr>
</tbody>
</table>

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 4/18/2013
Print Name Title Date