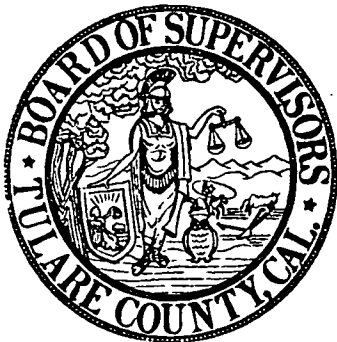


**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF PORTERVILLE)
IRRIGATION DISTRICT PROPOSED) Resolution No. 2018-0510
BENEFIT ASSESSMENT)
)

UPON MOTION OF SUPERVISOR ENNIS, SECONDED BY SUPERVISOR CROCKER, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JUNE 26, 2018, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS CROCKER, VANDER POEL, SHUKLIAN, WORTHLEY,
AND ENNIS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: Mary Rehillo
Deputy Clerk

1. Approved authority to vote on the Porterville Irrigation District Ballot to increase assessments.
2. Directed the General Services Agency Director or their designee to mark ballot on the affirmative on the proposed assessment increases.
3. Directed the General Services Agency Director or their designee to submit the ballot by July 16, 2018.



**General Services Agency
Property Management
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: June 26, 2018

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
County Counsel Sign-Off	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
CONTACT PERSON: Maria Benavides PHONE: (559) 624-7223		

SUBJECT: Porterville Irrigation District Proposed Benefit Assessment

REQUEST(S):

That the Board of Supervisors:

1. Approve authority to vote on the Porterville Irrigation District Ballot to increase assessments.
2. Direct the General Services Agency Director or their designee to mark ballot on the affirmative on the proposed assessment increases.
3. Direct the General Services Agency Director or their designee to submit the ballot by July 16, 2018.

SUMMARY:

Tulare County acquired 73.59 acres near the northwest corner of Scranton and Newcomb in Porterville to provide property for the AB900 / South County Detention Facility in 2012. The property is within the Porterville Irrigation District (PID) and is charged a per acre "benefit assessment" annually. The benefit assessment is currently \$29.00 per acre per year. Due to increased operating costs as outlined in Attachment A, PID requested all eligible owners of property within the district to vote on a proposed assessment increase commencing January 1, 2018 and annually thereafter through the end of 2023. All ballots must be received at the office of the PID by 11:00 AM on July 16, 2018. A public hearing will be held at the PID Board of Directors meeting on July 16, 2018 at 11:00 AM during which time ballots will be opened and counted.

The initial increase per acre per year will be \$66.58, an amount that will be added to the existing assessment of \$29.00 per acre per year. Thereafter, for 5 years, an

SUBJECT: Porterville Irrigation District Proposed Benefit Assessment

DATE: June 26, 2018

additional assessment increase between \$1.95 and \$2.21 per acre per year will be levied. The 5 year annual increases are a "not to exceed" amount.

The Sheriff's Office operates the detention facilities and provides food to the detainees. The acreage surrounding the South County Detention Facility is used to grow crops for the consumption by the detainees and is irrigated by an onsite irrigation well. Property within the PID boundary benefits from ground water recharge from facilities operated by the PID.

FISCAL IMPACT/FINANCING:

The South County Detention Facility Project is funded through State Assembly Bill 900 (AB900) which designated funds for County Jail and Reentry Facilities and is budgeted in the Capital Projects Fund line 030-086-3230-8148. Assessment fees will be paid from this Capital Project fund line until the project is complete, at which time assessment fees will be paid from Sheriff's farming budget.

**PORTERVILLE IRRIGATION DISTRICT PROPOSED BENEFIT ASSESSMENT
SOUTH COUNTY DETENTION FACILITY, ACREAGE 73.59**

Year	Rate Per Acre	Increase Per Acre	Annual Total	% Increase
2017	\$29.00		\$2,134.11	
2018	\$95.58	\$66.58	\$7,033.73	229.59%
2019	\$97.69	\$2.11	\$7,189.01	2.21%
2020	\$99.83	\$2.14	\$7,346.49	2.19%
2021	\$102.04	\$2.21	\$7,509.12	2.21%
2022	\$103.99	\$1.95	\$7,652.62	1.91%
2023	\$106.01	\$2.02	\$7,801.28	1.94%

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's Strategic Business Plan includes a Safety and Security Initiative. This item contributes to the initiative by providing water to grow crops for detainees in the County's detention facilities and further helps the initiative by providing funding to the irrigation district in their efforts to supply an adequate and safe water supply.

ADMINISTRATIVE SIGN-OFF:



 Robert Newby
 Property Manager

cc: County Administrative Office

Attachment(s) Exhibit A

EXHIBIT A

PORTERVILLE IRRIGATION DISTRICT NOTICE OF PROPOSED BENEFIT ASSESSMENT AND ASSOCIATED HEARING AND VOTING PROCEDURE

Please take notice that, in accordance with the rules and procedures established under Article XIII(D) of the California Constitution and those additional procedures established under Section 53750 *et seq* of the Government Code of the State of California, the Porterville Irrigation District proposes levying to the parcels of property described hereafter, a new benefit assessment of \$66.58 per acre to be collected in a single annual installment effective with the collections for the fiscal year commencing January 1, 2018. This benefit assessment is in addition to the existing benefit assessment which is \$29.00 per acre.

This notice is being sent to each record owner of lands affected by the proposed assessment as shown on the last assessment roll maintained by the Porterville Irrigation District.

In accordance with law, the Porterville Irrigation District gives further notice as follows:

1. **Total Assessment.** The amount of the assessment for acreage of 5 acres or more within the entire District to be collected annually under this new assessment is \$1,626,700 per year.
2. **Amount charged to the record owner in receipt of this notice.** \$66.58 per acre times the total acres listed in Attachment A to the Official Ballot.
3. **Duration of payment.** The assessment shall be levied annually and shall continue at the level of \$66.58 per acre, or \$1,626,700 total for all acreage of 5 acres or more within the entire District. The assessment shall be reduced by the amount of \$26.40 per acre following the final payment related to the loan taken out to convert the District's Central Valley Project repayment contract to a permanent contract. The final payment is currently scheduled to be made in February 2041.
4. **Reason for the assessment.** The Board of Directors of the District has determined that the reason for the assessment is to insure the availability of adequate revenues, notwithstanding the amounts of surface water declared to be available and to pay the current estimate of the fixed operating and defined administration costs of the District. The District has experienced several fixed cost-related impacts over the last several years. The State now imposes a water rights related fee, payable each year. The current fee requires a payment of \$2.36 per acre. Of more significance are the fixed charges related to the operation and maintenance of the Friant-Kern Canal and the Delta-Mendota Canal and related Jones Pumping Plant. When operated by the Bureau of Reclamation, costs were included with the delivered cost of water and only paid on the delivered quantity of water. Under threat of operation by independent, for-profit contractors, the water supply contractors have resumed facility responsibility. The costs are now levelized, by month and must be paid even if not water is delivered. Due to the age of these facilities, the costs continue to escalate, often outpacing any normal

inflation index. For 2018, the per acre impact on District lands of these bills amount to \$31.81. These charges alone now exceed the existing assessment revenue.

5. **Basis upon which the assessment is calculated.** The total amount of \$1,626,700 is based upon the estimated budgeted amounts of the District required to supplement the general revenues of the District. The benefit assessment is being allocated to all current irrigable landholdings in excess of 4.99 acres receiving an existing assessment within the District's boundary on a uniform dollar per acre basis. These lands, under the terms of the Repayment Contract with the United States, share an equal and prorational right to water from supplies available to the District. Thus, an allocation formula based on uniform cost per irrigable acre is an accurate representation of the proportional special benefit derived by each parcel resulting from the District's conversion to a perpetual repayment water contract with the United States Bureau of Reclamation.
6. **Cost Escalation Considerations.** The provisions implementing Proposition 218 allow for consideration of the effects of inflation on the initial year budget categories. Said provisions, however, limit such consideration to five (5) budget years beyond the initial budget period. Cost increases beyond that point require initiation of a completely new authorizing process, again following the guidelines implementing Proposition 218 and any intervening court decisions.

The District has elected to request permission, as a separate ballot issue, to include an annual inflationary adjustment. The maximum increases, per year, which could be imposed if permission was granted to the Board of Directors by landowners are as follows:

- a) 2019: Increase of \$2.11; Total of \$68.69;
- b) 2020: Increase of \$2.14; Total of \$70.83;
- c) 2021: Increase of \$2.21; Total of \$73.04;
- d) 2022: Increase of \$1.95; Total of \$74.99; and
- e) 2023: Increase of \$2.02; Total of \$77.01.

These increases are by specific year and can only be imposed if justification for the increase has been demonstrated in the form of the adopted budget for that specific fiscal year. An estimated budget has been prepared for each of these years and is included in the Engineer's Report.

7. **Date, time and location of hearing.** A public hearing to receive public comment and to tabulate the ballots returned on this matter shall be held, commencing at the hour of 11:00 a.m. at the Porterville Memorial District Building, 1900 W. Olive Avenue, Porterville, CA, on July 16, 2018.
8. **Summary of ballot procedures.** Included in this Notice is a ballot to be marked and returned to the Porterville Irrigation District in the envelope provided. Please note that all ballots must be received by the District at or prior to the time of the close of the

public hearing in order to be opened and tabulated at the time of the closing of that public hearing.

The ballot should be completed by an individual whose name and address appears on Attachment A to the Ballot. For those parcels that are in joint ownerships, each individual owning an interest in the property, who desires to vote that interest separately, will be provided a ballot upon request. Multiple ballots submitted for a single parcel will be counted in proportion to the share of ownership represented by each ballot. The District reserves the right to request appropriate documentation of ownership interest in evaluating a request(s) for multiple ballots for the same landholding. The District will assume that the person executing the ballot is fully authorized to vote the acreage described in the ballot, but persons casting a ballot on behalf of other landowners should be prepared to document their authority to cast a vote on behalf of all landowners, if requested.

All ballots will be opened and all qualified ballots tabulated at the close of the public hearing referred to above. Challenges or inquiries about any ballot shall be resolved after the hearing and before the official vote tally is determined.

9. **Majority Protest will result in the assessment not being imposed.** The assessment proposed shall not be imposed if the irrigable acreage represented by ballots submitted in opposition to the assessment exceed the irrigable acreage represented by ballots submitted in favor of the assessment, with ballots being weighted equally per acre according to the equal benefit provided to each irrigable acre within the District under the repayment contract with the United States. If the requisite affirmative vote is not received, the special assessment will not be levied, but the District will continue to levy its current assessment which was imposed prior to the enactment of Article XIII (D) of the California Constitution.

Please contact the District office Manager at (559) 784-0716 if you have questions or require further information.

Copies of a resolution adopting these proceedings and minutes of the meeting where the Board of Directors adopted the Engineer's Report are available from the District office. A complete copy of the Engineer's Report is available from the District Office and will be mailed or provided on request.

Once Complete Return to:

PORTERVILLE IRRIGATION DISTRICT
P.O. BOX 1248
PORTERVILLE, CA 93258-1248

COUNTY OF TULARE
ROBERT NEWBY GENERAL SVCS
5953 S MOONEY BLVD
VISALIA, CA 93277-9394

Number of Acres: 73.59
(See Attachment A)

OFFICIAL BALLOT
PORTERVILLE IRRIGATION DISTRICT
LANDOWNER BALLOT ON PROPOSED LEVY OF
FIXED COST OPERATIONS EXPENSES ASSESSMENT

QUESTIONS PRESENTED

1. Shall the Porterville Irrigation District increase its annual per-acre assessment by adding a new \$66.58 Fixed Cost Operations Expenses Assessment, payable in a single annual installment, to satisfy the estimate of the District's 2018 Fiscal Year fixed cost obligations, as more fully described in the District's Engineer's Report accepted on April 10, 2018. The Assessment, if approved by this ballot question, shall be in addition to any other currently authorized and levied assessments.

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

2. Shall the Porterville Irrigation District be allowed to increase the \$66.58 per acre, Fixed Cost Operations Expenses Assessment, if authorized and implemented per Question 1, to offset the impacts related to inflation, if necessary, by year, not to exceed the following specific amounts per acre?:

2019	\$2.11; total of \$68.69
2020	\$2.14; total of \$70.83
2021	\$2.21; total of \$73.04
2022	\$1.95; total of \$74.99
2023	\$2.02; total of \$77.01

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

No authority to increase the per acre assessment rate beyond that stated above is being requested, nor would be granted, as a result of this election.

Note:

If title to this property is held in joint tenancy, tenancy in common, community property, or other type of joint ownership, each individual that proves his or her ownership interest to the satisfaction of the District may request an official ballot by contacting the District Office at 559-784-0716. In the event that multiple owners of a single parcel submit ballots, each ballot will be weighted according to the acreage represented by the signers' ownership share.

In all other circumstances, a ballot signed by one record owner of property whose name and address appears on the last equalized assessment roll shall be counted as to the entire property.

Name of Landowner (please print)

Signature of Landowner