



**COUNTY ADMINISTRATION
OFFICE
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: July 24, 2012

| | | |
|---|---|---|
| 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"/> |
| 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: Denise Akins PHONE: 636-5005 | | |

SUBJECT: A Resolution calling for an election to confirm the Formation of the Alpaugh Community Services District Subject to a majority Vote of the Voters Residing Within the Proposed District Boundaries and a Resolution calling for an election to select the Alpaugh Community Services District Board of Directors if the District formation is confirmed by the voters.

REQUEST(S):
That the Board of Supervisors:

1. Adopt a resolution directing the Tulare County Registrar of Voters to conduct an election to confirm the formation of the Alpaugh Community Services District as set out in Tulare County Local Agency Formation Commission Resolution No. 12-013.
2. Adopt a resolution directing the Tulare County Registrar of Voters to conduct an election to select the Board of Directors for the Alpaugh Community Services District contingent upon voter approval of the District formation.
3. Direct the Clerk of the Board to File Certified Copies of the Resolutions with the County of Tulare Elections Division and the Executive Director of the Tulare County Local Agency Formation Commission.

SUMMARY:
On August 6, 1919 your Board formed Tulare County Water Works District #1 and tasked the District with providing domestic water to the residents within its boundary. In 2003, the Tulare County Water Works District #1 and the Alpaugh Irrigation District, pursuant to the provisions of Title 1, Division 7, Chapter 5, Article 1 (Section 6500 and following) of the California Government Code relating to the

SUBJECT: Resolution Ordering the Formation of the Alpaugh Community Services District Subject to Confirmation by a Vote of the Voters Residing Within the Proposed District Boundaries and Ordering the Alpaugh Community Services District Board of Directors Elections; Consolidation of Elections; and Specifications of the Elections Order

DATE: July 24, 2012

joint exercise of powers between the two districts (The Joint Exercise of Powers Act), entered into a Joint Exercise of Powers Agreement whereby an organization referred to as the Alpaugh Joint Powers Authority (JPA) was formed to facilitate the provision of domestic water service to the customers of the two districts under one "district" governance entity. The Alpaugh JPA faces many challenges to deliver water efficiently to its customers.

On May 22, 2012 your Board passed Resolution number 12-0343 initiating proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code to dissolve the Tulare County Water Works District #1 and form the Alpaugh Community Services District.

On July 11, 2012, by its Resolution No. 12-013, the Tulare County Local Agency Formation Commission (LAFCO) approved and ordered the dissolution of the Tulare County Waterworks District No. 1 contingent upon formation of the Alpaugh Community Services District and approved and ordered formation of the Alpaugh Community Services District contingent upon confirmation by voters in that District. Additionally, should the Alpaugh Community Services District be confirmed, it will be necessary to elect its first Board of Directors during the same election. LAFCO has requested your Board to place the measure to confirm formation of the Alpaugh Community Services District and the election of the District's Board of Directors on the November 6, 2012 ballot.

FISCAL IMPACT/FINANCING:

The costs of the election will be paid for by the district if the district formation is confirmed by the voters. If the district formation is not confirmed, the County will bear the cost of the election.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's Strategic Plan includes an initiative to provide for the safety and security of the public which includes the goal of providing an adequate and safe water supply.

SUBJECT: Resolution Ordering the Formation of the Alpaugh Community Services District Subject to Confirmation by a Vote of the Voters Residing Within the Proposed District Boundaries and Ordering the Alpaugh Community Services District Board of Directors Elections; Consolidation of Elections; and Specifications of the Elections Order

DATE: July 24, 2012

ADMINISTRATIVE SIGN-OFF:

Denise Akins
Administrative Analyst- Water Resources

Cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachments:
Board of Supervisors Resolutions (2)
Tulare County Local Agency Formation Commission Resolution No. 12-013
Attachment A- Territory Map
Attachment B- Ballot Measure

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

**IN THE MATTER OF THE FORMATION)
OF THE ALPAUGH COMMUNITY) Resolution No. _____
SERVICES DISTRICT SUBJECT)
TO CONFIRMATION BY A MAJORITY)
VOTE OF THE VOTERS)
RESIDING WITHIN THE PROPOSED)
DISTRICT BOUNDARIES)**

WHEREAS, the County of Tulare initiated proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, for the formation of the Alpaugh Community Services District by a Resolution of Application, Tulare County Board of Supervisors Resolution No. 12-0343; and

WHEREAS, the Tulare County Local Agency Formation Commission ordered the conditional dissolution of the Tulare County Waterworks District #1 without election and ordered the formation of the Alpaugh Community Service District as set out in Tulare County Local Agency Formation Commission Resolution No. 12-013, attached hereto and incorporated herein, subject to confirmation by the registered voters within the approved boundaries, as shown in Exhibit A to such Resolution; and

WHEREAS, the Tulare County Local Formation Commission has requested that the Tulare County Board of Supervisors direct the Tulare County Registrar of Voters to conduct a election for the formation of the Alpaugh Community Services District and to fill the seats of a five member Board of Directors to govern the Community Services District, such election to be held on and consolidated with the November 6, 2012, general election;

NOW, THEREFORE, BE IT RESOLVED:

1. The Tulare County Registrar of Voters is directed to conduct an election to confirm the formation of the Alpaugh Community Services District as set out in Tulare County Local Agency Formation Commission Resolution No. 12-013. The election shall be held on November 6, 2012, and consolidated with the general election on that date. A majority vote of the voters on this measure shall be required for approval. This

measure shall be submitted to the voters residing within the boundaries of the territory to be formed into the Alpaugh Community Services District as established by the Tulare County Local Agency Formation Commission Resolution. The ballot measure submitted to the voters shall read substantially as set out in Exhibit B attached hereto and the full text of this resolution shall be made available to the voters in accordance with standard practice of the County of Tulare Elections Division and the California Elections Code.

2. Upon adoption of this Resolution, the Clerk of the Board of Supervisors shall file a certified copy of this resolution with the County of Tulare Elections Division. Within five days of adoption of this Resolution, the Clerk of the Board of Supervisors shall send a certified copy to the Executive Director of the Tulare County Local Agency Formation Commission.

THE FOREGOING RESOLUTION WAS ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____, at a regular meeting on this 24th day of July, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE
OFFICER/CLERK BOARD OF
SUPERVISORS

BY: _____
Deputy Clerk

Exhibit B

MEASURE SUBMITTED TO VOTE OF VOTERS

Shall the order adopted on July 11, 2012 by the Local Agency Formation Commission of Tulare County ordering the formation of the Alpaugh Community Services District be confirmed subject to the terms and conditions specified in the order?

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

IN THE MATTER OF RESOLUTION)
ORDERING THE ALPAUGH) Resolution No. _____
COMMUNITY SERVICES DISTRICT)
BOARD OF DIRECTORS ELECTIONS;)
CONSOLIDATION OF ELECTIONS;)
AND SPECIFICATIONS OF THE)
ELECTIONS ORDER)

WHEREAS, California Elections Code requires a general district election be held in a newly formed district to choose each elected officer on the first Tuesday after the first Monday in November in each even-numbered year; and

WHEREAS, other elections may be held in whole or in part of the territory of the new district, and it is to the advantage of the new district to consolidate the election with the general statewide election pursuant to Elections Code Section 10400; and

WHEREAS, Elections Code Section 10520 requires each district involved in a general election to reimburse the County for the actual costs incurred by the County elections official in conducting the election for that district; and

WHEREAS, Elections Code Section 13307 requires that before the nominating period opens, the district's governing body must determine whether a charge shall be levied against each candidate submitting a candidate's statement to be sent to the voters; and

WHEREAS, Elections Code Section 12112 requires the elections official of the principal county to publish a notice of the election once in a newspaper of general circulation in the district;

NOW, THEREFORE, IT IS ORDERED that an election be held within the territory included in this district on the 6th day of November, 2012, for the purpose of electing, contingent upon approval of the district formation by the voters within the district, members to the board of directors of said new district in accordance with the following specifications:

SPECIFICATIONS OF THE ELECTION ORDER

1. The Election shall be held on Tuesday, the 6th day of November, 2012. The purpose of the election is to choose members of the board of directors for the **following seats** (list offices and terms):

Three directors will be elected at large for four year terms and two directors will be elected at large for two year terms. The term determination will be made at the Board's first meeting by lottery system.

Director #1 _____

Director #2 _____

Director #3 _____

Director #4 _____

Director #5 _____

2. This Board of Supervisors hereby requests on behalf of the proposed district and consents on behalf of the County to the consolidation of this election with other elections which may be held in whole or in part of the territory of the district, as provided in Elections Code 10400.
3. The district, if its formation is confirmed by the voters within its boundaries, will reimburse the County for the actual cost incurred by the county elections official in conducting the general district election upon receipt of a bill stating the amount due as determined by the elections official.
4. The Board of Supervisors has determined, on behalf of the district, that the Candidate will pay for the Candidate's Statement. The Candidate's Statement will be limited to 200 words.
5. The Board of Supervisors, on behalf of the district, directs that the County Registrar of Voters to publish the notice of election in the **following newspaper**, which is a newspaper of general circulation that is regularly circulated in the territory: Visalia Times Delta.

THE FOREGOING RESOLUTION WAS ADOPTED upon motion of

Supervisor _____, seconded by Supervisor _____, at a regular meeting on this 24th day of July, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE
OFFICER/CLERK BOARD OF
SUPERVISORS

BY: _____
Deputy Clerk