

FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



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FROM: General Manager-Chief Engineer SUBMITTAL DATE: July 29, 2003

SUBJECT: Confirmation of Fiscal Year 2003-04
Benefit Assessments for the Santa Ana Watershed

RECOMMENDED MOTION:

That the Board close the public hearing concerning the "Engineer's Report on the NPDES Program for the Santa Ana Watershed Benefit Assessment Area", dated July 2003, and concerning any protest with regard to the amount of the proposed benefit assessment to be levied; and adopt the following entitled resolution:

RESOLUTION NO. F2003-44

ADOPTING AND CONFIRMING EACH AND ALL ASSESSMENTS ON PROPERTY IN THE SANTA ANA WATERSHED BENEFIT ASSESSMENT AREA PURSUANT TO ORDINANCE NO. 14 PROVIDING FOR THE ESTABLISHMENT AND LEVY OF BENEFIT ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PROGRAM

JUSTIFICATION:

All the requirements of Ordinance No. 14, providing for the establishment and levy of the Fiscal Year 2003-04 Benefit Assessments have been satisfied; therefore, the public hearing may be closed and the assessments levied.

FINANCIAL:

The financial impact to the property owners is outlined in the Engineer's Report and Benefit Assessment Tax Rolls.

WARREN D. WILLIAMS
General Manager-Chief Engineer

C.E.O. RECOMMENDATION

APPROVE

County Executive Officer Signature *St. Sigano*

FORM APPROVED
COUNTY COUNSEL

JUL 07 2003

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Prev. Agn. Ref. 11/2002

Depts. Comments

Dist. 1,2,3 & 5

AGENDA NO.

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4 RESOLUTION NO. F2003-44

5 ADOPTING AND CONFIRMING EACH AND ALL ASSESSMENTS ON PROPERTY IN THE
6 SANTA ANA WATERSHED BENEFIT ASSESSMENT AREA PURSUANT TO ORDINANCE
7 NO. 14 PROVIDING FOR THE ESTABLISHMENT AND LEVY OF BENEFIT ASSESSMENTS FOR
8 THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER
9 PROGRAM

10 WHEREAS, the California Regional Water Quality Control Board - Santa Ana Region, on behalf
11 of the Federal Environmental Protection Agency (the "EPA"), and consistent with Section 402 of the
12 Federal Clean Water Act, as amended, and the regulations promulgated by the EPA pursuant thereto, has
13 issued an area wide stormwater discharge permit under the National Pollutant Discharge Elimination
14 System (the "NPDES Permit") to the Riverside County Flood Control and Water Conservation District
15 (the "District"), the County of Riverside and certain cities within the Santa Ana Watershed that are within
16 the District's jurisdiction, and has named the District as the "Principal Permittee"; and

17 WHEREAS, under existing State and Federal regulations, the District must obtain and comply
18 with the provisions of the NPDES Permit in order to legally discharge stormwater from its flood control
19 and stormwater drainage facilities; and

20 WHEREAS, the NPDES Permit requires the District to develop, implement, and manage
21 identified programs dealing with stormwater runoff that will benefit all property within the Santa Ana
22 Watershed that lies within the District's jurisdiction; and

23 WHEREAS, the District's Board of Supervisors (the "Board") on May 14, 1991, adopted
24 Resolution No. F91-21 pursuant to the provisions of Section 14 of the Riverside County Flood Control
25 and Water Conservation District Act, which is Appendix 48 to the California Water Code (the "District
26 Act"), and pursuant to Ordinance No. 14, that formed a Benefit Assessment Area (the "Benefit
27 Assessment Area"), which encompasses all territory within the District's jurisdiction that is within the
28 Santa Ana Watershed as described in Ordinance No. 14, and has levied annually thereon a Benefit
Assessment ("Benefit Assessment") to pay the District's annual costs associated with the NPDES Permit;
and

WHEREAS, the Benefit Assessments collected to maintain the NPDES Permit are principally
used to finance capital costs and to maintain and operate the flood control system as required by the terms
of said Permit and must be expended in the Benefit Assessment Area in which collected; and

WHEREAS, the District initially levied the Benefit Assessment for 1991-92 Fiscal Year and has
levied the Benefit Assessment in each successive fiscal year; and

WHEREAS, the voters of California on November 5, 1996, approved Proposition No. 218 which
added Article XIIIID to the California Constitution ("Article XIIIID") effective November 6, 1996; and

WHEREAS, Section 5(a) of Article XIIIID provides in pertinent part that "...any assessment
imposed exclusively to finance the capital costs or maintenance and operation expenses for...flood control
and drainage systems..." shall be exempt from the procedures and approval process set forth in Section 4
of Article XIIIID until the assessment is increased; and

WHEREAS, the Benefit Assessment proposed to be levied and enrolled for the 2003-04 Fiscal
Year is not greater than the Benefit Assessment that was levied for the 1996-97 Fiscal Year and all
subsequent years.

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WHEREAS, at a duly noticed hearing as required by Ordinance No. 14, the Board heard and considered all protests with respect to the amount of the Benefit Assessment to be levied for the 2003-04 Fiscal Year.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District, County of Riverside, State of California, in regular session assembled on July 29, 2003, as follows:

Section 1. The above recitals are true and correct.

Section 2. That a public hearing has been duly held on this date and that each and every step in the proceedings as required by the District Act and Ordinance No. 14 has been duly taken and all protests considered, and that the Board does hereby close the public hearing.

Section 3. That the Board does hereby make its determination upon each parcel in the Benefit Assessment Area as described in the Engineer's Report entitled "Engineer's Report to the Board of Supervisors of the Riverside County Flood Control and Water Conservation District on the NPDES Program for the Santa Ana Watershed Benefit Assessment Area" (the "Engineer's Report"), dated July 2003, filed with the Board and pursuant to Ordinance No. 14 and that the Board does hereby confirm each and all Benefit Assessments on such parcels and thereby levies a Benefit Assessment in the Benefit Assessment Area of the District for the Fiscal Year 2003-04 at a rate of \$3.75 per benefit assessment unit (BAU).

Section 4. Pursuant to Section 5(a) of Article XIID, compliance with the procedures set forth in Section (4) of Article XIID is not necessary and there will be no increase in the Benefit Assessment to be enrolled for the 2003-04 Fiscal Year over the Benefit Assessment enrolled for the 1996-97 Fiscal Year and all subsequent years.

Section 5. That a copy of this Resolution duly certified by the Clerk of this Board be recorded in the Office of the Recorder of the County of Riverside and a copy of this Resolution duly certified by the Clerk of this Board and the Engineer's Report be filed with the Auditor/Controller of the County of Riverside.

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