

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

312 B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
July 13, 2004

SUBJECT: Whitewater Watershed Benefit Assessment
Resolution No. F2004-21

RECOMMENDED MOTION: The Board adopt Resolution F2004-21 which accepts the Engineer's Report on the NPDES Program for the Whitewater Watershed Benefit Assessment Area, dated July 2004; sets a public hearing on said report to be held at 1:30 p.m. on July 27, 2004 at a regular meeting of the Board; and instructs the Clerk of the Board to advertise said public hearing in accordance with Section 6066 of the California Government Code.

BACKGROUND: The Whitewater Watershed Benefit Assessment Area was established on May 14, 1991 by the adoption of Resolution No. F91-23 by the Board pursuant to Ordinance No. 14 of the Flood Control District and the Flood Control District Act. Said Ordinance No. 14 requires that the Chief Engineer shall prepare an annual report on the status of the program and recommend the benefit assessment levy to be enrolled for the ensuing fiscal year. The Board, upon acceptance of said report, shall set a time and place for a public hearing to hear and consider all protests regarding the report and the amount of the proposed benefit assessment levy.

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

Departmental Concurrence

FORM APPROVED
COUNTY COUNSEL

JUN 29 2004

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	N/A	In Current Year Budget:	N/A
	Current F.Y. County Cost:	N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS: N/A

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

- Policy
- Consent
- Policy
- Consent
- Dep't Recomm.:
- Per Exec. Ofc.:

JUN 29 11:55 AM '04
RECEIVED WATER DISTRICT

Prev. Agn. Ref.:

District: 3, 4

Agenda Number:

11.3

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2 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

3 RESOLUTION NO. F2004-21

4 ACCEPTING THE ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR THE
5 WHITEWATER WATERSHED BENEFIT ASSESSMENT AREA PURSUANT TO
6 ORDINANCE
7 NO. 14 PROVIDING FOR THE ESTABLISHMENT AND LEVY OF BENEFIT
8 ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION
9 SYSTEM (NPDES) STORMWATER PROGRAM

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

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

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

24 WHEREAS, the District's Board of Supervisors (the "Board") on May 14, 1991, adopted
25 Resolution No. F91-23 pursuant to the provisions of Section 14 of the Riverside County Flood
26 Control and Water Conservation District Act, which is Appendix 48 to the California Water
27 Code (the "District Act"), and pursuant to Ordinance No. 14, that formed a Benefit Assessment
28 Area (the "Benefit Assessment Area"), which encompasses all territory within the District's
jurisdiction that is within the Whitewater 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, pursuant to Article IV of Ordinance No. 14, the General Manager-Chief
Engineer of the District (the "Chief Engineer") is to cause to be prepared annually a written
report for each Benefit Assessment Area regarding the Benefit Assessment to be levied and to
file said report with the Clerk of the Board of Supervisors; and

WHEREAS, the Chief Engineer has caused a report (the "Report") to be prepared and
filed with the Clerk of the Board of Supervisors regarding the Benefit Assessment to be levied
for the 2004-05 Fiscal Year for the Whitewater Watershed Benefit Assessment Area; and

WHEREAS, Section 3 of Article IV of Ordinance No. 14 requires that the Board set a
date, time and place for a public hearing on the Report; and

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

WHEREAS, with regard to an assessment in place as of November 6, 1996, Section 5(a) of Article XIID 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 XIID until the assessment is increased.

BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District in regular session assembled on the 13th day of July 2004, as follows:

Section 1. Each of the above recitals is true and correct.

Section 2. The Report prepared by the Chief Engineer and filed with the Clerk of the Board is accepted.

Section 3. The Report proposes that the Benefit Assessment to be levied on all parcels within the Whitewater Watershed Benefit Assessment Area, as described in Ordinance No. 14, in Fiscal Year 2004-05 is equal to or less than the Benefit Assessment that was enrolled and levied for Fiscal Year 1996-97 and all subsequent years.

Section 4. The public hearing on the Report is to be held at 1:30 p.m. on Tuesday, July 27, 2004, in the meeting room of the District's Board of Supervisors which is located at 4080 Lemon Street, 1st Floor, Riverside, California.

Section 5. The Chief Engineer is to cause copies of the Report to be placed at the following sites for review by the public:

Clerk of the District's Board
County Administrative Center
4080 Lemon Street
Riverside, California

Riverside County Flood Control
and Water Conservation District
1995 Market Street
Riverside, California

City of Banning
99 East Ramsey Street
Banning, California

City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, California

Section 6. The Clerk of the Board of Supervisors is to cause a notice to be prepared by the Chief Engineer to be published in The Press Enterprise pursuant to the provisions of Section 6066 of the California Government Code. The Chief Engineer is to cause said notice to be

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posted in at least three public places within the boundaries of the Whitewater Watershed Benefit Assessment Area at least seven (7) days prior to the date of the hearing.

Section 7. This resolution shall take effect upon its adoption.

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