

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

4298



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
July 27, 2004

SUBJECT: Public Hearing - Confirmation of Fiscal Year 2004-05
Benefit Assessments for the Santa Margarita Watershed

RECOMMENDED MOTION: The Board conduct the public hearing concerning the "Engineer's Report on the NPDES Program for the Santa Margarita Watershed Benefit Assessment Area", dated July 2004, and if at the conclusion of the hearing a majority protest has not been received, adopt the following resolution:

RESOLUTION NO. F2004-23

ADOPTING AND CONFIRMING EACH AND ALL ASSESSMENTS ON PROPERTY IN THE SANTA MARGARITA 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

BACKGROUND: All the requirements of Ordinance No. 14, providing for the establishment and levy of the Fiscal Year 2004-05 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.

FORM APPROVED
COUNTY COUNSEL

JUN 29 2004

Departmental Concurrence

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

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

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2 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

3 RESOLUTION NO. F2004-23

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

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

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

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

15 WHEREAS, the District's Board of Supervisors (the "Board") on May 14, 1991, adopted
16 Resolution No. F91-22 pursuant to the provisions of Section 14 of the Riverside County Flood Control
and Water Conservation District Act, which is Appendix 48 to the California Water Code (the "District
17 Act"), and pursuant to Ordinance No. 14, that formed a Benefit Assessment Area (the "Benefit
Assessment Area"), which encompasses all territory within the District's jurisdiction that is within the
18 Santa Margarita 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

19 WHEREAS, the Benefit Assessments collected to maintain the NPDES Permit are principally
20 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

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

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

25 WHEREAS, Section 5(a) of Article XIIIID provides in pertinent part that "...any assessment
26 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

1
2 WHEREAS, the Benefit Assessment proposed to be levied and enrolled for the 2004-05 Fiscal
3 Year is not greater than the Benefit Assessment that was levied for the 1996-97 Fiscal Year and all
4 subsequent years.

5
6 WHEREAS, at a duly noticed hearing as required by Ordinance No. 14, the Board heard and
7 considered all protests with respect to the amount of the Benefit Assessment to be levied for the 2004-05
8 Fiscal Year.

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10 NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of
11 Supervisors of the Riverside County Flood Control and Water Conservation District, County of Riverside,
12 State of California, in regular session assembled on July 27, 2004, as follows:

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14 Section 1. The above recitals are true and correct.

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

19
20 Section 3. That the Board does hereby make its determination upon each parcel in the Benefit
21 Assessment Area as described in the Engineer's Report entitled "Engineer's Report to the Board of
22 Supervisors of the Riverside County Flood Control and Water Conservation District on the NPDES
23 Program for the Santa Margarita Watershed Benefit Assessment Area" (the "Engineer's Report"), dated
24 July 2004, filed with the Board and pursuant to Ordinance No. 14 and that the Board does hereby confirm
25 each and all Benefit Assessments on such parcels and thereby levies a Benefit Assessment in the Benefit
26 Assessment Area of the District for the Fiscal Year 2003-04 at a rate of \$4.00 per benefit assessment unit
27 (BAU).

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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 2004-05 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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