

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

439 B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
July 27, 2004

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

RECOMMENDED MOTION: The Board conduct the public hearing concerning the "Engineer's Report on the NPDES Program for the Whitewater 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. F2004-24

ADOPTING AND CONFIRMING EACH AND ALL ASSESSMENTS ON PROPERTY IN THE WHITEWATER 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.

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

Prev. Agn. Ref.: 11.3 7/13/04

District: 4 & 5

Agenda Number:

11.3

FORM APPROVED
COUNTY COUNSEL

JUN 29 2004

Departmental Concurrence

1
2 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

3 RESOLUTION NO. F2004-24

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

9 WHEREAS, the California Regional Water Quality Control Board - Colorado River Basin
10 Region, on behalf of the Federal Environmental Protection Agency (the "EPA"), and consistent with
11 Section 402 of the Federal Clean Water Act, as amended, and the regulations promulgated by the EPA
12 pursuant thereto, has issued an area wide stormwater discharge permit under the National Pollutant
13 Discharge Elimination System (the "NPDES Permit") to the Riverside County Flood Control and Water
14 Conservation District (the "District"), the County of Riverside and certain cities within the Whitewater
15 Watershed that are within the District's jurisdiction, and has named the District as the "Principal
16 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 Whitewater
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. F91-23 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 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, 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 XIID to the California Constitution ("Article XIID") effective November 6, 1996; and

WHEREAS, 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; and

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

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

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

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

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

14 Section 3. That the Board does hereby make its determination upon each parcel in the Benefit
15 Assessment Area as described in the Engineer's Report entitled "Engineer's Report to the Board of
16 Supervisors of the Riverside County Flood Control and Water Conservation District on the NPDES
17 Program for the Whitewater Watershed Benefit Assessment Area" (the "Engineer's Report"), dated July
18 2004, filed with the Board and pursuant to Ordinance No. 14 and that the Board does hereby confirm each
19 and all Benefit Assessments on such parcels and thereby levies a Benefit Assessment in the Benefit
20 Assessment Area of the District for the Fiscal Year 2004-05 at a rate of \$3.63 per benefit assessment unit
21 (BAU).

22 Section 4. Pursuant to Section 5(a) of Article XIID, compliance with the procedures set forth in
23 Section (4) of Article XIID is not necessary and there will be no increase in the Benefit Assessment to be
24 enrolled for the 2004-05 Fiscal Year over the Benefit Assessment enrolled for the 1996-97 Fiscal Year
25 and all subsequent years.

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

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