

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

130B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
July 29, 2008

SUBJECT: Public Hearing - Confirmation of Fiscal Year 2008-09
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 2008, and if at the conclusion of the hearing a majority protest has not been received, adopt the following resolution:

RESOLUTION NO. F2008-16

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 2008-09 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

BY:
Alex Garza

County Executive Office Signature

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

Prev. Agn. Ref.: 11.2 of 6/24/08 | District: 1,3 | Agenda Number:

11.2

FORM APPROVED COUNTY COUNSEL
BY:
DAVID H.K. HUFF
DATE: 6/11/08
Departmental Concurrence

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2 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

3 RESOLUTION NO. F2008-16

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
7 ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
8 (NPDES) STORMWATER PROGRAM

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

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

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

22 WHEREAS, the District's Board of Supervisors (the "Board") on May 14, 1991, adopted
23 Resolution No. F91-22 pursuant to the provisions of Section 14 of the Riverside County Flood Control
24 and Water Conservation District Act, which is Appendix 48 to the California Water Code (the "District
25 Act"), and pursuant to Ordinance No. 14, that formed a Benefit Assessment Area (the "Benefit
26 Assessment Area"), which encompasses all territory within the District's jurisdiction that is within the
27 Santa Margarita Watershed as described in Ordinance No. 14, and has levied annually thereon a Benefit
28 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

FORM APPROVED COUNTY COUNSEL
BY:  DATE: 6/11/08
DAVID H.K. HUFF

1 WHEREAS, the Benefit Assessment proposed to be levied and enrolled for the 2007-08 Fiscal
2 Year is not greater than the Benefit Assessment that was levied for the 1996-97 Fiscal Year and all
subsequent years.

3 WHEREAS, at a duly noticed hearing as required by Ordinance No. 14, the Board heard and
4 considered all protests with respect to the amount of the Benefit Assessment to be levied for the 2008-09
Fiscal Year.

5 NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of
6 Supervisors of the Riverside County Flood Control and Water Conservation District, County of Riverside,
State of California, in regular session assembled on July 29, 2008, as follows:

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

8 Section 2. That a public hearing has been duly held on this date and that each and every step in
9 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.

10 Section 3. That the Board does hereby make its determination upon each parcel in the Benefit
11 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
12 Program for the Santa Margarita Watershed Benefit Assessment Area" (the "Engineer's Report"), dated
July 2008, filed with the Board and pursuant to Ordinance No. 14 and that the Board does hereby confirm
13 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 2008-09 at a rate of \$4.00 per benefit assessment unit
14 (BAU).

15 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
16 enrolled for the 2008-09 Fiscal Year over the Benefit Assessment enrolled for the 1996-97 Fiscal Year
and all subsequent years.

17 Section 5. That a copy of this Resolution duly certified by the Clerk of this Board be recorded in
18 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
19 Riverside.

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