

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

2078



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
June 23, 2009

SUBJECT: Santa Ana Watershed Benefit Assessment
Resolution No. F2009-18

RECOMMENDED MOTION: The Board adopt Resolution F2009-18 which accepts the Engineer's Report on the NPDES Program for the Santa Ana Watershed Benefit Assessment Area, dated June 2009; sets a public hearing on said report to be held at 1:30 p.m. on July 14, 2009 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 Santa Ana Watershed Benefit Assessment Area was established on May 14, 1991 by the adoption of Resolution No. F91-21 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 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.

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 Gann
County Executive Office Signature

Prev. Agn. Ref.: | **District:** 1,2,3,5 | **Agenda Number:**

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

11.2

FISCAL PROCEDURES APPROVED
BY: M. CHAND, FINANCE DIRECTOR

6/15/09

FORM APPROVED COUNTY COUNSEL

DATE: 6/15/09

BY: DAVID H.K. HUFF

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

BY: IVAN M. CHANG
Departmental Concurrence

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2 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

3 RESOLUTION NO. F2009-18

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

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

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

15 WHEREAS, the NPDES Permit requires the District to develop, implement, and manage
16 specific compliance programs dealing with stormwater runoff that will benefit all property within
17 the Santa Ana Watershed that lies within the District's jurisdiction; and

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

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

25 WHEREAS, pursuant to Article IV of Ordinance No. 14, the General Manager-Chief
26 Engineer of the District (the "Chief Engineer") is to cause to be prepared annually a written
27 report for each Benefit Assessment Area regarding the Benefit Assessment to be levied and to
28 file said report with the Clerk of the Board of Supervisors; and

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* 6/15/09
DATE
DAVID H.K. HUFF

1 WHEREAS, the Chief Engineer has caused a report (the "Report") to be prepared and
2 filed with the Clerk of the Board of Supervisors regarding the Benefit Assessment to be levied
3 for the 2009-10 Fiscal Year for the Santa Ana Watershed Benefit Assessment Area; and

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

6 WHEREAS, the voters of California on November 5, 1996, approved Proposition No.
7 218 which added Article XIID to the California Constitution ("Article XIID") effective
8 November 6, 1996; and

9 WHEREAS, with regard to an assessment in place as of November 6, 1996, Section 5(a)
10 of Article XIID provides in pertinent part that "...any assessment imposed exclusively to finance
11 the capital costs or maintenance and operation expenses for ...flood control and drainage
12 systems..." shall be exempt from the procedures and approval process set forth in Section 4 of
13 Article XIID until the assessment is increased.

14 BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of
15 Supervisors of the Riverside County Flood Control and Water Conservation District in regular
16 session assembled on the 23rd day of June 2009, as follows:

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

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

20 Section 3. The Report proposes that the Benefit Assessment to be levied on all parcels
21 within the Santa Ana Watershed Benefit Assessment Area, as described in Ordinance No. 14, in
22 Fiscal Year 2009-10 is equal to or less than the Benefit Assessment that was enrolled and levied
23 for Fiscal Year 1996-97 and all subsequent years.

24 Section 4. The public hearing on the Report is to be held at 1:30 p.m. on Tuesday, July
25 14, 2009, in the meeting room of the District's Board of Supervisors which is located at 4080
26 Lemon Street, 1st Floor, Riverside, California.

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

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

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

City Clerk's Office
City of Hemet
445 E. Florida Avenue
Hemet, California

City Clerk's Office
City of Corona
400 South Vincentia Avenue, 1st Floor
Corona, California

City Clerk's Office
City of Lake Elsinore
130 S. Main Street
Lake Elsinore, 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 posted in at least three public places within the boundaries of the Santa Ana 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.