



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

209B

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
June 23, 2009

SUBJECT: Whitewater Watershed Benefit Assessment
Resolution No. F2009-20

RECOMMENDED MOTION: The Board adopt Resolution F2009-20 which accepts the Engineer's Report on the NPDES Program for the Whitewater 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 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 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

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

Prev. Agn. Ref.: | **District:** 3, 4, 5 | **Agenda Number:**

11.4

FISCAL PROCEDURE APPROVED
IAN M. CHAND, FINANCE DIRECTOR
6/15/09

FORM APPROVED COUNTY COUNSEL
BY: DAVID H.K. HUFF
DATE: 6/15/09
Departmental Concurrence

BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

RESOLUTION NO. F2009-20

ACCEPTING THE ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR 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

WHEREAS, the California Regional Water Quality Control Board - Colorado River Basin Region, on behalf 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 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 (the "District"), the County of Riverside and certain cities within the Whitewater Watershed that are within the District's jurisdiction, and has named the District as the "Principal Permittee"; and

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

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

WHEREAS, the District's Board of Supervisors (the "Board") on May 14, 1991, adopted Resolution No. F91-23 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 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 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 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 they are 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 2009-10 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

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

1 WHEREAS, the voters of California on November 5, 1996, approved Proposition No.
2 218 which added Article XIIIID to the California Constitution ("Article XIIIID") effective
3 November 6, 1996; and

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

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

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

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

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

19 Section 4. The public hearing on the Report is to be held at 1:30 p.m. on Tuesday, July
20 14, 2009, in the meeting room of the District's Board of Supervisors which is located at 4080
21 Lemon Street, 1st Floor, Riverside, California.

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

24 Clerk of the District's Board
25 County Administrative Center
26 4080 Lemon Street
27 Riverside, California

28 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
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.

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