



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

412 B

**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
July 14, 2009

**SUBJECT:** Public Hearing - Confirmation of Fiscal Year 2009-10  
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 June 2009, and if at the conclusion of the hearing a majority protest has not been received, adopt the following resolution:

**RESOLUTION NO. F2009-23**

**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 2009-10 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**

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b> N/A	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE  
BY:   
Michael R. Shetler  
**County Executive Office Signature**

FISCAL PROCEDURE APPROVED BY N.M. CHAND, FINANCE DIRECTOR  
 BY: 6/15/09  
 DATE: 6/15/09  
 DEPARTMENTAL CONCURRENCE  
 BY: 6/15/09  
 DATE: 6/15/09  
 DEPARTMENTAL CONCURRENCE

Dept' Recomm.:  Consent  Policy  
 Per Exec. Ofc.:  Consent  Policy

**Prev. Agn. Ref.:** 11.4 of 6/23/09 | **District:** 4,5 | **Agenda Number:**

11.4

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2 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

3 RESOLUTION NO. F2009-23

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 specific  
21 programs dealing with stormwater runoff that will benefit all property within the Whitewater Watershed  
22 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 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, 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 *[Signature]* DATE 6/15/09  
DAVID H.K. HUFF

1 WHEREAS, the Benefit Assessment proposed to be levied and enrolled for the 2009-10 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 2009-10  
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 14, 2009, 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 June  
18 2009, 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 2009-10 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 2009-10 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.