

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

304B



**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
June 29, 2010

**SUBJECT:** Santa Margarita Watershed Benefit Assessment  
Resolution No. F2010-14

**RECOMMENDED MOTION:** The Board adopt Resolution F2010-14 which accepts the Engineer's Report on the NPDES Program for the Santa Margarita Watershed Benefit Assessment Area, dated July 2010; sets a public hearing on said report to be held at 1:30 p.m. on July 13, 2010 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 Margarita Watershed Benefit Assessment Area was established on May 14, 1991 by the adoption of Resolution No. F91-22 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 shall 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

<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

County Executive Office Signature

by Alex Gann

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

Prev. Agn. Ref.:

District: 1,3

Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

11.3

FISCAL PROCEDURES APPROVED  
FAN M. CHANG, FINANCE DIRECTOR  
6/10/2010  
WARREN CHANG

FORM APPROVED COUNTY COUNSEL  
DATE 6/18/10  
BY DALE A. GARDNER

Departmental Concurrence

BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

RESOLUTION NO. F2010-14

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

WHEREAS, the California Regional Water Quality Control Board - San Diego 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 Santa Margarita 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 Santa Margarita 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. F91-22 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 Santa Margarita 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 2010-11 Fiscal Year for the Santa Margarita 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

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

FORM APPROVED COUNTY COUNSEL  
BY: Dale A. Gardner 6/8/10  
DATE

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

6 BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of  
 7 Supervisors of the Riverside County Flood Control and Water Conservation District in regular  
 8 session assembled on the 29<sup>th</sup> day of June 2010, as follows:

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

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

12 Section 3. The Report proposes that the Benefit Assessment to be levied on all parcels  
 13 within the Santa Margarita Watershed Benefit Assessment Area, as described in Ordinance No.  
 14 14, in Fiscal Year 2010-11 is equal to or less than the Benefit Assessment that was enrolled and  
 15 levied for Fiscal Year 1996-97 and all subsequent years.

16 Section 4. The public hearing on the Report is to be held at 1:30 p.m. on Tuesday, July  
 17 13, 2010, in the meeting room of the District's Board of Supervisors which is located at 4080  
 18 Lemon Street, 1<sup>st</sup> Floor, Riverside, California.

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

21 Clerk of the District's Board  
 22 County Administrative Center  
 23 4080 Lemon Street  
 24 Riverside, California

25 Riverside County Flood Control  
 26 and Water Conservation District  
 27 1995 Market Street  
 28 Riverside, California

City of Temecula  
 43200 Business Park Drive  
 Temecula, California

City of Murrieta  
 24601 Jefferson Avenue  
 Murrieta, 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 Margarita 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.

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS  
OF RIVERSIDE COUNTY FLOOD CONTROL AND WATER  
CONSERVATION DISTRICT ON THE NPDES BENEFIT ASSESSMENT PROGRAM FOR  
THE SANTA MARGARITA WATERSHED BENEFIT ASSESSMENT AREA

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, acting as the governing board of the Riverside County Flood Control and Water Conservation District, County Administrative Center, 4080 Lemon Street, Riverside, California, on July 13, 2010 at 1:30 p.m., relative to the Flood Control Engineer's Report on the NPDES Program for the Santa Margarita Watershed Benefit Assessment Area. The Board will hear and consider all protests with regard to the program, if any, including protests with regard to the amount of the proposed assessment to be levied. At the conclusion of the hearing, the Board may adopt, revise, change, reduce, or modify any assessment and shall make its determination upon each assessment described in the report for Fiscal Year 2010-11.

NOTICE IS FURTHER GIVEN that pursuant to statutory authorization, a written report by the Chief Engineer of the District describing the Benefit Assessment Program has been filed with the Clerk of the District's Board. The report contains a description of each parcel of property within the boundaries of the Santa Margarita Watershed Benefit Assessment Area of the District on which a benefit assessment is proposed to be levied, and sets forth the amount of the proposed benefit assessment for each such parcel. The report contains a schedule of the benefit assessment rates for the 2010-11 fiscal year. Copies of the report, together with copies of the assessment rolls for the Santa Margarita Watershed Benefit Assessment Area, and of the official Riverside County Assessor's Map Books, are on file and available for review by the public at the office of the Clerk of the District's Board, at the County Administrative Center, 4080 Lemon Street, Riverside, California, the District's office at 1995 Market Street, Riverside, California, the City of Temecula, 43200 Business Park Drive, Temecula, California, and the City of Murrieta, 24601 Jefferson Avenue, Murrieta, California. By reference to the Chief Engineer's report, the assessment rolls and the map books, each property owner may verify the area of his or her parcel, its land use, and the amount of the 2010-11 Benefit Assessment.

NOTICE IS FURTHER GIVEN THAT the proposed benefit assessment rate for Fiscal Year 2010-11 is the same benefit assessment rate as Fiscal Year 1996-97 and all subsequent years.

BY ORDER OF THE BOARD OF SUPERVISORS

Dated: 6/9/10

KECIA HARPER-IHEM  
Clerk of the District's Board

By Kecia Ihem  
Deputy