

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

303B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
June 29, 2010

SUBJECT: Whitewater Watershed Benefit Assessment
Resolution No. F2010-15

RECOMMENDED MOTION: The Board adopt Resolution F2010-15 which accepts the Engineer's Report on the NPDES Program for the Whitewater 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 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 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
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

County Executive Office Signature by Alex Gann *Alex Gann*

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

Prev. Agn. Ref.: District: 3,4,5 Agenda Number: 11.4

ESCALATED PROCEDURES...
BY: *Warren D. Williams* 6/10/2010
IVAN M. CHAND

FORM APPROVED COUNTY COUNSEL
BY: *Wade A. Gardner* 6/8/10
DATE: 6/8/10
Departmental Concurrence

BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

RESOLUTION NO. F2010-15

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 2010-11 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

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

FORM APPROVED COUNTY COUNSEL
BY Alex A. [Signature] 6/8/10 DATE
DALE A. GARDNER

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
 systems..." shall be exempt from the procedures and approval process set forth in Section 4 of
 Article XIID until the assessment is increased.

4 BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of
 5 Supervisors of the Riverside County Flood Control and Water Conservation District in regular
 session assembled on the 29th day of June 2010, as follows:

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

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

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

11 Section 4. The public hearing on the Report is to be held at 1:30 p.m. on Tuesday, July
 12 13, 2010, in the meeting room of the District's Board of Supervisors which is located at 4080
 Lemon Street, 1st Floor, Riverside, California.

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

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

17 Riverside County Flood Control
 and Water Conservation District
 18 1995 Market Street
 Riverside, California

19 City of Banning
 20 99 East Ramsey Street
 Banning, California

21 City of Palm Springs
 22 3200 East Tahquitz Canyon Way
 Palm Springs, California

23 Section 6. The Clerk of the Board of Supervisors is to cause a notice to be prepared by
 24 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
 25 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.

26 Section 7. This resolution shall take effect upon its adoption.
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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 WHITEWATER 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 Whitewater 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 Whitewater 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 Whitewater 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 Banning, 99 E. Ramsey Street, Banning, California, and the City of Palm Springs, 3200 E. Tahquitz Canyon Way, Palm Springs, 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 Harper-Ihem

Deputy