

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

915B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
July 15, 2014

SUBJECT: Adopt Resolution F2014-19 – Confirmation of the FY 2014 - 2015 Benefit Assessments for the Santa Ana Watershed; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Conduct the public hearing concerning the "Engineer's Report on the NPDES Program for the Santa Ana Watershed Benefit Assessment Area," dated July 2014; and
2. If at the conclusion of the hearing, a majority protest has not been received, adopt the following resolution:

RESOLUTION NO. F2014-19
ADOPTING AND CONFIRMING EACH AND ALL ASSESSMENTS ON PROPERTY
IN THE SANTA ANA 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:

See Page 2.

WARREN D. WILLIAMS
General Manager-Chief Engineer

SEB:bjp

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	

SOURCE OF FUNDS: N/A

Budget Adjustment: N/A

For Fiscal Year: N/A

C.E.O. RECOMMENDATION:

APPROVE

BY:
Steven C. Horn

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FORM APPROVED COUNTY COUNSEL
BY: AARON C. GETTIS
DATE: 5-20-14

FISCAL PROCEDURES APPROVED
JEANINE J. REY, FINANCE DIRECTOR
BY: JEANINE J. REY
DATE: 5/15/14
Departmental Concurrence

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.: 11.2 of 6/3/14

District: All

Agenda Number:

11-2

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

FORM 11: Adopt Resolution F2014-19 – Confirmation of the FY 2014 - 2015 Benefit Assessments for the Santa Ana Watershed; [\$0]

DATE: July 15, 2014

PAGE: Page 2 of 2

BACKGROUND:

Summary (Continued)

All of the requirements of District Ordinance No. 14, providing for the establishment and levy of the Fiscal Year 2013-2014 Benefit Assessments have been satisfied; therefore, the public hearing may be closed and the assessments levied.

Impact on Residents and Businesses

The financial impact to property owners is outlined in the Engineer's Report and Benefit Assessment Tax Rolls. The proposed benefit assessment rate for Fiscal Year 2014-2015 is \$3.75 per Benefit Assessment Unit; this is equal to the Benefit Assessment that was enrolled and levied for Fiscal Year 1996-97 and all subsequent years.

SEB:bjp
P8/161071

1 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

2 RESOLUTION NO. F2014-19

3 ADOPTING AND CONFIRMING EACH AND ALL ASSESSMENTS ON PROPERTY
4 IN THE SANTA ANA WATERSHED BENEFIT ASSESSMENT AREA
5 PURSUANT TO ORDINANCE NO. 14 PROVIDING FOR THE ESTABLISHMENT
6 AND LEVY OF BENEFIT ASSESSMENTS FOR THE NATIONAL POLLUTANT
7 DISCHARGE 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

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

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

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

FORM APPROVED COUNTY COUNSEL
BY: AAG 5-20-14 DATE
AARON C. GETTIS

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

4 WHEREAS, the District initially levied the Benefit Assessment for 1991-92 Fiscal Year
5 and has levied the Benefit Assessment in each successive fiscal year; 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, Section 5(a) of Article XIID provides in pertinent part that "...any
10 assessment imposed exclusively to finance the capital costs or maintenance and operation
11 expenses for...flood control and drainage systems..." shall be exempt from the procedures and
12 approval process set forth in Section 4 of Article XIID until the assessment is increased; and

13 WHEREAS, the Benefit Assessment proposed to be levied and enrolled for the 2014-15
14 Fiscal Year is not greater than the Benefit Assessment that was levied for the 1996-97 Fiscal
15 Year and all subsequent years; and

16 WHEREAS, at a duly noticed hearing as required by Ordinance No. 14, the Board heard
17 and considered all protests with respect to the amount of the Benefit Assessment to be levied for
18 the 2014-15 Fiscal Year.

19 NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the
20 Board of Supervisors of the Riverside County Flood Control and Water Conservation District,
21 County of Riverside, State of California, in regular session assembled on July 15, 2014, as
22 follows:

23 Section 1. The above recitals are true and correct.

24 Section 2. That a public hearing has been duly held on this date and that each and every
25 step in the proceedings as required by the District Act and Ordinance No. 14 has been duly taken
26 and all protests considered, and that the Board does hereby close the public hearing.

27 Section 3. That the Board does hereby make its determination upon each parcel in the
28 Benefit Assessment Area as described in the Engineer's Report entitled "Engineer's Report to the

1 Board of Supervisors of the Riverside County Flood Control and Water Conservation District on
2 the NPDES Program for the Santa Ana Watershed Benefit Assessment Area" (the "Engineer's
3 Report"), dated July 2014, filed with the Board and pursuant to Ordinance No. 14 and that the
4 Board does hereby confirm each and all Benefit Assessments on such parcels and thereby levies
5 a Benefit Assessment in the Benefit Assessment Area of the District for the Fiscal Year 2014-15
6 at a rate of \$3.75 per benefit assessment unit (BAU).

7 Section 4. Pursuant to Section 5(a) of Article XIID, compliance with the procedures set
8 forth in Section (4) of Article XIID is not necessary and there will be no increase in the Benefit
9 Assessment to be enrolled for the 2014-15 Fiscal Year over the Benefit Assessment enrolled for
10 the 1996-97 Fiscal Year and all subsequent years.

11 Section 5. That a copy of this Resolution duly certified by the Clerk of this Board be
12 recorded in the Office of the Recorder of the County of Riverside and a copy of this Resolution
13 duly certified by the Clerk of this Board and the Engineer's Report be filed with the
14 Auditor/Controller of the County of Riverside.