

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

917B



FORM APPROVED COUNTY COUNSEL
BY: AARON C. GETTIS
DATE: 5-26-14
Departmental Concurrence
Jenny Rey 5/15/14
J. REY

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
July 15, 2014

SUBJECT: Adopt Resolution F2014-21 – Confirmation of the FY 2014 - 2015 Benefit Assessments for the Whitewater Watershed; Districts 3,4,5/ Districts 3,4,5; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Conduct the public hearing concerning the "Engineer's Report on the NPDES Program for the Whitewater 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. F2014-21

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:

See Page 2.

WARREN D. WILLIAMS
General Manager-Chief Engineer

SEB:xxx

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

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

11-4

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**
FORM 11: Adopt Resolution F2014-21 – Confirmation of the FY 2014 - 2015 Benefit
Assessments for the Whitewater Watershed; Districts 3,4,5/ Districts 3,4,5; [\$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 \$3.63 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
P8/161073

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

BOARD OF SUPERVISORS

RESOLUTION NO. F2014-21

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

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
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

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

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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

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

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

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

Section 1. The above recitals are true and correct.

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

Section 3. That the Board does hereby make its determination upon each parcel in the Benefit Assessment Area as described in the Engineer's Report entitled "Engineer's Report to the Board of Supervisors of the Riverside County Flood Control and Water Conservation District on the NPDES

1 Program for the Whitewater Watershed Benefit Assessment Area" (the "Engineer's Report"), dated July
2 2014, filed with the Board and pursuant to Ordinance No. 14 and that the Board does hereby confirm each
3 and all Benefit Assessments on such parcels and thereby levies a Benefit Assessment in the Benefit
4 Assessment Area of the District for the Fiscal Year 2014-15 at a rate of \$3.63 per benefit assessment unit
5 (BAU).

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

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

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