

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

406B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
July 7, 2015

SUBJECT: Adopt Resolution F2015-24 – Confirmation of the FY 2015-2016 Benefit Assessments for the Santa Margarita Watershed; 1st/3rd/5th District; [\$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 Margarita Watershed Benefit Assessment Area", dated June 2015; and
2. If at the conclusion of the hearing, a majority protest has not been received, adopt the following resolution:

RESOLUTION NO. F2015-24

ADOPTING AND CONFIRMING EACH AND ALL ASSESSMENTS ON PROPERTY IN 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

BACKGROUND:

See Page 2.

WARREN D. WILLIAMS
General Manager-Chief Engineer

SEB:cw

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 5/11/15
BY: GREGORY P. PRIAMOS DATE

Departmental Concurrence

FISCAL PROCEDURES APPROVED
JEANINE J. REY, FINANCE DIRECTOR
BY: JEANINE J. REY 5/13/15

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

Prev. Agn. Ref.: 11-3 of 6/2/15

District: 1st/3rd/5th

Agenda Number:

11-6

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

FORM 11: Adopt Resolution F2015-24 – Confirmation of the FY 2015-2016 Benefit Assessments for the Santa Margarita Watershed; 1st/3rd/5th District; [\$0]

DATE: July 7, 2015

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 2015-2016 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 2015-2016 is \$4.00 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.

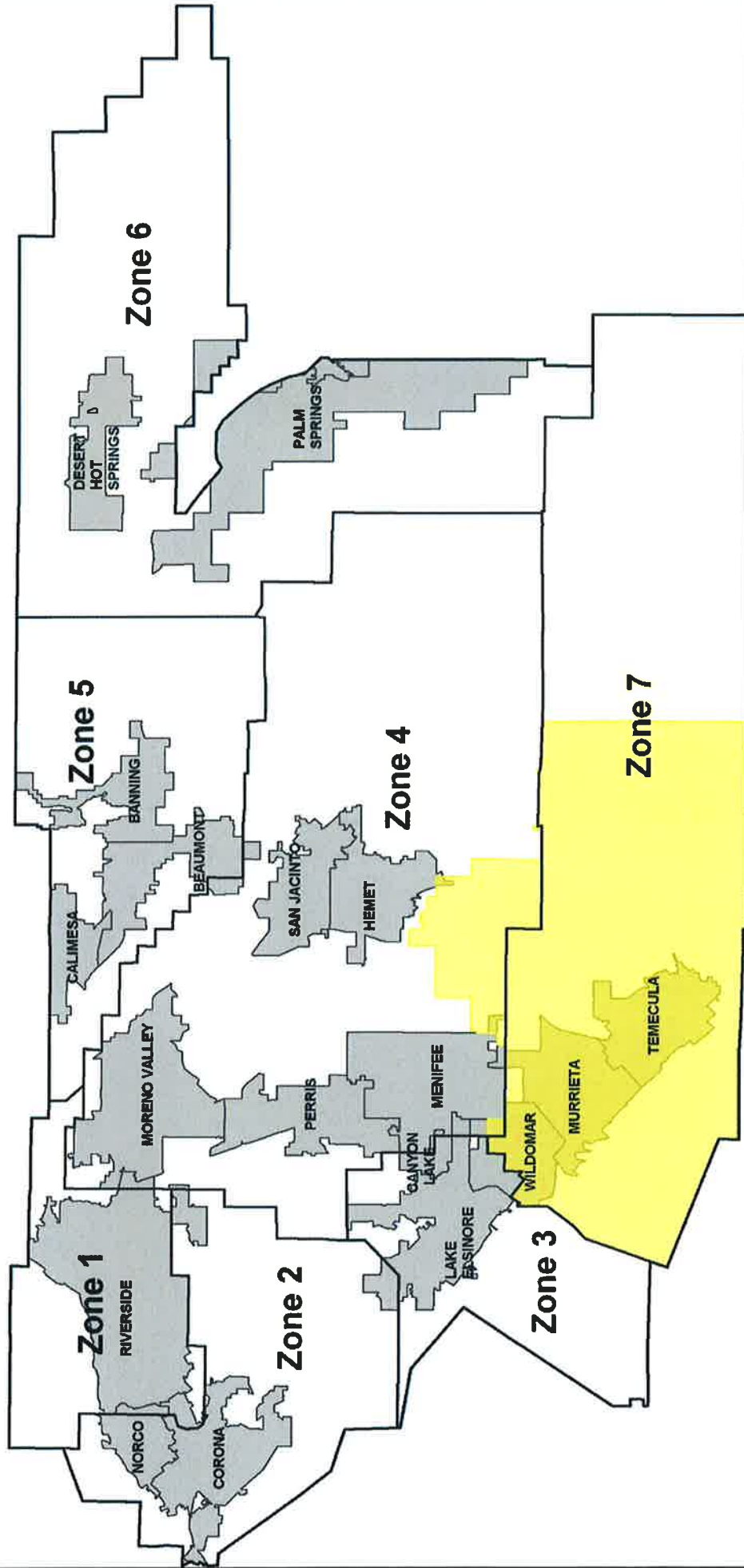
Attachments:

Vicinity Map
Resolution

SEB:cw
P8/169399

Riverside County Flood Control & Water Conservation District

Map of Santa Margarita Watershed Benefit Assessment Area



 - Santa Margarita Watershed Benefit Assessment Area (SMWBAA)

APPENDIX C

Engineer's Report
to the
Board of Supervisors of
Riverside County Flood Control
and Water Conservation District

1
2 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

3 RESOLUTION NO. F2015-24

4 ADOPTING AND CONFIRMING EACH AND ALL ASSESSMENTS ON PROPERTY IN THE
5 SANTA MARGARITA WATERSHED BENEFIT ASSESSMENT AREA PURSUANT TO
6 ORDINANCE NO. 14 PROVIDING FOR THE ESTABLISHMENT AND LEVY OF BENEFIT
7 ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
8 (NPDES) STORMWATER PROGRAM

9 WHEREAS, the California Regional Water Quality Control Board - San Diego Region, on behalf
10 of the Federal Environmental Protection Agency (the "EPA"), and consistent with Section 402 of the
11 Federal Clean Water Act, as amended, and the regulations promulgated by the EPA pursuant thereto, has
12 issued an area wide stormwater discharge permit under the National Pollutant Discharge Elimination
13 System (the "NPDES Permit") to the Riverside County Flood Control and Water Conservation District
14 (the "District"), the County of Riverside and certain cities within the Santa Margarita Watershed that are
15 within the District's jurisdiction, and has named the District as the "Principal Permittee"; and

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

19 WHEREAS, the NPDES Permit requires the District to develop, implement, and manage specific
20 compliance programs dealing with stormwater runoff that will benefit all property within the Santa
21 Margarita 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. F91-22 pursuant to the provisions of Section 14 of the Riverside County Flood Control
24 and Water Conservation District Act, which is Appendix 48 to the California Water Code (the "District
25 Act"), and pursuant to Ordinance No. 14, that formed a Benefit Assessment Area (the "Benefit
26 Assessment Area"), which encompasses all territory within the District's jurisdiction that is within the
27 Santa Margarita Watershed as described in Ordinance No. 14, and has levied annually thereon a Benefit
28 Assessment ("Benefit Assessment") to pay the District's annual costs associated with the NPDES Permit;
and

FORM APPROVED COUNTY COUNSEL
BY: Aaron C. Gettis 5/11/15
DATE

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

5 WHEREAS, the District initially levied the Benefit Assessment for 1991-92 Fiscal Year and has
6 levied the Benefit Assessment in each successive fiscal year; and

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

9 WHEREAS, Section 5(a) of Article XIID provides in pertinent part that "...any assessment
10 imposed exclusively to finance the capital costs or maintenance and operation expenses for...flood control
11 and drainage systems..." shall be exempt from the procedures and approval process set forth in Section 4
12 of Article XIID until the assessment is increased; and

13 WHEREAS, the Benefit Assessment proposed to be levied and enrolled for the 2015-16 Fiscal
14 Year is not greater than the Benefit Assessment that was levied for the 1996-97 Fiscal Year and all
15 subsequent years; and

16 WHEREAS, at a duly noticed hearing as required by Ordinance No. 14, the Board heard and
17 considered all protests with respect to the amount of the Benefit Assessment to be levied for the 2015-16
18 Fiscal Year.

19 NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of
20 Supervisors of the Riverside County Flood Control and Water Conservation District, County of Riverside,
21 State of California, in regular session assembled on July 7, 2015, as follows:

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

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

26 Section 3. That the Board does hereby make its determination upon each parcel in the Benefit
27 Assessment Area as described in the Engineer's Report entitled "Engineer's Report to the Board of
28 Supervisors of the Riverside County Flood Control and Water Conservation District on the NPDES
Program for the Santa Margarita Watershed Benefit Assessment Area" (the "Engineer's Report"), dated

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July 2015, filed with the Board and pursuant to Ordinance No. 14 and that the Board does hereby confirm each and all Benefit Assessments on such parcels and thereby levies a Benefit Assessment in the Benefit Assessment Area of the District for the Fiscal Year 2015-16 at a rate of \$4.00 per benefit assessment unit (BAU).

Section 4. Pursuant to Section 5(a) of Article XIID, compliance with the procedures set forth in Section (4) of Article XIID is not necessary and there will be no increase in the Benefit Assessment to be enrolled for the 2015-16 Fiscal Year over the Benefit Assessment enrolled for the 1996-97 Fiscal Year and all subsequent years.

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