

**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.

(Signature)
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

(Signature)
Alex Gann

MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT

On motion of Supervisor Stone, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione and Stone
Nays: None
Absent: Benoit and Ashley
Date: June 29, 2010
xc: Flood, COB

Kecia Harper-Ihem
Clerk of the Board
By: *(Signature)*
Deputy

Prev. Agn. Ref.:

District: 3,4,5

Agenda Number:

11.4

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

APPROVED COUNTY COUNSEL

Wesley A. Gardner 6/18/10 DATE

BY *(Signature)* 6/10/2010
IVAN M. CHAND

Departmental Concurrence

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

1 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

2 RESOLUTION NO. F2010-15

3 ACCEPTING THE ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR THE
4 WHITEWATER WATERSHED BENEFIT ASSESSMENT AREA PURSUANT TO
5 ORDINANCE NO. 14 PROVIDING FOR THE ESTABLISHMENT AND LEVY OF BENEFIT
6 ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION
7 SYSTEM (NPDES) STORMWATER PROGRAM

8 WHEREAS, the California Regional Water Quality Control Board - Colorado River
9 Basin Region, on behalf of the Federal Environmental Protection Agency (the "EPA"), and
10 consistent with Section 402 of the Federal Clean Water Act, as amended, and the regulations
11 promulgated by the EPA pursuant thereto, has issued an area-wide stormwater discharge permit
12 under the National Pollutant Discharge Elimination System (the "NPDES Permit") to the
13 Riverside County Flood Control and Water Conservation District (the "District"), the County of
14 Riverside and certain cities within the Whitewater Watershed that are within the District's
15 jurisdiction, and has named 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 compliance programs dealing with stormwater runoff that will benefit all property within
21 the Whitewater 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. F91-23 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 Whitewater 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

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. Gardner* 6/8/10 DATE
TALE 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
 Supervisors of the Riverside County Flood Control and Water Conservation District in regular
 5 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
 99 East Ramsey Street
 20 Banning, California

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

23 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
 24 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.

27 ROLL CALL:

28 Ayes: Buster, Tavaglione and Stone
 Nays: None
 Absent: Benoit and Ashley

The foregoing is certified to be a true copy of a
 resolution duly adopted by said Board of Super-
 visors on the date therein set forth.
 KECIA HARPER-IHEM Clerk of said Board
 By _____ Deputy