

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



641

FROM: Executive Office

SUBMITTAL DATE:
November 1, 2011

SUBJECT: Submittal of an Unfunded Mandates Claim for Portions of the Municipal Separate Storm Sewer System (MS4) Permit, Order #: R-9-2010-0016, Issued by the San Diego Regional Water Quality Control Board.

RECOMMENDED MOTION: That the Board of Supervisors:
Authorize the Executive Officer to file an unfunded mandate claim on behalf of the County of Riverside to the California Commission on State Mandates as it relates to the NPDES Municipal Separate Storm Sewer System (MS4) Permit, Order #:R9-2010-0016, issued by the San Diego Regional Water Quality Control Board.

BACKGROUND:
The NPDES Municipal Separate Storm Sewer System (MS4) Permit R8-2010-0016, for the Upper Santa Margarita River Watershed was adopted on November 10, 2010, by the San Diego Regional Water Quality Control Board, Region 9.

(Continued on Page 2)

Michael R. Shetler
Michael R. Shetler, Senior Management Analyst

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|-----------------------|-------------------------------|------|-------------------------|-----------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ 0 | In Current Year Budget: | Yes |
| | Current F.Y. Net County Cost: | \$ 0 | Budget Adjustment: | N/A |
| | Annual Net County Cost: | \$ 0 | For Fiscal Year: | 2011/2012 |

| | | |
|--------------------------------------|---|--------------------------|
| SOURCE OF FUNDS: NPDES Budget | 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: *Christopher M. Hans*
Christopher M. Hans

ep't Recomm.:
er Exec. Ofc.:
 Consent
 Policy
 Consent
 Policy

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: November 1, 2011
xc: EO

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

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Background Continued:

The Upper Santa Margarita Rivers Watershed MS4 Permit, Order #: R-9-2010-0016, requires the permittees (Riverside County Flood Control and Water Conservation District, the County of Riverside, and the cities of Murrieta, Temecula and Wildomar) to take actions to protect the waters of the State. It is the opinion of the Riverside County Flood Control and Water Conservation District (principal permittee), the County of Riverside, City of Murrieta, City of Temecula and City of Wildomar (co-permittees) that portions of the MS4 permit are unfunded mandates.

The Riverside County Flood Control and Water Conservation District has retained the services of Burhenn and Gest, LLC to submit an unfunded mandates claim on behalf of the permittees. Specific costs for those portions of the MS4 permit that are above and beyond the requirements of the federal NPDES program must be documented to determine the potential reimbursable amount for the unfunded state mandates. This action will allow the Executive Officer to submit the required documentation to the Riverside County Flood Control and Water Conservation District and legal counsel, those portions of the MS4 permit deemed by the County to be reimbursable unfunded mandates.

The Riverside County Flood Control and Water Conservation District and their legal counsel will compile all of the unfunded mandates claims from the permittees and submit a consolidated packet to the California Mandate Commission pursuant to Article XIII B, section 6 of the California Constitution and Government Code section 17514.