

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

804B



**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
May 15, 2012

**SUBJECT:** Adoption of a Design Handbook and Ordering the Establishment of a Water Quality Facilities Maintenance Community Facilities District Resolution No. F2012-08

**RECOMMENDED MOTION:**

The Board adopt Resolution F2012-08 which:

- 1) Adopts the "Design Handbook For Low Impact Development BMPs" as the District's official guide with regard to stormwater Best Management Practices design, construction, operation and maintenance; and
- 2) Directs the General Manager-Chief Engineer to establish a Water Quality Facilities Maintenance Community Facilities District in accordance with the applicable provisions of the Mello-Roos Community Facilities Act of 1982.

**BACKGROUND:** See Page 2

*Warren D. Williams*  
**WARREN D. WILLIAMS**  
General Manager-Chief Engineer

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b> N/A	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE  
BY: *Michael R. Shetler*  
Michael R. Shetler  
County Executive Office Signature

FORM APPROVED COUNTY COUNSEL  
BY: *Neal R. Kirnis*  
DATE: 5/15/12

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

**MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

On motion of Supervisor Tavaglione, seconded by Supervisor Benoit 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: May 15, 2012  
xc: Flood

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

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

**SUBJECT:** Adoption of a Design Handbook and Ordering the Establishment of Water Quality Facilities Maintenance Community Facilities District Resolution No. F2012-08

**SUBMITTAL DATE:** May 15, 2012  
**Page 2**

**BACKGROUND:**

Pursuant to Section 402(p) of the Federal Water Pollution Control Act (Clean Water Act), the California Regional Water Quality Control Boards (Regional Boards) have promulgated three separate NPDES Municipal Stormwater Permits (Permits) regulating stormwater runoff within the urbanized areas of the County of Riverside.

Each Permit prescribes certain measures, often referred to as "Best Management Practices" (BMPs) that must be implemented in order that the stormwater runoff associated with new development and significant redevelopment projects complies with the provisions of the Permits and the Clean Water Act. The County of Riverside now requires nearly all new development and significant redevelopment projects to prepare a project-specific Water Quality Management Plan (WQMP) in accordance with the stipulations set forth in the applicable Permit.

In most cases, the project-specific WQMP will require construction of BMPs that capture, infiltrate or otherwise treat stormwater runoff originating from the project site. Responsibility for inspection, operation and maintenance of these structural BMPs is currently delegated, in the case of residential developments, to an individual homeowner or a home owners association (HOA), or, as in the case of commercial developments, an individual property owner or property owners association (POA). HOAs, POAs and individuals typically lack the expertise and wherewithal to effectively inspect, operate and maintain the BMPs. The failure of an individual property owner, HOA or POA to adequately inspect, operate and maintain the BMPs, as prescribed by the Permits, exposes the County to potential enforcement actions including penalties and fines imposed by the Regional Boards. The District has prepared a BMP Handbook, entitled "Design Handbook For Low Impact Development BMPs", that stipulates acceptable BMPs and BMP design criteria. The District has determined that it can provide, or cause to be provided, the necessary BMP maintenance effort and maintenance program oversight at a reasonable cost. A funding mechanism is necessary to offset the increased cost to the District for the BMP maintenance services that are to be provided under the proposed BMP maintenance program.

**FINANCIAL:** No financial impact at this time.

1 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

2 RESOLUTION NO. F2012-08

3 ESTABLISHMENT OF A WATER QUALITY FACILITIES MAINTENANCE  
4 COMMUNITY FACILITIES DISTRICT (WQFMCFD) IN ACCORDANCE  
5 WITH THE APPLICABLE PROVISIONS OF THE MELLO-ROOS  
6 COMMUNITY FACILITIES ACT OF 1982

7 WHEREAS, pursuant to Section 402(p) of the Federal Water Pollution Control  
8 Act (Clean Water Act), the California Regional Water Quality Control Boards (Regional  
9 Boards) have promulgated three separate NPDES Municipal Stormwater Permits (Permits)  
10 regulating stormwater runoff within the urbanized areas of the County of Riverside; and

11 WHEREAS, each Permit prescribes certain measures, often referred to as "Best  
12 Management Practices" (BMPs), that must be implemented in order that the stormwater runoff  
13 associated with new development and significant redevelopment projects complies with the  
14 provisions of the Permits and the Clean Water Act; and

15 WHEREAS, the County of Riverside now requires nearly all new development  
16 and significant redevelopment projects to prepare a project-specific Water Quality Management  
17 Plan (WQMP) in accordance with the stipulations set forth in the applicable Permit; and

18 WHEREAS, in most cases, the project-specific WQMP will require construction  
19 of small to medium-sized structures (BMPs) that capture, infiltrate or otherwise treat stormwater  
20 runoff originating from the project site; and

21 WHEREAS, responsibility for inspection, operation and maintenance of these  
22 structural BMPs is currently delegated, in the case of residential developments, to an individual  
23 homeowner or a home owners association (HOA), or, as in the case of commercial  
24 developments, an individual property owner or property owners association (POA); and

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27  
28

FORM APPROVED COUNTY COUNSEL  
BY:  DATE

1           WHEREAS, HOAs, POAs and individuals typically lack the expertise and  
2 wherewithal to effectively inspect, operate and maintain the BMPs; and

3           WHEREAS, the failure of an individual property owner, HOA or POA to  
4 adequately inspect, operate and maintain the BMPs, as prescribed by the Permits, exposes the  
5 County to potential enforcement actions including penalties and fines imposed by the Regional  
6 Boards; and

7           WHEREAS, the Riverside County Flood Control and Water Conservation  
8 District (District) has prepared a BMP Handbook, entitled "Design Handbook For Low Impact  
9 Development BMPs", that stipulates acceptable BMPs and BMP design criteria for new  
10 development and significant redevelopment projects; and

11           WHEREAS, the District has determined that it can provide, or cause to be  
12 provided, the necessary BMP maintenance effort and maintenance program oversight at a  
13 reasonable cost; and

14           WHEREAS, a funding mechanism is necessary to offset the increased cost to the  
15 District for the BMP maintenance services that are to be provided under the proposed BMP  
16 maintenance program; and

17           WHEREAS, pursuant to a study prepared by David Taussig & Associates  
18 entitled "Public Maintenance Alternatives Study For the Riverside County Flood Control and  
19 Water Conservation District" (November 2007), the District has determined that a Mello-Roos  
20 Community Facilities District (CFD) is the most appropriate and flexible means of funding the  
21 proposed BMP maintenance program; and

22           WHEREAS, existing HOAs, POAs or individuals that are currently burdened  
23 with maintaining structural water quality BMPs will be afforded an opportunity to annex into  
24

1 the proposed CFD provided that the existing BMPs are reasonably accessible and meet the  
2 criteria stipulated in the District's BMP Handbook.

3 NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of  
4 Supervisors of the Riverside County Flood Control and Water Conservation District in regular  
5 session assembled on May 15, 2012 that:

6 1. The District's publication entitled "Design Handbook For Low Impact  
7 Development BMPs" (September 2011), including any subsequent amendments thereto, is  
8 hereby adopted as the District's official guidance with regard to BMP design, construction,  
9 operation and maintenance. All new development and significant redevelopment projects shall  
10 follow and incorporate the criteria stipulated therein to the maximum extent practicable.

11 2. The District's General Manager-Chief Engineer is hereby directed to  
12 proceed with the establishment of the WQFMCFD in accordance with the applicable provisions  
13 of the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section  
14 53311) of Part 1 of Division 2 of Title 5 of the California Government Code).

15 ROLL CALL:

16 Ayes: Buster, Tavaglione, Stone, Benoit, and Ashley  
17 Nays: None  
18 Absent: None

19 The foregoing is certified to be a true copy of a resolution duly  
20 adopted by said Board of Supervisors on the date therein set forth.

21 KECIA HARPER-IHEM, Clerk of said Board

22 By: \_\_\_\_\_  
23 Deputy