

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



ITEM: 11.3  
(ID # 18799)

**MEETING DATE:**  
Tuesday, July 12, 2022

**FROM :** FLOOD CONTROL DISTRICT AND General Manager-Chief Engineer :

**SUBJECT:** FLOOD CONTROL DISTRICT: PUBLIC HEARING - Adopt Resolution F2022-15 Confirmation of the FY 2022-23 Benefit Assessments for the Whitewater Watershed, Districts 3, 4 and 5. [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Conduct the public hearing concerning the Engineer's Report on the National Pollutant Discharge Elimination System Program for the Whitewater Watershed Benefit Assessment Area, dated June 2022; and
2. If at the conclusion of the hearing a majority protest has not been received, adopt the following Resolution: Resolution No. F2022-15 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.

**ACTION:Policy**

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG

6/30/2022

Aaron Gettis, Deputy County Counsel

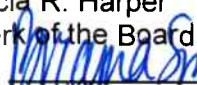
6/30/2022

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**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Jeffries, Spiegel, Washington and Hewitt  
Nays: None  
Absent: Perez  
Date: July 12, 2022  
xc: Flood, Recorder

Kecia R. Harper  
Clerk of the Board  
By:   
Deputy

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS: N/A</b>			<b>Budget Adjustment:</b>	N/A
			<b>For Fiscal Year: 22/23</b>	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

All of the requirements of District Ordinance No. 14 providing for the establishment and levy of the Fiscal Year 2022-23 Benefit Assessments have been satisfied; therefore, the public hearing may be closed and the assessments levied.

**Prev. Agn. Ref.:** MT 18795, 11.3 of 06/14/22

**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 2022-23 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.

**ATTACHMENTS:**

1. WWR BA Engineer's Report FY 2022-23
2. WWR BA Resolution No. F2022-15
3. Notice of Public Hearing for the Whitewater Watershed BA

CW:mc  
MT #18799  
P8/243138

  
\_\_\_\_\_  
Jason Farin, Principal Management Analyst      7/5/2022

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

KECIA R. HARPER, CLERK OF THE BOARD  
RIVERSIDE CO. CLERK OF THE BOARD  
4080 LEMON STREET, 1<sup>ST</sup> FLOOR CAC  
P O BOX 1147 – RIVERSIDE, CA 92502

**MAIL STOP # 1010**

AND WHEN RECORDED MAIL TO:

**RETURN TO: STOP #1010**  
RIVERSIDE COUNTY CLERK OF THE BOARD  
P. O. BOX 1147 – RIVERSIDE, CA 92502

**2022-0322301**

07/20/2022 09:30 AM Fee: \$ 0.00

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Recorded in Official Records  
County of Riverside  
Peter Aldana  
Assessor-County Clerk-Recorder



THIS SPACE FOR RECORDERS USE ONLY **3036**

**RESOLUTION NO. F2022-15**

Title of Document

**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**

(THIRD, FOURTH AND FIFTH SUPERVISORIAL DISTRICTS)

(Flood Control and Water Conservation District ~ Item 11.3 of 07/12/2022)

**BOARD OF SUPERVISORS**

**RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT**

RESOLUTION NO. F2022-15

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 ("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 ("NPDES Permit") to the Riverside County Flood Control and Water Conservation District ("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 ("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 ("District Act"), and pursuant to Ordinance No. 14 that formed a Benefit Assessment Area ("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: AR AARON C. GETTIS  
DATE: 6-30-22

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

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

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

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

13           **WHEREAS**, the Benefit Assessment proposed to be levied and enrolled for the 2022-23  
14 Fiscal Year is not greater than the Benefit Assessment that was levied for the 1996-97 Fiscal Year  
15 and all subsequent years;

16           **WHEREAS**, at a duly noticed hearing as required by Ordinance No. 14, the Board heard  
17 and considered all protests with respect to the amount of the Benefit Assessment to be levied for  
18 the 2022-23 Fiscal Year.

19           **NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the  
20 Board of Supervisors of the Riverside County Flood Control and Water Conservation District,  
21 County of Riverside, State of California, in regular session assembled on July 12, 2022 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  
24 step in the proceedings as required by the District Act and Ordinance No. 14 has been duly taken  
25 and all protests 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  
27 Benefit Assessment Area as described in the Engineer's Report entitled "Engineer's Report to the  
28 Board of Supervisors of the Riverside County Flood Control and Water Conservation District on

1 the NPDES Program for the Whitewater Watershed Benefit Assessment Area" ("Engineer's  
2 Report"), dated July 2022, filed with the Board pursuant to Ordinance No. 14, and that the Board  
3 does hereby confirm each and all Benefit Assessments on such parcels and thereby levies a Benefit  
4 Assessment in the Benefit Assessment Area of the District for the Fiscal Year 2022-23 at a rate of  
5 \$3.63 per benefit assessment unit.

6 Section 4. Pursuant to Section 5(a) of Article XIID, compliance with the procedures set  
7 forth in Section (4) of Article XIID is not necessary and there will be no increase in the Benefit  
8 Assessment to be enrolled for the 2022-23 Fiscal Year over the Benefit Assessment enrolled for  
9 the 1996-97 Fiscal Year 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  
12 certified by the Clerk of this Board and the Engineer's Report be filed with the  
13 Auditor/Controller of the County of Riverside.

14  
15 ROLL CALL:

16 Ayes: Jeffries, Spiegel, Washington and Hewitt  
17 Nays: None  
18 Absent: Perez

19  
20  
21  
22 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of  
23 Supervisors on the date therein set forth.



24 KECIA R. HARPER, Clerk of said Board

25  
26 By: Breanna Smith  
27 Deputy  
28

**PETER ALDANA  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER**

**Recorder**  
P.O. Box 751  
(951) 486-7000  
www.riversideacr.com

**CERTIFICATION**

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION FOR SEAL for the Riverside County Flood Control and Water Conservation District (EMBOSSSED ON DOCUMENT)

RIVERSIDE COUNTY FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT

1945

CALIFORNIA

Date:

7/14/2022

Signature:

Breanna Smith

Print Name: Breanna Smith, Board Assistant

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS  
OF RIVERSIDE COUNTY FLOOD CONTROL AND WATER  
CONSERVATION DISTRICT ON THE NPDES BENEFIT ASSESSMENT PROGRAM FOR  
THE WHITEWATER WATERSHED BENEFIT ASSESSMENT AREA

NOTICE IS HEREBY GIVEN that a public hearing, at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, acting as the governing board of the Riverside County Flood Control and Water Conservation District (District), County Administrative Center, 4080 Lemon Street, Riverside, California, on July 12, 2022 at 9:30 a.m. or soon thereafter, relative to the District's Engineer's Report on the NPDES Program for the Whitewater Watershed Benefit Assessment Area. The Board will hear and consider all protests with regard to the program, if any, including protests with regard to the amount of the proposed assessment to be levied. At the conclusion of the hearing, the Board may adopt, revise, change, reduce, or modify any assessment and shall make its determination upon each assessment described in the report for Fiscal Year 2022-23.

NOTICE IS FURTHER GIVEN that, pursuant to statutory authorization, a written report by the Chief Engineer of the District describing the Benefit Assessment Program has been filed with the Clerk of the District's Board. The report contains a description of each parcel of property within the boundaries of the Whitewater Watershed Benefit Assessment Area of the District on which a benefit assessment is proposed to be levied and sets forth the amount of the proposed benefit assessment for each such parcel. The report contains a schedule of the benefit assessment rates for the 2022-23 Fiscal Year. Copies of the report, together with copies of the assessment rolls for the Whitewater Watershed Benefit Assessment Area and the official Riverside County Assessor's Map Books, are on file and available for review by the public at the office of the Clerk of the District's Board at the County Administrative Center, 4080 Lemon Street, Riverside, California; the District's office at 1995 Market Street, Riverside, California; the City of Banning, 99 E. Ramsey Street, Banning, California; and the City of Palm Springs, 3200 E. Tahquitz Canyon Way, Palm Springs, California. By reference to the Chief Engineer's report, the assessment rolls, and the map books, each property owner may verify the area of his or her parcel, its land use, and the amount of the 2022-23 Benefit Assessment.

NOTICE IS FURTHER GIVEN THAT the proposed benefit assessment rate for Fiscal Year 2022-23 is the same benefit assessment rate as Fiscal Year 1996-97 and all subsequent years.

BY ORDER OF THE BOARD OF SUPERVISORS:

Dated: 5/16/22

KECIA R. HARPER  
Clerk of the District's Board

By: Zuby Martinez  
Deputy