

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



ITEM: 14.6
(ID # 30631)

MEETING DATE:
Tuesday, June 23, 2026

FROM : FLOOD CONTROL DISTRICT

SUBJECT: FLOOD CONTROL DISTRICT: Introduction of Ordinance No. 19.1, an Ordinance of the Riverside County Flood Control and Water Conservation District Amending Ordinance No. 19 Relating to Encroachment Permits; Set Public Hearing Date Concerning Fund 40670 – Encroachment Permits Administrative Overhead Rates, All Districts. [\$0] [Schedule Public Hearing July 28, 2026] (Clerk to Advertise)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce and waive further reading of Ordinance No. 19.1, an Ordinance of the Riverside County Flood Control and Water Conservation District ("District") Amending Ordinance No. 19 Relating to Encroachment Permits;
2. Accept the Fund 40670 – Encroachment Permits Administrative Overhead Rates contained in Attachment A;
3. Direct the Clerk of the Board to set a public hearing for the proposed ordinance and adoption of said rates to be heard on July 28, 2026; and
4. Direct the Clerk of the Board to provide notice of the public hearing in accordance with Section 54986 of the Government Code.

ACTION:Policy

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG

6/4/2026

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Gutierrez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended; the above Ordinance is approved as introduced with a waiver of reading, and is set for public hearing on Tuesday, July 28, 2026, at 9:30 a.m. or as soon as possible thereafter.

Ayes: Medina, Spiegel, Washington, Perez, and Gutierrez
Nays: None
Absent: None
Date: June 23, 2026
xc: Flood, COB/AG

Kimberly A. Rector
Clerk of the Board
By:
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment: No	
			For Fiscal Year:	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The District's Encroachment Permit fund ("Fund 40670") accounts for all revenue and expenses related to encroachment permit services performed by the District. An encroachment permit is a signed authorization from the District granting the permittee the right to enter District owned property for the installation, modification, alteration or construction of improvements. The source of revenue for this fund is based upon actual direct charges against projects within Fund 40670 in addition to an administrative overhead charge that is intended to fully recover the administration costs for the operation of this fund. The District has evaluated its administrative overhead rate and determined that the current rate requires an adjustment to recover the cost of the services provided to the public.

The District's administrative overhead rate for Fund 40670 was developed in conformance with standard cost accounting guidelines and is based upon a three-year average of actual charges to provide encroachment permit related services to the public. The District has not increased the administrative overhead rate in this fund since November 2013 (FY13/14). Over the last several years, the District has worked diligently to absorb cost increases through operational efficiencies, staffing reductions in certain areas and the use of reserves; however, Fund 40670 has nearly depleted its reserves and can no longer continue to absorb these cost increases. As a result, the District is proposing a rate increase of 6.82%, from 9.44% to 16.26%, as shown in Attachment A. As part of an effort to stabilize rates from dramatic swings, the District will annually evaluate and monitor the balance between unrestricted net position and unrestricted cash while making provisions for working capital reserves in Fund 40670. Riverside County Ordinance No. 671 requires fully burdened rates charged to the public and District Divisions be approved and adopted by the Board of Supervisors.

The District will also be updating Ordinance No.19 to increase the initial deposit required for encroachment permits so that it more accurately reflects the proposed rates and the staff time needed for permit review as shown in Attachment B. The existing deposit structure has not been updated since 2004 and does not account for the proposed rates, the time required or the growing complexity associated with current encroachment permit reviews. As a result, the low initial deposit currently in place frequently requires multiple

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

supplemental deposits to cover review costs, thereby introducing avoidable administrative project delays. To support a more business-friendly process, the proposed update establishes a higher initial deposit, which is expected to cover the majority of review and construction-related charges. Additionally, increasing the allowable supplemental deposit amounts will provide the flexibility needed for projects requiring additional review time, while minimizing delays and promoting more efficient project delivery.

The proposed fee changes will enable the District to recover costs to the extent allowed by pertinent statutes and Board policies. District Ordinance No. 19 establishes these fees for the District and must be amended accordingly. County Counsel has approved Ordinance No. 19.1 as to form.

Impact on Residents and Businesses

The proposed 6.82% rate increase will increase District revenues by approximately \$34,000 over the next fiscal year, thereby better aligning revenue with continued increases in District operating expenses.

Encroachment permit applicants will see a slight increase in fees and higher initial deposits as a result of the proposed rate increases but will see a reduction in administrative project delays due to fewer deposits being processed.

Additional Fiscal Information

There is no additional cost to the District.

Attachments:

1. Attachment A – Fund 40670 Encroachment Permit Fund Administrative Overhead Rate
2. Attachment B – Ordinance No. 19.1

AVA:blj
P8/269242


Douglas Cordonez Jr.  6/15/2026


Aaron Gettis, Chief Deputy County Counsel 6/10/2026

ORDINANCE NO. 19.1
AN ORDINANCE OF THE RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
AMENDING ORDINANCE 19
RELATING TO ENCROACHMENT PERMITS

The Board of Supervisors of the Riverside County Flood Control and Water Conservation District (District) ordains as follows:

Ordinance No. 19 is amended in its entirety to read as follows:

Section 1. GENERAL. Subject to the control of the Board of Supervisors, there is hereby delegated to the General Manager-Chief Engineer the administration of the use of District facilities, right of way and/or easements for excavation, connections and other types of encroachments and the issuance, modification and revocation of permits for such uses, along with the establishment of a Deposit Based Fee (DBF) schedule for District services.

Section 2. ENCROACHMENTS AND EXCAVATIONS. No person, including firms, corporations, public districts, public agencies or political subdivisions, shall make any excavation in, or construct, install or maintain any improvement, structure, utility or encroachment in, on, over, under or within trenching limits of any District facility, right of way or easement thereof, without first obtaining from the District's General Manager-Chief Engineer, or their designee, an encroachment permit therefor, or maintain the same without such permit or in violation of the terms or conditions thereof. Such a permit shall be issued by the District only upon written application thereof and payment of the required fee or fees. Such permit shall be issued only if the applicant is a public utility holding a current franchise from the County of Riverside, or a public district, public utility or public service agency having lawful authority for the purpose specified, or a developer whose development has been approved by the District, County of Riverside or City with jurisdiction, or the owner of an easement for such purpose within the District's right of way and/or easement, or if the District is satisfied that the use proposed is in the public interest and that there will be no substantial injury to District facilities or impairment of its use as the result thereof and that the use is reasonably necessary for the performance of the functions of the applicant. Every such permit shall be revocable and the uses and installations thereunder shall be subordinate to any prior right of the District to use the right of way and/or easement for public drainage purposes. Every such permit shall be subject to such conditions as the District determines are necessary to assure the safety of the public and the restoration of the right of way and/or easement. If any permittee shall fail to refill any excavation or to restore the District's right of way or easement to its same condition as prior to the permitted work, the District's General Manager-Chief Engineer shall have the right to perform said work and collect the cost thereof in the name of the District.

Section 3. FEES. The filing fee portion of the Initial Deposit for each of the permits subject to this Ordinance shall be \$1,000, with the exception of a permit for access to adjacent properties (Permit Type 802) which shall be \$500. This fee, which is for the preparation of the permit and includes research and plan check, is nonrefundable and will be deducted from the Initial Deposit. The District shall draw against the remaining deposited funds for inspection and related services (including plan check) performed. If the Initial Deposit should be depleted, the second deposit shall be made prior to continuing work under the subject permit.

Section 4. DEPOSITS. The Initial Deposit for Filing required by this Ordinance shall be paid after the application is processed. Additional Deposits (if required) shall be paid prior to continuing to work under the subject permit. If the balance in the account drops under 25% of the original deposit and the District determines that the remaining amount is insufficient to complete the review or conduct inspections, the applicant shall be required to submit an Additional Deposit prior to the District continuing work on the project. All applicants, including public entities, shall submit the required fee. Said deposits for permits shall be as follows:

Table 1: Deposits for Encroachment Permits

<u>Type of Permit</u>	<u>Initial Deposit for Filing</u>	<u>Additional Deposit</u>
801 – Storm Drain Connections	\$6,000	\$6,000
802 – Access to Adjacent Properties*	\$2,000	\$2,000
803 – Utility Crossing – Underground	\$3,000	\$3,000
804 – Utility Crossing – Aerial	\$3,000	\$3,000
805 – Parallel Utility – Underground	\$3,000	\$3,000
806 – Parallel Utility – Aerial	\$3,000	\$3,000
807 – Major Construction**	\$15,000	\$15,000
808 – Surplus Material Removal	\$3,000	\$3,000
809 – Miscellaneous Encroachment	\$3,000	\$3,000
813 – Utility Crossing – Bridge Attachment (Public or District Right of Way)	\$3,000	\$3,000

* Access to Adjacent Properties Permits may apply to projects that will not be performing any soil disturbance activities within District right of way or easement thereof. The permittee may request to use District access road(s) to reach adjacent properties.

** Major Construction Encroachment Permits may apply to storm drain connections larger than 36 inches, bridge improvements, realignment of existing flood storm drain facilities and other improvements that will require extensive review by the District. If the District determines that the standard \$15,000 deposit will not be sufficient to complete the review/inspection of the project, then a greater Initial Deposit may be required as determined by the District.

1 Additional fees associated with the review of encroachment permits may be required under certain
 2 circumstances. Said fees shall be as follows:
 3

4 *Table 2: Additional Fees*

Requires review by the District's Regional Drainage and Floodplain Management Section (per Ordinance 671, Section (5)(D).(9).(a).(4))	\$5,000
Requires a qualified technical expert	A written estimate for the review will be provided. The applicant shall remit payment for the estimated cost in full before the review process begins.
Requires a Property Use Agreement, License Agreement, Lease Agreement or Easement dedication	\$10,000
Requires an Amendment to a Master License Agreement via a Specific Facilities License Exhibit (SFLE)	\$6,000

17
 18 **Section 5. PENALTIES.** Work that falls under any of the following conditions shall be
 19 subject to a separate, non-refundable fee for each individual occurrence:

- 20 i. Initiated or performed prior to obtaining permit authorization;
- 21 ii. Conducted under an expired permit;
- 22 iii. Initiated prior to acceptance of all required pre-construction deliverables;
- 23 iv. Performed in violation of the conditions of an issued permit;
- 24 v. Associated with an expired Certificate of Insurance (COI); or
- 25 vi. Performed without an inspection or clearance from an inspector

26
 27 Each violation will be assessed as a fee equal to the initial deposit required for the applicable
 28 permit type, as specified in Table 1.
 29

30 **Section 6. UNUSED FUNDS.** Once a project is finished and the final inspection is
 31 completed, a Notice of Completion will be prepared and all unused funds of \$100.00 or more in
 32 the applicant's account will be refunded within sixty days.
 33

34 **Section 7. INACTIVE PROJECTS.** If no communication is made by the applicant of
 35 an issued permit or a permit under review for a period of eighteen consecutive months from the
 36 date of the last documented correspondence, the District shall issue a written and electronic notice
 37 requesting an update on the status of the project. The applicant shall have sixty calendar days from
 38 the date of the notice to respond and provide an update. Failure to respond within the specified
 39 sixty day period shall be deemed as abandonment of the project and the permit shall be closed.
 40 Any remaining balance in the account shall be returned to the payee, and no further action shall be
 41 taken on the project. Continued work on the project shall only be done with a new application.
 42

43 **Section 8. SEVERABILITY.** Should any fee herein established be held to be invalid or
 44 otherwise unenforceable, such determination shall not affect the validity of all remaining fee
 45 provisions.
 46

47 **Section 9. EFFECTIVE DATE.** This Ordinance shall take effect sixty days after the date
 48 of its adoption.
 49

//

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT,
a body corporate and politic**


By: _____
KAREN SPIEGEL, Chair
Riverside County Flood Control and Water
Conservation District Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

MINH C. TRAN
County Counsel

KIMBERLY RECTOR
Clerk of the Board

By:  _____
RYAN YABKO
Deputy County Counsel

By: _____
Deputy

(SEAL)

Ordinance No. 19.1
An Ordinance of the Riverside County Flood Control
and Water Conservation District
Amending Ordinance 19 Relating to Encroachment Permits

05/20/26
AVA:blj

ATTACHMENT - A
FUND 40670 - ENCROACHMENT PERMITS
ADMINISTRATIVE OVERHEAD RATES

ADMINISTRATIVE OVERHEAD	CURRENT RATE	PROPOSED RATE
<hr/>		
A charge to recover the administrative costs for the operation of this fund.		
Administrative overhead charges are to be applied to the actual direct charges against all projects within Fund 40670 including external professional, legal, and engineering services.	9.44%	16.26%

NOTES:

Rates effective upon approval by the Board of Supervisors.