



City of Banning

Office of the City Manager

June 9, 2009

Warren D. Williams
General Manager-Chief Engineer
Riverside County Flood Control and Water Conservation District
1995 Market Street
Riverside, CA 92501

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RIVERSIDE COUNTY FLOOD CONTROL
WATER CONSERVATION DISTRICT

**Re: Whitewater Region MS4 Permit
Determination of Legal Authority**

Dear Mr. Williams:

The City Attorney is presently reviewing the legal authority as required by the referenced permit under California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2008-0001 (the "Permit"). It appears that adequate legal authority does not exist at this time for all requirements pursuant to the Permit. A proposed ordinance addressing Grading, Erosion, and Sediment Control (Ordinance No. 1388) is scheduled to be presented to City Council on June 23, 2009 in order to ensure sufficient legal authority exists to comply with various requirements of the Permit. Additionally, a review of existing ordinances and other City provisions will be completed by June 15, 2009.

Required additions or changes, if any, to the City's existing authority will be discussed under separate cover from the City Attorney in order to provide required legal authority certification in conformance with the Permit. My understanding is that the City Attorney intends to respond to you regarding the same by June 29, 2009, if not sooner, as you requested in your correspondence dated February 18, 2009.

If you have questions regarding this subject, please contact Duane Burk, Director of Public Works, at (951) 922-3140.

Sincerely,

Brian Nakamura
City Manager

cc: Duane Burk, Director of Public Works
cc: David J. Aleshire, City Attorney