

BACKGROUND

In 1987 the Clean Water Act was enacted by the U.S. Congress, which created a national program to control pollution carried in storm water runoff. This Federal mandate and the 1969 State of California Porter-Cologne Water Quality Control Act established the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit process. The NPDES MS4 Permit process requires municipalities to control pollutants dispersed through storm water runoff, but at its creation did not provide a funding source for municipalities to meet the requirements. As a result, County Service Area 152 (CSA 152) was formed and established pursuant to Riverside County Ordinance number 573 in November 1991 to establish a funding mechanism to meet the permit requirements for the unincorporated portions of the County. Municipalities were also permitted to annex into CSA 152, as did the City of Riverside along with the cities of Corona, Desert Hot Springs, Lake Elsinore, La Quinta, Moreno Valley, Murrieta, Norco, Palm Springs, Rancho Mirage, and San Jacinto.

Funds collected under the NPDES MS4 program pay for development of a plan to reduce pollutants in storm water runoff, identification of the types of pollutants being carried in storm water runoff locations, review of existing programs to protect against water pollution, development of new programs needed to meet federal standards, and educating the public about the problems associated with storm water runoff pollutants. The City operates these programs within the Public Works Department through staff in the Sewer Services Division.

When the County established CSA 152, the maximum annual assessment per benefit assessment unit (BAU) was set at \$10.00. Within the City of Riverside an annual charge of only \$2.83 per BAU was needed to support the NPDES MS4 program activities as they existed at that time. This amount proved sufficient for many years, but costs have increased due to recent increases in regulatory requirements.

The current NPDES permit was adopted on January 29, 2010. The permit's most cost intensive requirements are to inspect, clean, and maintain all of the City's 264,530 linear feet of storm channels every two years, increased inspection frequencies of construction sites and industrial and commercial businesses, and the development and implementation of programs to reduce bacteria pollution to the Santa Ana River (River).

In 2002, Reach 3 of the River, which extends from Prado Dam to Mission Boulevard, was added to the State's list of impaired water bodies for bacteria pollution. The listing resulted in additional NPDES permit requirements, which mandated that the Cities of Corona, Eastvale, Norco, Riverside, and the County of Riverside develop and commit to a long-term implementation plan to reduce sources of bacteria pollution to the River. This Comprehensive Bacteria Reduction Plan describes, in detail, specific actions to reduce the concentration of bacteria pollution discharged. Improper pet waste disposal, poor septic system maintenance and repair, and transient camps are identified as likely contributors of bacteria pollution to curbs and gutters. The City's street sweeping program is the cornerstone of its current bacteria reduction strategy, which aims to capture pollutants before they are carried to the River.

In addition to Riverside, many of the cities which are co-permittees on the City's NPDES permit have implemented bi-monthly street sweeping to address storm water pollution. These include Corona, Lake Elsinore, Menifee, Moreno Valley, Norco, and Hemet and San Jacinto which sweep selected areas in their cities twice per month. Similar to Riverside, Moreno Valley

couples its street sweeping program with active parking enforcement to ensure maximum effectiveness.

The overall stormwater compliance program encompasses other activities beyond street sweeping. Those activities include:

- Storm drain construction, maintenance, and inspection;
- Public Works and Planning staff time implementing new requirements for development projects;
- Construction and business inspections;
- Ordinance development and enforcement;
- Water quality sampling and monitoring programs; and
- Compliance plan development and implementation.

The NPDES permit's requirements are phased in over the 5-year term of the permit. Each year additional obligations must be met, which result in increased compliance costs. By 2015, and to remain in compliance with the full scope of the Permit and the Comprehensive Bacteria Reduction Plan, the City will likely need to consider enhancing programs and infrastructure including:

- Increased street sweeping effectiveness through the purchase of high-efficiency vacuum sweepers, scheduling changes (odd/even sweeping), and large debris management;
- Programs, infrastructure, and ordinances focused on proper pet waste disposal; and
- Capital projects to treat storm water should existing programs and efforts prove insufficient.

Presently, CSA 152 assessments generate \$409,000 of revenue; program costs are approximately \$4,807,000. The unfunded portion of \$4,398,000 is being subsidized by other City funding sources, drawing resources away from other General Fund priorities. In recent years, other cities participating in CSA 152 have increased the level of assessment commensurate with program operating costs up to the County-imposed maximum assessment of \$10.00 per BAU. These increases have been in response to significantly increased compliance costs, like those being experienced by the City of Riverside. The various City Funds providing funding for this program can no longer afford to subsidize these costs given the revenue decline experienced in recent years and other pressures on expenditures. With the ability to more fully recover program costs through the increased assessments under the authority granted by the County Ordinance approved by the Board of Supervisors in 1991, additional resources can be directed to other programs for which alternative funding is not available. A gradual increase to the maximum of \$10.00 per BAU is proposed, with an increase for FY 11/12 from \$2.83 per BAU to \$5.22 per BAU. This would result in an increase in program revenue from \$409,000 to an estimated amount of \$754,410. Staff will return to the Finance Committee and City Council for consideration of future increases.

The standard BAU is based on a single-family residential parcel of 7,200 square feet with "typical" impervious surfaces consistent with a single family residence, i.e. rooftop, driveway, walkways, etc. The number of BAUs for any other parcel is calculated by relating its size and land use to the standard BAU. The City's Assessment Engineer, Webb Engineering, prepared an analysis of the proposed increase. There are essentially four categories of assessments, as follows:

- Group 1 includes those properties with ten or more BAUs per parcel, 135 properties fall into this category. Within this group, the change in levy ranges from a low of \$238.32 to a high of \$2,743.25 with an average increase of \$518.28.
- Group 2 includes those properties with 5-10 BAUs per parcel, 207 properties fall within this category. Within this group, the change in levy ranges from a low of \$119.61 to a high of \$237.92 with an average increase of \$161.73.
- Group 3 includes those properties with 1-5 BAUs per parcel, 3,205 properties fall within this category. Within this group, the change in levy ranges from a low of \$2.43 to a high of \$118.88 with an average increase of \$22.73.
- Group 4 are the remaining single family properties who are assigned 1.0 BAU per parcel, 65,471 properties fall within this category. Within this group, the levy will change from \$2.83 to \$5.22, an increase of \$2.39.

With the costs associated with storm water programs increasing, many cities have implemented funding mechanisms to supplement their CSA 152 assessments or because their county never established an associated service area whereby storm water program costs could be recovered. In some cases businesses are charged an inspection fee for unannounced inspections carried out at the discretion of the municipality. Ontario's inspection fees range from \$142 for medium and low priority commercial facilities up to \$1,515 for high priority construction sites per inspection. Moreno Valley's fees range from \$271 for restaurants to \$451 for industrial facilities with facilities being charged for the initial inspection and any resulting follow-up inspections. This compares to the City's proposed annual assessment of \$62.64 for a restaurant on one acre. The County of Riverside charges a flat \$426 per inspection across all business categories. Others including Colton, Los Angeles, and Santa Clarita, charge a CSA 152-like annual assessment of \$25, \$23, and \$22.45 respectively per dwelling unit.

In order to proceed with the increase to the CSA 152 assessment, it is necessary to adopt a resolution requesting that the Riverside County Board of Supervisors increase the assessment rate per BAU. Because CSA 152 is a County district, the City does not directly levy the assessments. Rather, it directs the County as to what amount to levy and validates the parcels included in the district and the number of BAUs assigned to each. The Assessment Engineer has validated the parcel listing and the BAU assignments. If approved, the revised data will be transmitted to the County along with the adopted resolution requesting that the County proceed with increasing the assessments. The increased assessments will be effective with the fiscal year 2012/13 property tax bills.

COMMUNITY OUTREACH

The proposed increase has the most significant impact on non-single-family residential property owners. These properties can contain multiple parcels, each with multiple assessment units, whereas single-family residential properties are allocated 1 BAU each. Accordingly, community outreach efforts focused on non-single-family residential property owners. **On March 27, 2012, the Public Works Department presented the proposed increase to the Greater Riverside Chambers of Commerce Economic Development Council which voted to support the recommendation to increase the annual assessment from \$2.83 to \$5.22 per BAU.** The Public Works Department also contacted the Arlington Business Partnership, the Downtown Business Improvement District and the Auto Center Business Improvement District. The Public Works Department is scheduled to meet with the Arlington Business Partnership Board of Directors on April 9, 2010. Information regarding the proposed assessment was sent to the Downtown Business Partnership; however, their next meeting is not scheduled until after the scheduled

Council action. Information was also sent to the Auto Center Business Improvement District at their request.

FISCAL IMPACT

The fiscal impact of the proposed changes to the CSA 152 assessments will positively affect the General Fund and other funds that currently underwrite the cost of this program. As a result of the increased revenue, approximately \$345,410 more revenue will be generated to fund the cost of the NPDES MS4 program as originally intended by the district.

Submitted by: Thomas J. Boyd, Interim Public Works Director
Brent A. Mason, Finance Director/Treasurer

Certified as to availability of funds: Brent A. Mason, Finance Director/Treasurer

Approved by: Deanna Lorson, Assistant City Manager
for Scott C. Barber, City Manager

Approved as to form: Gregory P. Priamos, City Attorney

Concurs with:



Paul Davis, Vice Chair
Finance Committee

Attachment: Resolution

RESOLUTION NO.

1 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
2 RIVERSIDE, CALIFORNIA MAKING ITS FINDINGS AND
3 INCREASING THE RATES FOR COUNTY SERVICE AREA 152
4 TO FUND THE CITY'S NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT.

5 WHEREAS, the City of Riverside ("City") is a co-permittee under the National Pollution
6 Discharge Elimination System ("NPDES") Permit; and

7 WHEREAS, under the NPDES Permit and the NPDES Municipal Separate Storm Sewer
8 System ("MS4") Permit, the City is required to monitor, inspect and clean the City's storm channels
9 so as to prevent unauthorized and potentially hazardous discharge into the Santa Ana River and carry
10 out programs and activities to maintain compliance with the MS4 Permit; and

11 WHEREAS, on July 7, 1992, the City adopted Resolution No. 18030 annexing the City to
12 County Service Area ("CSA") 152 to assist in funding the City's responsibilities under the NPDES
13 Permit; and

14 WHEREAS, the County of Riverside ("County"), by its Resolution No. 92-519 annexed the
15 City into CSA - 152; and

16 WHEREAS, when the County established CSA - 152, the maximum assessment per benefit
17 assessment unit ("BAU") was set at \$10.00; and

18 WHEREAS, on April 27, 1993, the City Council of the City of Riverside adopted Resolution
19 No. 18223, establishing and setting the rates for CSA - 152 to fund the City's NPDES Permit to
20 operate and maintain the City's drainage and flood control systems and set the City's annual
21 assessment rate at \$2.83 per "BAU", and authorized the County of Riverside to levy assessments
22 under CSA-152 for the benefit of the City; and

23 WHEREAS, the current NPDES (MS4) Permit adopted on January 29, 2010, requires the
24 City to inspect, clean, and maintain all of the City's 264,530 linear feet of storm channels every two
25 years; increases the frequency of inspection of constructions and industrial and commercial
26 businesses; and further requires the City to develop programs to reduce bacteria pollution in the
27 Santa Ana River; and

1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing resolution was duly and regularly adopted at a meeting of the City Council of said City at
3 its meeting held on the _____ day of _____, 2012, by the following vote, to wit:

4 Ayes:

5 Noes:

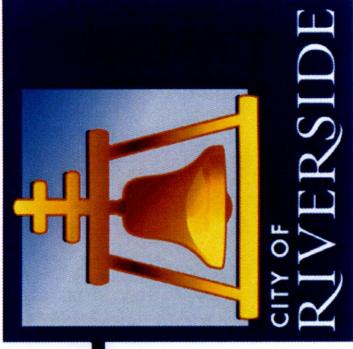
6 Absent:

7 Abstain:
8

9 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
10 City of Riverside, California, this _____ day of _____, 2012.
11

12 _____
13 COLLEEN J. NICOL
14 City Clerk of the City of Riverside
15
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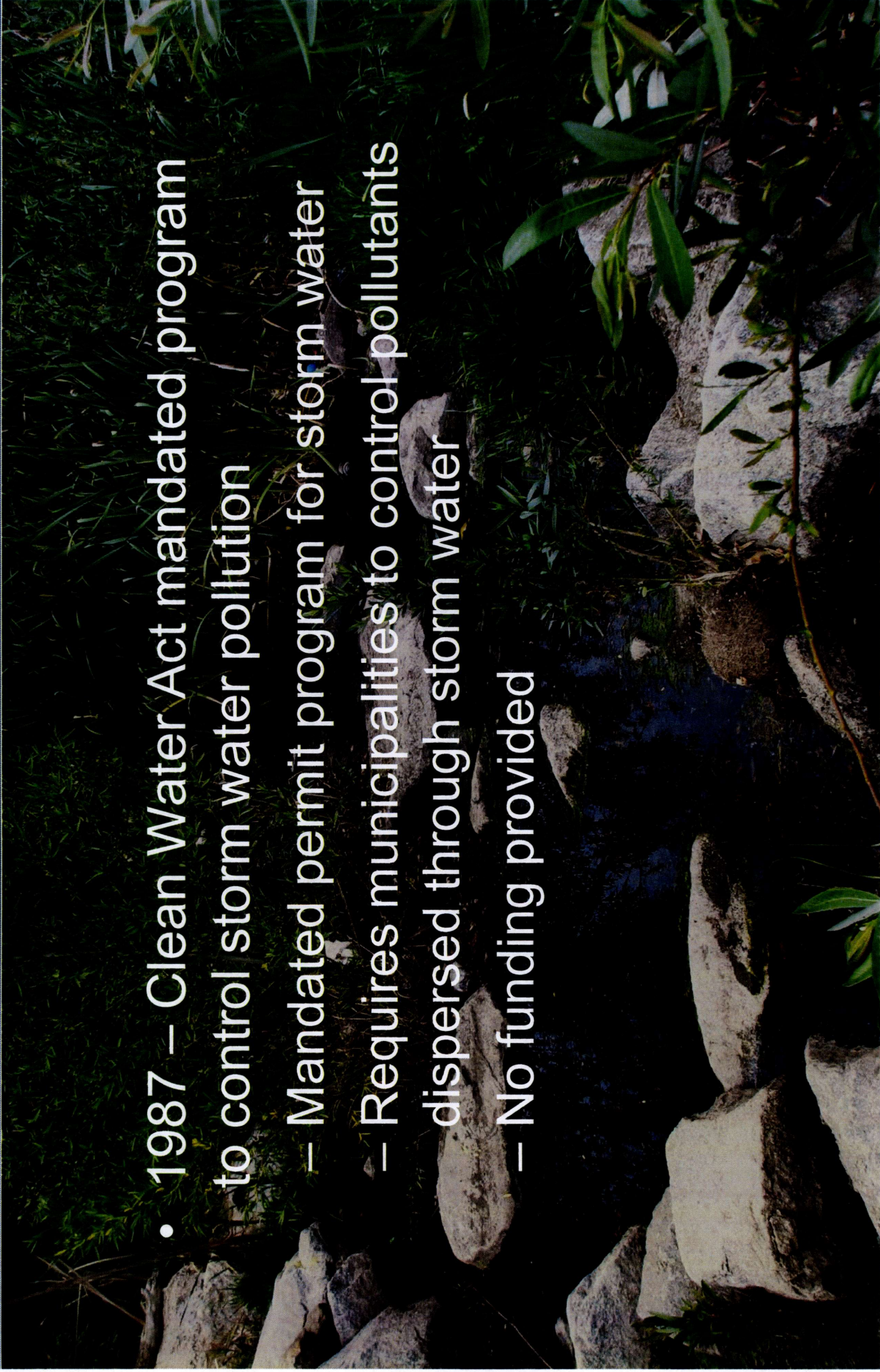


***Proposed Changes to County Service
Area 152 Assessment***

***City Council
April 10, 2012
Item #14***

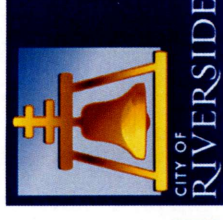
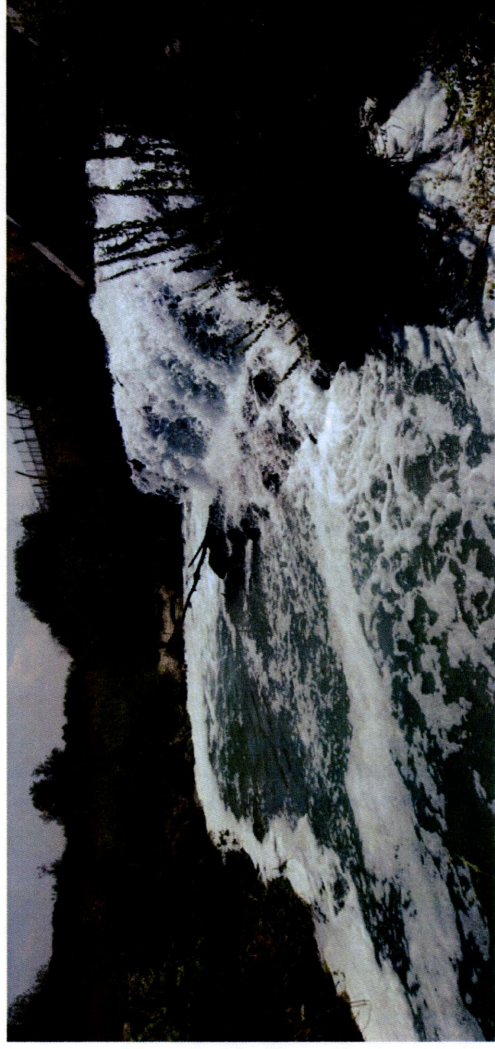
Background

- 1987 – Clean Water Act mandated program to control storm water pollution
 - Mandated permit program for storm water
 - Requires municipalities to control pollutants dispersed through storm water
 - No funding provided



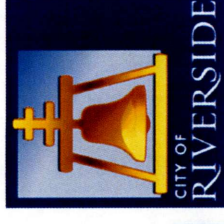
County Service Area 152

- 1991 – County of Riverside formed County Service Area (CSA) 152 as funding mechanism
- 11 Cities including Riverside annexed into CSA 152



County Service Area 152

- Assessment is based on the number of Benefit Assessment Units (BAU) assigned to each parcel
- City Council establishes assessment rate by Resolution
- City provides list of parcels and BAU's
- Assessments collected by County on behalf of City



BAU Computation

Undeveloped Parcel
(any size)



0 BAU

Assumes 0% storm
water runoff

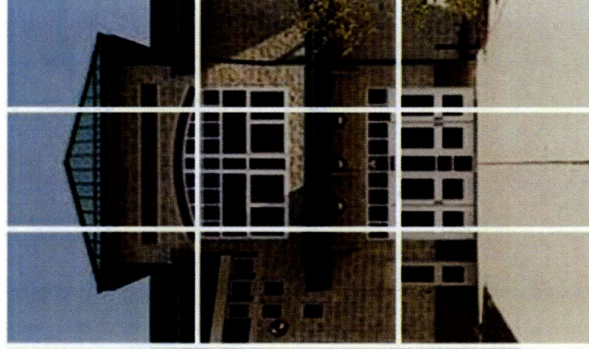
Single-Family
Residential Parcel
(any size)



1 BAU

Assumes 40% storm
water runoff

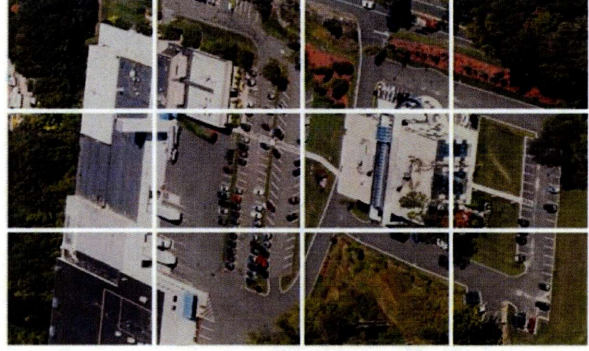
Institutional Parcel
(Schools, Churches, & Hospitals)
(1-acre)



9 BAU

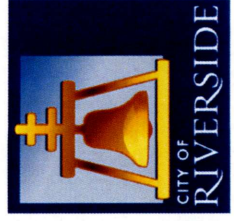
Assumes 60% storm
water runoff

Industrial/
Commercial Parcel
(1-acre)



12 BAU

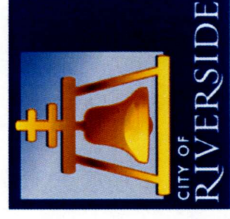
Assumes 80% storm
water runoff



Riverside BAU Rate History

CSA 152 Agency	FY 2011/12 BAU Rate
City of Murrieta	\$10.00
City of La Quinta	\$9.98
City of Palm Springs	\$9.50
City of Lake Elsinore	\$8.24
City of Moreno Valley	\$8.15
City of Corona	\$5.82
City of Norco	\$5.78
City of Rancho Mirage	\$4.68
City of San Jacinto	\$4.26
City of Riverside	\$2.83
City of Desert Hot Springs	\$1.56

- FY 1993/94 Storm water budget = \$271,000
 - City established BAU rate of \$2.83 per year
 - Rate remains unchanged
 - Current program now costs \$4.8 million



Storm Water Program

- Current permit adopted January 2010
 - Cost intensive mandates
 - Storm channel inspections for illegal discharges & condition assessment
 - Heightened planning & permitting oversight
 - Heightened facility inspection requirements
 - Development & implementation of pollution control plans (bacteria pollution)



Storm Water Program



- **Non-compliance fines**
 - \$3,000 to \$10,000 per violation for each day violation occurs
- **Attorney General could seek fines of up to \$25,000 per day per violation**

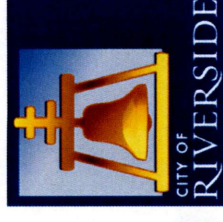


Projected Expenditures

Program Element	Projected FY 2011/12
Program Management & Reporting	\$441,942
Bacteria & Nutrient Plan Implementation & Task Force Participation	\$23,900
Storm Drain Maintenance	\$439,743
Storm Drain Construction & Rehabilitation	\$700,000
Street Sweeping	\$3,131,243
Development Planning/Review	\$20,000
Inspections	\$50,172
Total	\$4,807,000

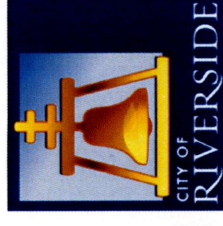
FY 2011/12 Projected Program Costs

- Projected costs for FY 2011/12
 - Storm water costs = \$4.8 million
 - CSA 152 revenues = \$409,000
 - \$4.8 million paid from other City funding sources
- \$402,000 cost increase for one year
 - Program Management
 - Compliance Plan Development
 - Permit Fees & Regional Coordination Efforts



Recommended Assessment Change

- Finance Committee recommended increasing BAU to \$5.22 per year
 - Authority for assessment increase granted by County ordinance (1991)
 - Proposed assessment is well below allowable maximum level
- CSA 152 revenues = \$754,000
- \$4 million to be paid from other City funding sources

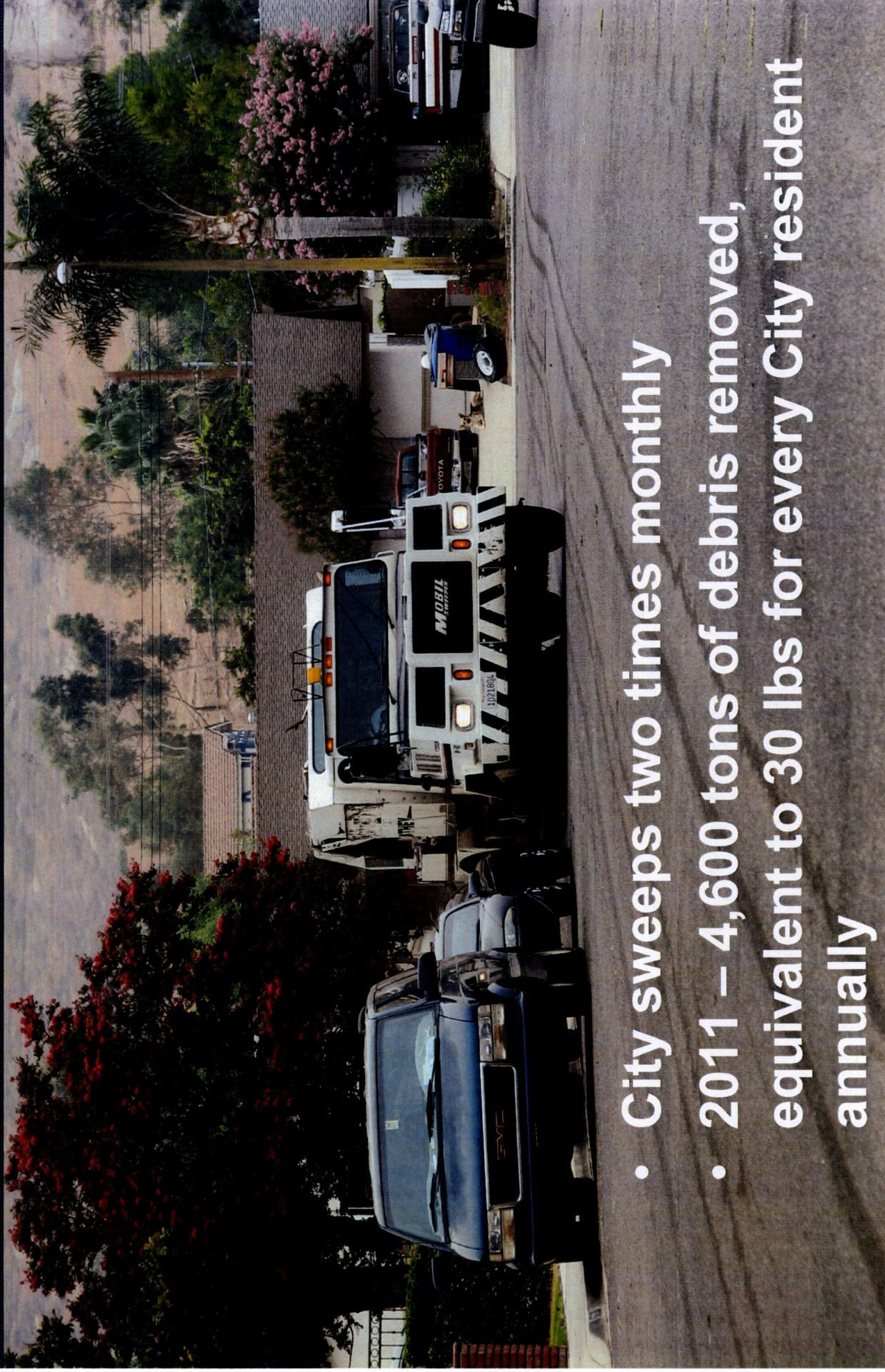


CSA 152 Revenue

- \$345,000 in additional revenue
- Additional CSA 152 revenues could
 - Facilitate Street Sweeping Program enhancements such as
 - Pre-sweep Program
 - Expanded odd/even areas
 - Make available general fund monies for other purposes



Street Sweeping

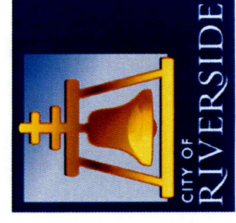


- City sweeps two times monthly
- 2011 – 4,600 tons of debris removed, equivalent to 30 lbs for every City resident annually

Assessment Comparison

- Single-Family Residential Owners
 - 1 BAU
 - 65,471 owners
 - Increase from \$2.83 to \$5.22 per year

CSA 152 Agency	FY 2011/12 BAU Rate
City of Murrieta	\$10.00
City of La Quinta	\$9.98
City of Palm Springs	\$9.50
City of Lake Elsinore	\$8.24
City of Moreno Valley	\$8.15
City of Corona	\$5.82
City of Norco	\$5.78
City of Riverside	\$5.22
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City of San Jacinto	\$4.26
City of Riverside	\$2.83
City of Desert Hot Springs	\$1.56



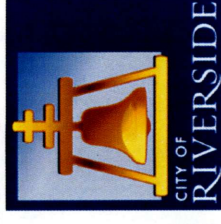
Assessment Comparison

- Non Single-Family Residential Categories
 - 3205 owners with 1-5 BAUs
 - Average increase of \$22.73 per year
 - 207 owners with 5-10 BAUs
 - Average increase of \$161.73 per year
 - 135 owners with 10+ BAUs
 - Average increase of \$518.28 per year



Other Approaches to Cost Recovery

- **City of Colton**
 - Same formula as CSA-152 program
 - \$24.13 per “Basic Benefit Unit”
- **City of Moreno Valley**
 - \$8.15 CSA 152 charge and;
 - Fees for unannounced routine business & construction inspections
 - Up to \$390 per inspection & follow-up inspections
 - NPDES Regulatory charge for new development
- **County of Riverside**
 - Fees for unannounced routine business inspections
 - \$142 per hour up to 3 hours



Community Outreach

- Greater Riverside Chambers of Commerce Economic Development Council – March 27, 2012
 - Voted to support increase as recommended
- Presented to Arlington Business Partnership Board of Directors – April 9, 2012
- Information sent to Downtown Business Partnership & Auto Center Business Improvement District



Recommendation

- That the City Council:
 - Adopt resolution requesting Riverside County Board of Supervisors increase Riverside CSA 152 assessment from \$2.83 to \$5.22 per BAU per year
 - Approve in concept the proposed CSA 152 budget as outlined and direct that its budget for fiscal year 2012/13 be modified appropriately in proposed budget



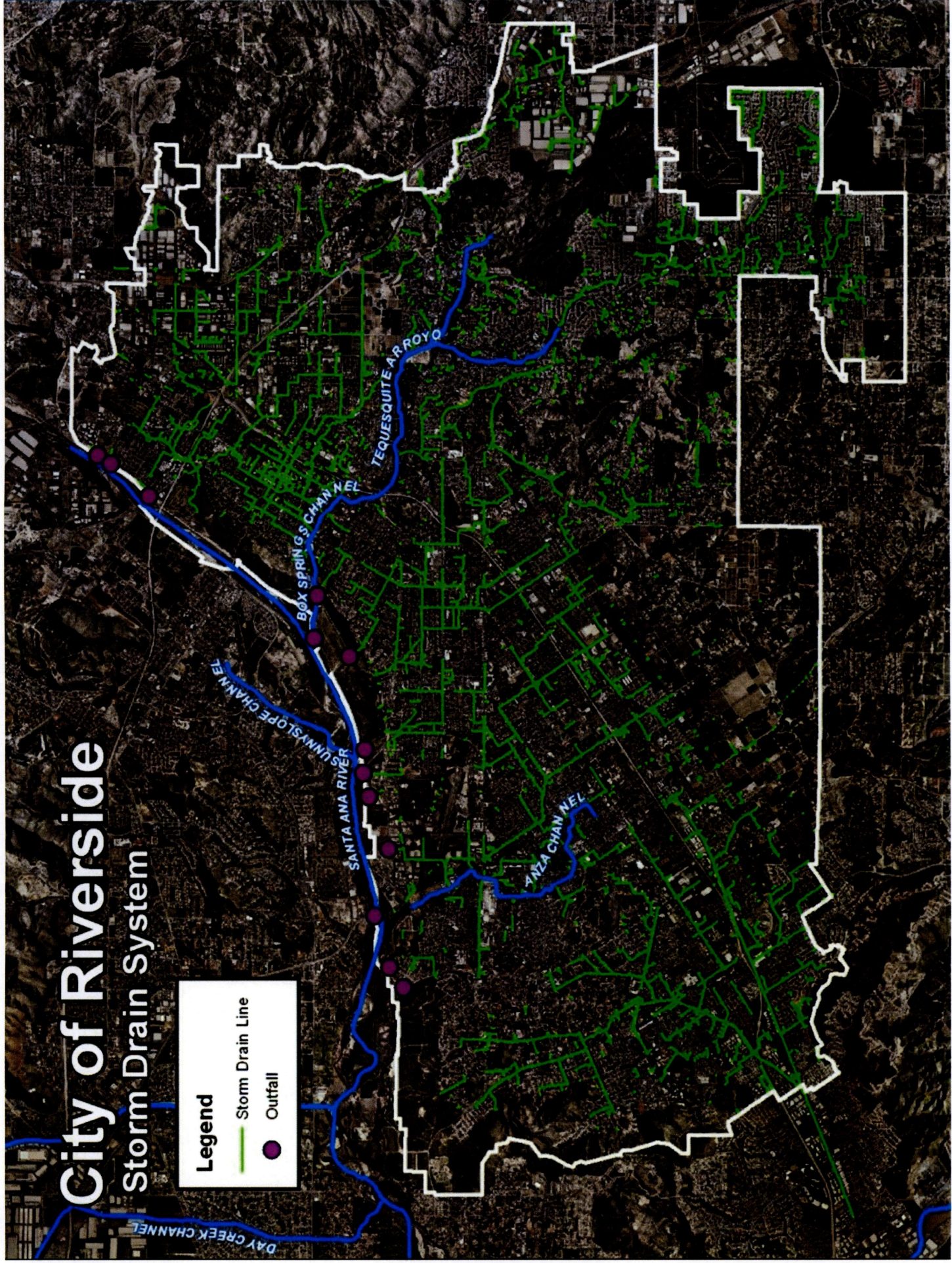
City of Riverside

Storm Drain System

Legend

Storm Drain Line

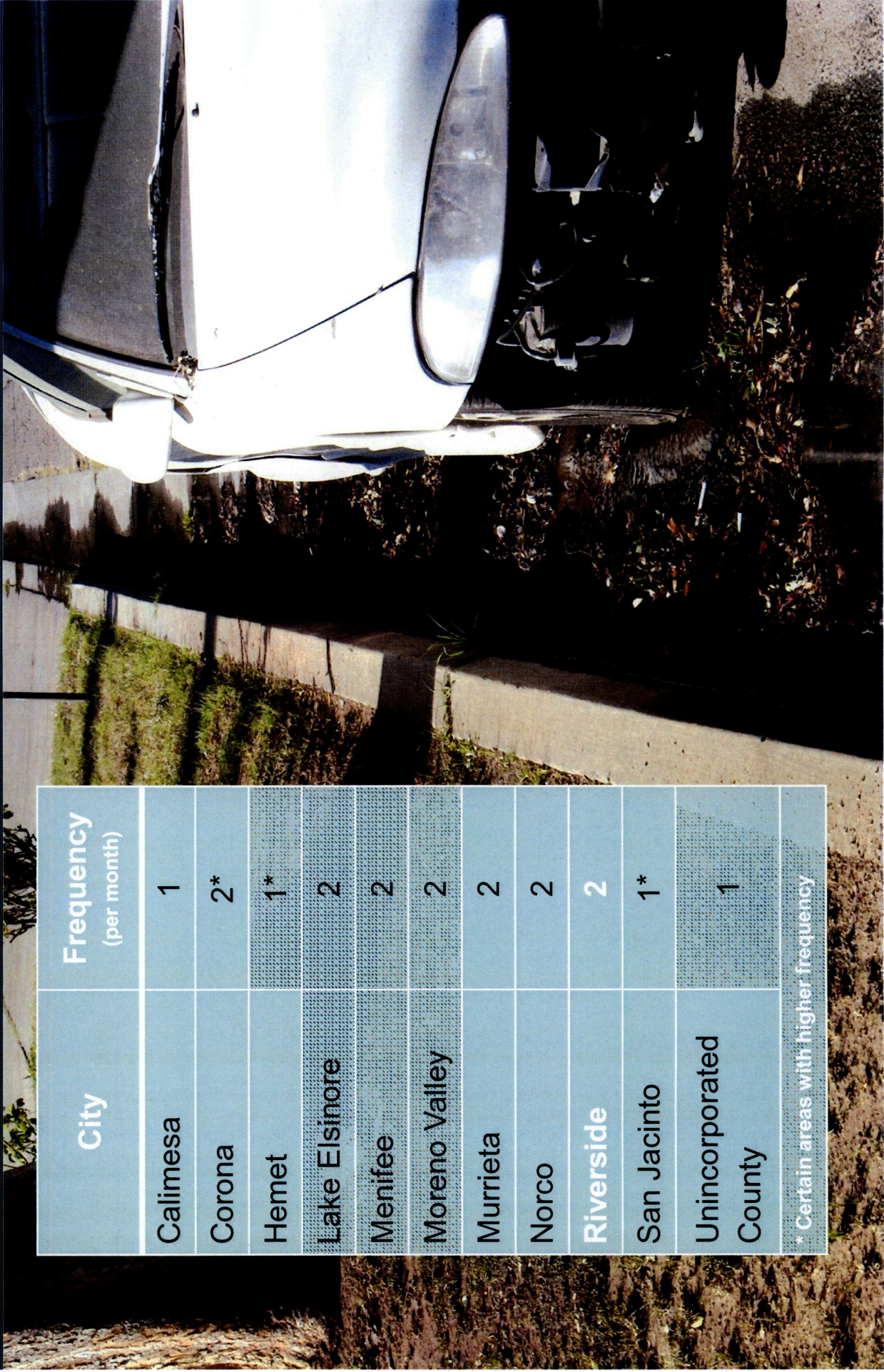
Outfall



Street Sweeping Frequencies

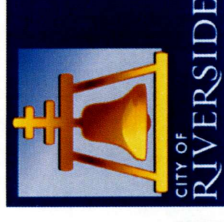
City	Frequency (per month)
Calimesa	1
Corona	2*
Hemet	1*
Lake Elsinore	2
Menifee	2
Moreno Valley	2
Murrieta	2
Norco	2
Riverside	2
San Jacinto	1*
Unincorporated County	1

* Certain areas with higher frequency

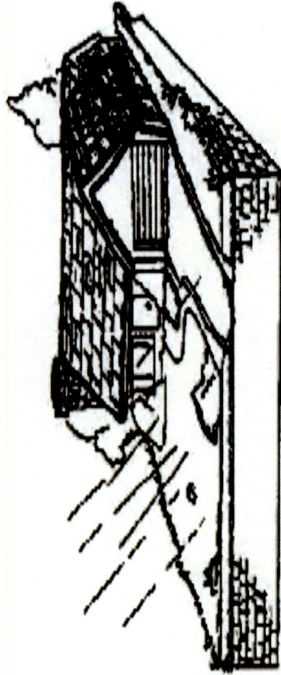


Revised Projection

- Revised projection for 2011/12
 - Storm water costs = \$4,807,000
 - CSA 152 revenues = \$754,410
 - \$4,052,590 to be paid from other City funding sources
- \$354,410 would be saved & available for other programs
- Projected budget for FY 2012/13
 - Storm water costs = \$4,969,110



RESIDENTIAL



1/6 Acre Single Family Residential Parcel
Run off Factor 0.40 or 40%
BAU's 1.00

Sample: 2.17 Acre Parcel

UNDEVELOPED
2 ACRES
(NOT ASSESSED)

.17 ACRES "HOUSE" BASIC UNIT 1 BAU

1/6 ACRE = .17 ACRE

HOUSE (BASIC UNIT 1/6 acre) = 1 BAU
{1.0 BAU}X(BAU RATE) = \$ ASSESSMENT

**CITY OF RIVERSIDE
SPEAKER CARD**

WELCOME TO THE RIVERSIDE CITY COUNCIL MEETING.

IF YOU WISH TO ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY, PLEASE COMPLETE AND SUBMIT THIS CARD TO THE CITY CLERK. SPEAKERS ARE ENCOURAGED TO SUBMIT THEIR CARDS TO THE CITY CLERK BEFORE THE SCHEDULED MEETING TIME. SPEAKER CARDS WILL BE ACCEPTED UNTIL THE AGENDA ITEM IS CALLED.

ITEM NO.: 14
NAME: DVonne Struzelle DATE: 4/10/2012
CITY/NEIGHBORHOOD: WARD 2 PHONE # (Optional): _____

ADDRESS (Optional): _____
Address City/State/Zip

SUBJECT: _____

SUPPORT

OPPOSE

NEUTRAL

In accordance with the Public Records Act, any information you provide on this form is available to the public.

PLEASE TURN OFF OR SILENCE PAGERS AND CELLULAR TELEPHONES.

SEE REVERSE FOR FURTHER INFORMATION

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ITEM NO.: 14

NAME: Timothy Brown

DATE: _____

CITY/NEIGHBORHOOD: _____

PHONE # (Optional): _____

ADDRESS (Optional): _____

Address

City/State/Zip

SUBJECT: _____

SUPPORT

OPPOSE

NEUTRAL

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ITEM NO.: 14
NAME: May Snelter DATE: _____

CITY/NEIGHBORHOOD: _____ PHONE # (Optional): _____

ADDRESS (Optional): _____
Address City/State/Zip

SUBJECT: _____

SUPPORT

OPPOSE

NEUTRAL

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ITEM NO.: 14 1 of 3

NAME: Karen Doris Wright

DATE: 4/10/2012 ⁶³⁰ _{PM}

CITY/NEIGHBORHOOD: Ward 3

PHONE # (Optional): _____

ADDRESS (Optional): _____
Address City/State/Zip

SUBJECT: _____

SUPPORT OPPOSE NEUTRAL

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SEE REVERSE FOR FURTHER INFORMATION

*Karen Davis Wright
written comment
for the record*

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SPEAKER CARD**

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ITEM NO.: 14 2/3

NAME: Karen Davis Wright

DATE: 4/10/2012⁶³⁰

CITY/NEIGHBORHOOD: Ward 3

PHONE # (Optional): _____

ADDRESS (Optional): No increases should be allowed that exceed actual changes, and contract oversight should be tight

Address

City/State/Zip

Please insure powerpoint presentation is included

SUBJECT: In item back

and straight

SUPPORT

OPPOSE

NEUTRAL

In accordance with the Public Records Act, any information you provide on this form is available to the public.

No increase should be allowed if these relate to excessive salary & benefit increases approved by Riverside city council.

PLEASE TURN OFF OR SILENCE PAGERS AND CELLULAR TELEPHONES.

SEE REVERSE FOR FURTHER INFORMATION

Karen Don's Wright
written comments
for the public record

CITY OF RIVERSIDE
SPEAKER CARD

WELCOME TO THE RIVERSIDE CITY COUNCIL MEETING.

IF YOU WISH TO ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY, PLEASE COMPLETE AND SUBMIT THIS CARD TO THE CITY CLERK. SPEAKERS ARE ENCOURAGED TO SUBMIT THEIR CARDS TO THE CITY CLERK BEFORE THE SCHEDULED MEETING TIME. SPEAKER CARDS WILL BE ACCEPTED UNTIL THE AGENDA ITEM IS CALLED.

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NAME: Karen Don's Wright

DATE: 4/10/2012 6:30 PM

CITY/NEIGHBORHOOD: _____ PHONE # (Optional): _____

ADDRESS (Optional): Support Tom Boyd OPP/EVEN street
sweeping days on City of Riverside
streets. Address City/State/Zip

SUBJECT: as is citizens, mothers with children
and people with elderly bedridden

SUPPORT OPPOSE NEUTRAL

In accordance with the Public Records Act, any information you provide on this form is available to the public.

PLEASE TURN OFF OR SILENCE PAGERS AND CELLULAR TELEPHONES.

cannot move their cars and are unfairly
ticketed and if they move cars on the lawn are
in fairly given even more expensive code -
enforcement violations.