

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Yugal K. Lall, City Engineer/Public Works Director
Prepared By: Shaun Kroes, Management Analyst 

DATE: April 3, 2008 (CC Meeting of 04/16/08)

SUBJECT: Consider Resolution to Establish Fees to Implement Sections 8.52.150, 8.52.160 and 8.52.170 of the Moorpark Municipal Code (Business Inspection) Relating to Stormwater Quality Management

SUMMARY

On April 2, 2008, City Council introduced Ordinance No. 368 for first reading and scheduled second reading and adoption for April 16, 2008. Staff was directed to prepare a fee resolution to implement the new Municipal Code sections. Staff has prepared the resolution for City Council's consideration for approval.

BACKGROUND

Approval under second reading of Ordinance No. 368, adding Section 8.52.150, Section 8.52.160, and Section 8.52.170 to Chapter 8.52 Stormwater Quality Management of Title 8 of the Moorpark Municipal Code, is scheduled for the April 16, 2008 Moorpark City Council meeting. If approved, the Ordinance will establish a business inspection program, in compliance with the California Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) Permit (Permit). The Ordinance also establishes an annual Business Inspection Fee and Re-inspection Fee (Fees). The Fees are to be established by resolution. The proposed fee resolution is attached.

DISCUSSION

The business inspection program complies with the Permit. The current Permit as written identifies automotive and food service facilities as subject to inspection. The Permit requires that each facility be inspected once every two years. Inspection is required for a variety of stormwater compliance practices, including, but not limited to, the proper

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discharge of washwater into the sanitary sewer (instead of the storm drain system), the proper storage of trash and recycling containers and employee training of appropriate stormwater practices. If a violation is noted, the inspector must perform a re-inspection within six months of the date of the initial inspection. Based on previous inspections, a re-inspection takes about half the time of an initial inspection to complete.

City staff has performed food facility inspections in the past through the Animal/Vector Control Division (Division), but, primary duties of staff have increased significantly over the past eight years. Responses to animal control calls currently consume 60 percent to 65 percent of the Division's time. Staff must interrupt their inspections when they receive a call for a stray animal. Public Works field staff are also in a similar situation where in addition to their regular-assigned tasks for the day, about 25 percent to 30 percent of their daily activities are spent on immediate responses, such as reports of debris in a street, traffic accidents, spill responses, substitute crossing guard duties, dead animals, etcetera. Again, field staff could be in a situation where they must stop their food facility inspection and respond to an immediate issue. To provide continued uninterrupted inspections, staff proposes issuing an Additional Services Authorization (ASA) for Charles Abbott Associates (CAA) for food facility inspections, using currently contracted Building and Safety Inspectors (Inspectors). Inspectors for the City would receive stormwater inspection training (at CAA's expense) and would then be able to provide food facility inspections. Inspectors have the ability to schedule and perform inspections without the potential daily interruptions that Animal/Vector Control and Public Works Field Crews experience. There are sufficient funds in the current fiscal year's budget to pay for CAA to perform the 2007/08 inspections prior to collecting the Fees.

Although CAA could also provide automotive facility inspections, staff proposes continuing to use the County of Ventura (County). The County is able to provide the service at a cost that is slightly less than CAA. Staff would also prefer to continue the County's services as there is the potential for the County to perform food facility inspections in the future. Removing the County from performing any services could prevent the County from returning and expanding inspection services at a later date.

Fees for inspection are based on the inspections being conducted by CAA and the County. The proposed Fees include travel time to and from the inspected sites, management and field staff hourly rates, including benefits, plus a 15 percent administration fee. The current Permit requires one inspection every two years. Staff proposes dividing the Business Inspection Fee into two, resulting in an annual fee requirement. This will provide two main benefits, an annual fee will be easier to track and administer, and the lower dollar amount is expected to be more manageable for the designated businesses. The Fees will be administered and collected by the City's Community Development Department. The first annual fee will be collected after July 2008. The annual fee will be collected at the same

time as the Business Registration renewal. Inspected businesses that are found to have one or more violation will be subject to a re-inspection. As mentioned above, a re-inspection usually takes about half the time to complete, however, re-inspection fees are not proposed to be charged over a two year period as regular inspections. An invoice for re-inspection fees will be mailed to a business after its re-inspection has been completed.

Facility Inspected	Cost/ Inspection	Annual Inspection Fee	Cost/ Re-Inspection	Re-Inspection Fee
Food	\$89.00	\$45.00	\$45.00	\$45.00
Automotive	\$79.17	\$40.00	\$40.00	\$40.00

Per City Council's discussion on April 2, 2008, staff has developed two options for implementing the inspection fees. Option 1 is to implement the full annual fees effective July 1, 2008. Option 2 is to phase in the inspection fees over a two year period starting July 1, 2008. The two options are shown below and are included as Exhibit A in the attached resolution for City Council's consideration.

OPTION 1

Effective July 1, 2008

Facility Inspected	Inspection Fee	Re-Inspection Fee
Food	\$45.00	\$45.00
Automotive	\$40.00	\$40.00

OPTION 2

Effective July 1, 2008

Facility Inspected	Inspection Fee	Re-Inspection Fee
Food	\$22.50	\$45.00
Automotive	\$20.00	\$40.00

Effective July 1, 2009

Facility Inspected	Inspection Fee	Re-Inspection Fee
Food	\$45.00	\$45.00
Automotive	\$40.00	\$40.00

ENVIRONMENTAL DETERMINATION

The Planning Director has determined that the proposed implementation of Sections 8.52.150, 8.52.160, and 8.52.170 of the Moorpark Municipal Code are exempt from the provisions of the California Environmental Quality Act, in that the action of the City Council does not involve the consideration of the approval of a project.

FISCAL IMPACT

This fee is expected to generate \$5,785 per year.

STAFF RECOMMENDATION (ROLL CALL VOTE)

Adopt Resolution No. 2008-_____.

Attachment 1: Draft Resolution

RESOLUTION NO. 2008 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, ESTABLISHING A BUSINESS INSPECTION FEE SCHEDULE TO IMPLEMENT SECTIONS 8.52.150, 8.52.160 AND 8.52.170 OF THE MOORPARK MUNICIPAL CODE RELATING TO STORMWATER QUALITY MANAGEMENT

WHEREAS, on May 17, 2008 Ordinance No. 368, establishing Sections 8.52.150, 8.52.160 and 8.52.170 (Business Inspection) of the Moorpark Municipal Code, takes effect; and

WHEREAS, the City Council has determined that the cost of the implementation of this Ordinance shall be offset by fees for businesses requiring inspection to insure National Pollutant Discharge Elimination System (NPDES) compliance; and

WHEREAS, the proposed fees for inspections for NPDES compliance are based on estimated City of Moorpark actual costs established by Resolution No. 2008 - _____; and

WHEREAS, Ordinance No. 368 is not yet in effect; and

WHEREAS, Section 8.52.410 shall be renumbered to Section 8.52.180; and

WHEREAS, the City Council concurs with the Planning Director determination that the proposed implementation of Sections 8.52.150, 8.52.160 and 8.52.170 of the Moorpark Municipal Code is exempt from the provisions of the California Environmental Quality Act, in that the action of the City Council does not involve the consideration of the approval of a project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Fees for the Business Inspection shall be per the schedule in Exhibit "A".

SECTION 2. This Resolution shall become effective upon July 1, 2008.

SECTION 3. The annual fee shall be reviewed every two years by the City Engineer/Public Works Director and Finance Director to determine if a revised fee resolution should be considered by City Council to reflect changes in the costs to implement the Business Inspection.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 16th day of April, 2008.

Patrick Hunter, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk

Exhibit A – Business Inspection Fees

**EXHIBIT A
MOORPARK BUSINESS INSPECTION FEE SCHEDULE**

EFFECTIVE JULY 1, 2008

Facility Inspected	Inspection Fee	Re-Inspection Fee
Food	\$45.00	\$45.00
Automotive	\$40.00	\$40.00

**EXHIBIT A
MOORPARK BUSINESS INSPECTION FEE SCHEDULE**

EFFECTIVE JULY 1, 2008

Facility Inspected	Inspection Fee	Re-Inspection Fee
Food	\$22.50	\$45.00
Automotive	\$20.00	\$40.00

EFFECTIVE JULY 1, 2009

Facility Inspected	Inspection Fee	Re-Inspection Fee
Food	\$45.00	\$45.00
Automotive	\$40.00	\$40.00