



CITY OF WEST ALLIS

WISCONSIN

AB187 8



MAYOR'S OFFICE

JEANNETTE BELL
Mayor

April 1, 1997

Representative Marc Duff,
Chair of the Environment Committee, and
Members of the Environment Committee

Dear Committee Members:

The City of West Allis supports passage of Assembly Bill 187 sponsored by Representative Staskunas. Our community has moved forward in a responsible manner to manage our collection and disposal of storm water. The action is in response to the mandates that have been passed down from the Federal government. In order to pay for this new mandate, West Allis has decided to fund the storm water program through a new user fee mechanism. This is a fairer method of raising the funds for the program by charging on the basis of contribution to the problem.

In researching the funding options, a concern developed regarding clearly defined statutory authority for different methods of funding. There are opinions which state that presently there is such authority; however, this bill simply makes it clear and without any doubt that such authority exists.

Since storm water management is a new program, successful implementation is important to its overall success. Assembly Bill 187 is insurance against any challenges that potentially could develop in the future that could interfere with the program.

I encourage support of Assembly Bill 187 by the Committee and ask for its final passage by the Legislature.

Sincerely,

Jeannette Bell
Jeannette Bell
Mayor

JB:JFW
MYR\CORR\AB187.LTR



Testimony of Senator Rosenzweig
Assembly Bill 187
Assembly Environment Committee
April 1, 1997

Mr. Chairman and Members of the Assembly Environment Committee:

Today I wish to describe for you a few key aspects of Assembly Bill 187 and ask that you consider supporting the bill in Committee.

West Allis Mayor Jeannette Bell contacted Representative Staskunas and me some time ago to ask that the authority municipalities have to enact of property tax storm sewerage service charges be clarified in state law. Some experts believe state law is already sufficiently clear on this subject and select municipalities already have imposed these charges. Having consulted DNR attorneys, as well as Leg. Council attorneys, I have concluded that state statutes are sufficiently clear to ensure that municipalities win any legal challenge to their ability to collect these fees. Mayor Bell wants state law to be so clear on this matter that cities avoid potentially costly litigation.

Please bear in mind that AB 187 would not *require* municipalities to levy any new fees. This legislation is permissive and leaves decisions regarding the mechanics of

PAGE 2

taxation at the local level. The US Clean Water Act has placed increasing demands on municipalities for the collection and treatment of storm water run-off. AB 187 merely clarifies the options municipalities have in paying for this federal mandate.

Finally, one more item that may help your "comfort level" with AB 187 is the Public Service Commission oversight the bill provides. Under AB 187, a user of the storm sewer system has the right to complain to the PSC about the rates paid for storm sewer service. The PSC must then investigate this complaint and has the power to order reasonable rates or practices. I believe this grants ratepayers considerable protection.

Thank you very much for your time.



ANTHONY J. STASKUNAS

STATE REPRESENTATIVE • 15TH ASSEMBLY DISTRICT

Testimony Before Assembly Environment Committee, AB-187, April 1, 1997

Mr. Chairman and Members of the Assembly Environment Committee:

I am Representative Tony Staskunas of the 15th Assembly District, the author of AB-187.

This bill clarifies a municipality's authority to impose sewerage service charges for storm sewers. For the most part, my proposal applies provisions of current law pertaining to municipal sewerage systems to storm water and surface water sewerage systems.

According to the Department of Natural Resources, at least ten states have enacted statutes expressly granting this authority to their communities.

Passage of this bill is important because the U.S. Clean Water Act has placed additional storm sewer requirements on municipalities. **Therefore, this bill does not create a state-imposed mandate.** Instead, the proposal simply clarifies that a revenue alternative (other than the property tax) is available to communities to meet federal requirements.

It needs to be emphasized that an effect of the U.S. Clean Water Act has been to give an expanded focus to storm water management. Simply disposing of excess surface water is no longer enough. **Now municipalities must also place an emphasis on managing both the quality and quantity of the storm water that is discharged.** Because of this, dealing with storm water is more costly these days than it was in the past. Some communities find it difficult to justify placing this added expense on the property tax, and that is why they are looking closely at a fee. In West Allis, it would have been very difficult to

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meet state and federal requirements for clean water and still keep spending below state imposed levels for expenditures.

It appears that municipalities already have the power to collect such a fee. Indeed, the information I have received is that such a system is already in place in Glendale and Appleton, and is being considered by Madison. In addition, DNR has stated that Eau Claire and Lake Delton have created storm water utilities.

Legislative Council staff has said, however, that the current authority for municipal use of such a fee is indirect, rather than explicitly granted in the Statutes. This could have the effect of making the municipality's actions more subject to a court challenge than would be the case if that authority was specifically conveyed. Obviously, there would be added costs to the taxpayer if a community had to defend the legality of its policy preferences in court.

An added benefit of the bill is that it would grant Public Service Commission protection to users of the system regarding rates, rules, or practices that are unreasonable or unjustly discriminatory. Users of storm water sewerage systems created outside of Section 66.076 of the Statutes would not enjoy this benefit.

In short, AB-187 offers solid protection to municipalities from court challenges as they seek to meet federally imposed requirements without increasing property taxes. It is a bill that communities across the state need to meet a goal that we can all agree on, clean water. I respectfully urge this committee to take prompt executive action on it.

Thank you very much, Mr. Chairman and committee members, for your kind attention. I would be happy to answer any questions you may have.

FUNDING STORMWATER PROGRAMS

In the last issue of the "Newsletter", the topic of stormwater runoff was discussed. Perhaps the single most important point made in the article was the fact that stormwater runoff is not treated. Rather, it flows directly into the various rivers and streams passing through West Allis.

With this important fact in mind, the article went on to discuss what specific measures the City was taking to reduce the harmful effects of stormwater runoff on these streams as well as the bodies of water into which the streams drained. It was noted that while the City's street sweeping, leaf collection, and catch basin cleaning programs were helping to reduce the pollutant loading in the various bodies of water, these efforts were, in fact, only a start. Federal and state mandates necessitate an intensification of existing management practices as well as the establishment of new programs.

The programs required to achieve clean water now and to assure it for future generations come at a cost. Through grant funds made available by the Wisconsin Department of Natural Resources, the City of West Allis with the help of Rust Environment and Infrastructure Inc. investigated various funding alternatives available to help pay for the City's stormwater management efforts.

The resulting report addressed a number of potential funding sources available to West Allis, all of which had both advantages and disadvantages associated with them. The study concluded that only two funding mechanisms, the "General Fund" (taxes) and the creation of a "Stormwater Utility" (fees), would be sufficiently broad based to finance all aspects of stormwater management activities.

Having identified these two potential revenue sources, it was necessary to determine which would be the most fair and equitable approach. Quite simply, the general fund is supported directly through real estate taxes based on property value. Property value, however, is not necessarily reflective

of the property's impact on stormwater management needs. Furthermore, certain exempt and industrial properties would either not contribute or pay a disproportionately lower fee than residential property owners if the tax levy is utilized for funding.

On the other hand, funding via a stormwater utility fee provides an alternative by which one is assigned an equitable share of the cost of the stormwater management program, based on the relative contribution to the stormwater problem. Generally, this share is determined by the runoff attributed to a property--the greater the runoff, the greater the contribution to the problem and the greater the costs to resolve the problem. The relative runoff is an estimate based on the actual amount of impervious area on a parcel of land.

The establishment of a utility will result in all costs associated with stormwater management (operation and maintenance, renewal/replacement, capital improvements, monitoring and administration) being removed from the general fund and being placed on a utility bill similar to the existing water and sanitary sewer utilities. Given the broader revenue base available with this approach, the actual amount paid by residential property owners for stormwater management activities will, most likely, be less than that currently being paid as part of their property tax bill.

The West Allis Common Council continues to study the concept of a stormwater utility as part of its 1997 budget deliberations. The City's 1997 stormwater management program is projected to cost approximately 2.8 million dollars, up slightly from the 2.7 million dollars of estimated cost for 1996. This is a sizable investment and similar investments will have to be made in the future. This is necessary not only to meet both federal and state clean water mandates but also to assure that the quality of this invaluable natural resource is not diminished and perhaps even improved for future generations.

CLEAN STORMWATER TIPS

As the City of West Allis continues to improve the management of its storm drains, there are several important things that YOU can do to help prevent water pollution of our lakes and rivers:

Every little bit that goes down the storm drains ends up in our waterways without treatment. Consider the results if these materials ended up in the nearest stream:

- **Fertilizer Application** - use only as directed. Do not let excess material remain on hard surfaces (driveways and sidewalks).
- **Pet Wastes** - Keep your pet on the grass and pick up all pet wastes.
- **Downspout off roof** - direct all drainage from your downspouts onto the lawn.
- **Engine Leaks** - anything coming out of your car shouldn't be washing into the street and into the storm drain.

We urge you to consider taking precautions to prevent these pollutants from entering the street, not for any financial incentive but because it's the right thing to do! Remember to consider the results if these materials end up in the nearest stream.

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Vote Record

Assembly Committee on Environment

Date: 4-15

Executive Session

Public Hearing

Bill Number: 187

Moved by: Hahn

Seconded by: Duff

②

Motion: Adoption of A/0363

Committee Member

Aye

No

Absent

Present

Absent

Rep. Marc Duff, Chair

Rep. Tim Hoven

Rep. DuWayne Johnsrud

Rep. Eugene Hahn

Rep. Lorraine Seratti

Rep. Neal Kedzie

Rep. Peter Bock

Rep. Judy Robson

Rep. Spencer Black

Rep. John La Fave

Totals: 10

Motion Carried

Motion Failed

3

Vote Record

Assembly Committee on Environment

Date: 4-15

Executive Session

Public Hearing

Bill Number: 187

Moved by: Bock

Seconded by: Hahn

Motion: Rec. for passage as amended

Committee Member

Aye

No

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Rep. Lorraine Seratti

Rep. Neal Kedzie

Rep. Peter Bock

Rep. Judy Robson

Rep. Spencer Black

Rep. John La Fave

Totals:

9

1

Motion Carried

Motion Failed