



# City Council Memorandum

*City of Arts & Innovation*

**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: DECEMBER 3, 2019**  
**FROM: PUBLIC WORKS DEPARTMENT** **WARDS: ALL**  
**SUBJECT: PERFORMANCE ASSESSMENT ON MUNICIPAL APPROACHES TO GENERAL LIABILITY CLAIMS RELATED TO CITY-OWNED TREES AND RESIDENTIAL SEWER LATERALS**

## **ISSUES:**

That the City Council receive and consider for approval, recommendations to address liability claims related to City-owned trees and residential sewer laterals.

## **RECOMMENDATIONS:**

That the City Council:

1. Receive and file the performance assessment report on the Municipal Approaches to General Liability Claims Related to City-Owned Trees and Residential Sewer Laterals;
2. Direct staff to conduct educational outreach to residential and commercial customers and realtors regarding sewer laterals;
3. Consider funding for City-owned sewer lateral maintenance and repair as part of the next Sewer Fund Rate Plan; and
4. Direct staff to research the possibility of a new program to require the inspection and repair of residential private sewer laterals as part of a property sale or significant remodel project.

## **COMMITTEE RECOMMENDATION:**

On June 10, 2019, the Utility Services/Land Use/Energy Development Committee met with Chair Mac Arthur, Vice Chair Soubirous, and Member Gardner present to receive a presentation from the Internal Audit Division on the Municipal Approaches to General Liability Claims Related to City-Owned Trees and Residential Sewer Laterals Performance Assessment. Following discussion, the Committee unanimously voted to: 1) receive and order filed the report on the internal performance assessment on the municipal approaches to general liability claims related to City-owned trees and residential sewer laterals; 2) direct staff to conduct educational outreach to residential customers and realtors regarding sewer laterals and liability; and 3) forward the report to the City Council including the overall sewer budget.

Subsequent to the June 10<sup>th</sup> Committee meeting, the Internal Audit Division was reorganized and the Public Works Department was directed by the City Manager's Office to bring the assessment report to the City Council for consideration.

## **BACKGROUND:**

At the request of the City Manager's Office, in 2018 the Internal Audit Division was assigned an internal performance assessment of the current general liability claims policies and practices related to residential sewer laterals, City-owned trees and related costs absorbed by the City. The attached assessment report provides recommendations that have the potential, if implemented, to reduce the overall general liability repair costs caused by City-owned trees related to residential sewer laterals.

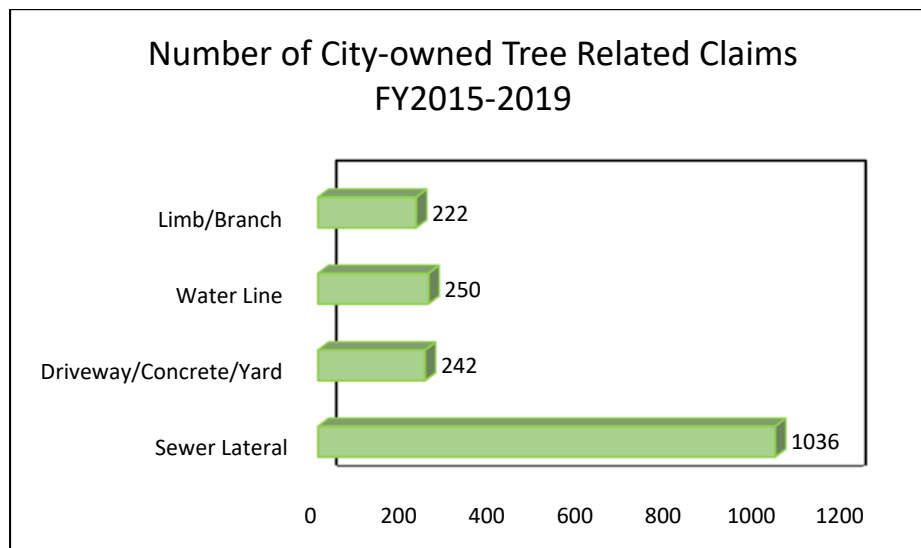
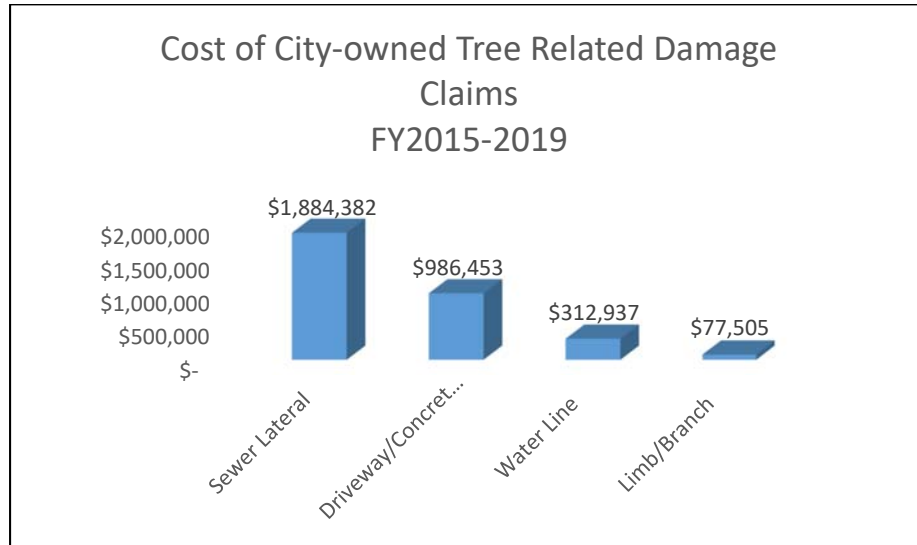
As a related action, on March 12, 2019, the City Council adopted Riverside Municipal Code changes to Title 14 Public Utilities, Section 14.08.020 - Maintenance of house sewer connections—Right of entry of inspectors. The Municipal Code was updated to clarify roles and responsibilities regarding the repair and maintenance of sewer laterals, including tree roots. Below includes the adopted Code changes:

- "All residential and nonresidential customers shall maintain their private sewer lateral line in good working order and free of defects (which includes the installation of a two-way clean out tee at the property line or City easement boundary of at least four inches in diameter for maintenance) at their own expense and shall be liable for damages which may result from failure to do so. Private sewer lateral lines are required to be free of defects and any infiltration of tree roots into a private sewer lateral are presumed to be caused by improper installation and/or maintenance and shall be repaired by the property owner at no cost to the City, unless determined otherwise by a City inspector and/or City contractor".

## **DISCUSSION:**

As reported by the Public Works Department, there are approximately 150,000 street trees within the public right-of-way, of which approximately 135,000 are within parkways along the front or side of homes/businesses. There are 15,000 trees located within medians, parkways and other reverse frontage areas maintained by the City.

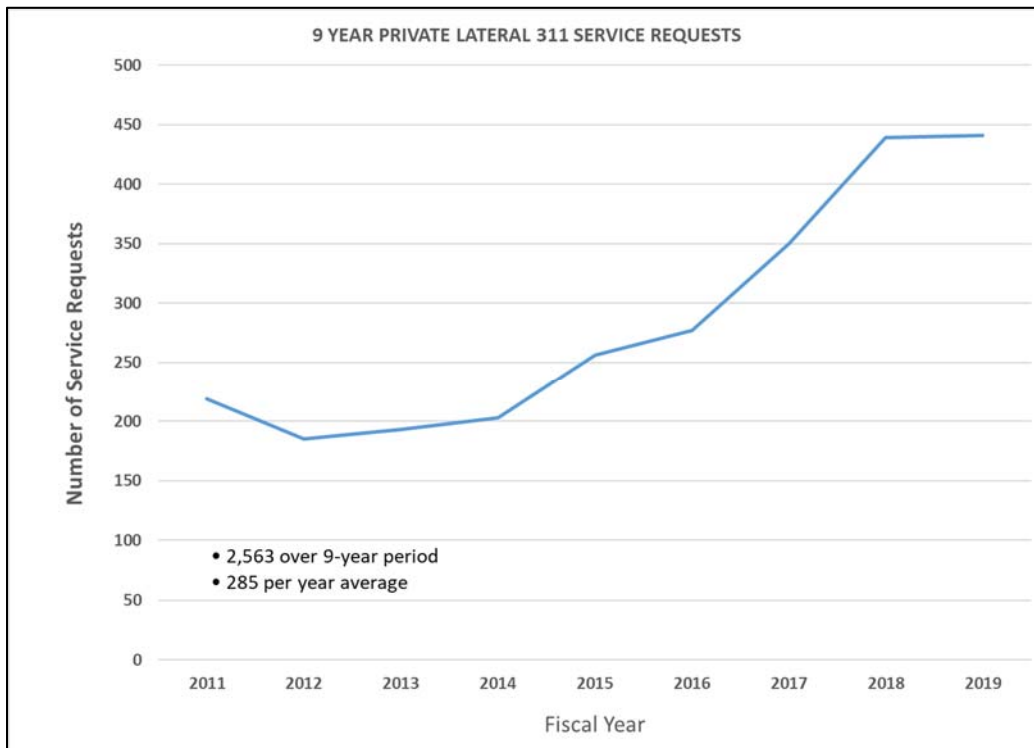
The City receives an average of 4,400 service calls annually about trees. During the five-year time period between July 1, 2014 and June 30, 2019, the City incurred \$3.3 million in damage costs for 1,750 general liability claims related to City-owned trees. Claims for damage caused by City tree roots to sewer laterals account for 58% (\$1.9 million) of all tree related claim expenses and 59% of all tree related claims. Claim expenditures and number of claims from July 1, 2014 through June 30, 2019 are summarized below:



### Tree Roots and Sewer Line Intrusion

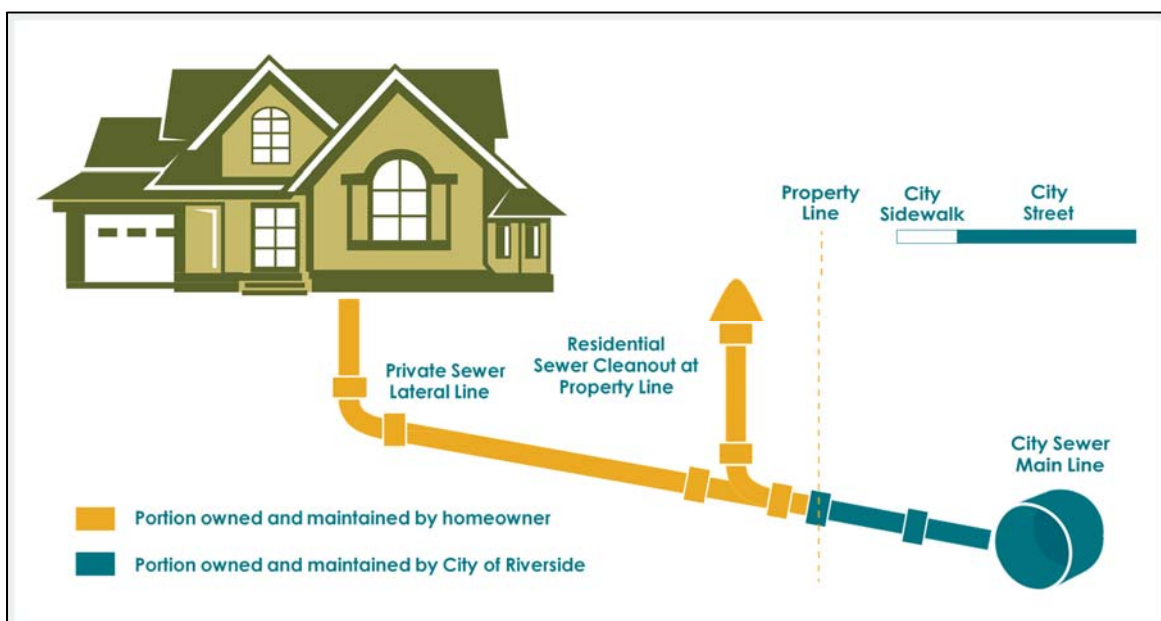
The City's wastewater (sewer) collection system includes over 820 miles of public pipelines and 414 miles of sewer laterals (public and private). When budgets are tight, inspections, maintenance, repair or replacement is often deferred. As a result, there can be a deluge of pipe problems and failures including sewer breaks, blockages and backups. These failures have an impact on third parties and the environment, and can cost the City huge losses and damages.

The 311 service call volume for private sewer laterals has significantly increased as noted below:



In 2008, the Riverside Municipal Code Section 14.08.020 was changed for the City to take ownership of residential sewer laterals from the property line to the sewer main connection (usually in the street right-of-way). Below shows an illustration of City and private sewer lateral responsibilities. It is important to note that at the time of the Code change, the sewer rate structure was not amended to include funding for City sewer lateral maintenance and repair costs.

The Riverside Municipal Code stayed the same for non-residential properties. All non-residential properties own and are responsible for the repair and maintenance of the sewer lateral line from the building to the point of connection to the City's Sewerage System.



Parkways are the public right-of-way from the back of the curb to the private property line and can include landscaping and/or sidewalk. Standard widths vary from 5 feet to 10 feet depending on the type of street (i.e., primary, secondary, residential, etc.). The City owns and maintains thousands of trees in these parkways, but the presence of a City tree in the parkway does not automatically mean the City is responsible for residential or non-residential private sewer lateral damage.

The City is responsible for damage to a residential or non-residential private sewer lateral when the City-owned tree roots misalign or wrap around it and break or crush the pipe itself. This situation is atypical and is most prevalent when a City tree is located above or directly adjacent to a sewer lateral line. However, the typical case is that roots enter at the joint due to the sewer lateral being misaligned, or root intrusion caused by lack of maintenance or repair of a defective private sewer lateral line. In these typical cases, the property owner is responsible.

The cost for a sewer lateral video inspection is about \$250 to \$500. A sewer lateral point repair can range from \$1,000 to \$5,000. A sewer lateral replacement can range from \$10,000 to \$30,000 or more depending on the pipe condition, length of line and hardscape/landscape.

As a reminder, claims for damages may be submitted online with the City Clerk's Office by visiting [www.riversideca.gov/claims](http://www.riversideca.gov/claims) or by personally delivering a claim form to the City Clerk's Office. Once a claim is filed, it is forwarded to the Office of the City Attorney for handling. Claims are carefully reviewed according to City policy and notification of the City's decision is usually provided within 45 days of the City's receipt of the claim.

### Summary of Proposed Recommendations

Based on discussion and input from the Utility Services/Land Use/Energy Development Committee, staff is recommending the City Council consider the following recommendations. These recommendations are in addition to the adopted Riverside Municipal Code changes referenced in the background section to clarify roles and responsibilities regarding the repair and maintenance of sewer laterals.

1. Conduct educational outreach to residential and commercial customers and realtors regarding sewer laterals:
  - a. Update the Public Works residential and commercial information brochure.
  - b. Contact the Inland Valley Association of Realtors and the Greater Riverside Chambers of Commerce to provide outreach information to their members.
  - c. Create a standard "sewer lateral repair notice" to be issued to property owners when a defective private sewer lateral line is identified.
  - d. Create a sewer lateral educational video.
2. When the Public Works Department brings forward for City Council consideration the next Sewer Fund Rate Plan, include funding for maintenance and repair of City sewer laterals. The Wastewater Master Plan update project currently being finalized includes the evaluation of City sewer lateral repair and maintenance expenses.

3. Research the possibility of a new program to require the inspection of private sewer laterals as part of a residential property sale or significant building remodel. Currently, there is no proactive program for private sewer lateral inspection and repair.

**FISCAL IMPACT:**

There is no fiscal impact associated with this report. Any additional income and expenditures resulting from the implementation of recommendations will be included in the FY 2020-2022 two-year budget.

Prepared by: Kris Martinez, Public Works Director  
Certified as to  
availability of funds: Edward Enriquez, Chief Financial Officer/Treasurer  
Approved by: Rafael Guzman, Assistant City Manager  
Approved as to form: Gary G. Geuss, City Attorney

Concurs with;

A handwritten signature in black ink, appearing to read "Chris MacArthur", is written over a horizontal line.

Chris MacArthur, Chair  
Utility Services/Land Use/Energy Development Committee

Attachment: Municipal Approaches to General Liability Claims Related to City-Owned Trees and Residential Sewer Laterals