

MOTION SHEET

Amending the ordinance in back-up to clarify exemption of city maintained public rights-of-way.

Suggested Script: (read the following from the dais)

I move to amend Part 12, section 15-2-13, subsection (B) to clarify that City maintained rights-of way are exempt from the drainage charge.

The exact ordinance language has been provided to the City Clerk and distributed on the dais.

Ordinance Language: provided to City Clerk—changes from ordinance in back up in **different font and bold**

PART 12.**§ 15-2-13 ~~[15]~~ EXEMPTIONS.**

(A) A benefitted property described in [In addition to property exempt under] Section 552.053(c) [402.053(e)] (*Exemptions*) of the Texas Local Government Code [a property] is exempt from the drainage charge established by this chapter.

(B) A benefitted property is exempt from the drainage charge established by this chapter if[:

~~(1)~~ the property is owned and occupied by:

(1) ~~[(a)]~~ the State of Texas;

(2) ~~[(b)]~~ a county;

(3) the City, if the property is publicly maintained right-of-way;

~~(4)~~~~[(3)]~~ ~~[(c)]~~ an independent school district; or

~~(5)~~~~[(4)]~~ ~~[(d)]~~ a public or private institution of higher education.~~[(e)]~~

(C) ~~[(2)]~~ A benefitted property is exempt from the drainage charge established by this chapter if the property is owned and occupied by an organization that is exempt from taxation under Section 11.20 (*Religious Organizations*) of the Texas Tax Code, and the organization submits to the director:

(1) ~~[(a)]~~ a request for an exemption from the drainage charge;

(2) ~~[(b)]~~ a copy of the organization's tax exemption certificate; and

(3) ~~[(c)]~~ an affidavit executed by a person authorized to contract for the organization stating that the organization participates in a program [that is approved by the city manager and] that provides housing for the homeless, at a monetary amount at least equal to the drainage charge.

(D) ~~[(B)]~~ The city manager shall review the effectiveness of the exemption under Subsection (C) ~~[(A)]~~~~(2)~~ and report the manager's findings and recommendations to council annually.