



**Austin City Code Amendment
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA ITEM NO.: 40
AGENDA DATE: Thu 09/02/2004
PAGE: 1 of 1

SUBJECT: Approve an ordinance amending sections 14-10-14(A) and 15-2-15(A) of the City Code relating to exemptions from the Transportation User and Drainage Utility Fees for public institutions of higher education.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Watershed Protection and **DIRECTOR'S**
DEPARTMENT: Development Review **AUTHORIZATION:** Joe Pantalione

FOR MORE INFORMATION CONTACT: Mike Ihnat, 974-7035; Cassandra Alexander, 974-1492; Rusty Cobern, 974-3595

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

The purpose of this City Code amendment is to add an exemption to the drainage utility and transportation user fees for public institutions of higher education.

Effective June 20, 2003, the Texas Local Government Code was amended to provide an exemption for state property from certain infrastructure fees by adding Section 430.003, which reads as follows:

"No county, municipality, or utility district may collect from a state agency or public institution of higher education any fee charged for the development or maintenance of programs of (sic) facilities for the control of excess water or storm water".

Although the new law mandates the exemption only for the city's drainage utility fee, for consistency this ordinance provides the exemption for both the drainage utility and transportation user fees by amending city code sections 15-2-15(A) and 14-10-14(A). The exemption from the drainage utility fee in city code section 15-2-15(A) will be effective as of June 20, 2003 as required by state law; the exemption from the transportation user fee in city code section 14-10-14(A) will be effective on the effective date of the ordinance.

There is no fiscal impact due to both exemptions having been incorporated into both the Fiscal Year 2004 current year estimate and the proposed Fiscal Year 2005 budget.

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE SECTION 14-10-14(A) RELATING TO EXEMPTIONS FROM THE TRANSPORTATION USER FEES AND SECTION 15-2-15(A) RELATING TO EXEMPTIONS FROM THE DRAINAGE UTILITY FEE FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 14-10-14(A) of the City Code is amended to read:

- (A) This chapter does not apply to the state, a county, [or] an independent school district, or a public institution of higher education.

PART 2. Section 15-2-15(A) of the City Code is amended to read:

- (A) In addition to property exempt under Section 402.053(c) (*Exemptions*) of the Texas Local Government Code, a property is exempt from the drainage charge established by this chapter if:

(1) the property is owned and occupied by:

(a) the State of Texas;

(b) a county; [

(c) an independent school district; or

(d) a public institution of higher education; or

(2) 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:

(a) a request for an exemption from the drainage charge;

(b) a copy of the organization's tax exemption certificate; and

(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.