

## ARTICLE XIV. MUNICIPAL DRAINAGE UTILITY SYSTEM

### DIVISION 1. CREATION OF THE SYSTEM

#### Sec. 47-801. Findings.

Incident to the creation of a municipal drainage utility system, the City Council of the City of Houston finds and determines that:

- (1) The city shall establish a schedule of drainage charges against all benefitted real property in the city ~~subject to such charges under this article;~~
- (2) The city shall provide drainage for all benefitted real property in the city upon payment of drainage charges unless the property is exempt from such payment as provided herein;
- (3) The city shall offer drainage service on nondiscriminatory, reasonable, and equitable terms.

#### Sec. 47-802. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Benefitted property* means a lot or tract within the drainage service area to which drainage service is made available under this article and which that discharges directly or indirectly into a street, creek, river, slough, bayou, culvert, conduit, inlet, or other channel that forms part of the city drainage utility system and that, according to a determination by the director, does not fall within an exemption.

*Billing year* means each 12-month period that begins on July 1<sup>st</sup> of one year and ends on June 30<sup>th</sup> of the ensuing year.

*Cost of service*, as applied to the drainage service for any benefitted property, means but shall not be limited to, the prorated cost of the following:

- (1) The acquisition of interests in real property relating to drainage structures, equipment and facilities;
- (2) The acquisition, construction, repair, and maintenance of drainage structures, equipment, and facilities;
- (3) The acquisition of drainage-related architectural, engineering, legal, and related services, plans and specifications, studies, surveys, estimates of cost and of revenue, and all other expenses necessary or incident to planning, providing, or determining the feasibility and practicality of drainage structures, equipment and facilities;
- (4) Providing and operating all drainage-related machinery, equipment, furniture, and facilities;

- (5) Start-up costs of drainage facilities; and
- (6) Administrative costs including direct and indirect costs ~~bank fees~~.

*County* means any of the counties of Fort Bend, Harris, and Montgomery, Texas.

*County-exempt property* means real property owned by a county and administered or used by that county for a public purpose that is primarily supported by general county tax revenue, including, but not limited to, courthouses, emergency management facilities, jails, libraries, offices for county officers, parks, transportation facilities, flood control facilities, and other similar properties. County-exempt property shall not include real property owned and administered or used by county-wide entities that are largely self-sufficient, are primarily supported by fees and charges or a separate tax, and are not primarily funded by general county tax revenue, including, but not limited to, the Port of Houston Authority, the Harris County Astrodome and Reliant Stadium complex, and other similar properties. For the purposes of this article, real property owned and administered or used for a public purpose by the Harris County Flood Control District, the Harris County Hospital District, and toll road authorities shall be considered county-exempt property.

*Curb and gutter drainage* means drainage primarily removed from a benefitted property by use of street curbs and gutters to channel the water to a system of underground pipes or culverts.

*Department* means the department of public works and engineering ~~City of Houston Department of Public Works and Engineering~~.

*Director* means the director of the department of public works and engineering or the director's designee.

*Drainage* means streets, curbs, bayous, bridges, catch basins, channels, conduits, creeks, culverts, detention ponds, ditches, draws, flumes, inlets, pipes, pumps, rivers, sloughs, treatment works, and other means and appurtenances to those items, whether natural or artificial, or using force or gravity, that are used to draw off surface water from land, carry the water away, collect, store, or treat the water, or divert the water into natural or artificial watercourses or into which the surface water flows; *drainage* shall also mean the water so transported.

*Drainage charge* means the charge imposed by the city herein, including penalties, to recover the city's cost in furnishing drainage services for any benefitted property within the service area and the cost of funding future drainage system improvements.

*Drainage system* means the drainage owned or controlled in whole or in part by the city and dedicated to the service of benefitted property as provided for in section 47-804 of this Code, as well as including provisions for additions to the system and any drainage system for which a Texas Pollutant Discharge Elimination System permit is held by the city alone or in conjunction with others. Drainage system components, including but not limited to streets, sidewalks, other dedicated improvements, and supporting rights-of-way, shall not be considered residential or nonresidential property as defined herein.

*Impervious surface* means any area that has been compacted or covered such that it does not readily absorb water or does not allow water to percolate through to undisturbed

underlying soil strata. Surface materials considered impervious shall include, but not be limited to, bricks, pavers, concrete, asphalt, compacted oil-dirt, compacted or decomposed shale, oyster shell, gravel, or granite, and other similar materials. Surface features utilizing such materials and considered impervious shall include, but not be limited to, decks, foundations (whether pier and beam or slab), building roofs, parking and driveway areas, sidewalks, compacted or rolled areas, paved recreation areas, swimming pools, and other features or surfaces that are built or laid on the surface of the land and have the effect of increasing, concentrating, or otherwise altering water runoff so that flows are not readily absorbed.

*Initial billing year* means the City of Houston's initial billing year for drainage charges, which began ~~begins~~ on July 1, 2011, and ended ~~ends~~ on June 30, 2012.

*Notification letter* means the letter the city mails to every ~~a~~ user, informing the user of the drainage charge the user shall be billed ~~per year, beginning July 1, 2011, and for each year thereafter~~. The notification letter will also inform the user of the frequency of billing for drainage charges and the amount per bill due the city, based on the number of billing cycles per year. Changes to the drainage charge caused by changes in the square footage of impervious surface or otherwise may prompt a new notification letter.

*Nonresidential property* means any property that is not classified as residential under this article.

*Open ditch drainage* means drainage primarily removed from a benefitted property by use of an open ditch or ditches.

*Parcel* means one or more lots or tracts of land, or portions of lots or tracts.

*Public or private institution of higher education* means a public institution of higher education as defined by Section 61.003 of the Texas Education Code, or a private college or university that issues degrees in the state of Texas and is accredited by a recognized accrediting agency as defined by Section 61.003 of the Texas Education Code.

*Public utility* means drainage service that is regularly provided by the city through municipal property dedicated to providing such service to the users of benefitted property within the service area, and that is based on an established schedule of charges, the use of police power to implement the service, and nondiscriminatory, reasonable, and equitable terms as provided under this article.

*Record review panel* means a panel of three hearing examiners that, upon a user's request, conducts a record review of a hearing examiner's decision pursuant to section 47-826 of this Code.

*Religious organization* means a religious organization exempt from taxation pursuant to the current provisions of Section 11.20 of the Texas Tax Code.

*Residential property* means any property upon which two or fewer single family residential units have or had been constructed or placed, including manufactured homes.

*School district* means any independent school district, as constituted by the laws of this state, located wholly or partly within the service area.

*Service area for the drainage system, or drainage service area*, means the corporate limits of the City of Houston, including any portion of a parcel that lies within the city limits, as those corporate limits are altered from time to time in accordance with state law, and the Charter, and ordinances of the city. Land annexed for limited purposes shall become part of the service area upon annexation for full purposes.

*State agency* means an administrative agency of the State of Texas; for the purposes of this article, state agency shall not include counties, special districts, or independent school districts.

*User* means the person or entity who owns or occupies a benefitted property. ~~[[LGC 552.044(9)]]~~

*Wholly sufficient and privately owned drainage system* means land owned and operated by a person or entity other than the city's drainage utility system, the drainage of which does not discharge into a street, ditch, culvert, creek, river, slough, or other channel that is a part of the city's drainage system. ~~[[LGC 552.044(1.1)]]~~

### **Sec. 47-803. Creation of municipal drainage utility.**

In the interest of public health and safety and a more efficient and economic operation of drainage facilities of the city, a municipal drainage utility system is created, which shall be a public utility. The public utility is created in accordance with the authority of the city as a home rule city pursuant to Article XI, Section 5 of the Texas Constitution; in accordance with Subchapter C of Chapter 552 of the Texas Local Government Code (the Municipal Drainage Utility Systems Act); and in accordance with Section 22 of Article IX of the City Charter. The provisions of Chapter 552, Subchapter C of the Texas Local Government Code, as amended, which are adopted and incorporated into this article by reference; the city charter; this article; and any other provisions of this ~~code~~ Code relating to drainage, shall govern the operation of the utility. The city shall have full authority to operate the such municipal drainage utility system; such authority is delegated to the director. Drainage service will be offered on nondiscriminatory, reasonable, and equitable terms within the service area.

### **Sec. 47-804. Dedication of assets to drainage utility system.**

Existing City of Houston drainage facilities, including all real, personal, or mixed property, materials and supplies are incorporated into the drainage utility as permitted by section 552.046 of the Texas Local Government Code, as amended.

### **Sec. 47-805. Administration and operation of municipal drainage services.**

(a) The director shall be responsible for administering the administration of this article and operating the drainage system including, but not limited to, interpreting and construing this article's provisions to correct any defect, supply any omission, and reconcile any inconsistency; enacting any procedures or policies necessary for the administration of the drainage system and the drainage charges, including establishing and implementing procedures for verification and correction of drainage charges and for appeals; developing maintenance and improvement programs; ~~and~~ establishing drainage criteria and standards for operation of the drainage system; and determining which properties are benefitted or exempt, in accordance with and subject to the provisions of this article. The director's authority under this article shall be exercised in a

manner and to the extent that the director considers the most expedient, in the best interests of the city, and in accordance with the provisions of this article.

(b) Calculation of impervious surface shall be adjusted by the director based on utilization of approved stormwater management techniques on the benefitted property. Any approved management techniques are to be identified and described in detail by the director and the information made readily available to the public.

**Secs. 47-806—47-820. Reserved.**

## DIVISION 2. FUNDING

### **Sec. 47-821. Management of utility funds.**

All drainage charges collected by the city beginning July 1, 2011, and such other monies as may be available to the city for the purpose of drainage, shall be used exclusively for creation, operation, planning, engineering, inspection, construction, repair, maintenance, improvement, reconstruction, administration and other reasonable and customary expenses associated with the cost of service to provide drainage services within the service area. The income derived from the operation of municipal drainage services shall be maintained in accordance with Section 552.049 of the Texas Local Government Code and Section 22 of Article IX of the City Charter.

### **Sec. 47-822. Drainage charge established; exemptions.**

(a) To recover the city's cost of service to provide drainage to benefitted properties, annual drainage charges calculated as provided herein are hereby imposed on all parcels of real property within the drainage service area for which drainage service is made available under this article, save and except for those properties exempted from the payment of drainage charges as provided herein.

(b) The rate applicable to each square foot of impervious surface of a benefitted property shall be determined on the basis of whether the land use of the benefitted property is classified as residential or non-residential. In addition, the rate applicable to a residential property shall be determined on the basis of whether the drainage system for the property is curb and gutter drainage or open ditch drainage.

(c) All drainage charges shall be calculated by multiplying the appropriate rate per square foot of impervious surface as specified in the city fee schedule by the total area in square feet of impervious surface on each benefitted property.

(d) The area of impervious surface on each benefitted property shall be determined on the basis of property inspections, appraisal district data, and/or the most current digital map data associated with tax plats and assessment rolls or other similar reliable data as shall be determined by the director.

(e) In the event a residential property is served by curb and gutter drainage on one or more sides and by open ditch drainage on one or more sides, the appropriate rate shall be determined by the street address for the property and the drainage system that corresponds to that side of the property.

(f) The following are exempt from imposition of a drainage charge:

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NOT YET APPROVED BY THE CITY ATTORNEY**

- (1) Properties appraised for use as, and designated as, qualified agricultural use property by the respective county appraisal district where the property is located;
- (2) Properties served exclusively by a properly constructed and maintained wholly sufficient and privately owned drainage system;
- (3) State agencies;
- (4) Any public or private institution of higher education;
- (5) Any impervious surface owned by a school district as of April 6, 2011;
- (6) Any impervious surface owned by a religious organization that is located on property exempt from taxation pursuant to Section 11.20, Tax Code as of April 6, 2011;
- (7) County-exempt property.

**Sec. 47-823. Review and adjustment of drainage rates.**

The drainage rates established herein shall not be increased by city council for a minimum of ten years from April 6, 2011; provided, however, that such limitations shall not be applicable when a rate increase is necessitated by the enactment of any state law that directly and negatively impacts the collection of drainage charges under the existing rate structure. Save and except for any rate increase prompted by the enactment of state law, approval of any rate increase shall require a super majority vote of 2/3 of the members of city council. The director shall on a regular basis review available data to verify the amount of impervious surface for benefitted property, and will make adjustments where appropriate to the calculations of the square footage of impervious surface for purposes of determining the drainage charge for benefitted property.

**Sec. 47-824. Verification, and correction and appeal.**

(a) *Establishing a system for verification and correction.* The director shall establish and implement a system of verification and correction of drainage charges for each property subject to the drainage charges established by this article. ~~Under such system, amount of surface on a particular property determined to be impervious by the city will be reviewed based on documentation provided to the city by the user.~~ The user requesting such a verification and correction must use either the city's officially-designated internet link (available on the city's website specifically for such purpose) or a form provided by the city with the notification letter, and mailed ~~by the user~~ to the address shown in the notification letter ~~within the officially allotted time frame.~~ As a condition of requesting verification and correction, the user shall grant the city reasonable access to the property for the city to independently verify on-site information. The following may be reviewed under the process described in this section:

- (1) Ownership of the property;
- (2) Whether the property is benefitted as defined in section 47-801 of this Code;
- (3) Whether an exemption applies to the property; and
- (4) The amount of surface on a particular property determined to be impervious.

~~(b) *Request for verification and correction of the city's initial drainage charge.* Documentation required. The director may require the user to support the user's claim that the city's determination regarding the property is in error. The city's review will be based on documentation provided to the city by the user and on information available to the city. Required documentation shall be forwarded by the user either electronically or in writing. Any documentation submitted to the city for verification and correction shall also include an affidavit in a form approved by the city attorney whereby the user shall sign and verify under penalty of law that any document the user is submitting to the city is true and correct. The city shall provide a special affidavit form to every user along with the letter of notification.~~

~~Based on documentation submitted by the user and information available to the city in its files, in databases, and from site visits, the city shall, where warranted, adjust the drainage charge accordingly.~~

- ~~(1) *Property ownership.* A user's request shall include documents demonstrating ownership such as titles, deeds, leases and other similar legal documents.~~
- ~~(2) *Benefitted property.* A user's request shall include documents demonstrating whether the boundaries of the property lie outside the corporate limits of the city.~~
- ~~(3) *Exemption.* A user's request shall include documents demonstrating that the particular exemption claimed applies to the property.~~
- ~~(4) *Amount of impervious surface.* A user's request for verification and correction of the city's initial drainage charge imposed on a benefitted property shall include documentation demonstrating the user's calculation of impervious surface and shall be forwarded by the user either electronically or in writing to the city after receipt within 60 days from the date of the initial notification letter mailed to the user by the city that initially informed the user of:
  - ~~(1)a. The square footage of impervious surface on the benefitted property;~~
  - ~~(2)b. The rate applicable to each square foot of impervious area; and~~
  - ~~(3)c. The calculated drainage charge resulting from the multiplication of the user's square footage of impervious surface by the applicable rate.~~~~

~~The documentation to be provided by the user in support of a request to the city for verification and correction shall include, as a minimum, a drawing or other depiction, with accompanying measurements, supporting the user's claim that the city's determination calculation of impervious area is in error. To be eligible for verification and correction of the amount of impervious surface, any request must at a minimum provide information sufficient to support a correction in the annual drainage charge to the user's favor of at least two percent or \$3.00, whichever is greater. Such documentation shall be forwarded to the city either electronically or via the U.S. Postal Service.~~

~~Any documentation submitted to the city for purposes of verification and correction shall also include an affidavit in a form approved by the city attorney whereby the user shall sign and verify under penalty of law that any document the user is submitting to the city is true and correct.~~

~~A special affidavit form shall be mailed by the city to every user along with the letter of notification. [moved up to first paragraph of (b) above]~~

~~Based on documentation submitted by the user (provided it was received by the city within the allotted time frame) and information available to the city in its files and databases, the city may increase or decrease the figure for the amount of impervious surface on the property for purposes of assessing the drainage charge, and shall adjust the drainage charge accordingly. [moved up to second paragraph of (b) above]~~

~~The city shall notify the user of the outcome of the city's verification and correction process, using the same address and the same medium by which the request was tendered (whether in writing via the U.S. Postal Service or electronically), including advising the user of the adjustment, if any, made to the drainage charge.~~

(c) Initial billing year. If any charge paid by the user during the initial billing year and prior to an such adjustment exceeds the amount of the adjusted charge as adjusted by the city, the cumulative total of such corrections due the user for payments made prior to an such adjustment were shall be credited to the user's account and shall be applied against the user's future charges due the city.

If any charge paid by the user in the city's initial billing year and prior to an such adjustment falls short of the amount of the adjusted charge as adjusted by the city, the cumulative total of such corrections due the city for payments made prior to such adjustment shall be debited to the user's account and shall be applied against the user's future charges due the city.

The facts and information a user provides in a request to the city for verification and correction shall not form the basis for any subsequent request for verification and correction.

(ed) Request by user for verification and correction of changed impervious surface. If the user's amount of impervious surface changes subsequent to the user's initial billing year, and the user notifies the city of such change electronically or in writing and requests the city to verify and correct the drainage charges, the request will be handled as an initial request for verification and correction as provided in section 47-824(bc) of this Code. Any adjustment in the drainage charge as a result of such request will become effective the first day of the month following the date of the user's request.

(de) Request by user for verification and correction of change to drainage charge by the city. The city may periodically review any properties within the service area, shall revise the city's database to reflect any changes that affect the area of the impervious surface, and shall forward a notification letter to the user advising the user of such change and the resulting change in the drainage charge. Any request for verification and correction of drainage charges resulting from changes to or updated information about the impervious surface as identified by the city that are added by the city to the city's drainage utility database for any year following the city's initial billing year will be handled as an initial request for verification and correction, as provided in section 47-824(bc) of this Code. ~~The allotted time frame for submitting such a request shall be 60 days from the date of the letter of notification mailed to the user.~~

(e) Results of verification and correction. Based on documentation submitted by the user and information available to the city in its files, in databases, and from site visits, the city may make a determination regarding: ownership of the property, whether a property is benefitted, whether an



exemption applies, or whether to increase or decrease the figure for the amount of impervious surface on the property. The city shall adjust the drainage charge accordingly.

The city shall notify the user of the outcome of the city's verification and correction process using the same address and the same medium by which the request was tendered (whether in writing via the U.S. Postal Service or electronically), including advising the user of the adjustment, if any, made to the drainage charge.

**Sec. 47-825. Appeals.**

~~(e)~~(a) *Appeals.* In the event a user disagrees with the outcome results of the verification and correction process, the user or the user's designated representative may request an appeal. Participation by a user in the verification and correction process as described herein and filing of a timely request for appeal shall be prerequisites to any appeal.

(b) The director shall designate drainage hearing examiners who will be independent of the operation of the city's drainage system to consider appeals as to whether or not a drainage charge was correctly applied to the property determined based on the amount of impervious surface on the property. City council is to review and approve the independent process utilized by the director for this appeal process.

(c) Any request for such an appeal shall be submitted by the user either online through a specifically-designated link on the city's website, or in writing, no later than 15 days following the date of the city's notification letter advising the user of the outcome of the verification and correction process.

(d) The user, or the user's designated representative, may select a date and time for the appeal from those available dates shown on the city's online calendar, or if the user does not have access to said calendar, the user shall contact the city to schedule an appeal. Based on the outcome of the appeal, the drainage charge shall be adjusted accordingly or remain unchanged, and if appropriate, a credit or debit shall be applied to the user's account. The user shall be notified of the outcome of the appeal, using the same address and the same medium by which the appeal was tendered (whether in writing via the U.S. Postal Service or electronically), ~~of the outcome of the appeal.~~

The decision of the hearing examiner, following appeal, shall be final unless the user or the user's representative files a timely request for a record review.

**Sec. 47-826. Record review.**

(a) In the event a user disagrees with the decision of the hearing examiner, the user or the user's designated representative may request a record review of the hearing examiner's decision. The request for a record review shall be submitted by the user online through a specially-designated link on the city's website or in writing no later than 15 business days following the date of the city's letter advising the user of the hearing examiner's decision.

(b) The record review will be conducted by a three-member review panel of hearing examiners and shall not include the hearing examiner who made the decision on the appeal. The panel's record review is limited to the information considered by the hearing examiner during the appeal.

(c) The city shall notify the user of the outcome of the panel's record review using the same address and the same medium by which the request was tendered (whether in writing via the U.S. Postal Service or electronically), including advising the user of the adjustment, if any, made to the drainage charge.

(d) The decision of the record review panel is final.

**Secs. 47-~~8275~~—47-840. Reserved.**

### DIVISION 3. BILLING

#### **Sec. 47-841. Billing and payment.**

(a) For users billed by the city for other utility charges, such as water and/or sewer service, the city may bill for drainage charges, identified separately, in the same bill. Otherwise the city shall establish new drainage billing accounts.

(b) An initial notification letter advising the user of the imposition of a drainage charge ~~shall be~~ was mailed to each user prior to the initial billing year. After the initial billing year, notices will be sent when changes to drainage charges occur. Such notice, as well as the bill itself, shall state the drainage charge that will be billed to the user and that failure of a user to pay such charges may result in the discontinuance of city drainage, water and sewer services.

(c) Bills for drainage charges shall reflect the annual charge imposed on a property divided by the user's number of utility billing cycles per year, e.g., if the city is billing a user for drainage on a monthly basis, the user's monthly drainage charge will equal the total annual drainage charge imposed on the property divided by 12 billing cycles per year.

(d) Bills shall be considered as received by the user, whether actually received or not, when deposited by the city in the United States mail, postage prepaid, addressed to the user's last known billing address or when electronically transmitted to the user's last known electronic address.

(e) Payment of bills shall be due when the bill is rendered.

#### **Sec. 47-842. Delinquent charges and penalties.**

(a) Any drainage charge due hereunder that is not paid when due may subject the user to late charges and reconnection fees authorized under the provisions of this Code relating to water and sewer charges.

(b) Any drainage charge due hereunder that is not paid when due may subject the user to discontinuance of all utility services provided by the city, including drainage, water and sewer services.

(c) Any drainage charge due hereunder that is not paid when due may be recovered in an action at law by the city, or by any other remedies or penalties provided at law or in Subchapters A and C of Chapter 552 of the Texas Local Government Code, and the provisions of sections 47-70 and 47-136 of this Code relating to termination of service for failure to pay water or sewer charges.

(d) The employees of the city's drainage utility shall have access, at all reasonable times, to any benefitted properties served by the drainage utility for inspection or repair of the drainage system or for the enforcement of the provisions of this article.

**Sec. 47-843. Determination of payment responsibility.**

Under circumstances where there may be more than one user, either multiple tenants and/or multiple owners, the director shall determine the party responsible for payment of city-billed drainage charges as follows:

- (1) On parcels where multiple utility accounts may exist and more than one tenant may be held responsible for payment of drainage charges within a single parcel or group of parcels belonging to the same owner, the director may choose the common owner of the subject property or properties to be the officially-designated user.
- (2) Where, within a 12-month period, a rental property has changed tenants two or more times, the director may choose the owner of the property to be the designated user. Such designation shall have no effect on responsibility for payment of water, sewer or solid waste charges.
- (3) Where multiple residential owners are grouped into a single association responsible for the payment of collective water or sewer charges, the director may designate the association as the official user for all impervious surfaces within the association's purview, regardless of parcel boundaries.

**Sec. 47-844. Applicability of the W.A.T.E.R. Fund.**

Beginning August 1, 2012, and on such date for each billing year thereafter, to the extent drainage charges collected under this article for the previous billing year exceed \$125 million, the amount of any excess up to, but no more than \$500,000.00, shall annually be transferred to the W.A.T.E.R. Fund (as such Fund has been established by section 36-61 of this Code), to be available for use in the payment of drainage bills; provided, however, the cumulative amount in the W.A.T.E.R. Fund for payment of drainage charges on such date for each billing year shall not exceed \$500,000.00. Monies accumulated in the W.A.T.E.R. Fund as provided herein shall be administered in accordance with the applicable provisions of Chapters 36 and 47 of this Code, but such funds shall be used exclusively for drainage bills.

**Secs. 47-845—47-860. Reserved.**

DIVISION 4. USE OF FUNDS

**Sec. 47-861. Oversight committee.**

There shall be created an oversight committee of nine members, four members to be appointed by the mayor, including the committee chair, and five members to be appointed by city council, whose members shall advise the city on drainage project priorities and process. The committee will consist of individuals with significant backgrounds in community development, infrastructure assessments, and other appropriate qualifications. Contractors, engineers or firms participating in any city drainage system project will be ineligible to serve on the committee. Within 12 months following the appointment of the committee, the committee shall recommend to city

council principles and guidelines by which future drainage projects shall be selected, and shall present to city council a proposed ten-year plan identifying drainage and street improvements recommended for construction with funding collected by the city pursuant to this article. Following presentment of said plan to city council, and after any amendments thereof by city council have been considered, the council shall approve the plan for implementation. The plan may thereafter be reviewed periodically by the city council and may be amended as appropriate. Following approval of the plan by city council, the plan shall be placed on the City's website or other public location for public viewing.

The oversight committee shall be in place by July 1, 2011.

**Sec. 47-862. No assumed liability.**

Floods from drainage and storm water runoff may occasionally occur that exceed the capacity of the drainage system maintained and financed with the drainage charges. In addition, surface water stagnation and pollution arising from nonpoint source runoff may occasionally occur that exceed the capacity of the drainage system maintained and financed with drainage charges. This article does not imply that properties subject to charges shall always be free from flooding or flood damage, surface water stagnation or nonpoint source pollution or that all flood control and water treatment projects to control the quantity and quality of runoff can be constructed effectively. Nothing whatsoever in this article should be construed as creating or be deemed to create additional duties on the part of the city or to hold the city liable for any damages incurred in a flood or from adverse water quality due to drainage runoff. Nothing in this article shall be deemed to waive the city's immunities under state law or to reduce the need or necessity for flood insurance by property owners within or without the city.

**Secs. 47-863—47-880. Reserved.**