

RULE NO.: R161-15.22

ADOPTION DATE: April 27, 2016

NOTICE OF RULE ADOPTION

By: Joseph G. Pantalion, P.E., Director
Watershed Protection Department

The Director of the Watershed Protection Department has adopted the following rule. Notice of the proposed rule was posted on January 28, 2016. Public comment on the proposed rule was solicited in the January 28, 2016 notice. This notice is issued under Chapter 1-2 of the City Code. The adoption of a rule may be appealed to the City Manager in accordance with Section 1-2-10 of the City Code as explained below.

A copy of the complete text of the adopted rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Watershed Protection Department, located at 505 Barton Springs Road, Suite 1200, Austin, TX, 78704; and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

EFFECTIVE DATE OF ADOPTED RULE

A rule adopted by this notice is effective on April 27, 2016.

AUSTIN CITY CLERK
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TEXT OF ADOPTED RULE

R161-15.22: This rule amends and replaces R161-15.22e, which created a new Section 9 to the Drainage Criteria Manual to enforce City Code Chapters 15-2 (*Drainage Utility*) and 15-9 (*Utility Service Regulations*).

COMMENTS AND CHANGES FROM PROPOSED RULE

Please see the attached redline version of DCM Section 9 to view changes from the emergency rule (underline) and the rule proposed January 28, 2016 (highlighted).

Please see attached Comments and Responses Spreadsheet for comments and responses to the proposed rule.

Please see Attachments A, B and C for comment letters from stakeholders.

Please see Attachment D for Common Responses to Comments.

AUTHORITY FOR ADOPTION OF RULE

The authority and procedure for the adoption of a rule to assist in the implementation, administration, or enforcement of a provision of City Code is established in Chapter 1-2 of the City Code. The authority to regulate the Drainage Utility is established in Chapters 15-2 and 15-9 of the City Code.

APPEAL OF ADOPTED RULE TO CITY MANAGER

A person may appeal the adoption of a rule to the City Manager. **AN APPEAL MUST BE FILED WITH THE CITY CLERK NOT LATER THAN THE 30TH DAY AFTER THE DATE THIS NOTICE OF RULE ADOPTION IS POSTED. THE POSTING DATE IS NOTED ON THE FIRST PAGE OF THIS NOTICE.** If the 30th day is a Saturday, Sunday, or official city holiday, an appeal may be filed on the next day which is not a Saturday, Sunday, or official city holiday.

An adopted rule may be appealed by filing a written statement with the City Clerk. A person who appeals a rule must (1) provide the person's name, mailing address, and telephone number; (2) identify the rule being appealed; and (3) include a statement of specific reasons why the rule should be modified or withdrawn.

Notice that an appeal was filed and will be posted by the city clerk. A copy of the appeal will be provided to the City Council. An adopted rule will not be enforced pending the City Manager's decision. The City Manager may affirm, modify, or withdraw an adopted rule. If the City Manager does not act on an appeal on or before the 60th day after the date the notice of rule adoption is posted, the rule is withdrawn. Notice of the City Manager's decision on an appeal will be posted by the city clerk and provided to the City Council.

On or before the 16th day after the city clerk posts notice of the City Manager's decision, the City Manager may reconsider the decision on an appeal. Not later than the 31st day after giving written notice of an intent to reconsider, the City manager shall make a decision.

CERTIFICATION BY CITY ATTORNEY

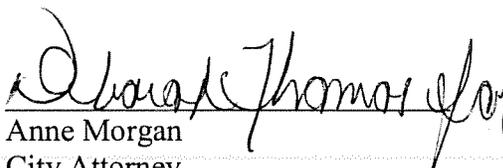
By signing this Notice of Rule Adoption (R161-15.22), the City Attorney certifies that the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEWED AND APPROVED



Joseph G. Pantaloni, P.E., Director
Watershed Protection Department

Date: 4-25-16



Anne Morgan
City Attorney

Date: 4/26/2016