

RESOLUTION NO. 26179

A RESOLUTION AUTHORIZING THE CITY ATTORNEY OR HIS DESIGNEE TO AGGRESSIVELY PURSUE DELINQUENT STORM WATER FEES IN AN AMOUNT OF TWENTY-TWO MILLION DOLLARS (\$22,000,000.00) TO THE EXTENT ALLOWED BY LAW AND TO INCUR REASONABLE AND NECESSARY EXPENSES ASSOCIATED THERETO AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO APPROACH THE GENERAL ASSEMBLY TO REQUEST THAT TENNESSEE CODE ANNOTATED SECTIONS 68-221-1112 AND 68-221-1107(a) RELATIVE TO STORM WATER FEES BE AMENDED.

WHEREAS, at the January 7, 2010 meeting of the Blue Ribbon Water Quality Committee, the Committee recommended that the Chattanooga City Council authorize delinquent storm water fees in an amount of \$22,000,000 to be aggressively pursued as allowed by law and that all funds collected from delinquent fees be applied to the fiscal year 2009-2010 water quality budget; and

WHEREAS, at the January 7, 2010 meeting of the Blue Ribbon Water Quality Committee, the Committee recommended that the Chattanooga City Council authorize the Mayor or his designee to approach the general assembly to request that Tennessee Code Annotated Section 68-221-1112 be amended by replacing the word "tax" with "fee" in the requirement that any storm water fee contain the language "THIS TAX HAS BEEN MANDATED BY CONGRESS"; and

WHEREAS, at the January 7, 2010 meeting of the Blue Ribbon Water Quality Committee, the Committee recommended that the Chattanooga City Council authorize the

Mayor or his designee to approach the general assembly to request that Tennessee Code Annotated Section 68-221-1107(a) be amended to delete the statutory exemption “from payment of the graduated storm water user fee” for persons “whose storm water runoff is not discharged into or through the storm water or flood control facilities, or both, of the municipality....”

NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the City Attorney or his designee is hereby authorized to aggressively pursue delinquent storm water fees in an amount of \$22,000,000 to the extent allowed by law and to incur reasonable and necessary expenses associated with the collection of said fees and that all funds collected from delinquent fees be applied to the fiscal year 2009-2010 water quality budget; and

BE IT FURTHER RESOLVED That the Mayor or his designee is hereby authorized to approach the general assembly to request that Tennessee Code Annotated Section 68-221-1112 be amended by replacing the word “tax” with “fee” in the requirement that any storm water fee contain the language “THIS TAX HAS BEEN MANDATED BY CONGRESS”; and

BE IT FURTHER RESOLVED That the Mayor or his designee is hereby authorized to approach the general assembly to request that Tennessee Code Annotated Section 68-221-1107(a) be amended to delete the statutory exemption “from payment of the graduated storm water user fee” for persons “whose storm water runoff is not discharged into or through the storm water or flood control facilities, or both, of the municipality....”

ADOPTED: January 12, 2010.

CRF/kac/mms