

AN ORDINANCE 2007-02-15-0184

**APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BEXAR COUNTY WHICH ESTABLISHES CERTAIN TERMS BY WHICH THE CITY OF SAN ANTONIO WILL CONSENT TO THE CREATION OF EMERGENCY SERVICES DISTRICT #8 WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ).**

\* \* \* \* \*

WHEREAS, certain residents of Bexar County have filed a petition with Bexar County Commissioners Court in which they seek to form an Emergency Services District #8 ("ESD #8"), which would include a portion of the Extraterritorial Jurisdiction of the City of San Antonio; and,

WHEREAS, the citizens involved in the project have applied to the City of San Antonio for permission to include that portion of the Extraterritorial Jurisdiction within the proposed special district as required by Ch. 775 of the Texas Health & Safety Code; and,

WHEREAS, the affected portion of the City's Extraterritorial Jurisdiction is more particularly described in the Petition for Formation of the District attached at Exhibit B; and,

WHEREAS, representatives of Bexar County, Texas ("County") and the City of San Antonio ("City") have negotiated an agreement pursuant to state law which, if approved by the County and City, will be incorporated into the call for the election on formation of the proposed ESD #8; and,

WHEREAS, City staff has reviewed the proposal and has recommended that permission be granted on the conditions set forth in the attached agreement; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO THAT:

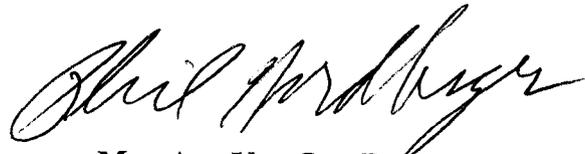
**SECTION 1.** Permission is hereby granted to include the portion of the Extraterritorial Jurisdiction of the City of San Antonio within the proposed Bexar County Emergency Services District #8 in accordance with the terms of Chapter 775, Texas Health & Safety Code and the Agreement for Approval of ESD #8 which is set forth in substantially final form at Exhibit A. A copy of the petition for formation of ESD #8 is attached hereto as Exhibit B and contains a description of the area to be included within the district. Exhibits A and B are attached hereto and incorporated herein for reference. The City Manager or her designee is hereby authorized to

execute the Agreement on behalf of the City and to take such further and necessary acts to implement this Ordinance.

**SECTION 2.** The City Clerk is directed to forward a copy of this action to the County Judge, Bexar County on behalf of the City.

**SECTION 3.** This ordinance is effective on the tenth day after its passage.

**PASSED AND APPROVED** this 15<sup>th</sup> Day of February, 2007.

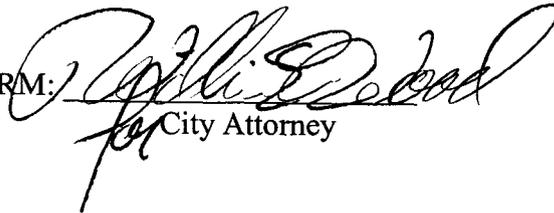
  
M A Y O R

ATTEST:

  
CITY CLERK

**PHIL HARDBERGER**

APPROVED AS TO FORM:

  
City Attorney

# Agenda Voting Results

**Name:** 33. An Ordinance approving the terms and conditions and authorizing the execution of an agreement with Bexar County

**Date:** 02/15/07

**Time:** 11:50:23 AM

**Vote Type:** Multiple selection

**Description:** 33.

An Ordinance approving the terms and conditions and authorizing the execution of an agreement with Bexar County which establishes certain terms by which the City of San Antonio will consent to the creation of Bexar County Emergency Services District (ESD) No. 8 within the City's extraterritorial jurisdiction (ETJ). [Presented by Andrew Smith, Director, Intergovernmental Relations; Erik J. Walsh, Assistant City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		X		
SHEILA D. MCNEIL	DISTRICT 2		X		
ROLAND GUTIERREZ	DISTRICT 3		X		
RICHARD PEREZ	DISTRICT 4		X		
PATTI RADLE	DISTRICT 5		X		
DELICIA HERRERA	DISTRICT 6		X		
ELENA K. GUAJARDO	DISTRICT 7		X		
ART A. HALL	DISTRICT 8		X		
KEVIN A. WOLFF	DISTRICT 9		X		
CHIP HAASS	DISTRICT_10		X		
MAYOR PHIL HARDBERGER	MAYOR		X		

## AGREEMENT FOR APPROVAL OF ESD #8

This Agreement is entered into by and between the County of Bexar ("COUNTY") and the City of San Antonio ("CITY") (collectively the "Parties") pursuant to Health & Safety Code §775.014.

### RECITALS

WHEREAS, a petition for the creation of Bexar County Emergency Services District No. 8 ("ESD #8") has been filed with COUNTY; and

WHEREAS, because a portion of the proposed district lies within CITY's extraterritorial jurisdiction, the district may not be created without the consent of CITY; and

WHEREAS, Health & Safety Code §775.014(h) allows CITY and COUNTY to impose conditions on the creation of an emergency services district; and

WHEREAS, CITY will consent to the creation of ESD #8 if COUNTY will agree to impose certain conditions allowed under Health & Safety Code §775.014(h);

NOW THEREFORE, the Parties agree as follows:

1. CITY consents to the creation of ESD #8 with the following conditions:
  - a. ESD #8 cannot incur debt in excess of \$20,000.00 without the consent of CITY. CITY will timely review and respond to a request for consent to incur debt.
  - b. If CITY annexes a portion of ESD #8, any contractual obligations of ESD #8 to, or the payment of any debt incurred by, a third-party contractor will not be a debt for purposes of Texas Health and Safety Code Section 775.022 unless CITY approved the contract creating the obligation or debt. "Third-party" shall mean any person or entity other than ESD #8 or CITY.
  - c. Any fire station constructed by ESD #8 will be located and constructed with the concurrence of the Chief of the San Antonio Fire Department ("SAFD").
  - d. ESD #8 will ensure that its equipment is compatible with CITY's equipment.
  - e. ESD #8 will enter into mutual aid agreements.
  - f. Upon request by CITY, ESD #8 will remove from its territory property that CITY has already acquired or is in the process of acquiring, which property is specifically identified in the attachment to this Agreement

### EXHIBIT A

2. The above-imposed conditions shall be included on the ballot for the election to confirm the creation of ESD #8 and authorize the imposition of a tax.
3. A representative of CITY will sit with panels interviewing applicants for the ESD #8 Board of Directors, and SAFD have an ex-officio representative on the Board.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2007.

**COUNTY OF BEXAR:**

**CITY OF SAN ANTONIO:**

BY: \_\_\_\_\_  
NELSON W. WOLFF  
County Judge

BY: \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
GERRY RICKHOFF  
County Clerk

\_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
SUSAN D. REED  
Bexar County Criminal District Attorney

BY: \_\_\_\_\_  
KELSEY MENZEL  
Assistant Criminal District Attorney  
Civil Section

APPROVED AS TO FINANCIAL CONTENT:

BY: \_\_\_\_\_  
TOMMY TOMPKINS  
County Auditor

BY: \_\_\_\_\_  
DAVID SMITH  
Budget Officer/Executive Director of Planning  
and Resource Management Dept.