

AN ORDINANCE 2017-02-23-0115

AUTHORIZING INTERLOCAL AGREEMENTS BETWEEN THE CITY OF SAN ANTONIO AND THE BEXAR COUNTY EMERGENCY SERVICES DISTRICTS #5 AND #6.

* * * * *

WHEREAS, upon the City of San Antonio's ("CoSA") December 2016 annexation of territory in the southeast and southwest portions of Bexar County, Chapter 43 of the Texas Local Government Code requires the newly annexed areas to receive fire protection services that are comparable to the level of services provided in other parts of the municipality; and

WHEREAS, Section 43.035 of the Texas Local Government Code states that parcels of land that are currently appraised for ad valorem tax purposes as land for agricultural or wildlife management use or as timber land may not be annexed unless the annexing municipality offers the owner(s) of each such parcel a development agreement (non-annexation agreement) pursuant to Section 212.172 that would guarantee the continuation of the extraterritorial status of the parcel; and

WHEREAS, a number of landowners in the newly annexed areas have entered into development agreements with COSA creating a complicated patchwork of respective jurisdictions of COSA, Bexar County Emergency Services District #5 ("ESD #5"), and Bexar County Emergency Services District #6 ("ESD #6"); and

WHEREAS, COSA, ESD #5 and ESD #6 desire to cooperate with each other to provide fire protection for the subject areas; **NOW THEREFORE**,

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

SECTION 1. The City Manager and her designated representative are hereby authorized to execute an Interlocal Agreement with ESD #5 and ESD #6 as agreed by the parties and described below and incorporated for all purposes. The terms and conditions of each agreement shall be substantially the same as those set out in the draft contracts attached hereto as **EXHIBIT 1** and **EXHIBIT 2**. Should the parties fail to execute such an agreement within ninety days of the effective date of this Ordinance, subsequent authorization is required.

SECTION 2. No funding requirements exist for Interlocal Agreements. The San Antonio Fire Department has accounted for the newly annexed area in the service plan adopted with the annexation.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund

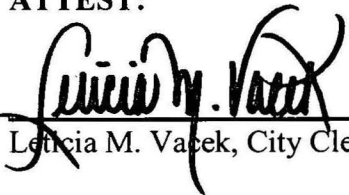
Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance shall become effective March 1, 2017.

PASSED and APPROVED this 23rd day of February, 2017.



M A Y O R
Ivy R. Taylor

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



for Andrew Segovia, City Attorney

Agenda Item:	22 (in consent vote: 4, 5, 6, 9A, 9B, 9C, 11, 12, 14, 15, 16A, 16B, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27)						
Date:	02/23/2017						
Time:	09:31:13 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing Interlocal Agreements with the Bexar County Emergency District #5 and #6 to provide fire protection services to parcels in the newly annexed areas in the jurisdiction of ESD #5 and #6. [Erik Walsh, Deputy City Manager; Charles Hood, Fire Chief]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				x
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6	x					
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x			x	

INTERLOCAL AGREEMENT

BETWEEN THE CITY OF SAN ANTONIO (FIRE DEPARTMENT) AND BEXAR COUNTY EMERGENCY DISTRICT #5

This Interlocal Agreement (herein after "ILA") is entered on this _____ day of February, 2017 between the City of San Antonio (Fire Department) ("COSA") and the Bexar County Emergency District #5 (ESD #5).

WHEREAS, upon COSA's February 2017 annexation of territory in the southeast and southwest portions of Bexar County, Texas, Chapter 43 of the Texas Local Government Code requires the newly annexed areas to receive fire protection services that are comparable to the level of services provided in other parts of the municipality; and

WHEREAS, Section 43.035 of Chapter 43 of the Texas Local Government Code states that parcels of land that are currently appraised for ad valorem tax purposes as land for agricultural or wildlife management use or as timber land may not be annexed unless the annexing municipality offers the owner(s) of each such parcel a development agreement (non-annexation agreement) pursuant to Section 212.172, Texas Local Government Code that would guarantee the continuation of the extraterritorial status of the parcel; and

WHEREAS, a number of landowners' parcels in the newly annexed areas have entered into development agreements with COSA; and

WHEREAS, it is the desire of COSA and ESD #5 to institute this ILA to provide fire protection services to the parcels in the newly annexed areas in the jurisdiction of ESD #5 and having development agreements with COSA; and

COSA and ESD # 5 hereby agree as follows:

1. This ILA applies to any and all parcels of real property that have valid development agreements with COSA pursuant to COSA's February 2017 annexation of the surrounding territory currently within the jurisdiction of ESD # 5;
2. San Antonio Fire Department ("SAFD") will provide fire and EMS services and will respond to calls for services in the subject parcels;
3. ESD #5 will provide "in kind services" as the term is commonly used by the parties. In other words, ESD# 5 will reciprocate by providing fire services and will respond to calls for services in San Antonio if requested. The City of San Antonio will follow the request format documented in the Alamo Area Council of Governments Regional Mutual Aid Contract to request resources from ESD #5.

EXHIBIT 1

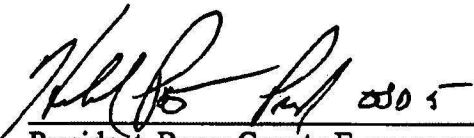
4. The Board of Commissioners for ESD 5 agrees that the subject parcels shall be coded in the Computer Aided Dispatch System of the City of San Antonio and Bexar County as SAFD Response;
5. Each Authority Having Jurisdiction will remain responsible for their jurisdictional area. Legal and liability issues will be addressed as documented in the Alamo Area Council of Governments Regional Mutual Aid Contract.
6. This ILA shall remain in effect for a period of three years with the option to extend it for three more 3 year periods by written consent of COSA and ESD # 5.

DATE

1/26/17

DATE

City Manager, City of San Antonio



President, Bexar County Emergency District #5

APPROVED AS TO FORM
CITY ATTORNEY

INTERLOCAL AGREEMENT

BETWEEN THE CITY OF SAN ANTONIO (FIRE DEPARTMENT) AND BEXAR COUNTY EMERGENCY DISTRICT #6

This Interlocal Agreement (herein after "ILA") is entered on this _____ day of February, 2017 between the City of San Antonio (Fire Department) ("COSA") and the Bexar County Emergency District #6 (ESD #6).

WHEREAS, upon COSA's February 2017 annexation of territory in the southeast and southwest portions of Bexar County, Texas, Chapter 43 of the Texas Local Government Code requires the newly annexed areas to receive fire protection services that are comparable to the level of services provided in other parts of the municipality; and

WHEREAS, Section 43.035 of Chapter 43 of the Texas Local Government Code states that parcels of land that are currently appraised for ad valorem tax purposes as land for agricultural or wildlife management use or as timber land may not be annexed unless the annexing municipality offers the owner(s) of each such parcel a development agreement (non-annexation agreement) pursuant to Section 212.172, Texas Local Government Code that would guarantee the continuation of the extraterritorial status of the parcel; and

WHEREAS, a number of landowners' parcels in the newly annexed areas have entered into development agreements with COSA; and

WHEREAS, it is the desire of COSA and ESD #6 to institute this ILA to provide fire protection services to the parcels in the newly annexed areas in the jurisdiction of ESD #6 and having development agreements with COSA; and

COSA and ESD # 6 hereby agree as follows:

1. This ILA applies to any and all parcels of real property that have valid development agreements with COSA pursuant to COSA's February 2017 annexation of the surrounding territory currently within the jurisdiction of ESD # 6;
2. San Antonio Fire Department ("SAFD") will provide fire and EMS services and will respond to calls for services in the subject parcels;
3. ESD #6 will provide "in kind services" as the term is commonly used by the parties. In other words, ESD# 6 will reciprocate by providing fire services and will respond to calls for services in San Antonio if requested. The City of San Antonio will follow the request format documented in the Alamo Area Council of Governments Regional Mutual Aid Contract to request resources from ESD #6.

4. The Board of Commissioners of ESD # 6 agrees that the subject parcels shall be coded in the Computer Aided Dispatch System of the City of San Antonio and Bexar County as SAFD Response;
5. Each Authority Having Jurisdiction will remain responsible for their jurisdictional area. Legal and liability issues will be addressed as documented in the Alamo Area Council of Governments Regional Mutual Aid Contract.
6. This ILA shall remain in effect for a period of three years with the option to extend it for three more 3 year periods by written consent of COSA and ESD # 6.

DATE

2/2/17
DATE

Emergency District #6

City Manager, City of San Antonio



Authorized Commissioner, Bexar County

APPROVED AS TO FORM
CITY ATTORNEY