

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

**AN ORDINANCE**

**AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND BEXAR COUNTY FOR IMPLEMENTATION OF THE SOUTHERN EDWARDS PLATEAU-HABITAT CONSERVATION PLAN (SEP-HCP); APPOINTING MEMBERS TO ITS COORDINATING COMMITTEE; AND APPROPRIATING \$175,000 FROM THE DEVELOPMENT SERVICES FUND.**

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**WHEREAS**, the Southern Edwards Plateau-Habitat Conservation Plan (SEP-HCP) is an initiative that began in 2009 in response to the U.S. Army's desire to promote compatible development near Camp Bullis; and

**WHEREAS**, the City Council passed Ordinance 2009-12-03-0 authorizing an interlocal agreement with Bexar County to begin the process of establishing the SEP-HCP; and

**WHEREAS**, Bexar County began with the creation of a Citizens Advisory Committee and a Biological Advisory Team comprised of land owners, developers, government agencies, conservationists and biologists to ensure that the SEP-HCP met the needs of the local community and regulatory requirements of the Endangered Species Act (ESA), National Environmental Policy Act and Chapter 83 of the Texas Parks and Wildlife Code; and

**WHEREAS**, the SEP-HCP will provide for local administration of the ESA and help to streamline the process for achieving compliance for landowners, developers, the City of San Antonio, Bexar County and anyone conducting non-federal activities within the jurisdiction of the plan area; and

**WHEREAS**, in December of 2015, the U.S. Fish and Wildlife Service approved the final SEP-HCP, and on January 18, 2016, a Joint 30-year Incidental Take Permit (Permit) was issued to the City of San Antonio and Bexar County; and

**WHEREAS**, the execution of the interlocal agreement by the City and County will establish an organizational structure and allocation of shared responsibilities for the coordination, administration, implementation, and funding of the SEP-HCP and joint management of the Permit; and

**WHEREAS**, prior to the inclusion in the SEP-HCP of any City owned real property, including property that is included in the Edwards Aquifer Protection Program (EAPP) and commonly referred to as Proposition Lands, a request for such inclusion shall be brought before the

Conservation Advisory Board and the City Council for consideration; and

**WHEREAS**, a portion of the net proceeds generated as a result of the inclusion of Proposition Lands in the SEP-HCP shall be allocated to the EAPP to carry out its program objectives; and

**WHEREAS**, funding in the amount of \$175,000.00 will be allocated for the initial SEP-HCP activities which include a Government Canyon survey, plan management, and contract consultant extension, and all approved SEP-HCP funding will be reimbursed to the Development Services Fund when money becomes available; and

**WHEREAS**, creation of a SEP-HCP Coordinating Committee through the interlocal agreement, consisting of three City appointees and three County appointees, will carry out the purposes and goals of the SEP-HCP by making budget recommendations, permit management, providing policy oversight, and developing and administering guidelines for the purchase and management of all the lands in the preserve system; **NOW THEREFORE:**

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

**SECTION 1.** The City Manager, or her designee, is authorized to negotiate and execute an interlocal agreement with Bexar County for the implementation of the Southern Edwards Plateau-Habitat Conservation Plan. A copy of the proposed “Interlocal Agreement for the Implementation of the Southern Edwards Plateau-Habitat Conservation Plan” is attached hereto and incorporated herein for all purposes as **Attachment I**.

**SECTION 2.** The City appointees to the SEP-HCP Coordinating Committee created through the interlocal agreement are ex officio representatives from the Departments of Development Services, Parks and Recreation, and Planning. The Assistant Director for Land Development of the Development Services Department, the Assistant Director of the Planning Department, and the Director of the Parks and Recreation Department are the designated appointed members of the Coordinating Committee on behalf of the City. Terms of office are to be staggered, two years, beginning January 1 and ending on December 31 of the next year. Initially, the members shall serve the remainder of an unexpired two-year term of office, to expire December 31, 2018, or the remainder of an unexpired one-year term of office, to expire December 31, 2017, in accordance with the terms and provisions of the interlocal agreement. Each successive term shall be for a period of two years, respectively.

**SECTION 3.** Prior to the inclusion in the SEP-HCP of any City owned real property, including a tract or parcel that is a part of the Edwards Aquifer Protection Program (EAPP) and commonly referred to as Proposition Land, the Conservation Advisory Board (CAB) shall review a request for such inclusion. Any recommendation by the CAB shall then be brought before the City Council for a vote on final consideration. In the event the City Council votes to include a tract of land designated as Proposition Land in the SEP-HCP, then no less than one-half of the net proceeds generated by the inclusion of said tract in the SEP-HCP shall be allocated to the EAPP to carry out its program objectives.

**SECTION 4.** The amount of \$175,000.00 is appropriated in Fund 29097000, DT OP TRFS, SAP Internal Order 390000002113, SAP GL account 6102100 - Interfund Transfer out entitled

From DT OP TRFS to Budget and Research. The amount of \$175,000.00 is authorized to be transferred to SAP Fund 29105001.

**SECTION 5.** The budget in SAP Fund 29105001, Budget and Research, SAP Internal Order 311000002113, SAP GL Account 6101100 - Interfund Transfer In, shall be increased by the amount \$175,000.00.

**SECTION 6.** Funding will be allocated for Government Canyon Survey, Plan Management, and contract consultant extension. All approved SEP-HCP funding will be reimbursed to the Development Services Fund 29105001 when money is available.

**SECTION 7.** Funds are authorized to be received from Bexar County to Development Services SAP Fund 29105001, and into an Intergovernmental General Ledger account.

**SECTION 8.** 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 9.** This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

**PASSED AND APPROVED** this 19<sup>th</sup> day of January 2017.

M A Y O R  
Ivy R. Taylor

**ATTEST:**

**APPROVED AS TO FORM:**

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Leticia M. Vacek, City Clerk

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City Attorney