



# City of San Antonio

## Agenda Memorandum

**File Number:** 17-1291

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**Agenda Item Number:** 6.

**Agenda Date:** 1/18/2017

**In Control:** Criminal Justice, Public Safety and Services Committee

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**DEPARTMENT:** SAFD

**DEPARTMENT HEAD:** Charles N. Hood

**COUNCIL DISTRICTS IMPACTED:** Council Districts 3 and 4

### **SUBJECT:**

Provision of Fire and EMS services by Interlocal Agreement to any and all parcels of real property that have valid development agreements with COSA pursuant to COSA's December 2016 annexation of the surrounding territory currently within the jurisdiction of Bexar county and ESDs # 5 and # 6, which annexation was approved by COSA City Council.

### **SUMMARY:**

These Interlocal Agreements would allow the San Antonio Fire Department to respond to emergencies, as the provider of services to the parcels in the newly annexed areas in the jurisdictions of Bexar County and ESDs #5 and # 6 that have development agreements with COSA, which temporarily exempted these parcels from annexation.

### **BACKGROUND INFORMATION:**

Upon COSA's December 2016 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.

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. Several landowners in the newly annexed area have entered into development agreements with the city, which has temporarily exempted the parcel from annexation. This makes emergency incidents on these parcels the responsibility of the ESD or county department in the area. This type of situation leads to jurisdictional and dispatching issues between COSA and the county.

#### **ISSUE:**

It is the desire of the San Antonio Fire Department to have COSA institute Interlocal Agreements with the County and ESDs #5 and #6 to provide fire protection services to the parcels in the newly annexed areas and having development agreements with COSA, to avoid the anticipated problems that this type of situation often causes.

#### **ALTERNATIVES:**

The City has the option not to enter in to an agreement to provide these services.

#### **FISCAL IMPACT:**

There is no additional expenditures for these Interlocal Agreements. The San Antonio Fire Department has accounted for these parcels in the service plan adopted with the annexation.

#### **RECOMMENDATION:**

The staff recommends the continued working toward Interlocal Agreements for these areas.