



# City of San Antonio

## Agenda Memorandum

**File Number:**17-1365

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**Agenda Item Number:** 22.

**Agenda Date:** 2/23/2017

**In Control:** City Council A Session

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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 City of San Antonio (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 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:**

This ordinance authorizes an Interlocal Agreement with ESDs # 5 and # 6 for provision and coordination of emergency Fire and EMS services in newly annexed areas and areas having development agreements with COSA. This action does not encumber any funds as the ESDs will provide in kind services in return for the San Antonio Fire Department providing Fire and EMS services to all parcels in the areas.

**RECOMMENDATION:**

The staff recommends the approval of the Interlocal Agreements for these areas.