

AN ORDINANCE **92340**

APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF SAN ANTONIO, THE CITY OF CONVERSE AND BEXAR COUNTY REGARDING IMPLEMENTING REVIEW PROCEDURES DESIGNED TO PROTECT THE INTEREST OF THE CITY OF SAN ANTONIO IN THE FORMATION OF A PROPOSED EMERGENCY SERVICES DISTRICT (ESD) WITHIN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITIES.

* * * * *

WHEREAS, representatives of the City of Converse, Bexar County and the City of San Antonio have discussed the procedures for reviewing and implementing requests by citizens to form Special Purpose Districts such as Emergency Services Districts; and,

WHEREAS, the formation of the districts affects the scope and cost of providing services in newly annexed areas; and,

WHEREAS, current state law does not provide a meaningful opportunity for the City of San Antonio to review the details of the proposed district and provides only a limited opportunity for the Commissioners Court of Bexar County to review the proposed finances, operations, equipment and facilities of proposed districts; and,

WHEREAS, the representatives of the City of Converse, Bexar County and the City of San Antonio were able to identify areas where the various affected entities could cooperate in reviewing proposed services districts and to seek additional legislative authority to bind the services districts to the obligations negotiated during the review process; and,

WHEREAS, whereas the parties desire to adopt a general statement of their mutual understanding, NOW, THEREFORE,

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

SECTION 1. The attached Memorandum of Understanding between the City of San Antonio, the City of Converse and Bexar County is approved. A copy of the Memorandum is attached hereto and incorporated herein for all purposes.

SECTION 2. The City Manager or an Assistant City Manager is authorized to execute the Memorandum on behalf of the City of San Antonio and the City Manager is directed to forward a copy of this Ordinance with the attached memorandum to the City of Converse and to Bexar County.

SECTION 3. This ordinance shall be effective from and after the tenth day after its adoption.

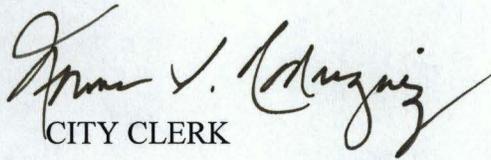
PASSED AND APPROVED this 17th day of August, 2000



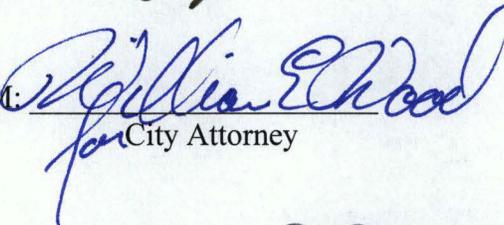
M A Y O R

Howard W. Peak

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


for City Attorney

00-30

MEETING OF THE CITY COUNCIL

ALAMO DOME
ASSET MANAGEMENT
AVIATION
BUDGET & PERFORMANCE ASSESSMENT
BUILDING INSPECTIONS
BUILDING INSPECTIONS - HOUSE NUMBERING
CITY ATTORNEY
MUNICIPAL COURT PROSECUTORS
RISK MANAGEMENT
CITY MANAGER
CITY PUBLIC SERVICE - GENERAL MANAGER
CITY PUBLIC SERVICE - MAPS & RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER (PUBLISH)
COMMUNITY INITIATIVES
COMMUNITY RELATIONS
PUBLIC INFORMATION OFFICE
CONVENTION & VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
COUNCIL OFFICES
CULTURAL AFFAIRS
ECONOMIC DEVELOPMENT
FINANCE DIRECTOR
FINANCE (ASSESSOR)
FINANCE (CONTROLLER)
FINANCE (GRANTS)
FINANCE (TREASURY)
FIRE DEPARTMENT
HOUSING & COMMUNITY DEVELOPMENT
HUMAN RESOURCES
INFORMATION SERVICES
INTERGOVERNMENTAL RELATIONS
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION (PUBLISH)
MUNICIPAL COURTS
NEIGHBORHOOD ACTION
PARKS & RECREATION
PLANNING DEPARTMENT
DISABILITY ACCESS OFFICE
LAND DEVELOPMENT SERVICES
POLICE DEPARTMENT
GROUND TRANSPORTATION OFFICE
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING (W/ATTACHMENTS)
ENGINEERING
ENVIRONMENTAL SERVICES
PARKING
REAL ESTATE
SOLID WASTE
TRAFFIC ENGINEERING
PURCHASING & GENERAL SERVICES
SAN ANTONIO WATER SYSTEM

AGENDA ITEM NUMBER: 42

DATE: AUG 17 2000

MOTION: Bannwolf Perez

ORDINANCE NUMBER: 92340

RESOLUTION NUMBER: _____

ZONING CASE NUMBER: _____

TRAVEL AUTHORIZATION: _____

NAME	ROLL	AYE	NAY
BOBBY PEREZ		/	
District 1			
MARIO SALAS		/	
District 2			
DEBRA GUERRERO		/	
District 3			
RAUL PRADO		/	
District 4			
DAVID A. GARCIA		/	
District 5			
ENRIQUE BARRERA		/	
District 6			
ED GARZA		/	
District 7			
BONNIE CONNER		/	
District 8			
TIM BANNWOLF		/	
District 9			
DAVID CARPENTER			
District 10			
HOWARD W. PEAK			
Mayor			

00-30

FILE Bexar, County of

* GR TOOK ORIGINAL ORDINANCES FOR SIGNATURE BY COUNTY. SEE W/ 8/29/00 - S. SPABOW mp

ORIGINAL

MEMORANDUM OF UNDERSTANDING

County of Bexar

§

State of Texas

§

§

WHEREAS, certain citizens of Bexar County have petitioned the County for authority to form an Emergency Services District to provide fire suppression services to an area within the County described generally as approximately 616 acres northwest of Gibbs-Sprawl Road in the vicinity of the cities of Converse and Live Oak and a second tract of approximately 2,316 acres located southeast of Gibbs-Sprawl Road extending to the current boundary of the City of San Antonio near US Highway 90, East; and

WHEREAS, a portion of the proposed district is within the extraterritorial jurisdiction (ETJ) of San Antonio and other portions are within the extraterritorial jurisdiction of the City of Converse, and the Health and Safety Code, Chapter 794 requires approval of the application by both cities' councils; and

WHEREAS, the formation of an Emergency Services District affects the ability of municipalities to control their extraterritorial jurisdiction and to annex property; and

WHEREAS, the applicable state law requires the County's Commissioners Court to forward petitions to affected municipalities when the proposed district would include property within those cities' ETJ's, but the same statutes do not allow the municipalities to negotiate mutually beneficial terms and conditions with the proponents that are enforceable by arid upon the district after it is formed; and

WHEREAS, the health and safety of all citizens is best protected when the various governmental entities cooperate in providing public safety services to the citizens of Bexar County;

NOW THEREFORE, the County of Bexar ("COUNTY"), the City of San Antonio ("SAN ANTONIO") and the City of Converse ("CONVERSE") (collectively, the "Parties"), all in the State of Texas, have agreed to initiate cooperative actions to provide more flexibility in protecting the interests of SAN ANTONIO in regard to the formation of Emergency Services Districts within Bexar County and the ETJ's of San Antonio and Converse.

- A. This Memorandum of Understanding only addresses the application for an Emergency Services District #1 of Bexar County, Texas, which would be located in the Converse area described generally as approximately 616 acres northwest of Gibbs-Sprawl Road in the vicinity of Converse and Live Oak and a second tract of approximately 2,316 acres located southeast of Gibbs-Sprawl Road extending to the current boundary of San Antonio near US Highway 90 East (the "ESD"). This Memorandum of Understanding shall not be construed as setting a precedent for future Special Purpose districts.

- B. SAN ANTONIO and CONVERSE shall authorize the formation of the ESD and shall consent to the use of their ETJ as required by the Health and Safety Code to allow the process of creating the district to move forward.
- C. It is recognized that Section 794.017 of the Health & Safety Code requires COUNTY's Commissioners Court to determine that the proposed district is feasible before approving the application. In determining the feasibility of the ESD the COUNTY shall solicit comments from San Antonio and shall incorporate the concerns of San Antonio into its evaluation
- D. The Parties will strongly encourage the ESD's Board of Commissioners (the "Board"), if it acquires assets to ensure that those assets meet SAN ANTONIO's specifications. The Parties agree to closely coordinate with the Board on such purchases.
- E. It is the desire of the Parties that the ESD not incur debt or long term obligations. The Parties will strongly encourage the Board to contract with CONVERSE for services to be paid out of the ESD's current revenues.
- F. CONVERSE shall adopt the County Mutual Aid Agreement as a prerequisite to the positive review of the ESD application. COUNTY shall use its best efforts to obtain approval of the County Mutual Aid Agreement by the ESD (and any future Emergency Services District) if and when the ESD is duly organized.
- G. SAN ANTONIO and COUNTY will develop a proposal to amend the law regarding Emergency Services Districts to:
 - 1. Provide for negotiated limits of indebtedness, lease-purchase or other long-term obligations.
 - 2. Provide for the enforcement of negotiated provisions.
 - 3. Provide for meaningful review of equipment and station location by COUNTY and/or SAN ANTONIO.
 - 4. Seek the repeal of the exemption in Local Government Code Section 43.052(d) regarding the ability of ESD's to incur additional debt after a portion of the district is included within an annexation plan.
 - 5. Provide COUNTY with authority to condition its approval of the formation of districts upon the adoption by the proposed district of existing mutual aid agreements that have been approved by COUNTY.
- H. The Parties pledge to encourage all interested parties to observe a moratorium on submittal of other Emergency Services District applications until after the 77th Legislature.

- I. The Parties will jointly develop a board appointment process for reviewing applicants (new and reappointment) to membership on the Board.
- J. COUNTY will seek comment from SAN ANTONIO regarding the qualifications of applicants for membership on the Board. To the extent allowed by law, COUNTY will afford SAN ANTONIO an opportunity to interview and recommend applicants for membership on the Board.
- K. The Parties will encourage the ESD to provide copies of all public notices such as, but not limited to, agendas and notices of bond elections to SAN ANTONIO's Director of Planning and Fire Chief.

SAN ANTONIO's Fire Department may, at its sole discretion, provide technical assistance regarding the compatibility of equipment, training and the location of fire fighting facilities to the ESD and CONVERSE.

- L. COUNTY will also consider the type of equipment and station location proposed by ESD applicants in its feasibility review. The County shall use its best efforts to require applicants to acquire equipment that is compatible with existing and planned emergency service equipment and facilities of the City of San Antonio.

EXECUTED IN TRIPPLICATE ORIGINALS THIS 29th DAY OF August, 2000.

CITY OF SAN ANTONIO

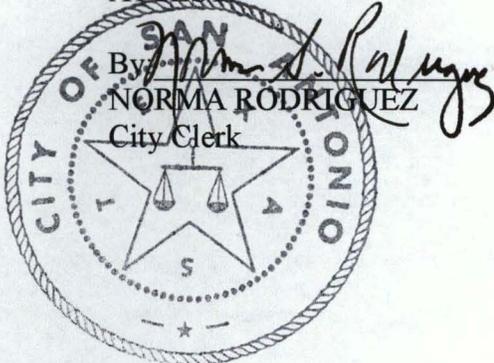
COUNTY

By: Melissa Byrd/Asst
 (Name)
 Title: Asst. City Manager

By: Cyndi Taylor Krier
 CYNDI TAYLOR KRIER
 County Judge 10/3/00

ATTEST:

ATTEST:



Gerry Rickhoff
 GERRY RICKHOFF
 County Clerk

CITY OF CONVERSE

By: _____
(Name)

Title: _____

Ray Ma...

Mayor



ATTEST:

By: _____
(Name)

Title: _____

Laura P. Owens

City Secretary

APPROVED AS TO LEGAL FORM:

FRANK J. GARZA
City Attorney

By: _____

Veronica M. Zumb...

APPROVED AS TO LEGAL FORM:

SUSAN D. REED
Bexar County District Attorney

By: _____

Susan D. Reed
Kelsey Menzel
KELSEY MENZEL
Assistant Criminal District Attorney
Civil Section

CITY OF SAN ANTONIO
Intergovernmental Relations Office
Interdepartmental Correspondence Sheet

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK
00 AUG 29 AM 10:32

TO: Dick Porter, Asst. City Clerk

FROM: Jim Campbell, Intergovernmental Relations Director

COPIES: File

SUBJECT: MEMORANDUM OF UNDERSTANDING - CONVERSE
EMERGENCY SERVICES DISTRICT

DATE: August 23, 2000

RECEIVED
CITY MANAGER'S OFFICE

00 AUG 28 03:50

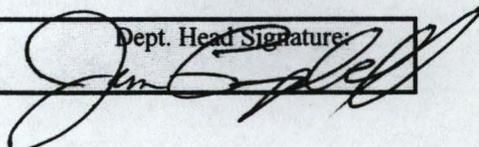
Please process the Memorandum of Understanding between the City of San Antonio, Bexar County and the City of Converse for signature by the City Manager and the City Clerk. The agreement was approved on August 17, 2000, ordinance 92340.

Thank you for your assistance in this matter. Please contact Sandra Grabow should you have any questions or need additional information.


Jim Campbell, Director
Intergovernmental Relations

<u>Approval</u>	CITY OF SAN ANTONIO	Date Considered:
<u>Finance</u>		Consent <input type="checkbox"/> Individual <input type="checkbox"/>
[]		Item No. <u>42</u>
<u>Legal</u>	Request For Ordinance/Resolution	Ord. No
[]		
<u>Budget</u>		
[]		
<u>Coordinator</u>		
[]		

Date: August 7, 2000	Department: INTERGOVERNMENTAL RELATIONS	Contact Person/Phone # Jim Campbell, 207-8029
-------------------------	--	--

Date Council Consideration Requested: August 17, 2000	Deadline for Action: August 17, 2000	Dept. Head Signature: 
--	---	--

SUMMARY OF ORDINANCE

This ordinance approves a Memorandum of Understanding (MOU) between the City of San Antonio, the City of Converse and Bexar County regarding implementing review procedures designed to protect the interests of the City of San Antonio in the formation of a proposed Emergency Services District (ESD) within the extraterritorial jurisdiction (ETJ) of the cities.

Staff does not recommend approval of this Ordinance.

Other Depts., Boards, Committees Involved (please specify): Planning, Fire, Budget and Performance Assessment Department and the City Attorney's Office.
--

Contract signed by other party Yes <input type="checkbox"/> No <input type="checkbox"/>
--

FISCAL DATA (If Applicable)	Budgetary Implications	
Fund No.	Amt. Expended	Funds/Staffing Budgeted Yes <input type="checkbox"/> No <input type="checkbox"/>
Activity No.	SID No.	Positions Currently Authorized Yes <input type="checkbox"/> No <input type="checkbox"/>
Index Code	Project No.	Impact on future O&M
Object Code		If positions added, specify class and no.
Comments:		

CITY OF SAN ANTONIO
Intergovernmental Relations Office
Interdepartmental Correspondence Sheet

TO: Mayor and City Council

FROM: Jim Campbell, Intergovernmental Relations Director

COPIES: Melissa Byrne Vossmer; Emil Moncivais; Lou Lendman; Robert Ojeda; File

SUBJECT: Converse Emergency Services District

DATE: August 7, 2000

SUMMARY AND RECOMMENDATION

This ordinance approves a Memorandum of Understanding (MOU) between the City of San Antonio, the City of Converse and Bexar County regarding implementing review procedures designed to protect the interests of the City of San Antonio in the formation of a proposed Emergency Services District within the extraterritorial jurisdiction (ETJ) of the cities.

Staff does not recommend approval of this ordinance.

BACKGROUND

In August 1999, the County, on behalf of petitioners in the unincorporated area near Converse, requested the use of the City's ETJ to create an Emergency Services District (ESD). Emergency Services Districts were authorized by the State Health and Safety Code in 1989 for the purpose of providing fire suppression and emergency medical services for individuals residing within such districts. Although these districts have been created in other Texas cities, this was the first such request in Bexar County.

Additionally in December 1999, the County requested support in establishing one countywide Emergency Services District throughout all unincorporated areas of Bexar County. To date, requests have been received for the creation of three separate ESDs in the City's ETJ.

The Intergovernmental Relations and Annexation committees of the City Council reviewed the Converse ESD request and several concerns were identified in regard to the creation of the ESD. These concerns included the municipality's requirement to compensate the district in an amount equal to the annexed territory's pro-rata share of the district's indebtedness at the time the territory is annexed. The maximum levy on properties in the ESD is 10 cents per 100 dollar valuation. Utilizing current Bexar Appraisal District values, the maximum annual revenue to be collected by the Converse ESD is estimated to be \$344,400. This revenue could be utilized to issue debt to fund new facilities and equipment. Additionally, upon the District's request, a municipality shall purchase from the district, at fair market value, any real or personal property used to provide emergency services in the territory being annexed. A further concern relates to the recently enacted Senate Bill 89 (annexation reform) which provides an exemption for ESDs to continue to incur debt even after the area is included in an annexation plan; thus increasing the City's cost and reducing the feasibility of annexing the area.

Policy direction with regard to the creation of special districts is provided in both the Annexation and Master Plan policies. Goal IV of the Annexation Plan is to preserve the integrity of the City and its ETJ and states that the City "should oppose the creation of additional municipalities, special purpose districts...unless the City determines it cannot provide the necessary services." Policy 3b of the Master Plan states that the City should oppose the creation of special purpose districts.

To address these concerns, staff requested 6 months to review the County's request and report back to the Council with a proposed policy regarding the use of the ETJ for Emergency Services Districts. Staff recommended the following guidelines which were approved by City Council on February 17, 2000:

- The City recognizes the value of Emergency Services Districts in providing enhanced levels of fire suppression and emergency services.
- The creation of an Emergency Services District should be consistent with the Annexation Program and Master Plan policies.
- The City should consider the feasibility of providing emergency services on a contractual basis but should not subsidize costs associated with providing services in unincorporated areas.
- The City should oppose any action that would result in making future annexations more costly.

Furthermore, the Council committed to working with the County to make the necessary state statutory changes to allow for the creation of ESDs without potential negative impact to the City.

POLICY ANALYSIS

In March 2000, Commissioners Court sent a letter to the IGR Committee requesting re-consideration of the Emergency Services District issue. At the request of the Mayor, City and County staff met in June, 2000 and subsequently drafted a proposed Memorandum of Understanding to attempt to address the City's concerns. However, the MOU cannot legally bind the ESD board of directors and therefore provides an insufficient protection of the City's interests.

Current state law permits special districts to impose taxes up to the maximum allowable rate without review by either the affected municipalities or the county. Further, the current law does not allow the municipality or the county to enter into an agreement with the organizers of the proposed district that would actually bind the district after its formation. ESDs may be formed under current state statutes even without Council approval. If the City receives a petition with the majority of qualified voters and owners of at least 50% of the property to provide fire protection and the City does not consent within 6 months, petitioners can still form an ESD. The proposed Memorandum of Understanding adopts a non-binding procedure for review of the proposed Emergency Services District Number 1 of Bexar County between Bexar County and the cities of Converse and San Antonio.

On June 20, 2000 County Commissioners approved the MOU and forwarded it to the City of Converse for its approval. On June 29, 2000, the Council IGR Committee recommended approval of the Memorandum of Understanding pending the outcome of a City/County summit to discuss various unresolved issues. To date, there has been no clear resolution of any of these issues.

FINANCIAL IMPACT

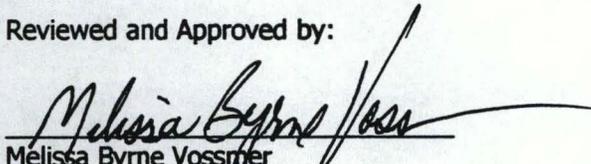
This resolution will have no immediate impact on the General Fund but could make future annexations more expensive.

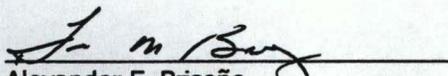
COORDINATION

This item has been coordinated with the Planning Department, Fire Department, Budget and Performance Assessment, and the City Attorney's Office.


Jim Campbell, Director
Intergovernmental Relations

Reviewed and Approved by:


Melissa Byrne Vossmer
Assistant City Manager


Alexander E. Briseño
City Manager

County of Bexar §
 §
State of Texas §

WHEREAS, certain citizens of Bexar County have petitioned the County for authority to form an Emergency Services District to provide fire suppression services to an area within the County described generally as approximately 616 acres northwest of Gibbs-Sprawl Road in the vicinity of the cities of Converse and Live Oak and a second tract of approximately 2,316 acres located southeast of Gibbs-Sprawl Road extending to the current boundary of the City of San Antonio near US Highway 90, East; and

WHEREAS, a portion of the proposed district is within the extraterritorial jurisdiction (ETJ) of San Antonio and other portions are within the extraterritorial jurisdiction of the City of Converse, and the Health and Safety Code, Chapter 794 requires approval of the application by both cities' councils; and

WHEREAS, the formation of an Emergency Services District affects the ability of municipalities to control their extraterritorial jurisdiction and to annex property; and

WHEREAS, the applicable state law requires the County's Commissioners Court to forward petitions to affected municipalities when the proposed district would include property within those cities' ETJ's, but the same statutes do not allow the municipalities to negotiate mutually beneficial terms and conditions with the proponents that are enforceable by arid upon the district after it is formed; and

WHEREAS, the health and safety of all citizens is best protected when the various governmental entities cooperate in providing public safety services to the citizens of Bexar County;

NOW THEREFORE, the County of Bexar ("COUNTY"), the City of San Antonio ("SAN ANTONIO") and the City of Converse ("CONVERSE") (collectively, the "Parties"), all in the State of Texas, have agreed to initiate cooperative actions to provide more flexibility in protecting the interests of SAN ANTONIO in regard to the formation of Emergency Services Districts within Bexar County and the ETJ's of San Antonio and Converse.

- A. This Memorandum of Understanding only addresses the application for an Emergency Services District #1 of Bexar County, Texas, which would be located in the Converse area described generally as approximately 616 acres northwest of Gibbs-Sprawl Road in the vicinity of Converse and Live Oak and a second tract of approximately 2,316 acres located southeast of Gibbs-Sprawl Road extending to the current boundary of San Antonio near US Highway 90 East (the "ESD"). This Memorandum of Understanding shall not be construed as setting a precedent for future Special Purpose districts.
- B. SAN ANTONIO and CONVERSE shall authorize the formation of the ESD and shall consent to the use of their ETJ as required by the Health and Safety Code to allow the process of creating the district to move forward.

- C. It is recognized that Section 794.017 of the Health & Safety Code requires COUNTY's Commissioners Court to determine that the proposed district is feasible before approving the application. In determining the feasibility of the ESD the COUNTY shall solicit comments from San Antonio and shall incorporate the concerns of San Antonio into its evaluation
- D. The Parties will strongly encourage the ESD's Board of Commissioners (the "Board"), if it acquires assets to ensure that those assets meet SAN ANTONIO's specifications. The Parties agree to closely coordinate with the Board on such purchases.
- E. It is the desire of the Parties that the ESD not incur debt or long term obligations. The Parties will strongly encourage the Board to contract with CONVERSE for services to be paid out of the ESD's current revenues.
- F. CONVERSE shall adopt the County Mutual Aid Agreement as a prerequisite to the positive review of the ESD application. COUNTY shall use its best efforts to obtain approval of the County Mutual Aid Agreement by the ESD (and any future Emergency Services District) if and when the ESD is duly organized.
- G. SAN ANTONIO and COUNTY will develop a proposal to amend the law regarding Emergency Services Districts to:
1. Provide for negotiated limits of indebtedness, lease-purchase or other long-term obligations.
 2. Provide for the enforcement of negotiated provisions.
 3. Provide for meaningful review of equipment and station location by COUNTY and/or SAN ANTONIO.
 4. Seek the repeal of the exemption in Local Government Code Section 43.052(d) regarding the ability of ESD's to incur additional debt after a portion of the district is included within an annexation plan.
 5. Provide COUNTY with authority to condition its approval of the formation of districts upon the adoption by the proposed district of existing mutual aid agreements that have been approved by COUNTY.
- H. The Parties pledge to encourage all interested parties to observe a moratorium on submittal of other Emergency Services District applications until after the 77th Legislature.
- I. The Parties will jointly develop a board appointment process for reviewing applicants (new and reappointment) to membership on the Board.

J. COUNTY will seek comment from SAN ANTONIO regarding the qualifications of applicants for membership on the Board. To the extent allowed by law, COUNTY will afford SAN ANTONIO an opportunity to interview and recommend applicants for membership on the Board.

K. The Parties will encourage the ESD to provide copies of all public notices such as, but not limited to, agendas and notices of bond elections to SAN ANTONIO's Director of Planning and Fire Chief.

SAN ANTONIO's Fire Department may, at its sole discretion, provide technical assistance regarding the compatibility of equipment, training and the location of fire fighting facilities to the ESD and CONVERSE.

L. COUNTY will also consider the type of equipment and station location proposed by ESD applicants in its feasibility review. The County shall use its best efforts to require applicants to acquire equipment that is compatible with existing and planned emergency service equipment and facilities of the City of San Antonio.

EXECUTED IN TRIPLICATE ORIGINALS THIS DAY OF _____ 2000.

CITY OF SAN ANTONIO

COUNTY

By: _____
(Name)
Title: _____

By: _____
CYNDI TAYLOR KRIER
County Judge

ATTEST:

ATTEST:

By: _____
NORMA RODRIGUEZ
City Clerk

GERRY RICKHOFF
County Clerk

CITY OF CONVERSE

By: _____
(Name)
Title: _____

ATTEST:

By: _____
(Name)

Title: _____

APPROVED AS TO LEGAL FORM:

FRANK J. GARZA
City Attorney

By: _____

APPROVED AS TO LEGAL FORM:

SUSAN D. REED
Bexar County District Attorney

By: _____
KELSEY MENZEL
Assistant Criminal District Attorney
Civil Section

**Converse Emergency
Services District**

**Memorandum of
Understanding**

**August 17, 2000
42**

Background

- The State Health and Safety Code provides for the creation of Emergency Services Districts (ESDs) for the purpose of providing fire suppression and emergency medical services for individuals residing within such districts.
- In August, 1999 a request was received from petitioners near Converse for use of the City's ETJ to create an ESD.

Background (cont.)

- Although these districts have been created in other Texas cities, this was the first request for Bexar County.
- To date, three separate ESD requests have been received.
- City requested delay of Converse ESD petition pending development of policy guidelines.

Background (cont.)

- IGR and Annexation Committees reviewed request and several concerns were identified:
 - If the City annexed an ESD, it must:
 - » Assume a pro-rata share of the District's indebtedness; and
 - » purchase any real or personal property of the District.
 - An ESD's ability to issue additional debt, even after the area is included in an annexation plan, is unrestricted.

Background (cont.)

- The maximum tax rate for an ESD is 10 cents per \$100 valuation.
- Utilizing current Bexar Appraisal District values, the maximum annual revenue to be collected by the Converse ESD is estimated to be \$344,400.
- This amount could be utilized to issue debt to fund new facilities and equipment.
- ESDs may be formed under current state statutes by petition without Council approval.

Background (cont.)

- Goal IV of the Annexation Plan is to preserve the integrity of the City and its ETJ and states that the City “should oppose the creation of additional municipalities, special purpose districts... unless the City determines it cannot provide the necessary services.”
- Policy 3b of the Master Plan also indicates that the City should oppose the creation of special purpose districts.

ESD Policy Guidelines

- On February 17, 2000 City Council approved the following ESD guidelines:
 - The City recognizes the value of ESDs in providing enhanced levels of fire suppression and emergency services.
 - Creation of ESDs should be consistent with Master Plan and Annexation Policies.
 - City should consider the feasibility of providing emergency services on a contractual basis but not subsidize costs associated with providing services in unincorporated areas.

ESD Policy Guidelines (cont.)

- City should oppose any action which would result in making future annexations more costly.
- ★ *City committed to working with the County to make the necessary state statutory changes to allow for creation of ESDs without negatively impacting City.*

Reconsideration of ESD

- ■ In March 2000, Commissioners Court requested re-consideration of ESD issue.
- City and County staff drafted an Memorandum of Understanding (MOU) to address City concerns.

● The MOU proposes to:

- Observe a moratorium on other ESD applications until after 77th Legislature;
- Encourage ESD board not to incur debt or long term obligations;

Proposed MOU

- Provide the City with input in the development of the ESD board;
- Encourage the ESD to coordinate with the Fire Department on compatibility of equipment, training and locations of fire facilities;
- MOU cannot legally bind the ESD board of directors but creates “good faith” agreement.

Status

- City is unlikely to annex this area in the next 5-7 years.
- June 29, 2000 IGR Committee recommended approval of MOU.

Recommendation

- Staff recommends approval of the MOU.

CITY OF SAN ANTONIO
Intergovernmental Relations Office
Interdepartmental Correspondence Sheet

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK

2000 OCT 11 P 3: 14

TO: Melissa Pacheco, City Clerk's Office

FROM: Jim Campbell, Intergovernmental Relations Director

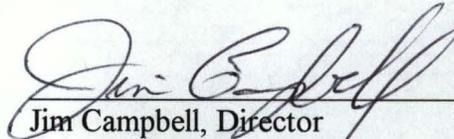
COPIES: File

SUBJECT: EMERGENCY SERVICES DISTRICT – MEMORANDUM OF UNDERSTANDING

DATE: October 9, 2000

Please file this original executed agreement with the original file for the Memorandum of Understanding between the City, the City of Converse and Bexar County. The agreement was approved on August 17, 2000, ordinance 92340.

Thank you for your assistance in this matter. Please contact Sandra Grabow should you have any questions or need additional information.


Jim Campbell, Director
Intergovernmental Relations