

AN ORDINANCE 2008-01-17-0030

APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BEXAR COUNTY WHICH ESTABLISHES CERTAIN TERMS BY WHICH THE CITY OF SAN ANTONIO WILL CONSENT TO THE CREATION OF EMERGENCY SERVICES DISTRICT # 11 WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION.

* * * * *

WHEREAS, certain residents of Bexar County have filed a petition with Bexar County Commissioners Court in which they seek to form an Emergency Services District #11, which would include a portion of the Extraterritorial Jurisdiction of the City of San Antonio; and

WHEREAS, the citizens involved in the project have applied to the City of San Antonio for permission to include that portion of the Extraterritorial Jurisdiction within the proposed special district as required by Ch. 775 of the Texas Health & Safety Code; and

WHEREAS, the affected portion of the City's Extraterritorial Jurisdiction is more particularly described in the Petition for Formation of the District attached at Exhibit B; and

WHEREAS, representatives of Bexar County, Texas and the City of San Antonio have negotiated an agreement pursuant to state law which, if approved by the County and City, will be incorporated into the call for the election on formation of the proposed ESD #11; and

WHEREAS, City staff has reviewed the proposal and has recommended that permission be granted on the conditions set forth in the attached agreement; **NOW THEREFORE**,

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

SECTION 1. Permission is granted to include the portion of the Extraterritorial Jurisdiction of the City of San Antonio within the proposed Bexar County Emergency Services District #11 in accordance with the terms of Chapter 775, Texas Health & Safety Code and the Agreement for Approval of ESD #11 which is set forth in substantially final form as Exhibit A. A copy of the petition for formation of ESD #11 is attached as Exhibit B and contains a description of the area to be included within the district. Exhibits A and B are attached and incorporated into this Ordinance for reference. The City Manager or her designee is authorized to execute the Agreement on behalf of the City and to take such further and necessary acts to implement this Ordinance.

SECTION 2. The City Clerk is directed to forward a copy of this action to the County Judge, Bexar County on behalf of the City.

CWK
01/17/08
Item No. 15

SECTION 3. This ordinance is effective on the tenth day after its passage.

PASSED AND APPROVED this 17th day of January 2008.



MAYOR

PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney

Agenda Item:	15 (in consent vote: 7, 9, 10, 13, 15, 16, 17)						
Date:	01/17/2008						
Time:	11:27:46 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance approving an agreement with Bexar County which establishes certain terms by which the City of San Antonio will consent to the creation of Emergency Services District # 11 within the City's extraterritorial jurisdiction. [Michael Bernard, City Attorney; Andrew Smith, Director, Intergovernmental Affairs]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2		x				
District 3	District 3		x				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				x
District 9	District 9		x				
John G. Clamp	District 10		x			x	

EXHIBIT A

AGREEMENT FOR APPROVAL OF ESD #11

This Agreement is entered into by and between the County of Bexar and the City of San Antonio, collectively the "Parties", pursuant to Health & Safety Code 8775.014.

RECITALS

WHEREAS, a petition for the creation of Bexar County Emergency Services District No. 11 has been filed with the County; and

WHEREAS, because a portion of the proposed district lies within the City's extraterritorial jurisdiction, the district may not be created without the consent of the City; and

WHEREAS, Health & Safety Code §775.014(h) allows the City and the County to impose conditions on the creation of an emergency services district; and

WHEREAS, the City will consent to the creation of ESD #11 if the County will agree to impose certain conditions allowed under Health & Safety Code §775.014(h);

NOW THEREFORE, the Parties agree as follows:

1. The City consents to the creation of ESD #11 with the following conditions:
 - a. ESD #11 cannot incur debt in excess of \$20,000.00 without the consent of the City. The City will timely review and respond to a request for consent to incur debt.
 - b. If the City annexes a portion of ESD #11, any contractual obligations of ESD #11 to, or the payment of any debt incurred by, a third-party contractor will not be a debt for purposes of Texas Health and Safety Code Section 775.022 unless the City approved the contract creating the obligation or debt. "Third-party" shall mean any person or entity other than ESD #11 or the City.
 - c. Any fire station constructed by ESD #11 will be located and constructed with the concurrence of the Chief of the San Antonio Fire Department.
 - d. ESD #11 will ensure that its equipment is compatible with the City's equipment.
 - e. ESD #11 will enter into mutual aid agreements.
 - f. Upon request by the City, ESD #11 will remove from its territory property that the City has already acquired or is in the process of acquiring, which property is specifically identified in the attachment to this Agreement.
2. The above-imposed conditions shall be included on the ballot for the election to

confirm the creation of ESD #11 and authorize the imposition of a tax.

3. A representative of the City will sit with panels interviewing applicants for the ESD #11 Board of Directors, and the San Antonio Fire Department shall have an ex-officio representative on the Board.

Executed this ___ *day of* _____ *2008.*

COUNTY OF BEXAR:

CITY OF SAN ANTONIO:

BY: _____
NELSON W. WOLFF
County Judge

BY: _____
SHERYL SCULLEY
City Manager

ATTEST:

ATTEST:

GERARD RICKHOFF
County Clerk

City Clerk

APPROVED AS TO LEGAL FORM:
SUSAN D. REED
Bexar County Criminal District Attorney

BY: _____
KELSEY MENZEL
Assistant Criminal District Attorney
Civil Section

APPROVED AS TO FINANCIAL CONTENT:

BY: _____
TOMMY TOMPKINS
County Auditor

BY: _____
DAVID SMITH
Budget Officer/Executive Director of Planning
and Resource Management Dept.

EXHIBIT B

Jason E. Maule
6814 Lake Glen
(210) 355-8282

Dec. 12, 2007

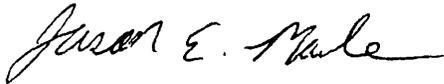
The Honorable Phil Hardberger
Mayor, City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK
07 DEC 18 AM 11:52
[Signature]

Dear Mayor Hardberger,

We, the qualified voters and real property owners in the area proposed for Bexar County Emergency Services District Number 11, eastern Bexar County, Texas, are engaged in a process which, if successful, will lead to the area becoming an Emergency Services District (ESD) under the provisions of Chapter 775 of the Texas Health and Safety Code. Our petition for creation of the ESD has been received by the Bexar County Judge and filed with the Bexar County Clerk. We request that the City Council of the City of San Antonio consent to inclusion of parts of San Antonio's extraterritorial jurisdiction (ETJ) in the proposed District. The specific parts of the ETJ to be included in the proposed ESD are described in the attached petition and portrayed on the attached map.

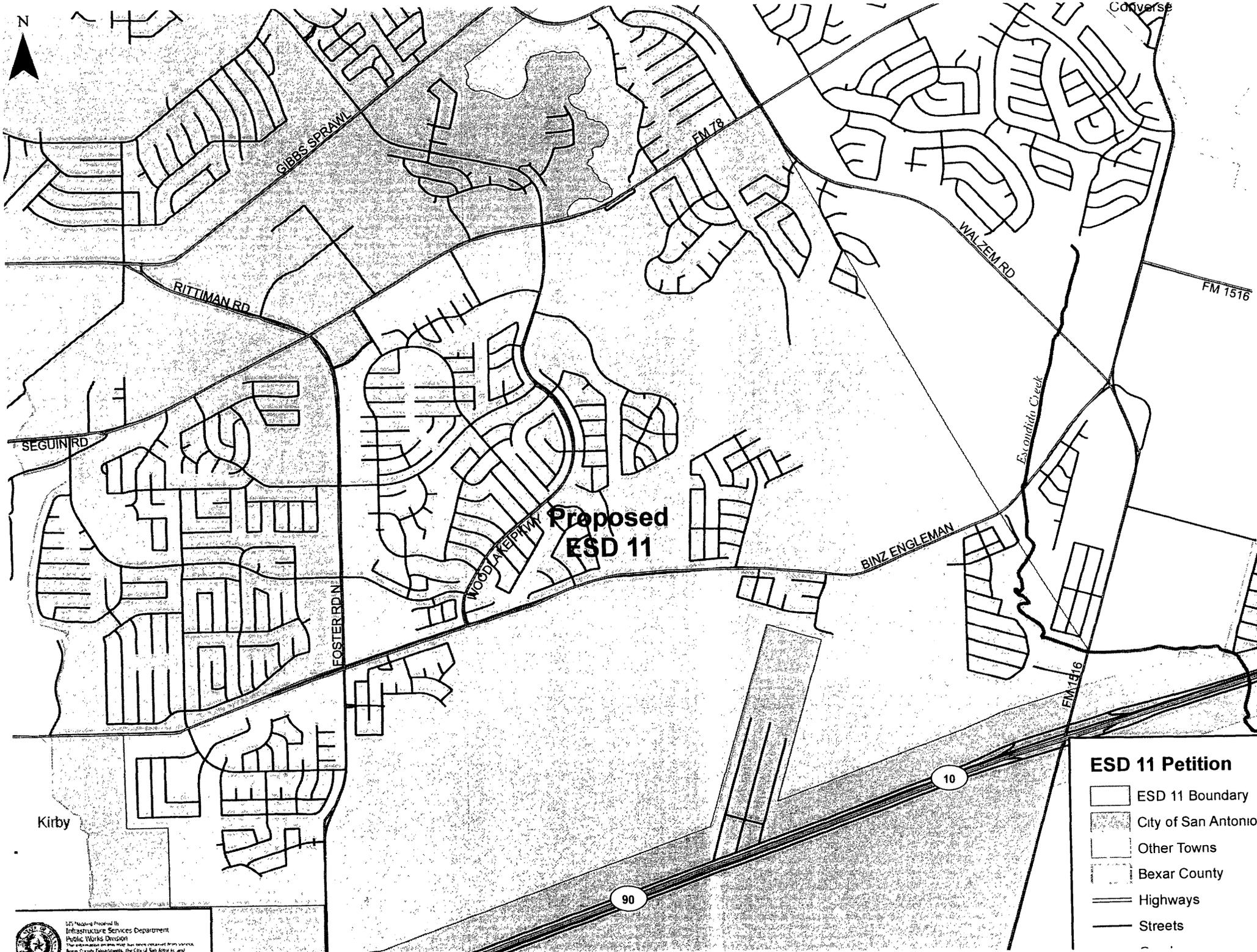
Sincerely,



Jason E. Maule

Attachments:

ESD Petition with Signatures
ESD Map



ESD 11 Petition

-  ESD 11 Boundary
-  City of San Antonio
-  Other Towns
-  Bexar County
-  Highways
-  Streets

**A COMPLETE
COPY OF THE
PETITION
SUBMITTED IS
AVAILABLE IN
THE OFFICE OF
THE CITY CLERK**

Nelson W Wolff
12-18-07
received

THE STATE OF TEXAS
COUNTY OF BEXAR

FROM: THE PEOPLE OF THE AREA PROPOSED AS BEXAR COUNTY EMERGENCY SERVICES DISTRICT NO. 11, BEXAR COUNTY, TEXAS

TO: NELSON W. WOLFF, COUNTY JUDGE OF BEXAR COUNTY, TEXAS

FOR: CREATION AND OPERATION OF BEXAR COUNTY EMERGENCY SERVICES DISTRICT NO. 11

Doc# 8843 Fees: \$0.00
12/18/2007 10:56AM # Pages 89
Filed & Recorded in the Official Public
Records of BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK

PETITION

WE, THE UNDERSIGNED, who are fully qualified voters and who own taxable real property in the area proposed for Bexar County Emergency Services District No. 11, Bexar County, Texas, do hereby respectfully petition the Honorable Nelson W. Wolff, County Judge, Bexar County, Texas for authority to organize an Emergency Services District in the eastern part of Bexar County, Texas.

(1) The proposed Emergency Services District is to be created and operated under Article III, Section 48-e, of the Texas Constitution and Texas Health and Safety Code Chapter 775.

(2) The name of the proposed district, which lies wholly within the bounds of Bexar County, Texas, shall be

"BEXAR COUNTY EMERGENCY SERVICES DISTRICT NO. 11"

(3) The area to be included in said Emergency Services District is composed of an unincorporated area in eastern Bexar County, Texas (not including the incorporated areas of the City of San Antonio) generally described as bounded on the north, south, and west by the city limits of the City of San Antonio, on the east by Bexar County Emergency Services District No. 1; the boundaries of the District areas more specifically described as:

AREA 1:

BEGINNING at a point on the city limits of the City of San Antonio where the centerline North Foster Road intersects the centerline of Binz-Engleman Road (located at approximately 29°27' 46.538" North Latitude, 98° 21' 33.826" West Longitude);

THENCE northerly along the city limits of the City of San Antonio;

THENCE northeasterly along the city limits of the City of San Antonio;

THENCE northwesterly along the city limits of the City of San Antonio;

THENCE northeasterly along the city limits of the City of San Antonio to its intersection with the centerline of Walzem Road;

THENCE southeasterly along the centerline of Walzem Road to its intersection with the centerline of Seguin Road (located at approximately 29°29' 29.615" North Latitude, 98°20' 3.767" West Longitude);



LT2-0-0-89

DEC 18 AM 11:53

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK



LT1-79-8843-1

THENCE southeasterly along an imaginary line from a point at the intersection of the centerline of Walzem Road with the centerline of Seguin Road (located at approximately 29°29' 29.615" North Latitude, 98°20' 3.767" West Longitude); to the point where the centerline of Farm to Market Road 1516 crosses the center of Escondido Creek (located at approximately 29°27' 47.632" North Latitude, 98°18' 56.779" West Longitude);

THENCE southwesterly along the centerline of Farm to Market Road 1516 to its intersection with the city limits of the City of San Antonio;

THENCE southwesterly along the city limits of the City of San Antonio;

THENCE northeasterly along the city limits of the City of San Antonio;

THENCE northwesterly along the city limits of the City of San Antonio;

THENCE southwesterly along the city limits of the City of San Antonio;

THENCE northerly along the city limits of the City of San Antonio;

THENCE westerly along the city limits of the City of San Antonio;

THENCE northerly along the city limits of the City of San Antonio;

THENCE northeasterly along the city limits of the City of San Antonio to the POINT OF BEGINNING.

(4) None of the land encompassed within the proposed district is now included in any other Emergency Services District.

(5) The following named two Petitioners, and each of them, each a qualified voter in and owner of taxable real estate property within the bounds of the proposed Emergency Services District, do hereby specifically agree to stand responsible for the cost incident to the formation of the proposed Bexar County Emergency Services District No.11, not to exceed the sum of ONE HUNDRED AND FIFTY AND NO/100 (\$150.00) DOLLARS, and shall include among other necessary and incidental expenses, the costs of publication of notices and election costs as provided by law.

(Printed Name) Jason E Maule	(Voter Registration No) Redacted
(Residence Address) Redacted	(County of Registration) Bexar
(Date c... 11-15-07	(Signature) Jason E. Maule

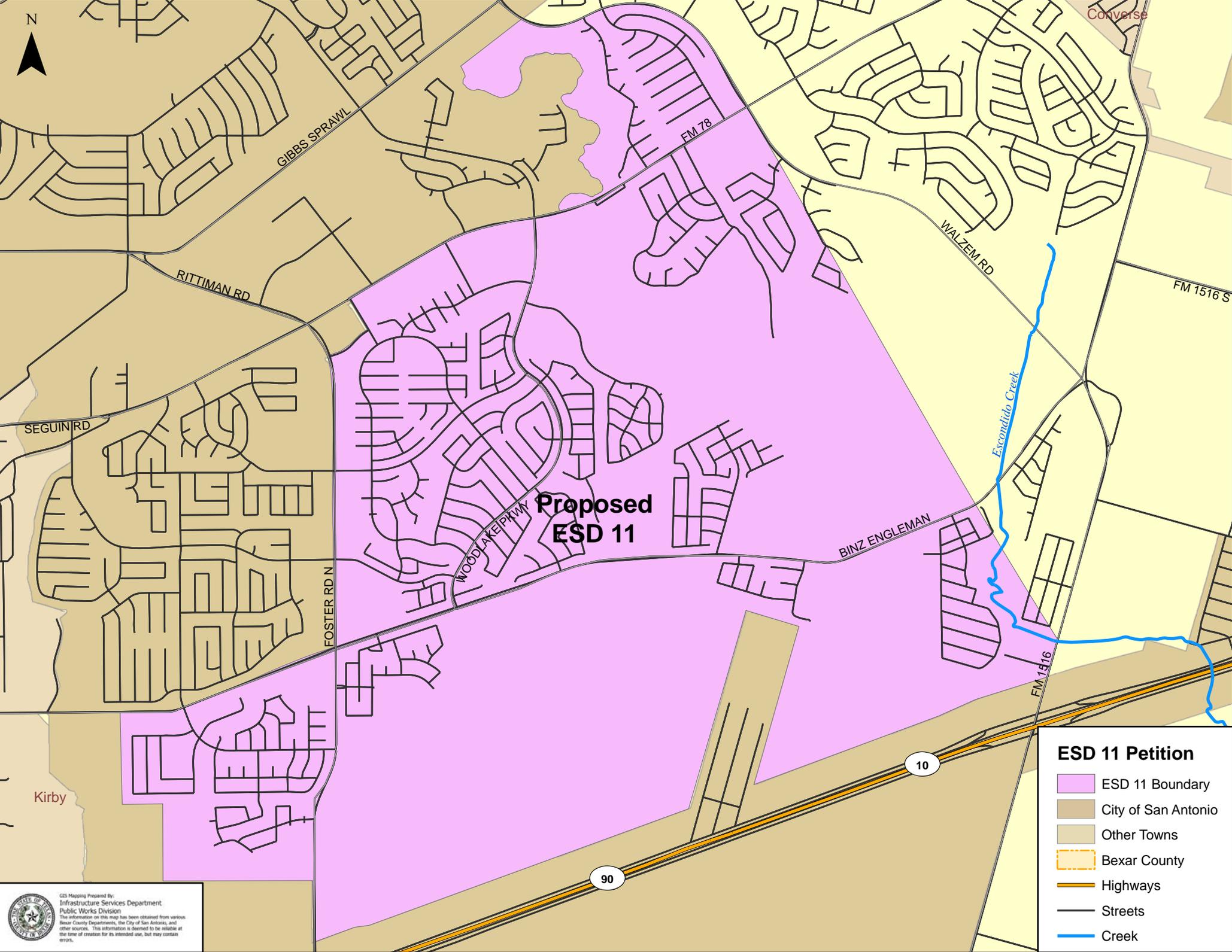
(Printed Name) Brenda J. Cantu	(Voter Registration No) Redacted
(Residence Address) Redacted	(County of Registration) Bexar
(Date of Signing) 11-15-07	(Signature) Brenda J. Cantu

(6) The consent of the City of San Antonio must be obtained under Health and Safety Code Section 775.014.

(7) The proposed district will provide firefighting and other emergency services.

(8) The creation of the proposed district complies with Health and Safety Code Section 775.020 and 775.0205.

(9) Herein below are set out the signatures and mailing addresses of at least one hundred (100) or more qualified voters in the proposed Emergency Services District who also own taxable real property within the bounds of such proposed Emergency Service District.



**Proposed
ESD 11**

ESD 11 Petition

-  ESD 11 Boundary
-  City of San Antonio
-  Other Towns
-  Bexar County
-  Highways
-  Streets
-  Creek

GIS Mapping Prepared By:
Infrastructure Services Department
Public Works Division

The information on this map has been obtained from various Bexar County Departments, the City of San Antonio, and other sources. This information is deemed to be reliable at the time of creation for its intended use, but may contain errors.

