

CITY OF SAN ANTONIO
External Relations Department
Interdepartmental Correspondence Sheet

CONSENT AGENDA
ITEM NO. 26

TO: Mayor and City Council

FROM: Jim Campbell, External Relations Director

COPIES: Christopher Brady, Assistant City Manager; Robert Ojeda, Fire Chief; Emil Moncivais, Planning Director; Andrew Martin, City Attorney; File

SUBJECT: Emergency Services District (ESD) #1 – Guadalupe County

DATE: November 13, 2003

SUMMARY AND RECOMMENDATION

An ordinance consenting to the inclusion of a portion of the City's extraterritorial jurisdiction (ETJ) in the proposed Emergency Services District #1, Guadalupe County, for the provision by the district of fire suppression and emergency medical services for individuals residing within the boundaries of the proposed district.

Staff recommends approval of this ordinance.

BACKGROUND

In August of 1999, Bexar 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, referred to as ESD #1, Bexar County. ESDs were authorized in 1989 by the Texas Health and Safety Code to provide fire suppression and emergency medical services for individuals residing within such districts. Residents in these districts were given the authority to impose a tax on their property of up to ten cents per \$100 valuation, to fund the operations of an ESD. Although these districts have been created in other Texas cities, this was the first such request for Bexar County.

City staff identified concerns regarding the creation of ESDs, including: 1) a requirement that a municipality compensate an ESD for the pro-rata share of the district's indebtedness at the time the area is annexed, and 2) a requirement that a municipality purchase from an ESD, at fair market value, any real or personal property used to provide emergency services in the area that is being annexed.

To address these concerns, City staff recommended the following guidelines that were later approved by City Council on February 17, 2000:

- The City recognizes the value of ESDs in providing enhanced levels of fire suppression and emergency medical services.
- The creation of an ESD 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.

In 2000, state law did not allow a municipality or county to enter into an agreement with the petitioners of a proposed district that would later compel the ESD to honor commitments made prior to its formation. Additionally, if a municipality denied use of its extraterritorial jurisdiction, the ESD could still be formed by petition of at least 50 percent of the property owners of the proposed district, but only after the adoption of such a measure at a subsequent election.

In June 2000, the City received an application from property owners in the Camp Bullis area to create ESD #2. Two months later, City Council approved a Memorandum of Understanding (MOU) between the City of San Antonio, City of Converse and Bexar County that included implementation review procedures designed to address the City of San Antonio's concerns with the formation of ESD #1, Bexar County. The MOU included a moratorium provision on the creation of future ESDs, subject to the City's and County's efforts to amend state law granting the City greater authority to negotiate ESD limitations in exchange for having final approval on the use of the City's ETJ. In November 2000, City Council approved the enabling resolution creating ESD #1, Bexar County.

In 2001, the City and County successfully lobbied state lawmakers in passing HB 3191, which gave the City authority to have limited input, through the County, in the design of future ESDs. This input, however, was restricted to ESDs within Bexar County.

Since the passage of HB 3191, the City has established prerequisites for the approval of ESDs in Bexar County, which include debt limitations, equipment compatibility and City involvement in station locations. On March 20, 2003, City Council formally adopted the terms and conditions that were set forth in its agreement with Bexar County regarding ESD #3. That same day, the Council Intergovernmental Relations Committee reviewed the ESD #2 agreement and directed City staff to move forward with the agreement as well as recommending its adoption by the full Council. City Council formally adopted the ESD #2 agreement on April 3, 2003.

Two more applications to create ESDs in the southern part of the City have recently been approved. On September 25, 2003, the City Council approved the creation of ESD #5 in the southwestern part of the City, and the creation of ESD #6 in the southeastern part of San Antonio.

POLICY ANALYSIS

On September 22, 2003, the City of San Antonio received a letter from Guadalupe County Judge Donald Shraub, Sr., informing the City that citizens in the area served by the Marion Volunteer Fire Department, which includes the cities of Marion and Santa Clara, had filed a petition with

the Guadalupe County Commissioners Court to create an ESD in the western part of the county, which includes territory in the City's ETJ.

Staff from the City Attorney's Office, Planning, Fire and External Relations departments met internally on October 10, 2003, to review the Guadalupe County ESD application. Section 775.014 (h) of the Texas Health and Safety Code does not allow the City to negotiate or impose any conditions on the proposed ESD relating to debt, mutual aid agreements, purchase of equipment, location of facilities, or input on board membership. Under the current law, those factors can only be negotiated for proposed districts within Bexar County.

Since the proposed district lies entirely within Guadalupe County, the City was not authorized to impose any conditions on the district, as it had done with previous ESDs that were created in Bexar County. Nonetheless, City staff evaluated the application and did not have any concerns that it might affect any future annexation plans. Also, the portion of the ESD boundary that overlaps the City's ETJ is considered small in area, and does not impact any existing services provided by the City's Fire Department.

City staff was advised that the City still had the option under state law of either approving or denying the use of its ETJ by ESD #1. However, due to the small area involved as well as the absence of any negative impact to the City, staff is recommending that City Council consent to the creation of the proposed ESD in Guadalupe County.

FINANCIAL IMPACT

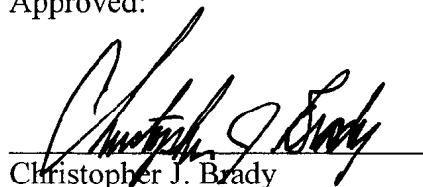
Creation of ESD #1 in Guadalupe County will have no foreseeable impact on the City's General Fund.

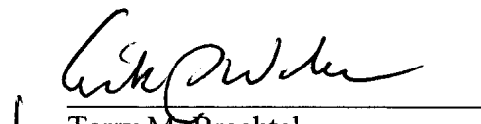
COORDINATION

This item has been coordinated with the City Attorney's Office, Finance, Management and Budget, Planning, and the San Antonio Fire Department.


Jim Campbell, Director
External Relations

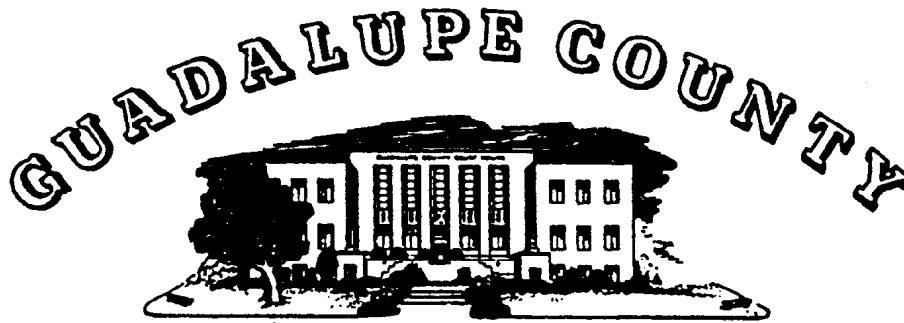
Approved:


Christopher J. Brady
Assistant City Manager


Terry M. Brechtel
City Manager

ROGER BAENZIGER
COMMISSIONER
PRECINCT NO. 1

CESAREO GUADARRAMA III
COMMISSIONER
PRECINCT NO. 2



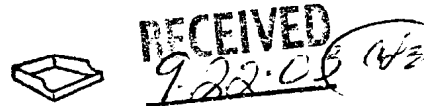
JIM WOLVERTON
COMMISSIONER
PRECINCT NO. 3

JUDY COPE
COMMISSIONER
PRECINCT NO. 4

DONALD L. SCHRAUB, SR.
COUNTY JUDGE
307 W. Court, Ste. 200
Seguin, Texas 78155
(830) 303-4188
FAX: (830) 303-4064

September 18, 2003

The Honorable William Wood
City Attorney's Office
City of San Antonio
100 South Flores Street
San Antonio, Texas 78283



RE: Proposed Guadalupe County Emergency Services District No.1

Dear Mayor Wood:

I am the County Judge of Guadalupe County, Texas. The citizens of the area served by the Marion Volunteer Fire Department, which includes the cities of Marion and Santa Clara, Texas and the surrounding Guadalupe County area, have filed a petition with me for the formation of an emergency services district pursuant to Chapter 775, Texas Health & Safety Code. The entire proposed district would be located wholly within Guadalupe County. It is anticipated that the issue of the creation of this district will be presented to the voters at the November 2003 uniform election date.

I am enclosing a copy of a legal description and map of the proposed district for your reference. According to our records, portions of the proposed district contain territory within your municipality's territorial limits and/or extraterritorial jurisdiction.


Pursuant to 775.014, before a district may be created that contains territory in a municipality's limits or extraterritorial jurisdiction, a written request to be included in the district must be presented to the municipality's governing body after the petition has filed under Section 77.015, Health & Safety Code.

September 18, 2003
Page 2, 2003

This correspondence is to advise you of the filing of this petition with Guadalupe County and to request written consent of your municipality to include the territorial or extraterritorial jurisdiction of your municipality within the proposed district as outlined on the enclosed map and legal description.

Your municipality's consent is required on or before the 60th day after the date of your receipt of this letter in order for the County to proceed with this matter.

If you have any questions, or require additional information, please do not hesitate to contact either the department's legal counsel, Ken Campbell at 512/338-5322, or myself.

Sincerely,


Donald L. Schraub, Sr.
County Judge
Guadalupe County

Exhibit A

Proposed District's Boundaries

From Pioneer Road and IH 10 westbound lanes, proceed west to Zeuhl Road. Proceed north on Zeuhl Road to Bolton Road. Proceed east on Bolton Road to Stolte Road. Proceed north on Stolte Road to Lower Seguin Road. Proceed east on Lower Seguin Road to Pfannstiel Lane. Proceed north on Pfannstiel Lane to City of Santa Clara city limits at FM 78. Proceed west to extent of Santa Clara city limits on FM 78. Proceed north to extent of Santa Clara city limits on FM 78. Proceed east along the Santa Clara city limits on FM 78 to Country Lane. Proceed north along the Santa Clara city limits on Country Lane to Santa Clara city limits at Youngsford Road. Proceed west along the Santa Clara city limits on Youngsford Road to Santa Clara Road. Proceed north along the Santa Clara city limits on Santa Clara Road to Santa Clara city limits along Weil Road. Proceed east along the Santa Clara city limits on Weil Road to extent of Santa Clara city limits on Weil Road. Proceed north to extent of Santa Clara city limits on Weil Road. Proceed west along the Santa Clara city limits on Weil Road to Koehler Road. Proceed north on Koehler Road to Green Valley Road. Proceed east on Green Valley Road to Engle Road. Proceed north on Engle Road to Schmucks Road (Guadalupe/Comal County Line). Proceed east along the county line to New Braunfels city limits. Proceed south along the New Braunfels city limits to FM 1044. Proceed south on FM 1044 to Pioneer Road. Proceed south on Pioneer Road to westbound lanes of IH 10.

PROPOSED GUADALUPE COUNTY ESD NO. 1

