

**CITY OF SAN ANTONIO
EXTERNAL RELATIONS DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Christopher J. Brady, Assistant City Manager

SUBJECT: Creation of Emergency Services District #4

DATE: May 5, 2005

SUMMARY AND RECOMMENDATION

An ordinance 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 #4 (ESD #4) within the City's extraterritorial jurisdiction (ETJ) for the provision by the District of fire suppression and emergency medical services for individuals residing within its boundaries.

Staff recommends approval.

BACKGROUND INFORMATION

On December 8, 2003, petitioners for ESD #4 submitted their application to the City of San Antonio and Bexar County, requesting approval to create an ESD in the northwestern part of the county, which includes territory in the City's ETJ. City staff met internally on December 17, 2003, to review the application and noted some minor concerns. Among these issues were the following that were conferred and agreed to:

- City staff informed the County that because the district's proposed boundaries extend beyond the City's ETJ, approval by the City was not required to include these areas within the district. Also, the County was reminded that the proposed district lines overlapped the ETJs for the cities of Grey Forest and Helotes, and that approval was needed from both municipalities to complete their application;
- City staff was informed by the Bexar County Fire Marshall's Office that the petitioners for ESD #4 have been advised of the City's conditions for approval, which were similar to the terms negotiated in previous ESD agreements between the City and the County; and
- The Fire Marshall's Office also informed City staff that petitioners for ESD #4 have indicated their interest in contracting with at least three area fire departments (Grey Forest and Leon Springs Volunteer Fire Departments and the City of Helotes) to provide district residents with fire suppression services.

The agreement that City Council adopted on February 5, 2004, contains the following provisions:

- Limits the amount of debt that ESD #4 can incur to \$20,000 without the consent of the City;
- Protects the City from becoming financially responsible for debts incurred by third-parties;
- Stipulates that any fire station constructed by ESD #4 will be located and built with the concurrence of the Chief of the San Antonio Fire Department;
- Requires that equipment purchased by ESD #4 be compatible with City equipment;
- Allows the Chief of the San Antonio Fire Department, or his designee, to serve in an ex-officio capacity on the board of directors of ESD #4;
- Mandates Bexar County to seek input from the City regarding the qualifications of applicants for membership on the board of ESD #4;
- Allows the City an opportunity to interview and recommend applicants to the board of ESD #4;
- Requires ESD #4 to enter into a regional mutual aid agreement; and
- Grants the City the authority, upon its request to the board of ESD #4, to have any City-owned property or property the City is acquiring removed from within the district's boundaries.

The Bexar County Commissioners Court approved this agreement on February 17, 2004. Each of these provisions in the agreement was included on the ballot proposition to approve the creation of ESD #4. The election was held on May 15, 2004, but failed by 17 votes.

On March 11, 2005, petitioners for ESD #4 again submitted an application to the City of San Antonio and Bexar County, requesting approval to create an ESD in the northwestern part of the county, which includes territory in the City's ETJ. According to the Bexar County Fire Marshall's Office, the second application is identical to the one that was submitted to the City in 2003. The Planning Department has confirmed that the area included in the new proposed ESD #4 has not changed. City staff has confirmed with the petitioners that the new agreement will include all the previously mentioned provisions.

POLICY ANALYSIS

This ordinance is consistent with City policy regarding the implementation of HB 3191 (78th Legislature) by approving the creation of emergency services districts in the City's ETJ.

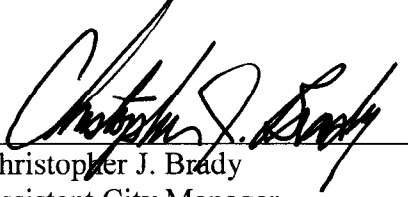
FINANCIAL IMPACT


Creation of ESD #4 will have no immediate impact on the City's General Fund, but could make future annexations more expensive. It is estimated that the assessed property tax value of ESD

#4 is approximately \$1.285 billion. The annual revenue that could be raised by ESD #4 to fund its operations is \$1.285 million, based on the maximum tax rate of 10 cents/\$100 valuation.

COORDINATION

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



Christopher J. Brady
Assistant City Manager

J. Rolando Bono
Interim City Manager

AGREEMENT FOR APPROVAL OF ESD #4

This Agreement is entered into by and between the County of Bexar ("COUNTY") and the City of San Antonio ("CITY") (collectively the "Parties") pursuant to Health & Safety Code §775.014.

RECITALS

WHEREAS, a petition for the creation of Bexar County Emergency Services District No. 4 ("ESD #4") has been filed with COUNTY; and

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

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

WHEREAS, CITY will consent to the creation of ESD #4 if COUNTY will agree to impose certain conditions allowed under Health & Safety Code §775.014(h);

NOW THEREFORE, the Parties agree as follows:

1. CITY consents to the creation of ESD #4 with the following conditions:
 - a. ESD #4 cannot incur debt in excess of \$20,000.00 without the consent of CITY. CITY will timely review and respond to a request for consent to incur debt.
 - b. If CITY annexes a portion of ESD#4, any contractual obligations of ESD#4 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 CITY approved the contract creating the obligation or debt. "Third-party" shall mean any person or entity other than ESD #4 or CITY.
 - c. Any fire station constructed by ESD#4 will be located and constructed with the concurrence of the Chief of the San Antonio Fire Department ("SAFD").
 - d. ESD #4 will ensure that its equipment is compatible with CITY's equipment.
 - e. ESD #4 will enter into mutual aid agreements.
 - f. Upon request by CITY, ESD #4 will remove from its territory property that 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 #4 and authorize the imposition of a tax.
3. A representative of CITY will sit with panels interviewing applicants for the ESD#4 Board of Directors, and SAFD have an ex-officio representative on the Board.

Executed this _____ day of _____, 2005.

COUNTY OF BEXAR:

CITY OF SAN ANTONIO:

BY: _____

BY: _____

NELSON W. WOLFF
County Judge

ATTEST:

ATTEST:

GERRY RICKHOFF
County 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.

