



September 9, 2004 City Council Meeting Agenda Item Submittal Request

Agenda Item #:

Department: Community Development

Resolution / Ordinance #

Agenda Title: Interlocal Agreement with Williamson County for Platting in the Extraterritorial Jurisdiction (ETJ)

1. INTRODUCTION/PURPOSE

The purpose of this item is to consider entering into an interlocal agreement with Williamson County for the administration of plats in the City's ETJ.

2. DESCRIPTION/ JUSTIFICATION

Background

HB 1445 was passed in the 2001 legislative session which mandated that cities and counties must enter into interlocal agreements to administer platting in their respective ETJ's by March of 2002. The bill provided 4 possible administrative alternatives:

1. The city assumes full authority
2. The county assumes full authority
3. The city and the county split the ETJ and share the responsibility, and
4. The city and county jointly administer plats

In the 2003 Legislative session, the deadline was extended to June 20, 2003.

Issues and Analysis

Since January 2002, the City and the County have worked on the agreement. The culmination of the various discussions is contained in the attached proposed agreement.

The agreement essentially gives the City full authority over plats in the ETJ. The City agrees to route the ETJ plats to the County for their review and comment. This is similar to any other department or entity the City would route the plat to during the review process.

In addition, the agreement stipulates that the City's subdivision design standards apply in the statutory ETJ and the County's standards apply in the voluntary ETJ (beyond the statutory ETJ). Finally, the City agrees to provide the County with inspection reports and record drawings for all public improvements in the ETJ and to include the County as joint obligee on all warranty bonds filed with the City.

3. FINANCIAL/BUDGET

None

4. RECOMMENDATION

Staff recommends approval of the attached interlocal agreement for platting in the City's ETJ. Following Council's action, assuming it is to approve, the agreement will be forwarded to the County for their approval.

Please let me know if you have any questions or concerns by calling me at 512-352-5990 x 16 or contact me via email at bob.vantil@ci.taylor.tx.us.

APPROVED FOR SUBMITTAL	
DEPARTMENT HEAD: <u>(ss) R.W. VAN TIL</u>	DATE: <u>9/1/04</u>
CITY MANAGER: _____	DATE: _____

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INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT ("Agreement") is entered into and in accordance with the provisions of the Interlocal Cooperation Act, Chapter 791, Texas Government Code and House Bill 1445 ("H.B.1445"), enacted by the Texas Legislature during its 77th Legislative Session by and between the CITY OF TAYLOR, TEXAS ("City"), a political subdivision of the State of Texas, and the COUNTY OF WILLIAMSON, TEXAS ("County"), also a political subdivision of the State of Texas.

WHEREAS, The Interlocal Cooperation Act allows local governments to contract with one another to perform governmental functions and services; and

WHEREAS, City and County mutually desire to be subject to the provisions of the Texas Government Code, Chapter 791, the Interlocal Cooperation Act, specifically §791.011 regarding contracts to perform governmental functions and services; and

WHEREAS, H.B. 1445 requires City and County to enter into a written agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the extraterritorial jurisdiction ("ETJ") of City; and

WHEREAS, H.B. 1445 allows City and County to agree that City may be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in the ETJ and may regulate subdivisions under Chapter 212 of the Texas Local Government Code and other statutes applicable to municipalities; and

WHEREAS, both City and County desire that the City be granted such exclusive jurisdiction to regulate subdivision plats and approve related permits in City's ETJ, all of which provided for in the Interlocal Cooperation Act and H.B. 1445; and

1. *Granted Exclusive Jurisdiction.* City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in City's ETJ, and may regulate subdivision under Subchapter A of Chapter 212 of the Texas Local Government Code and other statues applicable to municipalities, and County shall no longer exercise any of these functions in City's ETJ.
2. *ETJ Expansion or Reduction.* Should the City expand or reduce its ETJ in the County, then City shall promptly notify the County of such expansion or reduction. In the event that City's ETJ should expand or reduce, both the City and the County agree that the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ (subject to the terms and conditions of this Agreement), and to regulate subdivisions under Chapter 212 of the Texas Local Government Code and other statues applicable to municipalities.
3. *Notice to County of Plat Applications and Approvals.* City shall provide a copy of each application for a plat to subdivide land in its ETJ in the County in

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accordance with the City plat review cycle where an application is accepted for filing to the County. County shall identify issues of concern that may affect the County's interests in roads, drainage facilities, environmental impacts, and other areas in writing to City in accordance with the City plat review cycle. Prior to approval by the City, the City shall consider suggested changes submitted in writing by the County. After a plat is approved by the City, City shall forward a copy of the approved plat to the County no later than ten business days after the approval date.

4. *Compliance with Roadway Plan.* City agrees to comply with roadway plans as adopted in the Williamson County Multi-corridor Transportation Plan and any other thoroughfare or transportation plan effecting transportation in the Williamson County and County agrees to comply with roadway plans adopted by City.
5. *Design and Construction Standards.* The City's subdivision design and construction standards shall apply with in the one-mile statutory extraterritorial jurisdiction. In the City's petitioned extraterritorial jurisdiction, the County's subdivision design and construction standards shall be used.
6. *Inspection Reports, Record Drawings, and Warranty Bond.* The City agrees to provide the County with all inspections reports and record drawings for all public improvements. City agrees also to include the County as a joint obligee on all warranty bonds filed with the City for the purpose of insuring that roads are free from defects in materials and workmanship.
7. *Miscellaneous.*

This agreement expresses the entire agreement between the parties hereto regarding the subject matter contained herein and may not be modified or amended except by written agreement duly executed by both parties. Either part may request to renegotiate this Agreement at anytime.

- a. This Agreement has been duly and properly approved by each party's governing body and constitutes a binding obligation on each party.
- b. This Agreement shall be constructed in accordance with the laws of the State of Texas and venue for all purposes hereunder shall be in Williamson County, Texas.
- c. If any provision hereof is determined by any court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be fully severable here to from and this Agreement shall be constructed and enforced, as if such invalid, illegal or

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unenforceable provision never comprised a part hereof; and the remaining provisions shall continue in full force and effect.

- d. The Agreement is not intended to extend the liability of the parties beyond that provided by law. Neither City nor County waives any immunity or defense that would otherwise be available to it against claims by third parties.
- f. This Agreement shall be subject to review and revision one year after approval by the parties.

APPROVED BY THE CITY COUNCIL FOR THE CITY OF TAYLOR, TEXAS, in its meeting held on _____ day of _____, 2004, and executed by its authorized representative.

CITY OF TAYLOR, TEXAS

By: _____
Donald R. Hill, Mayor
Taylor City Council

ATTEST:

SUSAN BROCK, City Clerk

APPROVED BY THE COMMISSIONS' COURT FOR WILLIAMSON COUNTY, TEXAS, in its meeting held on the _____ day of _____, 2004, and executed by its authorized representative.

WILLIAMSON COUNTY

By: _____
JOHN DOERFLER
County Judge

ATTEST:

JANE TABLERIOU