JW
09/19/2019
Item No. 37B

ORDINANCE 2019-09-19-0766

AMENDING THE MASTER INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO ("CITY") AND BEXAR COUNTY (COUNTY) (HEREAFTER COLLECTIVELY REFERRED TO AS "PARTIES") TO ESTABLISH A DIVISION OF RESPONSIBILITIES RELATING TO ADMINISTRATION OF LAND USE CONTROLS WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION – MILITARY PROTECTION AREAS.

* * * * *

WHEREAS, CITY and COUNTY currently have an interlocal agreement ("Master Interlocal Agreement"), which was entered into in accordance with the Texas Interlocal Cooperation Agreement Act, Texas Gov't Code, Ch. 791 *et. Seq.* (the "Act"), and on May 2, 2019 was amended and restated pursuant to Ordinance No. 2019-05-02-0361, by the City Council to provide for fire services and inspections; food services and permitting; and magistration services; and

WHEREAS, the Parties have determined that it is necessary to amend the Master Interlocal Agreement again to address additional services to be performed by each party due to new regulations the City has adopted to apply to areas outside the City limits and within the County; and

WHEREAS, this Ordinance will amend the Master Interlocal Agreement to add an addendum to include provisions governing the division of responsibilities for the administration of land use controls for properties within areas designated as "Military Protection Areas" located within the CITY'S extraterritorial jurisdiction; **NOW THEREFORE,**

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

SECTION 1. The City of San Antonio City Council hereby approves the amendment to the Master Interlocal Agreement between the CITY and COUNTY approved and restated by the by Ordinance No. 2019-05-02-0361, and passed by the City Council on May 2, 2019, as reflected in the Addendum attached as **Attachment I.**

SECTION 2. The City Manager, or designee, is hereby authorized to execute the amended agreement and to take all other steps necessary to effectuate the amendment approved herein.

SECTION 3. No funds are encumbered in this Ordinance.

SECTION 4. If any clause or provision of this Ordinance or of the Agreement approved herein is held to be invalid, illegal, or unenforceable under present or future federal, state or local laws,

including but not limited to the City Charter, City Code, or ordinances of the City of San Antonio, Texas, then and in that event such invalidity, illegality, or unenforceability shall not affect any other clause or provision hereof or in the Agreement approved herein and that the remainder of this Ordinance and the Agreement approved herein shall be construed as if such invalid, illegal, or unenforceable clause or provision was never contained therein.

SECTION 5. This Ordinance shall become effective immediately upon its passage by eight (8) affirmative votes of the City Council. If less than eight (8) affirmative votes are received, then this Ordinance shall be effective ten (10) days after passage.

PASSED AND APPROVED this 19th day of September, 2019.

M A Y O R
Ron Nirenberg

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for
Andrew Segovia, City Attorney

Agenda Item:	**37B (in consent vote: 37A, 37B)**
Date:	09/19/2019
Time:	04:40:09 PM
Vote Type:	Motion to Appr w Cond
Description:	Ordinance approving an amendment to the Master Interlocal Agreement with Bexar County to add an addendum to establish a division of responsibilities relating to administration of land use controls within the ETJMPA.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1	x					
Jada Andrews-Sullivan	District 2		x				
Rebecca Viagran	District 3		x				
Adriana Rocha Garcia	District 4		x				
Shirley Gonzales	District 5		x				x
Melissa Cabello Havrda	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x			x	
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

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EXHIBIT "A"
(Addendum)

A-11 SERVICES IN MILITARY PROTECTION AREAS

This Addendum establishes the division of responsibilities for management of platting and land use controls within the City's Extraterritorial Jurisdiction – Military Protection Areas (ETJMPA's).

A. In this Appendix, "Certificate of Compatibility" shall mean a certificate issued by CITY's Development Services Department confirming that a structure or project located or to be located within an Extraterritorial Jurisdiction Military Protection Area has been determined to be in compliance or compatible with the land use control regulations set forth in Article IX of the CITY's Unified Development Code.

B. City's Responsibilities:

1. Review all proposed construction activity for compliance with ETJMPA regulations prior to a permit being issued.

2. Receive all payments for ETJMPA Certificate of Compatibility reviews, inspections, and other associated applications for ETJMPA regulations (i.e. Land Use Plan Amendments or Variances).

3. Issue a Certificate of Compatibility to customers for compliant projects prior to the either the issuance of a building permit from the Bexar County Fire Marshal's Office or commencement of construction activity. For those instances where construction activity begins prior to obtaining a building permit or Certificate of Compatibility, the City will review the construction activity and may issue a Certificate of Compatibility if the project is compliant with all ETJMPA regulations.

4. Inspect ETJMPA-related construction activities for compliance with an issued Certificate of Compatibility.

   *City will NOT inspect, comment on, or answer questions related to building or development code issues in the ETJMPA's which are not specifically referenced in the Certificate of Compatibility.

5. Provide platting reviews for applicable ETJMPA regulations relating to density.

6. Provide Code Enforcement services in the ETJMPA's for violations of ETJMPA regulations.

7. Provide case management for ETJMPA regulations.

C. County's Responsibilities:

1. For projects in the ETJMPA's, the County Fire Marshal's Office will only issue building permits to those projects with a valid Certificate of Compatibility.

2. County Fire Marshal's Office will forward all requests for inspection of building elements related to the ETJMPA Certificate of Compatibility to City's Development Services Department.

3. County Fire Marshal's Office will only issue Certificates of Occupancy to projects in the ETJMPA which have passed inspection by City's Development Services Department for compliance with the ETJMPA Certificate of Compatibility.

4. County Fire Marshal's Office and/or County Public Works Department will notify City's Development Services Department Code Enforcement office of observed or reported violations of the ETJMPA regulations for investigation

COUNTY OF BEXAR

_____
NELSON W. WOLFF
County Judge

APPROVED AS TO LEGAL
FORM ONLY:

_____
PAUL JACKSON
Assistant Criminal District Attorney –
Civil Section

_____
DAVID SMITH
County Manager

CITY OF SAN ANTONIO, TEXAS

_____
ERIK WALSH
City Manager

ATTEST:

_____
LETICIA VACEK
City Clerk

APPROVED AS TO LEGAL
FORM ONLY:

_____
ANDREW SEGOVIA
City Attorney