

EVALYN W. MOORE
MAYOR

GLEN GILMORE
JESSE TORRES
COMMISSIONERS

City of Richmond

402 Morton Street
Richmond, TX 77469
(281) 342-5456



January 5, 2015

Mr. Howard L. Katz
Coveler & Katz, P.C.
Two Memorial City Plaza
820 Gessner, Suite 1710
Houston, Texas 77024-8261

Re: Fort Bend County Emergency Services District No. 7

Dear Mr. Katz,

The City of Richmond's Mayor and Commission held their Regular Commission Meeting on December 15, 2014. The City of Richmond Commission denied consent to create the Fort Bend County Emergency Services District No. 7 which is the Pecan Grove VFD Service Area.

However, the City of Richmond hereby offers to provide emergency services, including fire, Emergency Medical Services (EMS), and EMS first responder and rescue services, to all petitioners who requested the creation of the District and are within Richmond's ETJ. These emergency services would be billed at the same rates charged to all other non-city residents.

If you have any questions or concerns, please contact me at any time at the phone number indicated above.

Best regards,

A handwritten signature in blue ink that reads "Terri Vela". The signature is fluid and cursive, with the first name "Terri" being more prominent than the last name "Vela".

Terri Vela
City Manager
tvela@ci.richmond.tx.us

COVELER & KATZ, P.C.

Attorneys At Law
TWO MEMORIAL CITY PLAZA
820 GESSNER, SUITE 1710
HOUSTON, TEXAS 77024-8261
Telephone (713) 984-8222
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January 6, 2015

Ms. Terri Vela, City Manager
City of Richmond
402 Morton Street
Richmond, Texas 77469

Via email: tvela@ci.richmond.tx.us

***Re: Proposed Fort Bend County Emergency Services District No. 7
and your letter of January 5, 2015***

Dear Ms. Vela:

I am in receipt of your letter of January 5, 2015 (attached) regarding the City of Richmond's refusal to grant consent to the Petition to form an emergency services district (Fort Bend County Emergency Services District No. 7) within the city's extraterritorial jurisdiction in the Pecan Gove area as described in the boundary description attached to the petition. I have forwarded your letter to the appropriate petition representatives.

At the risk of re-stating myself, the petitioners and I are very disappointed in the city council's refusal to grant consent.

As to the content of the letter, we are reviewing the second paragraph of your letter:

"However, the City of Richmond hereby offers to provide emergency services, including fire, Emergency Medical Services (EMS), and EMS fire responder and rescue services, to all petitioners who requested the creation of the District and are within Richmond's ETJ. These emergency services would be billed at the same rates charged to all other non-city residents."

In order to understand fully the city's intent, are we to interpret the tender of the offer by the city to provide emergency services (fire, emergency medical services (EMS) and EMS first responder and rescue services) as being given under Section 775.014(b), Health & Safety Code (attached). If so, that would seem to thereby dispense with the requirement of a subsequent petition being presented to the city for the delivery of those emergency services. This seems like a proper

Ms. Terri Vela, City Manager

January 6, 2015

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interpretation given the text of the email cover from the City Secretary, Laura Scarlato, that accompanied the letter.

"Mr. Katz,

"Please see the attached letter regarding the petition to create the Fort Bend County Emergency Services District No. 7 also referred to as the Pecan Grove VFD Service Area from Terri Vela, City Manager. This letter will serve as the 60 day notice to reply to this request. The original will also be mailed to your attention. "

However, we are perplexed. In the second paragraph of the letter the offer is to provide emergency services to the "petitioners" who signed the original petition that was submitted for the city's consent. This appears to be some form of limited offer, almost like an offer to establish a subscription fire service. That certainly seems odd and clearly not contemplated by Section 775.014. Under that section, it addresses the area of the emergency services district that would receive the emergency services not the individual petitioners. Or perhaps that is what was meant. But more importantly, the offer would seem to be an effort to split the delivery of emergency services in Pecan Grove. It is very troubling viewing this possibility in light of the city's refusal to grant consent to the Pecan Grove residents to make their own decisions.

We are further confused by the closing sentence addressing some billing basis for the offered services. I do not believe Section 775.014(b) authorizes the city to charge the Pecan Grove residents for emergency services in that context. It would seem that such an option under Section 775.014(b) was lost when the city refused to grant its consent to the emergency services district.

I have no individual authority to address the offer. However, I wanted to raise these issues in the event the petitioners and residents have similar questions. There may be follow-up correspondence addressing these issues.

Very truly yours,

COVELER & KATZ, P.C.

By:

Howard L. Katz

HLK/ad

EVALYN W. MOORE
MAYOR

GLEN GILMORE
JESSE TORRES
COMMISSIONERS

City of Richmond

402 Morton Street
Richmond, TX 77469
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January 5, 2015

Mr. Howard L. Katz
Coveler & Katz, P.C.
Two Memorial City Plaza
820 Gessner, Suite 1710
Houston, Texas 77024-8261

Re: Fort Bend County Emergency Services District No. 7

Dear Mr. Katz,

The City of Richmond's Mayor and Commission held their Regular Commission Meeting on December 15, 2014. The City of Richmond Commission denied consent to create the Fort Bend County Emergency Services District No. 7 which is the Pecan Grove VFD Service Area.

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If you have any questions or concerns, please contact me at any time at the phone number indicated above.

Best regards,

A handwritten signature in black ink, appearing to read "Terri Vela".

Terri Vela
City Manager
tvla@ci.richmond.tx.us

C**Effective: September 1, 2011**

Vernon's Texas Statutes and Codes Annotated Currentness

Health and Safety Code (Refs & Annos)

Title 9. Safety

Subtitle B. Emergencies

Chapter 775. Emergency Services Districts

Subchapter B. Creation of District

→ → § 775.014. Creation of District That Includes Municipal Territory

(a) 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 is filed under Section 775.015. Except as provided by Subsection (c), that territory may not be included in the district unless the municipality's governing body gives its written consent on or before the 60th day after the date on which the municipality receives the request.

(b) If the municipality's governing body does not consent to inclusion within the 60-day period prescribed by Subsection (a), a majority of the qualified voters and the owners of at least 50 percent of the territory in the municipality's limits or extraterritorial jurisdiction that would have been included in the district may petition the governing body to make fire control and emergency medical and ambulance services available. The petition must be submitted to the governing body not later than the 90th day after the date on which the municipality receives the request under Subsection (a).

(c) If the municipality's governing body refuses or fails to act on the petition requesting fire protection and emergency medical and ambulance services within six months after the date on which the petition submitted under Subsection (b) is received, the governing body's refusal or failure to act constitutes consent for the territory that is the subject of the petition to be included in the proposed district.

(d) If the proposed district will include territory designated by a municipality as an industrial district under Section 42.044, Local Government Code, consent to include the industrial district must be obtained from the municipality's governing body in the same manner provided by this section for obtaining consent to include territory within the limits or extraterritorial jurisdiction of a municipality.

(e) If the municipality's governing body consents to inclusion of territory within its limits or extraterritorial jurisdiction, or in an industrial district, the territory may be included in the district in the same manner as other territory is included under this chapter.

(f) A governing body's consent to include territory in the district and to initiate proceedings to create a district as

prescribed by this chapter expires six months after the date on which the consent is given.

(g) This section does not apply if the proposed district contains territory in the unincorporated area of a county with a population of 3.3 million or more.

(h) The governing body of a municipality with a population of more than one million may negotiate with the commissioners court of a county with a population of less than 1.8 million that is the county in which the majority of the territory inside the municipality's corporate boundaries is located conditions under which the municipality will grant its consent to the inclusion of its extraterritorial jurisdiction in the district. The negotiated conditions may:

- (1) limit the district's ability to incur debt;
- (2) require the district to ensure that its equipment is compatible with the municipality's equipment; and
- (3) require the district to enter into mutual aid agreements.

(i) A request submitted under this section to a municipality described by Subsection (h) must include:

- (1) a copy of the petition submitted under Section 775.015; and
- (2) a sufficient legal description of the portion of the municipality and its extraterritorial jurisdiction that would be included in the district territory.

CREDIT(S)

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 5, § 1, eff. Feb. 28, 1991; Acts 1999, 76th Leg., ch. 496, § 2, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 886, § 2, eff. Sept. 1, 2001; Acts 2011, 82nd Leg., ch. 1163 (H.B. 2702), § 53, eff. Sept. 1, 2011.

Current through the end of the 2013 Third Called Session of the 83rd Legislature

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January 7, 2015

Mr. Howard Katz
Coveler & Katz, P.C.
Two Memorial City Plaza
820 Gessner, Suite 1710
Houston, Texas 77024-8261

*Re: Response to Letter Dated January 6, 2015 concerning Petition for Creation of
Emergency Services District*

Dear Mr. Katz,

This letter responds to your letter dated January 6, 2015, to Ms. Terri Vela and the City of Richmond (City), to address any confusion that may have resulted from the City's letter to you dated January 5, 2015 (City Letter). The purpose of the City Letter was twofold: (1) to notify you, your clients, and Fort Bend County that the City voted to deny consent to the petition for the creation of proposed Fort Bend County Emergency Services District No. 7 (Proposed ESD), and (2) to offer emergency services within the City's Extra Territorial Jurisdiction (ETJ). It was not intended to perplex, nor split the delivery of emergency services, and we regret that the City Letter resulted in your confusion.

The City hereby withdraws the City Letter, and substitutes this letter. This courtesy letter is notification that the City of Richmond has voted to deny consent to the Proposed ESD. Because the City did not consent to the Proposed ESD Petition within the 60 days provided in Section 775.014(a) of the Health and Safety Code, the Petition fails as a matter of law.

The City remains ready, able and willing to provide emergency services. The City will promptly respond to any Petition for the provision of emergency services under Health and Safety Code Section 775.014(b). Please feel free to contact me directly with any further questions or comments you may have concerning this matter.

COUNTY JUDGE
RECEIVED
JAN 09 2015

Sincerely,

Betsy Johnson
Attorney for City of Richmond

cc: Fort Bend County Judge Robert Herbert
Fort Bend County Clerk Laura Richard

**WATERSIDE ESTATES HOMEOWNER ASSOCIATION
RICHMOND, TEXAS**

February 4, 2015

Howard L. Katz
Coveler & Katz, P. C.
Two Memorial City Plaza
820 Gessner, Suite 1710
Houston, TX 77024

Dear Mr. Katz,

This letter is to officially inform you that as currently constituted, an Emergency Service District (ESD) for only the Waterside Estates portion of the proposed ESD would not be deemed feasible or in the best interest of the community.

If you have any questions please let me know.

Sincerely,



Romain Barski
President, Waterside Estates HOA

Cc: James Patterson, County Commissioner, Pct 4
Joey Woolley, Fire Chief PGVFD
James Hines, HOA
Matt Levan, HOA
Pam Roth, HOA
George Sepe, HOA

