

City of Houston, Texas, Ordinance No. 2015-12

**AN ORDINANCE CONSENTING TO THE CREATION OF FORT BEND COUNTY EMERGENCY SERVICES DISTRICT NO. 7, ALSO KNOWN AS PECAN GROVE VFD SERVICE AREA, TO INCLUDE CERTAIN TERRITORY WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF HOUSTON; PROVIDING FOR SEVERABILITY; CONTAINING REPEALER; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That attached to this ordinance and made a part hereof is a request for consent by the City of Houston for the creation of **FORT BEND EMERGENCY SERVICES DISTRICT NO. 7** (the "District"), to include certain land located within the extraterritorial jurisdiction of the City, as more fully described in the petition to Fort Bend County, attached hereto, relating to the creation of the District. The City Council hereby consents to the creation of the District as requested, subject to the conditions set forth in this ordinance.

**Section 2.** The City's consent to the creation of the District is expressly conditioned on the District not, at any time during its existence, issuing any type of bonds or notes without the prior written consent of the City.

**Section 3.** The District shall not enter into any contract, agreement, obligation or other undertaking which would or might obligate or bind the District for a period in excess of one year, unless that contract, agreement or undertaking is first approved by the Mayor's designee in writing, or unless the contract, agreement or undertaking is payable solely from the proceeds of bonds previously approved by the City; provided that, if the Mayor or the Mayor's designee fails to approve or disapprove a contract, agreement or undertaking for

which such approval is required for approval, that contract, agreement or other undertaking shall be deemed to be approved and the District shall be authorized to enter into that contract, agreement or other undertaking.

**Section 4.** During each year of its existence, the District shall submit to the City a copy of its proposed annual budget prior to the adoption of that budget by the Board of Emergency Services Commissioners.

**Section 5.** (a) The City hereby agrees to notify the District of a proposed annexation of all or a portion of the land included within the District at least 90 days prior to the effective date of the annexation. Failure by the City to give such notice, however, shall not affect the validity of that annexation.

(b) The District, upon notification from the City of any proposed annexation of all or a portion of the land included within the District, shall proceed in good faith and with due diligence to negotiate and execute a contract with the City for the provision of emergency services on behalf of the City to the area of land within the District proposed to be annexed by the City. The term of said contract may be for any length of time which may be agreed upon by the parties. If the District and the City reach an agreement as herein provided, the District shall not be entitled to levy or collect ad valorem taxes on the portion of the land within the District annexed by the City from and after the effective date of that annexation. Upon the expiration of said contract, the District shall cease to provide emergency services to the annexed area.

(c) If the District and the City fail, prior to the effective date of the City's

annexation of all or any portion of the land within the District, to enter into a contract to permit the District to provide emergency services on behalf of the City and if the District has financial obligations which extend beyond the effective date of annexation, the District may continue to provide such services to the annexed area for a period not to exceed one calendar year following the effective date of City's annexation, or until such time as may be agreed upon by the District and the City. The District may continue to levy and collect ad valorem taxes from the annexed area, at the rate assessed to all other District property, for the calendar year following the effective date of the City's annexation of territory within the District. Under no circumstances, however may the District continue to assess and collect taxes on the annexed area beyond that one year period.

(d) If the District and the City fail, prior to the effective date of the City's annexation of all or any portion of the land within the District, to enter into a contract to permit the District to provide emergency services on behalf of the City and if the district has no financial obligations which extend beyond the effective date of annexation, the City Council, by ordinance shall designate the date on which the District shall:

- (i) cease to serve the annexed territory;
- (ii) cease to levy and collect ad valorem taxes on the territory annexed; and
- (iii) disannex the portion of the District annexed by the City or dissolve the

District if all of the territory within the District has been annexed.

(e) The City Council must set the date referenced in subsection (d) above for a day within 90 days after the date the area becomes a part of the City. If the City Council

fails to adopt the ordinance, then automatically on the 91<sup>st</sup> day after the date the area becomes a part of the City the District shall:

(i) cease to serve the annexed territory:

(ii) cease to levy and collect ad valorem taxes on the territory annexed ; and

(iii) disannex the portion of the District annexed by the City or dissolve the

District if all of the territory within the District has been annexed.

(f) The City shall not be obligated to assume any outstanding indebtedness, or any pro rata share of indebtedness, of the District, at such time as the City may annex all or part of the territory of the District or as a consequence of such annexation. Upon annexation of all or a portion of the District, the City shall not receive title to any of the District's property or equipment nor shall the City be liable for any debt or obligations of the District for any such property or equipment.

(g) The District shall, by order of its governing body, exclude from the District's territory any area annexed by the City immediately upon the expiration of the contract referred to in subsection (b) above or, if there is no such contract, then immediately upon the expiration of one calendar year following the City's annexation of territory within the District.

(h) Nothing in this section shall bind or obligate the City to annex all or any part of the District. If the City initially annexes only a portion of the territory within the District, the procedure outlined in this section shall be used for all other annexations(s) of territory within the District.

**Section 6.** The District shall not annex, disannex or otherwise add or delete any land to or from the District unless it first receives written approval from the City Council of the City.

**Section 7.** The consent herein granted shall expire six months from the effective date of this Ordinance.

**Section 8.** This consent is expressly conditioned upon the District's acceptance of the City's consent as conditioned on the provisions of this Ordinance, by District order within 30 days of the creation of the District. A copy of such order shall be delivered to the Fire Chief of the City and the City Secretary within 30 days after its adoption. Upon creation of the District, the District shall inform landowners within the District of the conditions of the City's consent.

**Section 9.** The City shall notify the District in writing of any act or omission which the City deems to be a breach of the conditions of this Ordinance. The District shall have 30 days from such notice to cure the breach. If, after the expiration of that 30 day period, the District remains in non-compliance with the conditions of this Ordinance, the Board of Emergency Services Commissioners shall, pursuant to the provisions and procedures of Sections 775.052 to 775.054, Texas Health and Safety Code (Vernon 1999) institute proceedings to dissolve the District.

**Section 10.** If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portion of

this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provisions or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity or any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 11.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting , as required by the Open Meetings Law, Tex. Gov't Code Ann., ch. 551 (Vernon Supp. 2000); and that this meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof was discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 12.** A public emergency exists requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; provided, however, that if the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Houston, Texas, CITY CHARTER, art. vi, § 6.

PASSED AND ADOPTED this 7<sup>th</sup> day of January, 2015.

APPROVED this \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is JAN 13 2014.

*Con Russell*  
City Secretary

*Gregory B. ...*  
Senior Assistant City Attorney

Prepared by Legal Dept.  
GWD/fg 12/19/14)  
Requested by Patrick Walsh, P.E., (DEE, Director  
Department)  
L.D. File No. \_\_\_\_\_  
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AYE	NO	
✓		MAYOR PARKER
....	....	COUNCIL MEMBERS
✓		STARDIG
✓		DAVIS
✓		COHEN
✓		BOYKINS
✓		MARTIN
✓		NGUYEN
✓		PENNINGTON
		ABSENT-OUT OF CITY CITY BUSINESS GONZALEZ
✓		GALLEGOS
✓		LASTER
✓		GREEN
✓		COSTELLO
✓		ROBINSON
✓		KUBOSH
✓		BRADFORD
✓		CHRISTIE
CAPTION	ADOPTED	

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

PETITION FOR AN EMERGENCY SERVICES DISTRICT

TO THE HONORABLE ROBERT HEBERT, COUNTY JUDGE OF FORT BEND COUNTY, T E X A S:

**COMES NOW**, the undersigned Petitioners, all being qualified voters who own taxable real property within the boundaries of Fort Bend County and being specifically within the areas and boundaries of this proposed Emergency Services District as hereinafter described, who hereby respectfully present unto this Court their Petition for the creation and operation of an Emergency Services District in Fort Bend County, Texas, and ask this Court to receive and act upon the same, and as reason therefore would show unto this Honorable Court as follows:

I.

That such an Emergency Services District is to be organized in Fort Bend County, State of Texas, and that the District is to be created and is to operate under Article III, Section 48-e, Texas Constitution, and Chapter 775, Health and Human Safety Code, including having the power to levy and collect taxes of ten cents (\$.10) on each \$100 of the taxable value of property taxable by the District; and the District will be so created and operated to protect life and health and as so provided in said Constitution and Legislative Act, as amended.

II.

That the name of the proposed District shall be "FORT BEND COUNTY EMERGENCY SERVICES DISTRICT NO. 7" and shall be located in a portion of Fort Bend County, Texas.

III.

That this Petition presented to the County Judge of Fort Bend County, Texas for the creation of "FORT BEND COUNTY EMERGENCY SERVICES DISTRICT NO. 7" is signed by not less than ONE HUNDRED (100) qualified

voters who own taxable real property within the area and boundaries of the proposed FORT BEND COUNTY EMERGENCY SERVICES DISTRICT NO. 7.

IV.

That the boundaries of the proposed District are described in Exhibit "A", attached hereto and incorporated fully herein.

V.

That none of the territory encompassed within the proposed District is included within the boundaries of any other emergency services district which provides fire prevention, suppression and extinguishment, hazardous material incident responses, emergency medical services (EMS) and EMS first responder and rescue services, and the creation of the proposed district complies with Sections 775.020 and 775.0205.

VI.

That the proposed District is to be created and operated under the provisions of Article III, Section 48-e, Texas Constitution, and the statutory legislation, as amended, and to provide the following services, in such extent and manner as may be determined from time to time by the commissioners of such District: fire prevention, suppression and extinguishment, hazardous material incident responses, emergency medical services (EMS) and EMS first responder and rescue services.

VII.

That the boundaries of the proposed District does include the corporate and/or extraterritorial jurisdiction of the following municipalities: Richmond, Texas; and Houston, Texas, whose consent for inclusion in the proposed District is required as provided under Section 775.014.

That it is specifically understood and agreed that two (2) of the undersigned Petitioners, being Charles D. Bertrand Kathy L. Golden hereby obligate themselves jointly and severally to incur and pay the costs incident to the formation of the proposed Emergency Services District, not to

exceed ONE HUNDRED FIFTY AND NO/100 DOLLARS (\$150.00), which shall include, among any other necessary and incidental expenses, the cost of publication of notices and election costs.

VIII.

That the names and mailing address of each of the undersigned Petitioners, being qualified voters who own taxable real property within the area of the proposed district are hereinafter set forth:

DATE

10/26/14

NAME: Print: Scott P. Newton  
Signature: [Signature]  
Date of Birth: [Redacted]  
RESIDENCE ADDRESS: 2038 Richmond Dr.  
Richmond TX 77406  
MAILING ADDRESS: same  
VOTER REG NO.: 1100190952  
TELEPHONE NO.: 281-342-7927

DATE

10/26/14

NAME: Print: Sherry L. NEWTON  
Signature: [Signature]  
Date of Birth: [Redacted]  
RESIDENCE ADDRESS: 2038 Richmond Dr.  
Richmond, TX 77406  
MAILING ADDRESS: same  
VOTER REG NO.: 1100125768  
TELEPHONE NO.: 281-342-7927

DATE

10/26/14

NAME: Print: JOHN J. LYONS  
Signature: [Signature]  
Date of Birth: [Redacted]  
RESIDENCE ADDRESS: 2115 RICHMOND DRIVE  
RICHMOND TX 77406-1236  
MAILING ADDRESS: same  
VOTER REG NO.: 1158448197  
TELEPHONE NO.: 281-342-5113 (H)

(Proposed Fort Bend County Emergency Services District No. 7 Pecan Grove, Waterside Fire Department service area)

FD

DATE

10/26/17

NAME: Print: Jeery Dostal  
Signature: [Signature]  
Date of Birth: [Redacted]  
RESIDENCE ADDRESS: 1307 Richmond Ct  
Richmond TX 77401  
MAILING ADDRESS: same

VOTER REG NO.: 1100172440  
TELEPHONE NO.: 713-385-3731

DATE

NAME: Print: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
RESIDENCE ADDRESS: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

VOTER REG NO.: \_\_\_\_\_  
TELEPHONE NO.: \_\_\_\_\_

DATE

NAME: Print: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
RESIDENCE ADDRESS: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

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(Proposed Fort Bend C

NOTE:  
Additional  
signature pages  
available in office  
of City Secretary

ED

I, ANNA RUSSELL, City Secretary of the City of Houston, Texas, do hereby certify that the within and foregoing is a true and correct copy of Ordinance 2015-12 passed and adopted by the City Council of said City on the 7th day of January, 2015, as the same appears in the records in my office

WITNESS my hand and the Seal of said City this 13th day of January, 2015.

A handwritten signature in cursive script, reading "Anna Russell", written over a horizontal line.

Anna Russell  
City Secretary of the City of Houston