

AGENDA ITEM 14

Discuss and consider adopting an interlocal agreement between the City of Thrall and Williamson County, in accordance with House Bill 1445.

Moved: **Commissioner Hays**

Seconded: **Commissioner Limmer**

Motion: To adopt an interlocal agreement between the City of Thrall and Williamson County, in accordance with House Bill 1445.

Vote: 5 - 0

< Attachment >

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 Thrall, 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 government 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 A of Chapter 212 of the Texas Local Government Code and other statutes applicable to municipalities; and

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

NOW, THEREFORE, City and County, for the mutual consideration stated herein, agree and understand as follows;

1. *City 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 subdivisions under Chapter A of Chapter 212 of the Texas Local Government Code and other statutes applicable to municipalities, and County shall no longer exercise any of these functions in City's ETJ provided that the City annexes proposed subdivisions that fall under this agreement prior to the recording of the final plat. Failure to comply with this section automatically reverts exclusive jurisdiction to regulate all subdivision plats and approve all related permits in City's ETJ within the City's ETJ to the County. Upon reversion, the County Judge will provide the City's Mayor a letter detailing the noncompliance and the effective date of their loss of jurisdiction. The County agrees to provide the City with a written request for annexation of a County road should the City request such.

2. *ETJ Expansion or Reduction.* Should City expand or reduce its ETJ, City shall promptly notify county of such expansion or reduction so that this Agreement may be amended to take into account the expansion or reduction in City's ETJ. In the event that City's ETJ should expand or reduce such that the expansion or reduction ETJ necessitates the amendment of this Agreement, both City and County agree that 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 found in the previous paragraph), and to regulate subdivisions under Subchapter A of Chapter 212 of the Texas Local Government Code and other statutes applicable to municipalities, until this Agreement is amended to take into account such ETJ expansion or reduction.

3. *Miscellaneous.*

a. 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 party may request to renegotiate this agreement at anytime.

b. This Agreement has been duly and properly approved by each party's governing body and constitutes a binding obligation on each party.

c. This Agreement shall be construed in accordance with the laws of the State of Texas and venue for all purposes hereunder shall be in Williamson County, Texas.

d. 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 from and this Agreement shall be construed and enforced, as if such invalid, illegal or unenforceable provision never comprised a part hereof; and the remaining provisions shall continue in full force and effect.

e. 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 effective as of March 30, 2002.

APPROVED BY THE CITY COUNCIL FOR THE CITY OF Thall,
TEXAS, in its meeting held on the 23 day of Sept., 2002, and executed by
its authorized representative.

CITY OF Thall, TEXAS

By: James Wood
City Administrator

ATTEST:

Ken Simpson

APPROVED BY THE COMMISSIONERS' COURT FOR WILLIAMSON COUNTY,
TEXAS, in its meeting held on the 15th day of October, 2002, and
executed by its authorized representative.

Williamson, COUNTY

By: John C. Daifler 10-1-02
County Judge

ATTEST:

Dancy E. Rister

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REGULAR AGENDA

AGENDA ITEM 15

Discuss and consider setting a date to hold a public hearing for amended plat of Kittie Hill Acres, Tracts 5 and 6.

Moved: **Judge Doerfler**

Seconded: **Commissioner Heiligenstein**

Motion: To set the date to hold a public hearing for amended plat of Kittie Hill Acres, Tracts 5 and 6 for October 29, 2002 at 10:00 a.m. in the Commissioners' Courtroom.

Vote: **5 - 0**

AGENDA ITEM 16

Discuss and consider preliminary plat approval of Noren Oaks Subdivision.

Moved: **Commissioner Hays**

Seconded: **Commissioner Limmer**

Motion: To approve the preliminary plat of Noren Oaks.

Vote: **5 - 0**

AGENDA ITEM 17

Discuss and consider preliminary plat approval of Hauser Acres.

Moved: **Commissioner Hays**

Seconded: **Judge Doerfler**

Motion: To approve the preliminary plat of Hauser Acres.

Vote: **4 - 0. Commissioner Boatright was absent from the dais.**

AGENDA ITEM 18

Discuss and consider preliminary plat approval of Hutto Tex-Mix Subdivision.

Moved: **Commissioner Limmer**

Seconded: **Judge Doerfler**

Motion: To approve the preliminary plat of Hutto Tex-Mix Subdivision.

Vote: **4 - 0. Commissioner Heiligenstein was absent from the dais.**

AGENDA ITEM 19

Consider maintenance on the road that leads to Whitely Cemetery off of SH 29 between Georgetown and Seward Junction.

Moved: **Commissioner Hays**

Seconded: **Commissioner Boatright**

Motion: To approve a one-time blading for the road that leads to Whitely Cemetery off of SH 29 between Georgetown and Seward Junction.

Vote: **4 - 0. Commissioner Heiligenstein was absent from the dais.**

AGENDA ITEM 20

Consider approving an inter-governmental agreement with the City of Weir to do base work and seal coating.

Moved: **Commissioner Hays**

Seconded: **Commissioner Limmer**

Motion: To approve a inter-governmental agreement with the City of Weir for base work and seal coating.

Vote: **4 - 0. Commissioner Heiligenstein was absent from the dais.**