

From: Connie Harrison <CHarrison@co.blanco.tx.us>
Sent: Friday, March 31, 2023 3:37:18 PM
To: Rhonda Stell <rstell@johnsoncitytx.org>; Rhonda Stell
Subject: order affirming interlocal agreement

Mayor Stell,
If possible, please place the attached order on the next City Council agenda for approval for you to sign. If there are any issues with this, please let me know.
Thank you,

Connie Harrison
Court Coordinator/Admin to County Judge
Blanco County
PO Box 387
Johnson City, TX 78636-0387
830-868-4266 phone
830-868-9112 fax



Original Request

**ORDER AFFIRMING INTERLOCAL AGREEMENT
BETWEEN BLANCO COUNTY, TEXAS AND CITY OF JOHNSON CITY, TEXAS**

WHEREAS, at the May 2, 2002, Johnson City Council meeting, the City Council unanimously voted to enter into an agreement with Blanco County retaining exclusive control of subdivisions in the Johnson City extraterritorial jurisdiction ("ETJ");

WHEREAS, on November 25, 2023, the Blanco County Commissioners Court unanimously voted to approve the Interlocal Agreement between Blanco County and Johnson City granting Johnson City the exclusive control of subdivisions and developments in the ETJ.

WHEREAS, on November 25, 2003, Blanco County Judge Bill Guthrie signed the Interlocal Agreement (see attached Exhibit A);

WHEREAS, the signed agreement was sent to Johnson City for signature;

WHEREAS, since November 25, 2003 Blanco County and Johnson City have operated under the understanding that Johnson City had exclusive control of development in the ETJ;

WHEREAS, Johnson City and Blanco County have been unable to locate a copy of the Interlocal Agreement signed by Mayor Gary Hopkins;

NOWHEREFORE, the City Council hereby reaffirms the November 25, 2003 Interlocal Agreement and authorizes Mayor Rhonda Stell to sign the agreement to be effective beginning November 25, 2003.

PASSED AND APPROVED BY THE JOHNSON CITY COUNCIL THIS _____ DAY OF APRIL, 2023.

Rhonda Stell
City of Johnson City, TX, Mayor

ATTEST:

Whitney Walston
City Secretary

Exhibit "A"

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 JOHNSON CITY, TEXAS ("Johnson City"), a political subdivision of the State of Texas, and the COUNTY OF BLANCO, TEXAS ("Blanco 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 such as platting and approval of related permits; and

WHEREAS, the City of Johnson City and Blanco County mutually desire to be subject to the provisions of the Texas Government Code, Chapter 791, the Interlocal Cooperation Act, specifically ss791.011 regarding contracts to perform governmental functions and services; and

WHEREAS, H.B. 1445 requires the City of Johnson City and Blanco 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 Johnson City, Texas; and

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

B. 1445.

NOW, THEREFORE, the City of Johnson City and Blanco County, for the mutual consideration stated herein, agree and understand as follows:

1. **JOHNSON CITY GRANTED EXCLUSIVE JURISDICTION.** Johnson City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in Johnson 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 Blanco County shall no longer exercise any of these function in Johnson City's ETJ.
 2. **ETJ EXPANSION OR REDUCTION.** Should the City of Johnson City expand or reduce its ETJ, Johnson City shall promptly notify Blanco County of such expansion or reduction so that this Agreement may be amended to take into account the expansion or reduction in Johnson City's ETJ. In the event that Johnson City's ETJ should expand or reduce such that the expansion or reduction of ETJ necessitates the amendment of this Agreement, both the City of Johnson City and Blanco County agree that Johnson City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, 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.
 - 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
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purposes hereunder shall be in Blanco County, Texas.

- d. This agreement grants the City of Johnson City exclusive jurisdiction to regulate subdivision plats and approve related permits set forth herein, accordingly the City of Johnson City will be solely responsible for all costs and expenses related thereto, and shall not look to Blanco County for any reimbursement of same.
- e. If any provision hereof is determined by any court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be fully severable herefrom 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.
- f. The Agreement is not intended to extend the liability of the parties beyond that provided by law. Neither the City of Johnson City nor Blanco County waives any immunity or defense that would otherwise be available to it against claims by third parties.
- g. This Agreement shall be effective immediately upon approval of the City of Johnson City and Blanco County.

APPROVED BY THE CITY COUNCIL OF THE CITY OF JOHNSON CITY, TEXAS, in its meeting held on the 2ND day of April, 2002, and executed by its authorized representative.

CITY OF JOHNSON CITY, TEXAS

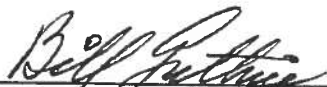
Gary Hopkins, Mayor

ATTEST:

Pat Dildine, City Secretary

APPROVED BY THE COMMISSIONERS COURT BLANCO COUNTY, TEXAS,
in its meeting held on the 25th day of November, 2007,³ and executed
by its authorized representative.

BLANCO COUNTY



George Byars, County Judge
Bill Guthrie

ATTEST:



Karen Newman, County Clerk

Rick Schroder

From: Connie Harrison <CHarrison@co.blanco.tx.us>
Sent: Friday, April 14, 2023 11:35 AM
To: Rick Schroder; Rhonda Stell
Subject: interlocal agreement
Attachments: 20230414 REVISED ORDER AFFIRMING INTERLOCAL AGREEMENT_.docx

Please confirm this will be on Tuesday's agenda.
Thank you,

Connie Harrison

Court Coordinator/Admin to County Judge
Blanco County
PO Box 387
Johnson City, TX 78636-0387
830-868-4266 phone
830-868-9112 fax



Amended Request

**ORDER AFFIRMING INTERLOCAL AGREEMENT
BETWEEN BLANCO COUNTY, TEXAS AND CITY OF JOHNSON CITY, TEXAS**

WHEREAS, at the May 2, 2002 Johnson City Council meeting, the City Council ("City Council") unanimously voted to enter into an agreement (the "Interlocal Agreement") with Blanco County to retain exclusive jurisdiction to regulate subdivision plats and approve related permits in Johnson City's extraterritorial jurisdiction ("ETJ") as permitted in the Interlocal Cooperation Act, Texas Government Code Chapter 791;

WHEREAS, the Interlocal Agreement adopted by the City Council provided in pertinent part:

1. **JOHNSON CITY GRANTED EXCLUSIVE JURISDICTION.**
Johnson City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in Johnson 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 Blanco County shall no longer exercise any of these function in Johnson City's ETJ.
2. **ETJ EXPANSION OR REDUCTION.** Should the City of Johnson City expand or reduce its ETJ, Johnson City shall promptly notify Blanco County of such expansion or reduction so that this Agreement may be amended to take into account the expansion or reduction in Johnson City's ETJ. In the event that Johnson City's ETJ should expand or reduce such that the expansion or reduction of ETJ necessitates the amendment of this Agreement, both the City of Johnson City and Blanco County agree that Johnson City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, 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.

WHEREAS, on November 25, 2003, the Blanco County Commissioners Court unanimously voted to approve the Interlocal Agreement; and

WHEREAS, on November 25, 2003, Blanco County Judge Bill Guthrie signed the Interlocal Agreement (see attached Exhibit A); and

WHEREAS, the signed agreement was sent to Johnson City for signature; and

WHEREAS, since November 25, 2003 Blanco County and Johnson City have operated under the understanding that Johnson City had exclusive control of development in the ETJ; and

WHEREAS, Johnson City and Blanco County have been unable to locate a copy of the Interlocal Agreement signed by Mayor Gary Hopkins;

NOWHEREFORE, the City Council hereby reaffirms the November 25, 2003 Interlocal Agreement and authorizes Mayor Rhonda Stell to sign the agreement to be effective beginning November 25, 2003.

Further, the City Council approves that the Interlocal Agreement will continue for all existing, and all future, ETJs without the need for amendment.

Further the City Council acknowledges that either party may cancel the Interlocal Agreement upon 60 days prior written notice.

PASSED AND APPROVED BY THE JOHNSON CITY COUNCIL THIS _____ DAY OF APRIL, 2023.

Rhonda Stell
City of Johnson City, TX, Mayor

ATTEST:

Whitney Walston
City Secretary

Exhibit "A"

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 JOHNSON CITY, TEXAS ("Johnson City"), a political subdivision of the State of Texas, and the COUNTY OF BLANCO, TEXAS ("Blanco 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 such as platting and approval of related permits; and

WHEREAS, the City of Johnson City and Blanco County mutually desire to be subject to the provisions of the Texas Government Code, Chapter 791, the Interlocal Cooperation Act, specifically ss791.011 regarding contracts to perform governmental functions and services; and

WHEREAS, H.B. 1445 requires the City of Johnson City and Blanco 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 Johnson City, Texas; and

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

B. 1445.

NOW, THEREFORE, the City of Johnson City and Blanco County, for the mutual consideration stated herein, agree and understand as follows:

1. **JOHNSON CITY GRANTED EXCLUSIVE JURISDICTION.** Johnson City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in Johnson 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 Blanco County shall no longer exercise any of these function in Johnson City's ETJ.
 2. **ETJ EXPANSION OR REDUCTION.** Should the City of Johnson City expand or reduce its ETJ, Johnson City shall promptly notify Blanco County of such expansion or reduction so that this Agreement may be amended to take into account the expansion or reduction in Johnson City's ETJ. In the event that Johnson City's ETJ should expand or reduce such that the expansion or reduction of ETJ necessitates the amendment of this Agreement, both the City of Johnson City and Blanco County agree that Johnson City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, 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.
 - 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
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purposes hereunder shall be in Blanco County, Texas.

- d. This agreement grants the City of Johnson City exclusive jurisdiction to regulate subdivision plats and approve related permits set forth herein, accordingly the City of Johnson City will be solely responsible for all costs and expenses related thereto, and shall not look to Blanco County for any reimbursement of same.
- e. If any provision hereof is determined by any court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be fully severable herefrom 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.
- f. The Agreement is not intended to extend the liability of the parties beyond that provided by law. Neither the City of Johnson City nor Blanco County waives any immunity or defense that would otherwise be available to it against claims by third parties.
- g. This Agreement shall be effective immediately upon approval of the City of Johnson City and Blanco County.

APPROVED BY THE CITY COUNCIL OF THE CITY OF JOHNSON CITY, TEXAS, in its meeting held on the 2ND day of April, 2002, and executed by its authorized representative.

CITY OF JOHNSON CITY, TEXAS

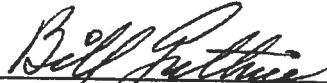
Gary Hopkins, Mayor

ATTEST:

Pat Dildine, City Secretary

APPROVED BY THE COMMISSIONERS COURT BLANCO COUNTY, TEXAS,
in its meeting held on the 25th day of November, 2002,³ and executed
by its authorized representative.

BLANCO COUNTY



George Byars, County Judge
Bill Gutheie

ATTEST:



Karen Newman, County Clerk