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December 30, 2024

City of San Antonio

The Honorable Mayor Ron Nirenberg

The Honorable Sukh Kaur, District 1 Councilmember

The Honorable Jalen McKee-Rodriguez, District 2 Councilmember

The Honorable Phyllis Viagran, District 3 Councilmember

The Honorable Adriana Rocha Garcia, District 4 Councilmember

The Honorable Teri Castillo, District 5 Councilmember

The Honorable Melissa Cabello Havrda, District 6 Councilmember

The Honorable Marina Alderete Gavito, District 7 Councilmember

The Honorable Manny Pelaez, District 8 Councilmember

The Honorable John Courage, District 9 Councilmember

The Honorable Marc Whyte, District 10 Councilmember

City Hall, 100 Military Plaza, San Antonio, TX 78205

Re: Proposed Kendal County Emergency Services District No. 1

Dear Mayor Nirenberg and Council Members:

Our office has advised and assisted members of the Bergheim Volunteer Fire Department as they have petitioned the Kendal County Commissioners Court to establish a new emergency services district which would be called Kendal County Emergency Services District No. 1 and would include a portion of the extraterritorial jurisdiction ("ETJ") area of the City of San Antonio. Today, on behalf of the Petitioners, we ask that the City of San Antonio add an item to the next available City Council agenda to consider the City's position on the inclusion of a portion of the City's ETJ in proposed Kendal County Emergency Services District No. 1. We request the following or similar action item be placed on the City's Council A Session Meeting scheduled for January 9th or 16th:

To review and act on the request to include a portion of the City of San Antonio extraterritorial jurisdiction territory within the territorial boundaries of proposed Kendal County Emergency Services District No. 1, including approving an Order to consent to the inclusion of such territory.

Per Texas Health and Safety Code section 775.014, an emergency services district may only include a city's corporate and/or ETJ territory if the city's governing body consents to the inclusion. Granting this consent would allow the voters of a portion of the San Antonio ETJ to separately vote on whether they wish to be included in the proposed Kendal County Emergency Services District No. 1.

Also, we understand there may be conditions negotiated with the Kendal County Commissioners Court pursuant to Health and Safety Code §775.014(h). Due to the requirements of §§775.014(h) and 775.014(i) the Petitioners have included as Exhibit C to the Petition a detailed description of the boundaries of the proposed district which are located within the San Antonio ETJ. This area is also clearly reflected on the map which is Exhibit B to the Petition.

The Kendal County Commissioners Court has scheduled a public hearing on February 11, 2025 to consider the petition on the creation of Kendal County Emergency Services District No. 1. On February 11th, the Commissioners Court will consider the consent or non-consent of the City of San Antonio and City of Bulverde regarding the inclusion of portions of their respective ETJ territory within the proposed Kendal County Emergency Services District No. 1. The Commissioners Court will either reject the petition as not feasible or will approve the petition and call for an election on the proposition to create Kendal County Emergency Services District No. 1 which would be included on the May 3, 2025 Election Ballot. The proposition would be considered by several groups of voters: (1) voters residing in a portion of the San Antonio ETJ, (2) voters residing in a portion of the Bulverde ETJ and (3) voters residing in the area of unincorporated Kendal County described in the attached Petition which lie outside areas (1) – (2) and which are not residents of any existing emergency services district.

The Petition which has been filed with Kendal County and accepted for review at the aforementioned February 11th Commissioners Court meeting is included with this letter.

The proposed Kendal County Emergency Services District No. 1 would be formed to provide fire prevention and control services and emergency rescue services as allowed by Health and Safety Code chapter 775 and Texas Constitution Article III, Section 48-e. If approved by the voters, Kendal County Emergency Services District No. 1 would be governed by a five member Board of Emergency Services Commissioners appointed by the Kendal County Commissioners Court. Kendal County Emergency Services District No. 1 would be allowed to levy an ad valorem tax rate up to a maximum of \$0.10/\$100 to support its emergency services functions.

The Petitioners believe that the emergency services needs of the communities serviced by the Bergheim Volunteer Fire Department exceed the funding sources currently available to the Bergheim Volunteer Fire Department. Therefore, the creation of Kendal County Emergency Services District No. 1 is necessary to ensure reliable emergency services are

provided to the people of Kendal County, including the residents of the portion of the City of Antonio's ETJ designated in the included material.

We will make every effort to have a representative of the Bergheim Volunteer Fire Department available for the City Council meeting when the City addresses this question. My office is available to answer any questions you may have regarding this issue prior to the City Council meeting. We are also available to assist the City Attorney in preparing the Order Consenting to the Inclusion of Extraterritorial Jurisdiction in Kendal County Emergency Services District No. 1. We have included a Sample Ordinance based upon the City's prior review of a similar petition. We ask that upon approval by the Council the final Ordinance be forwarded to the Kendal County Judge's office:

Kendal County Judge Shane Stolarczyk
201 East San Antonio Ave
Boerne, TX 78006

With a copy to myself via email at PEELER@COVELER.COM if possible.

Please note, the City of San Antonio addressed a similar petition at its Council A Session meeting on June 23, 2022. At that time the City granted its permission to allow the same portion of the ETJ to be included in the proposed emergency services district. However, the voters did not approve the formation of the proposed emergency services district in 2022. The Petitioners ask the City to again grant its consent in this recent effort to form a new emergency services district.

Thank you for your attention to this urgent matter.

Sincerely,

COVELER & PEELER, P.C.

By:


John W. Peeler

Cc: The Honorable Shane Stolarczyk, Kendal County Judge (w/o enclosures)
Mr. Erik Walsh, San Antonio City Manager
Mr. Andy Segovia, San Antonio City Attorney
Ms. Sally Basurto, San Antonio Department of Government Affairs

Enclosures:

Copy of Full Petition as filed with Kendal County with all Exhibits
Sample Ordinance Granting City Consent
Thumb Drive with all files

THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.

ORDINANCE

APPROVING THE REQUEST FOR CONSENT FOR THE CREATION OF KENDALL COUNTY EMERGENCY SERVICES DISTRICT NO. 1 WITHIN A PORTION OF THE CITY'S EXTRA TERRITORIAL JURISDICTION FOR THE PROVISION OF FIRE SUPPRESSION AND EMERGENCY MEDICAL SERVICES BY THE DISTRICT.

* * * * *

WHEREAS, certain residents of Kendall County have filed a petition with the Kendall County Commissioner's Court in which they seek to form an Emergency Services District No. 1 (ESD), which would include a portion of the Extraterritorial Jurisdiction (ETJ) of the City of San Antonio (COSA); and

WHEREAS, the citizens involved in the project have applied to COSA for consent to include that portion of the ETJ within the proposed special district as required by Ch. 775 of the Texas Health and Safety Code; and

WHEREAS, the affected portion of the City's ETJ is more particularly described in the Petition for Creation of the District attached as Attachment I; and

WHEREAS, City staff has reviewed the proposal and has recommended that consent be granted;
NOW THEREFORE;

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

SECTION 1. Consent is granted to include the portion of the COSA ETJ within the proposed Kendall County ESD No. 1 in accordance with the terms of Chapter 775, Texas Health and Safety Code. Attachment I is attached and incorporated herein for reference.

SECTION 2. The City Clerk is directed to forward a copy of this action to the County Judge of Kendall County on behalf of the COSA.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this ____ day of _____, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

THE STATE OF TEXAS
COUNTY OF KENDALL

§
§
§

PETITION FOR CREATION OF AN
EMERGENCY SERVICES DISTRICT IN KENDALL COUNTY

TO THE HONORABLE COUNTY JUDGE OF KENDALL COUNTY, TEXAS:

COMES NOW, the undersigned Petitioners, all being qualified voters and owners of taxable real property within the boundaries of Kendall County and being specifically within the areas and boundaries of the territory described in Exhibit "A", pursuant to §775.011, Texas Health & Safety Code ("H&S Code"), attached hereto and incorporated herein for all purposes (and herein referred to as the "Territory"). This proposed Emergency Services District, who hereby respectfully present unto this Court their Petition for the creation and operation of an Emergency Services District in Kendall 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 Kendall 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, H&S Code, including having the power to levy and collect ad valorem taxes of up to the constitutional maximum 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 "KENDALL COUNTY EMERGENCY SERVICES DISTRICT NO.1" and shall be located wholly in Kendall County, Texas.

III.

That this Petition presented to the County Judge of Kendall County, Texas for the creation of "KENDALL COUNTY EMERGENCY SERVICES DISTRICT NO. 1" pursuant to §775.011, H&S Code, is signed by at least 100 qualified voters who own taxable real property in the proposed district. If there are fewer than 100 of those voters, the petition must be signed by a majority of those voters.

IV.

That the boundaries of the proposed District are described in Exhibit "A", attached hereto and incorporated fully herein. The boundaries of the proposed District are generally shown on the attached map labeled as Exhibit "B". In case of any discrepancy between the written description in Exhibit "A" and the visual depiction in Exhibit "B" shall be resolved in favor of the written description in Exhibit "A". Further, attached for reference is Exhibit "C", "Legal Description of the Extraterritorial Jurisdiction of the City of San Antonio to be Included in the Proposed Emergency Services District No. 1."

V.

That the boundaries of the proposed District do include a portion of the extraterritorial jurisdiction of the City of San Antonio whose consent for inclusion in the proposed District is required as provided by Section 775.014 of the H&S Code. If the City of San Antonio does not grant consent to include its ETJ in the proposed Emergency Services District No. 1, the petitioners ask the Commissioners Court to exclude the ETJ area and grant the petition for the remainder of the territory, thereby allowing the voters of the area outside the San Antonio ETJ to vote on the proposition to confirm creation of Emergency Services District No. 1. This petition excludes the municipal or extraterritorial jurisdiction of any other cities.

VI.

That the Territory of the proposed District does not overlap with any existing Kendall County emergency services district, thereby complying with sections 775.020 and 775.0205, as applicable.

VII.

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 fire prevention and control services and emergency rescue services in such extent and manner as may be determined from time to time by the commissioners of such District.

VIII.

That it is specifically understood and agreed that two (2) of the undersigned Petitioners, being **Whitney Meadows** residing at **117 Kendall View Dr., Boerne, TX 78006** and **Cleve Hogarth** residing at **318 Park Ridge, Boerne, TX 78006** hereby obligate themselves jointly and severally pursuant to Section 775.013 of the H&S Code, 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.

IX.

That the names and mailing address of each of the undersigned Petitioners being qualified voters owning taxable real property within the area to be Included (as described in Exhibit "A"), are hereinafter set forth in the attached Exhibit "D".

WHEREFORE, PREMISES CONSIDERED, Petitions pray that consideration of this Petition be placed on the next available meeting agenda for the Kendall County Commissioners Court, that such notices be issued by the Kendall County Clerk as required by law, that a public hearing be held on this Petition, and that after the hearing the Commissioners Court grant the petition and call an election regarding the creation of the District.

Respectfully submitted this 3rd day of December, 2024 by the undersigned petitions listed in Exhibit "D"

EXHIBIT A

LEGAL DESCRIPTION OF THE BOUNDARIES FORMING KENDALL COUNTY

EMERGENCY SERVICES DISTRICT NO. 1

BEGINNING at the point on the south eastern Kendall County border with Comal County located at approximately (98° 36' 11.201" West longitude, 29° 46' 47.883"North Latitude);

Thence northeasterly to a point on the Kendall County border with Comal County located at approximately (98° 29' 25.466"West Longitude, 29° 52' 20.161"North Latitude);

Thence northerly to a point on the Guadalupe River located at approximately (98° 29' 25.440"West Longitude, 29° 52' 21.849"North Latitude);

Thence westerly to a point on the Guadalupe River located at approximately (98° 32' 51.786"West Longitude, 29° 54' 19.164"North Latitude);

Thence northerly along property lines located at approximately (98° 32' 51.765"West Longitude, 29° 54' 21.007"North Latitude);

Thence northerly along property lines located at approximately (98° 32' 51.536"West Longitude, 29° 54' 21.531"North Latitude);

Thence northerly along property lines located at approximately (98° 32' 51.510"West Longitude, 29° 54' 25.832"North Latitude);

Thence northerly along property lines located at approximately (98° 32' 50.826"West Longitude, 29° 54' 26.985"North Latitude);

Thence northerly along property lines located at approximately (98° 32' 51.212"West Longitude, 29° 55' 11.683"North Latitude);

Thence westerly along property lines located at approximately (98° 33' 12.253"West Longitude, 29° 55' 13.097"North Latitude);

Thence westerly along property lines located at approximately (98° 33' 36.342"West Longitude, 29° 55' 12.902"North Latitude);

Thence southerly along property lines located at approximately (98° 33' 35.824"West Longitude, 29° 55' 00.847"North Latitude);

Thence southerly along property lines located at approximately (98° 33' 36.008"West Longitude, 29° 54' 59.905"North Latitude);

Thence southerly along property lines located at approximately (98° 33' 35.789"West Longitude, 29° 55' 00.025"North Latitude);

Thence southerly along property lines located at approximately (98° 33' 36.241"West Longitude, 29° 54' 59.420"North Latitude);

Thence southerly along property lines located at approximately (98° 33' 35.729"West Longitude, 29° 54' 58.646"North Latitude;

Thence southerly along property lines located at approximately (98° 33' 35.398"West Longitude, 29° 54' 50.937"North Latitude;

Thence southerly along property lines located at approximately (98° 33' 33.702"West Longitude, 29° 54' 50.192"North Latitude;

Thence southerly along property lines located at approximately (98° 33' 33.745"West Longitude, 29° 54' 40.239"North Latitude;

Thence westerly along property lines located at approximately (98° 33' 54.052"West Longitude, 29° 54' 40.692"North Latitude;

Thence southerly along Texas Farm to Market Road 3351 located at approximately (98° 33' 54.903"West Longitude, 29° 54' 07.609"North Latitude;

Thence south westerly at a point on the Guadalupe River located at approximately (98° 33' 31.273"West Longitude, 29° 53' 30.673"North Latitude;

Thence southerly along property lines located at approximately (98° 35' 52.292"West Longitude, 29° 53' 05.851"North Latitude;

Thence westerly along property lines located at approximately (98° 35' 52.113"West Longitude, 29° 52' 15.151"North Latitude;

Thence southerly along property lines located at approximately (98° 36' 00.887"West Longitude, 29° 52' 14.706"North Latitude;

Thence westerly along property lines located at approximately (98° 36' 00.946"West Longitude, 29° 52' 08.227"North Latitude;

Thence southerly along property lines located at approximately (98° 36' 09.S0S"West Longitude, 29° 52' 10.308"North Latitude;

Thence westerly along property lines located at approximately (98° 36' 08.785"West Longitude, 29° 52' 01.971"North Latitude;

Thence southerly along property lines located at approximately (98° 36' 10.149"West Longitude, 29° 52' 01.975"North Latitude;

Thence north westerly along property lines located at approximately (98° 36' 10.709"West Longitude, 29° 51' 21.402"North Latitude;

Thence northerly along property lines located at approximately (98° 36' 34.180"West Longitude, 29° 51' 33.547"North Latitude;

Thence westerly along property lines located at approximately (98° 36' 34.281"West Longitude, 29° 51' 57.986"North Latitude;

Thence westerly along property lines located at approximately (98° 37' 19.902"West Longitude, 29° 51' 57.570"North Latitude;

Thence south westerly along property lines located at approximately {98° 38' 51.790"West Longitude, 29° 52' 29.652"North Latitude;

Thence south westerly along property lines located at approximately (98° 39' 59.733"West Longitude, 29° 51' 55.371"North Latitude;

Thence easterly along property lines located at approximately (98° 40' 02.948"West Longitude, 29° 51' 52.884"North Latitude;

Thence southerly along property lines located at approximately (98° 39' 11.492"West Longitude, 98° 40' 29" 51' 52.483"North Latitude;

Thence westerly along property lines located at approximately (98° 39' 11.491"West Longitude, 29° 51' 35.676"North Latitude;

Thence southerly along property lines located at approximately (98° 39' 37.552"West Longitude, 29° 51' 35.664"North Latitude;

Thence southerly along property lines located at approximately (98° 39' 38.446"West Longitude, 29° 51' 34.431"North Latitude;

Thence southerly along property lines located at approximately (98° 39' 38.672"West Longitude, 29° 51' 05.329"North Latitude;

Thence southerly along property lines located at approximately (98° 39' 38.266"West Longitude, 29° 51' 03.302"North Longitude;

Thence easterly along property lines located at approximately (98° 39' 38.327"West Longitude, 29° 51' 00.286"North Longitude;

Thence southerly along property lines located at approximately (98° 39' 11.209"West Longitude, 29° 51' 01.162"North Latitude;

Thence southerly along property lines located at approximately (98° 39' 09.833"West Longitude, 29° 50' 40.718"North Latitude;

Thence westerly along property lines located at approximately (98° 39' 09.584"West Longitude, 29° 49' 47.344"North Latitude;

Thence southerly along property lines located at approximately (98° 39' 56.583"West Longitude, 29° 49' 47.623"North Latitude;

Thence southerly along property lines located at approximately (98° 39' 54.784"West Longitude, 29° 49' 39.666"North Latitude;

Thence southerly along property lines located at approximately (98° 39' 53.824"West Longitude, 29° 49' 02.438"North Latitude;

Thence south easterly along property lines located at approximately (98° 39' 50.906"West Longitude, 29° 48' 58.734"North Latitude;

Thence southerly along property lines located at approximately (98° 39' 49.363"West Longitude, 29° 48' 58.756"North Latitude;

Thence easterly along property lines located at approximately (98° 39' 49.431"West Longitude, 29° 48' 42.642"North Latitude;

Thence northerly along property lines located at approximately (98° 39' 29.546"West Longitude, 29° 48' 42.594"North Latitude;

Thence easterly along property lines located at approximately (98° 39' 29.528"West Longitude, 29° 48' 47.223"North Latitude;

Thence south easterly along property lines located at approximately (98° 39' 07.284"West Longitude, 29° 48' 47.180"North Latitude;

Thence south easterly along property lines located at approximately (98° 39' 06.433"West Longitude, 29° 48' 46.671"North Latitude;

Thence south easterly along property lines located at approximately (98° 39' 02.862"West Longitude, 29° 48' 35.637"North Latitude;

Thence south easterly along property lines located at approximately (98° 39' 02.286"West Longitude, 29° 48' 35.781"North Latitude;

Thence south easterly along property lines located at approximately (98° 39' 01.424"West Longitude, 29° 48' 34.971"North Latitude;

Thence easterly along State Highway 46 located at approximately (98° 38' 59.400"West Longitude, 29° 48' 25.773"North Latitude;

Thence southerly along property lines located at approximately (98° 37' 53.426"West Longitude, 29° 48' 44.538"North Latitude;

Thence westerly along property lines located at approximately (98° 37' 53.865"West Longitude, 29° 47' 56.427"North Latitude;

Thence southerly along property lines located at approximately (98° 38' 03.983"West Longitude, 29° 47' 56.763"North Latitude;

Thence southerly along property lines located at approximately (98° 38' 03.245"West Longitude, 29° 47' 36.103"North Latitude;

Thence easterly along property lines located at approximately (98° 38' 02.586"West Longitude, 29° 47' 27.108"North Latitude;

Thence easterly along property lines located at approximately (98° 37' 53.385"West Longitude, 29° 47' 31.970"North Latitude;

Thence southerly along property lines located at approximately (98° 37' 49.823"West Longitude, 29° 47' 27.732"North Latitude;

Thence southerly along property lines located at approximately (98° 37' 37.770"West Longitude, 29° 47' 32.184"North Latitude;

Thence easterly along property lines located at approximately (98° 37' 37.561"West Longitude, 29° 47' 26.705"North Latitude;

Thence north easterly along property lines located approximately (98° 37' 32.175"West Longitude, 29° 47' 28.899"North Latitude;

Thence north easterly along property lines located approximately (98° 37' 25.007"West Longitude, 29° 47' 35.038"North Latitude;

Thence north easterly along property lines located approximately (98° 37' 21.024"West Longitude, 29° 47' 42.605"North Latitude;

Thence northerly along property lines located at approximately (98° 37' 19.932"West Longitude, 29° 47' 43.190"North Latitude;

Thence north easterly along property lines located approximately (98° 37' 21.049"West Longitude, 29° 47' 59.214"North Latitude;

Thence southerly along property lines located at approximately (98° 37' 00.858"West Longitude, 29° 47' 58.444"North Latitude;

Thence south easterly along property lines located at approximately (98° 36' 57.711"West Longitude, 29° 47' 06.058"North Latitude;

Thence easterly along property lines located at approximately (98° 36' 51.872"West Longitude, 29° 47' 00.772."North Latitude;

Thence easterly along property lines located at approximately (98° 36' 37.803"West Longitude, 29° 47' 00.379"North Latitude;

Thence south easterly along property lines located at approximately (98° 36' 26.335"West Longitude, 29° 46' 50.685"North Latitude;

Thence southerly along property lines located to the start of the survey at the Kendall County Southeastern Border with Comal County at approximately (98° 36' 11.201"West Longitude, 29° 46' 47.883"North Latitude.

EXHIBIT B

MAP WITH LONGITUDE & LATITUDE

EMERGENCY SERVICES DISTRICT NO.1

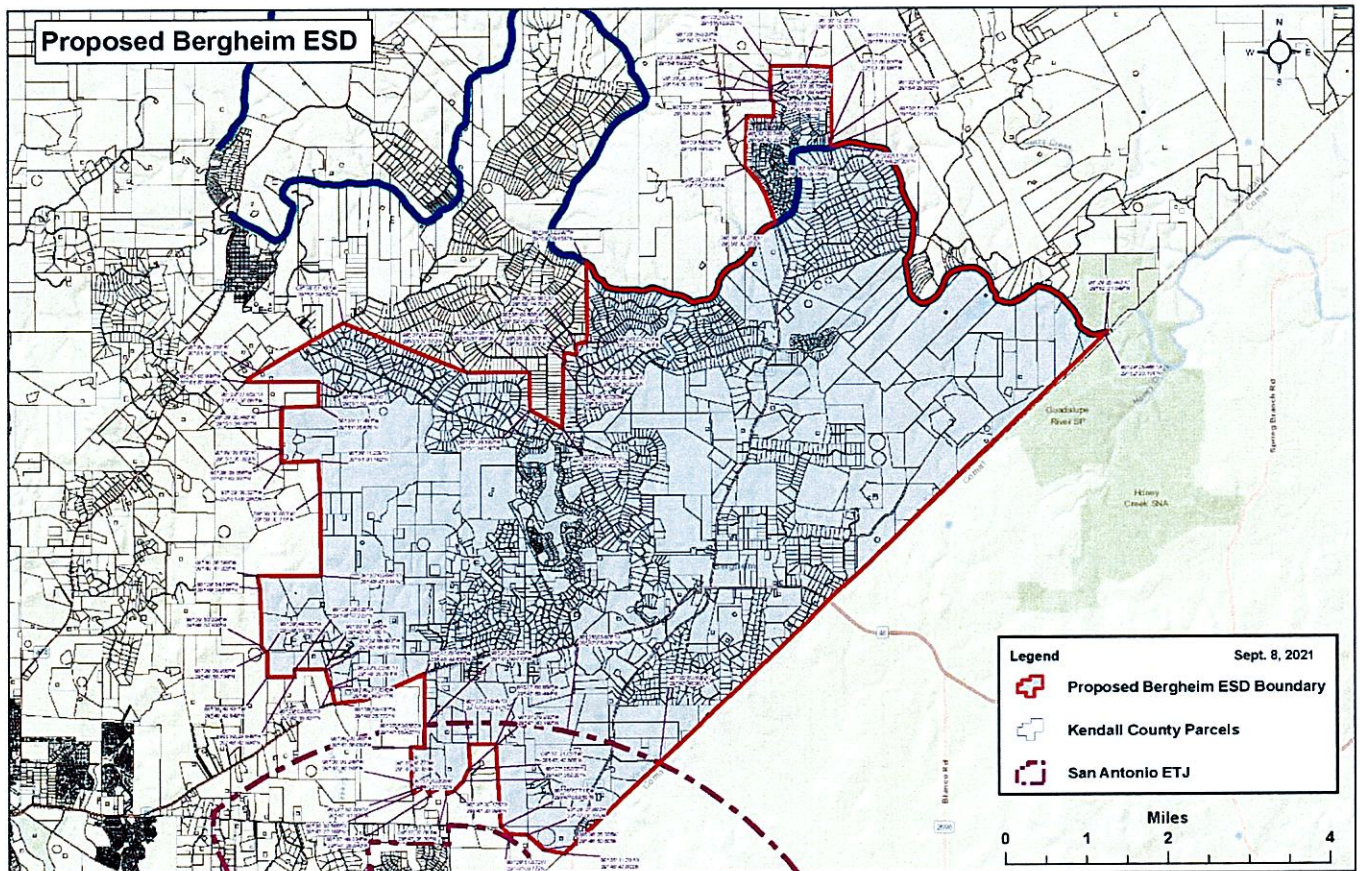


EXHIBIT C

LEGAL DESCRIPTION OF THE BOUNDARIES FORMING KENDALL COUNTY

EMERGENCY SERVICES DISTRICT NO.1

Inside City of San Antonio ETJ

BEGINNING at the point on the south eastern Kendall County border with Comal County located at approximately (98° 36' 11.201" West longitude, 29° 46' 47.883"North Latitude);

Thence northeasterly to a point on the Kendall County border with Comal County located at approximately (98° 35' 00.506"West Longitude, 29° 47' 45.981"North Latitude);

Thence westerly to a point located at approximately (98° 36' 08.905"West Longitude, 29° 47' 06.396"North Latitude);

Thence westerly along property lines located at approximately (98° 37' 52.528"West Longitude, 29° 47' 59.770"North Latitude;

Thence westerly along property lines located at approximately (98° 37' 53.865"West Longitude, 29° 47' 56.427"North Latitude;

Thence southerly along property lines located at approximately (98° 38' 03.983"West Longitude, 29° 47' 56.763"North Latitude;

Thence southerly along property lines located at approximately (98° 38' 03.245"West Longitude, 29° 47' 36.103"North Latitude;

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