



Travis County Commissioners Court Agenda Request

Meeting Date: August 21, 2012

Prepared By/Phone Number: Pete Baldwin /974-0472

Elected/Appointed Official/Dept. Head: Danny Hobby, County Executive, Emergency Services

Commissioners Court Sponsor: County Judge Samuel T. Biscoe

AGENDA LANGUAGE: CONSIDER AND TAKE APPROPRIATE ACTION TO TERMINATE THE INTERLOCAL AGREEMENT WITH THE LOWER COLORADO RIVER AUTHORITY AND MUTUAL AID AGREEMENTS WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS AND OTHER JURISDICTIONS AND USE THE STATE MUTUAL AID AGREEMENT TO REQUEST AND/OR PROVIDE ASSISTANCE.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

Travis County has numerous Mutual Aid Agreements with cities and surrounding counties. Many of these date back to 1992 through 1994. These mutual aid agreements were signed as a direct result of the 1991 Christmas Floods when it was realized there were no agreements in place to request or provide assistance. The agreement with the Lower Colorado River Authority (LCRA) differs slightly from the other mutual aid agreements. Since the LCRA cannot legally issue a disaster declaration the Interlocal was developed to allow Travis County and the LCRA to request or provide assistance to each other. In 2006 Travis County entered into a mutual aid agreement with the ten counties in the Capital Area Council of Governments (CAPCOG). This agreement was signed in order to be able to provide regional response utilizing regional assets. Since that time, the State Legislature has approved a State Wide Mutual Aid Agreement which allows for jurisdictions to provide assistance statewide if requested and capable of doing so. The existing mutual aid agreements hurt Travis County during the Fire Mitigation Assistance Grant process for the Labor Day Fires because they are silent on reimbursement and therefore the expenses submitted were declared ineligible for reimbursement. After discussions with the County Attorney's Office it was

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, Cheryl.Aker@co.travis.tx.us by Tuesdays at 5:00 p.m. for the next week's meeting.

determined the existing mutual aid agreements need to be terminated in order to use the State Mutual Aid Agreement.

STAFF RECOMMENDATIONS: Emergency Services management recommends approval to terminate the existing mutual aid agreements and use the State Wide Mutual Aid Agreement for future events.

ISSUES AND OPPORTUNITIES: The Federal Emergency Management Agency has approved the State Wide Mutual Aid agreement as a legitimate mutual aid agreement for use in requesting and providing resources.

FISCAL IMPACT AND SOURCE OF FUNDING: N/A

REQUIRED AUTHORIZATIONS: Travis County Commissioners Court

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**TRAVIS COUNTY
DEPARTMENT OF EMERGENCY SERVICES
OFFICE OF EMERGENCY MANAGEMENT**

**CTECC, P.O. Box 1099, Austin, TX 78767
Main 512-974-0450 Fax 512-974-0499**



Pete Baldwin, Coordinator
Stacy Moore-Guajardo, Asst. EMC
Patrice Reisen, Planner
Preston Doene, HazMat Coord.

Travis County has a Mutual Aid Agreement with the following jurisdictions:

City of Austin
Bastrop County
City of Bee Cave
Village of Briarcliff
Caldwell County
City of Creedmoor
Hays County
City of Jonestown
City of Lago Vista
City of Lakeway
City of Manor
City of Pflugerville
City of Rollingwood
Village of San Leanna
City of Sunset Valley
City of West Lake Hills
Williamson County

The Capital Area Planning Council of Governments (CAPCOG) Mutual Aid Agreement includes all ten counties in the CAPCOG area (Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Lee, Llano, Travis and Williamson) and has a provision for terminating participation in the agreement.

The agreement with the Lower Colorado River Authority (LCRA) was signed as an Interlocal Agreement since they are not legally able to issue a Disaster Declaration which is part of a mutual aid agreement. The Interlocal Agreement allows Travis County and the LCRA to request or provide assistance to each other.

Mutual Agreement to Terminate 1994 Interlocal Agreement

This Mutual Agreement is made by the following parties:

Travis County, a political subdivision of Texas ("County") and

Lower Colorado River Authority, a Texas conservation and reclamation district ("LCRA").

Recitals

In June, 1994, County and LCRA entered into an Interlocal Agreement ("Agreement") consistent with Texas law at that time. Section 9.05 of the Agreement provides for Mutual Termination of the Agreement when both parties agree to the termination.

Since that time, Texas law has developed and changed significantly and an agreement is no longer necessary.

County and LCRA believe that the type of assistance contemplated in the Agreement is better performed under the terms and conditions now stated in Texas Government Code, chapter 418, subchapter E. This subchapter addresses all of the aspects of assistance between local governments in the time of disasters.

Agreement

County and LCRA agree that the continuation of the Agreement would not produce beneficial results commensurate with the further expenditure of funds under that Agreement.

County and LCRA agree that the Agreement is terminated effective ____ October 1, 2012 __ (or whatever date you want here? _____).

County and LCRA agree that any further requests for assistance will be dealt with based on the provisions of Texas law in effect at the time of the disaster.

This document is executed in duplicate originals.

TRAVIS COUNTY, TEXAS

LOWER COLORADO RIVER AUTHORITY

Samuel T. Biscoe

_____ Name of person to execute _____

County Judge

_____ Title of person executing it _____

Mutual Agreement to Terminate 1994 Mutual Aid Agreement

This Mutual Agreement is made by the following parties:

Travis County, a political subdivision of Texas ("County") and

__Name of other party_____, a ___ County or municipality_____ in Texas.

Recitals

On _____date agreement executed last _____, County and City entered into a Mutual Aid Agreement ("Agreement") consistent with Texas law at that time. Section 9.05 of the Agreement provides for Mutual Termination of the Agreement when both parties agree to the termination.

Since that time, Texas law has developed and changed significantly and an agreement is no longer necessary.

County and City believe that the type of assistance contemplated in the Agreement is better performed under the terms and conditions now stated in Texas Government Code, chapter 418, subchapter E. This subchapter addresses all of the aspects of assistance between local governments in the time of disasters.

Agreement

County and City agree that the continuation of the Agreement would not produce beneficial results commensurate with the further expenditure of funds under that Agreement.

County and City agree that the Agreement is terminated effective ___October 1, 2012___ (or whatever date you want here? _____).

County and City agree that any further requests for assistance will be dealt with based on the provisions of Texas law in effect at the time of the disaster.

This document is executed in duplicate originals.

TRAVIS COUNTY, TEXAS

OTHER COUNTY/CITY'S NAME

Samuel T. Biscoe

_____Name of person to execute_____

County Judge

_____Title of person executing it _____

Resolution Giving Notice of Termination of Interjurisdictional Mutual Aid Agreement

Recitals

In 2005, the Capitol Area Council of Governments ("CAPCOG") developed an Interjurisdictional Mutual Aid Agreement ("Agreement") to be executed by the following Counties of the State of Texas: Bastrop, Blanco, Burnet, Caldwell, Fayette, Hayes, Lee, Llano, Travis and Williamson, (the "Party Counties") who are all of the member counties of CAPCOG and by all of the municipalities within those counties.

Section 19 of that Agreement allows any county to decline to participate in the provision of Mutual Aid under that Agreement if its governing body, by resolution, gives notice of its termination of participation in that Agreement and submits a certified copy of that resolution to all other counties that are parties to it.

Since that time, Texas law has developed and changed significantly.

The Executive Director of CAPCOG has reviewed the changes in Texas law and the changing environment in which local governments respond to requests for assistance and agrees that it is in the best interest of all local governments to provide mutual aid assistance under the state plan that is described in Texas Government Code, chapter 418, subchapter E. This subchapter addresses all of the aspects of assistance between local governments in the time of disasters.

Resolution

By this resolution, Travis County Commissioners Court terminates its participation, effective September 30, 2012, in the Interjurisdictional Mutual Aid Agreement approved by Travis County Commissioners Court on March 2, 2004.

By submission of a certified copy of this resolution to Bastrop County, Blanco County, Burnet County, Caldwell County, Fayette County, Hayes County, Lee County, Llano County, and Williamson County, all county of the State of Texas, and to Capitol Area Council of Governments, the Administrative Agency; Travis County Commissioners Court gives notice of the termination of its participation in the Interjurisdictional Mutual Aid Agreement to the Party Counties and to CAPCOG.

Date of Resolution: _____

TRAVIS COUNTY COMMISSIONERS COURT

Samuel T. Biscoe, County Judge

Ron Davis
Commissioner, Precinct 1

Sarah Eckhardt
Commissioner, Precinct 2

Karen Huber
Commissioner, Precinct 3

Margaret Gómez
Commissioner, Precinct 4