



Travis County Commissioners Court Agenda Request

Meeting Date: September 25, 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 on the Mutual Agreement to Terminate the 1994 Mutual Aid Agreement between Travis County and the City of Austin.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS: On August 21, 2012, the Commissioners Court approved a motion to terminate the 2006 Capital Area Planning Council of Governments (CAPCOG) Mutual Aid Agreement, an Interlocal Agreement for mutual aid with the Lower Colorado Authority and the mutual aid agreements signed between 1992 and 1994 with various cities and counties. Letters and a copy of the resolution have been sent to the participants in the CAPCOG Mutual Aid Agreement notifying them of Travis County's termination of participation in that agreement. This is the first Mutual Agreement that has been returned for signature for the Mutual Termination of a mutual aid agreement signed in 1994 with the City of Austin. The reason for the original agenda item was that all the existing mutual aid agreements contained language that did not comply with existing law and caused considerable issues with requesting reimbursements under the Fire Mitigation Assistance Grants for the Labor Day Fires. It was recommended and approved to terminate the existing mutual aid agreements and respond or request assistance under the State Mutual Aid Plan. Staff expects more mutual termination agreements to follow over the next several weeks and months.

STAFF RECOMMENDATIONS: Emergency Services and the Office of Emergency Management recommend approval of the Mutual Agreement to Terminate the 1994 Mutual Aid Agreement between Travis County and the City of Austin.

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.

ISSUES AND OPPORTUNITIES: This is the first opportunity to move our mutual aid requests and responses under the State Mutual Aid Plan.

FISCAL IMPACT AND SOURCE OF FUNDING: N/A

REQUIRED AUTHORIZATIONS:

Barbara Wilson, County Attorney's Office

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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

City of Austin, a home-rule city and municipal corporation ("City") in Texas.

Recitals

On October 18, 1994, County and City entered into a Mutual Aid Agreement ("Agreement") consistent with Texas law at that time. Section 12.05 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.

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

CITY OF AUSTIN

By: _____
Samuel T. Biscoe
County Judge

By: 
Marc A. Ott
City Manager

Date: _____

Date: 9/16/10