

STATE OF TEXAS § AGREEMENT BETWEEN THE CITY OF
31 § BURLESON AND TARRANT COUNTY
§ FOR THE INSPECTION AND PERMITTING
§ OF CERTAIN ON-SITE SEWAGE DISPOSAL SYSTEMS
COUNTY OF TARRANT § IN THE CITY OF BURLESON

WHEREAS, Article 3, Section 64(b), of the Texas Constitution and the Texas Gov. Code Annotated, Chapter 791 authorize counties and cities in the State of Texas to contract with one another for the performance of various governmental functions and services, including those in the area of public health and welfare; and

WHEREAS, certain natural conditions in the City Burleson make the unregulated disposal of sewage facilities undesirable and a potential threat to the health of inhabitants; and

WHEREAS, a commonly used on-site sewage disposal system in the City of Burleson is the septic tank, the improper functioning of which is causing, or may cause, pollution, or is injuring, or may injure, the public health; and

WHEREAS, the City of Burleson realizes the present or potential threat to public health and also realizes the present priorities of its municipal staff; and

WHEREAS, the Tarrant County Health Department has been authorized by the Texas Commission on Environmental Quality to regulate on-site sewage disposal systems;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

The City of Burleson, situated in Tarrant County, Texas, hereinafter called "City" acting herein by and through Ken Shetter, its duly authorized Mayor, and Tarrant County, hereinafter called "County", acting herein by and through Tom Vandergriff, its duly authorized County Judge, as directed by the Commissioners' Court of Tarrant County, do hereby covenant and agree as follows:

SECTION 1

As used herein, "On-site sewage disposal system" means one or more systems of treatment devices and disposal facilities that are not regulated by the Texas Commission on Environmental Quality and that:

- (a) produce not more than 5,000 gallons of waste each day; and
- (b) are used only for disposal of sewage produced on the site where the system is located.

SECTION 2

County hereby agrees to perform all required inspections and issue all necessary permits associated with the operation of on-site sewage disposal systems within the corporate limits of the City. Said inspections and permitting shall be in accordance with all local and state laws.

SECTION 3

In consideration for the inspection and permitting services provided, as well as the administrative costs incurred, City agrees to allow County to charge its standard application and permit fees to the party applying for the on-site sewage disposal system (the owner or owner's agent), and to retain one hundred percent (100%) of all fees collected.

SECTION 4

This agreement shall begin upon the approval of both the City Council and the Tarrant County Commissioners' Court, and shall continue until canceled by a minimum 90 day written notice from either party.

SECTION 5

County is an independent contractor under the terms of this Agreement and is not an Officer, agent, servant or employee of City

Executed this ~~25th~~ day of May, 2005, in Tarrant County, Texas.

CITY OF BURLESON

STATE OF TEXAS
COUNTY OF TARRANT
COMMISSIONERS COURT

By: [Signature]

By: [Signature]
Tom Vandergriff
County Judge

Date: 5-26-05

Date: 6/21/05

APPROVED AS TO FORM:

APPROVED AS TO FORM*:

By: [Signature]
City Attorney

By: [Signature]
County Legal Advisor

Date: 6-2-05

Date: 6/21/05

ATTEST:

ATTEST:

By: [Signature]
City Secretary

By: [Signature]
Wanda Boggs

Date: 6/6/05

Date: 6/21/05

*By law, the District Attorney's Office may only advise or approve contacts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).