

CITY OF DRIPPING SPRINGS

RESOLUTION NO. R2022-____

A RESOLUTION OF THE CITY OF DRIPPING SPRINGS APPROVING AN AMENDED INTERLOCAL AGREEMENT WITH HAYS COUNTY RELATED TO PLANNING MATTERS

WHEREAS, the CITY has duly identified its corporate limits and the areas of its extraterritorial jurisdiction (hereinafter referred to as “ETJ” or the “CITY’s ETJ”) within the COUNTY; and

WHEREAS, the CITY has adopted and is enforcing subdivision regulations pursuant to Texas Local Government Code Subchapter A of Chapter 212 and other statutes applicable to municipalities; and

WHEREAS, the COUNTY has adopted and is enforcing subdivision regulations pursuant to Texas Local Government Code sections 232.001-232.005 and other statutes applicable to counties; and

WHEREAS, the COUNTY and the CITY, pursuant to Texas Local Government Code Section 242.001, both enforced their subdivision regulations in the CITY’s ETJ and, in those situations where the CITY’s regulation conflicted with the COUNTY’s regulation, the more stringent provisions have prevailed; and

WHEREAS, the Texas Legislature revised Texas Local Government Code Chapter 242 to limit subdivision regulation within the ETJ to one entity (or two entities working jointly) requiring that the CITY and COUNTY to enter into an interlocal agreement; and

WHEREAS, to the extent that the CITY’s execution of this Agreement and related agreements with other counties in other areas of the CITY’s ETJ, or the CITY’s adoption, administration or enforcement of ordinances, rules, regulations or plans in reasonable furtherance of this Agreement or the related agreements results in requirements or restrictions that are not identical throughout the CITY’s entire ETJ, the Parties jointly acknowledge that the actions of the CITY are “reasonably taken to fulfill an obligation mandated by state law” within the meaning of Texas Government Code Section 2007.003(b)(4), and are therefore not subject to Texas Government Code Chapter 2007; and

WHEREAS, both the COUNTY and the CITY desire to enter into an Interlocal Cooperation Agreement, pursuant to Texas Government Code Section 791.011(a), and as required by Texas Local Government Code Section 242.001(c), whereby the COUNTY and the CITY shall agree upon the terms of said written agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, as follows:

Section 1. The facts and opinions in the preamble of this Resolution are true and correct.

Section 2. The City agrees to the terms of the Agreement as attached as Attachment “A”.

Section 3. The City Council authorizes the mayor to execute the Interlocal Agreement attached as Attachment "A".

Section 4. This Resolution shall become effective from and after the date of its passage.

PASSED AND APPROVED ON this 4th of January, 2022.

Bill Foulds, Jr., Mayor

ATTEST

Andrea Cunningham, City Secretary