



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

March 02, 2023

AGENDA TOPIC: Consideration and possible action on approving a Law Enforcement & Patrol Agreement between the City of Fair Oaks Ranch and The Fountains Homeowners Association

DATE: March 02, 2023

DEPARTMENT: Police Department

PRESENTED BY: Tim Moring, Chief of Police

INTRODUCTION/BACKGROUND:

Our city is a bedroom community which desires to retain that flavor. As a council and staff, we are committed to fulfilling our residents expressed desires to protect our quality of life, provide for public health and safety, and protect existing investment and valued community assets. In April 2021, the city found it to be in the best interest of the citizens whom reside within gated (private) communities to enter into an agreement with the city to provide legal means of proactive police patrols and other police services within their respective communities.

Article III, Section 52 and Article XI, Section 3 of Texas Constitution prevent any city from lending credit, granting public money, or making any appropriation or donation to any private entity. In other words, cities may not spend public money for a private purpose and would therefore be prohibited from performing public services in the gated community, such as road maintenance, trash collection, and traffic enforcement. This does not prevent police from answering a community generated call in those gated communities, but does prevent police from conducting proactive/preventative patrols to deter crime and enforce traffic laws. Exceptions are placed within the law that allow municipalities to enter into agreements with private communities to allow proactive patrols and traffic enforcement. This agreement may be done with 25% of the property owners in agreement or by the consent the developer and/or managing party in control of the current homeowner's association.

In late 2022, the President of The Fountains Homeowners Association reached out to city staff to inquire about obtaining law enforcement services in the gated community. The President was provided a copy of the law enforcement agreement drafted by the City Attorney's office and advised on the process of approval by City Council. In January 2023, Mrs. Kathy Phillips, President for The Fountains Homeowners Association, submitted a signed law enforcement agreement (attached) to the city with the request that it be presented to City Council for approval. This agreement would allow the Fair Oaks Ranch Police Department to conduct preventative/proactive patrols, traffic enforcement, home watches, and other services provided by the city's police force within The Fountains subdivision.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Preservation of quality-of-life characteristics through compliance with state law by ensuring the same services are available to all residents of Fair Oaks Ranch.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

None at this time.

LEGAL ANALYSIS:

Agreement drafted, reviewed, and approved by City Attorney's office.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the agreement between the City of Fair Oaks Ranch and The Fountains Homeowners Association for police services within the gated community of The Fountains.