



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** R-1

**Date:** August 23, 2006

**Subject:** Request that the City Council consider approving a Resolution supporting the formation of Smith County Emergency Services District Number 2.

**Page:** 1 of 1

**Item Reference:** State law requires City of Tyler approval before an election can be held to create an Emergency Services District within the City's Extra-Territorial Jurisdiction.

All of Smith County except the City of Tyler and an area covered by the Lindale Volunteer Fire Department (Emergency Services District Number 1) is served by volunteer fire departments. The costs required to maintain these districts are becoming increasingly difficult to continue at a time when some improvements need to be made.

State law provides that the inhabitants of a specified area can vote in an election to create a special taxing entity called an Emergency Services District. Some years ago that action was taken by those voters within the area served by the Lindale Volunteer Fire Department. Now all of the remaining volunteer fire districts in Smith County have joined together to request that a county-wide election be held. The area inside the Tyler City limits is excluded, but Tyler's Extra-Territorial Jurisdiction (ETJ) would be included. However, in order for the ETJ area to be included, the City Council must approve that election.

Representatives of the volunteer fire districts will be present to answer questions.

**RECOMMENDATION:**

It is recommended that the City Council consider approving the attached Resolution relating to an election to create Emergency Service District Number 2.

**Drafted/Recommended By:**  
**Department Leader**

  
Neal Franklin, Fire Chief

**Edited/Submitted By:**  
**City Manager**

**JACKSON LAW OFFICES, P. C.**

*Attorneys & Counselors at Law*

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15001 CR 472

Lindale, Texas 75771-1210

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26 July 2006

Mayor Joey Seeber  
Mayor Pro Tem Steve Smith  
City Manager Bob Turner  
City Clerk Cassandra Brager  
Council Member Charles Alworth  
Council Member Donald Sanders  
Council Member Nathaniel Moran  
Council Member Chris Simons  
CITY OF TYLER  
P. O. Box 2039  
Tyler, Texas 75710-2039  
AC 903/531-1250 = Office  
AC 903/531-1166 = Fax

RE: Petition for Creation of  
Smith County Emergency Services District No. 2

RE: Request For City To Participate In SCES Dist No. 2

Dear Mayor And Other City Officials:

As you may be aware, for several years the Smith County Volunteer Firemen's Association, assisted by the undersigned, has endeavored to create a Smith County Emergency Services District No. 2.

The process requires the presentment of a petition, signed by at least 100 land owners and registered voters, to the County Judge and Commissioners Court. On 17 July 2006, such a petition, signed by over 600 such landowners and voters, was presented to the Smith County Judge and Commissioners. Public hearings are being scheduled for 7:00 p.m., on Tuesday, 22 August 2006 at the Whitehouse Fire Station in Whitehouse, a site available for persons located within the areas assigned to the Arp, Bullard, Chapel Hill, Dixie, Flint - Gresham, Noonday, Troup and Whitehouse Volunteer Fire Departments, and for 7:00 p.m., on Thursday, 24 August 2006, at the Winona Fire Station in Winona, a site available for persons located within the areas assigned to the Jackson Heights, Red Springs and Winona Volunteer FD.

A copy of the petition, less the 600 plus signatories, is transmitted herewith for your review.

The law requires any existing city within the area for the creation of an emergency services district to affirmatively agree to place the city limits and its existing extra - territorial jurisdiction in the

proposed district or be excluded. Also, any city not in the proposed district, but which has land in its extra - territorial jurisdiction which is located within the proposed area, must also affirmatively agree to place its existing extra - territorial jurisdiction in the proposed district or that land be excluded from the proposed district.

The following cities, including your municipality, are located within Smith County and, in order to be put in the proposed SCES District No. 2, must affirmatively agree, by resolution, to be included within the new district or be excluded: Arp, Bullard, Chandler, Gladewater, New Chapel Hill, Noonday, Overton, Troup, Tyler, Whitehouse and Winona. Two cities, Chandler and Gladewater, are located without Smith County but apparently have land in Smith County within the extra - territorial jurisdiction of each city. If so, both Chandler and Gladewater must affirmatively agree, by resolution, to have its extra - territorial land located in Smith County be included within the new district or be excluded. Lastly, the City Of Overton appears to be located both in Smith County and in Gregg County, thereby requiring its affirmative action to be included or to be excluded.

Also, the City of Tyler must approve the inclusion of its extra - territorial jurisdiction for that to be included within the boundaries of the proposed Smith County Emergency Services District No. 2.

The cited petition was formally presented to the Smith County Commissioners on Monday, 24 July 2006. The Court appeared to be favorably impressed with proposed creation of SC ES District No. 2. A copy of the news account of the presentation, as reported by Mr. Roy Maynard of the Tyler Morning Telegraph, is transmitted herewith.

On Monday, 31 July 2006, the Smith County Commissioner's Court will consider arranging for public hearings on the proposed creation of SCES District No. 2. These hearings are likely to be as follows:

- a. At 7:00 p.m., on Tuesday, 22 August 2006, at the Whitehouse Fire Station, located at 303 East Main Street, Whitehouse, Texas 75791. This site will be available for any interested persons but especially for persons located within the areas assigned to the Arp, Bullard, Chapel Hill, Dixie, Flint - Gresham, Noonday, Troup and Whitehouse Volunteer Fire Departments.
- b. At 7:00 p.m., on Thursday, 24 August 2006, at the Winona Fire Station, located at 911 Dallas Street, Winona, Texas 75792. This site will be available for any interested persons but especially for persons located within the areas assigned to the Jackson Heights, Red Springs and Winona Volunteer Fire Departments.

In order for an item to appear on the general election ballot on Tuesday, 7 Nov 2006, the Smith County Commissioner's Court must take action no later than its Monday, 28 August 2006, session. Unless affirmative action is taken by the cities shown above by that date, an approval of the voters of the district will automatically exclude any city which did not affirmatively agree to participate.

The purpose of this letter is to ask your city to adopt an resolution affirmatively agreeing to participate in the Smith County Emergency Services District No. 2.

Transmitted herewith please find a proposed Resolution for your consideration. Any affirmative action by the municipality must be in the hands of Smith County Administrative Assistant, Mr. Bill McGinnis, no later than the week before 28 Aug 2006.

If your city agrees to participate in the SCES District No. 2, please enact the proposed Resolution and deliver same to the undersigned attorney or to the volunteer Fire Chief in your area. As you may recall, about one year ago, the Tyler City Council approved the inclusion of its extra - territorial jurisdiction in the proposed Smith County Emergency Services District No. 2. The statute governing the creation of an emergency services district now requires an approval after the petition is file (on 17 July 2006) and before the County Commissioner's approve the submission of the proposal (on 28 Aug 2006) on the 7 November 2006 General Election ballot.

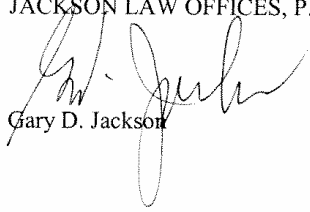
A representative of the Smith County Volunteer Firemen's Association will be present when the City of Tyler Council considers this proposal.

For the information of each city, the 11 volunteer fire departments have unanimously agreed to ask the newly formed Smith County Emergency Services District No. 2 to proportionally divide revenues to each fire department based upon the tax revenues derived from the geographic land area assigned to each volunteer fire department. To this end, a resolution has been unanimously passed and a copy of same is transmitted herewith to you.

Thank you for your assistance in this matter.

Sincerely,

JACKSON LAW OFFICES, P. C.

  
Gary D. Jackson

GDJ:cl

Enclosures:

Petition for Smith County Emergency Services District No. 2  
Article from Tyler Morning Telegraph  
Resolution of 11 Volunteer Fire Departments  
Proposed City Resolution

THE STATE OF TEXAS     §  
  §  
COUNTY OF SMITH       §

TO: THE HONORABLE BECKY DEMPSEY, COUNTY JUDGE

FOR: CREATION AND OPERATION OF SMITH COUNTY EMERGENCY SERVICES DISTRICT NO. 2

**PETITION**

WE, THE UNDERSIGNED, who are fully qualified voters and who own taxable property in the area proposed for Smith County Emergency Services District No. 2, Smith County, Texas, do hereby respectfully petition the Honorable Becky Dempsey, County Judge, for authority to organize an Emergency Services District in Smith County, Texas, pursuant to the provisions and procedures set out in Ch. 775 of the Health and Safety Code, Title IX.

- (1) The proposed Emergency Services District is to be created and operated under the provisions of Article III, Section 48-e, of the Texas Constitution, as proposed by S.J. R. No. 27, Acts of the 70<sup>th</sup> Legislature, Regular Session, 1987, and adopted by the voters at an election held November 3, 1987, and Chapter 775 of the Texas Health and Safety Code, as amended on 2 November 1999, allowing an ad valorem tax not to exceed Ten Cents (\$0.10) per One Hundred Dollars (\$100.00) property valuation for an Emergency Services District.
- (2) The name of the district proposed by the petition is “**Smith County Emergency Services District No. 2**”.
- (3) The proposed district’s boundaries are more particularly described as follows:

**ALL OF SMITH COUNTY, TEXAS**, being a political subdivision of the State of Texas, as such boundaries being maintained in the Custody of the Chief Appraiser of the Smith County, Texas, Appraisal District, located at 245 South SE Loop 323, Tyler, Texas 75702, AC 903/510-8600;

**LESS AND EXCEPT THE FOLLOWING LANDS:**

- a. Land located within Smith County Emergency Services District No. 1, such being a certain area in the Northwest part of Smith County, Texas, including the City of Lindale, Texas, and the surrounding area, the boundaries of such Smith County Emergency Services District No. 1 being described in the Minutes of the Commissioners’ Court of Smith County, Texas, and being maintained in the Records of the Clerk of Smith County, Texas;

b. Land located within the incorporated boundaries of the City of Tyler, Texas, such City being located in the central part of Smith County, Texas, but the proposed district does include land areas located within the extraterritorial jurisdiction of the City of Tyler, Texas, its permission having heretofore been duly granted by unanimous consent of the City Council of the City Of Tyler, Texas, such boundaries being maintained in the Custody of the City Clerk of the City of Tyler, Texas, the City Hall being located at 212 North Bonner, Tyler, Texas 75702, AC 903/531-1100, and, after the petition is submitted to the Smith County Judge, the permission of the City Of Tyler, Texas, will again be sought to be reaffirmed.

c. Land located within the incorporated boundaries of the City of Hideaway, Texas, such city being totally surrounded by Smith County Emergency Services District Number 1, and

d. Land located within the boundaries of Tyler Pipe Company, located on U. S. Highway 69 North, in that unincorporated area known as Swan, Texas, such company boundaries being totally surrounded by Smith County Emergency Services District No. 1.

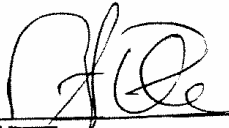
The boundaries of the proposed Smith County Emergency Services District No. 2 encompass those land areas which are currently assigned by the Smith County Commissioners' Court to the Volunteer Fire Departments of Arp, Bullard, Chapel Hill, Dixie, Flint-Gresham, Jackson Heights, Noonday, Red Springs, Troup, Whitehouse and Winona. None of the above-described land area comprising the said proposed Smith County Emergency Services District No. 2 is within the bounds of any existing Emergency Services District;

- (4) The services which the proposed District will provide include making fire-fighting facilities, providing fire extinguishment services or emergency rescue and ambulance services available to the district in order to protect life and property and to conserve natural and human resources;
- (5) The creation of the proposed district complies with Sections 775.020 and 775.0205, *Texas Health and Safety Code*;
- (6) The mailing address of Petitioner Fire Chief Ronny Fite, Whitehouse Volunteer Fire Department, is Post Office Box 759, Whitehouse, Texas 75791-0759, AC 903/839-4115 = Home and AC 903/839-2884 = Office, and of Petitioner Fire Chief Charles E. Wilson, Red Springs Volunteer Fire Department, is 2381 FM 16 East, Tyler, Texas 75706, AC 903/858-2423 = Home and AC 903/579-1315 = Pager.
- (7) The names of each municipality whose consent must be obtained under Section 775.014 are as follows:
  1. City Of Arp, Texas;
  2. City Of Bullard, Texas;
  3. City Of Chandler, Texas;


4. City Of Gladewater, Texas;
5. City of New Chapel Hill, Texas;
6. City of Nooday, Texas;
7. City Of Overton, Texas;
8. City Of Troup, Texas;
9. City Of Tyler, Texas;
10. City Of Whitehouse, Texas
11. City Of Winona, Texas.

- (8) The boundaries of the proposed district are coextensive with the boundaries of the above named political subdivisions, including the County Of Smith, City Of Tyler and Smith County Emergency Services District No. 1, as of 1 June 2006.
- (9) The following named two Petitioners, do hereby specifically agree to stand responsible for the costs incident to the formation of the proposed Smith County Emergency Services District No. 2, not to exceed the sum of ONE HUNDRED AND FIFTY AND NO/100 (\$150.00) DOLLARS, and shall include other necessary and incidental expenses, the costs of publication of notices and election costs as provided by law.

A.

  
 CHIEF RONNY FIFE  
 Whitehouse Volunteer Fire Department  
 Post Office Box 759  
 Whitehouse, Texas 75791  
 AC 903/839-4115 = Home and AC 903/839-2884 = Office

B.

  
 CHIEF CHARLES E. WILSON  
 Red Springs Volunteer Fire Department  
 2381 FM 16 East  
 Tyler, Texas 75706  
 AC 903/858-2423 = Home  
 AC 903/579-1315 = Pager

- (10) The signature pages of at least 100 or more petitioners who are qualified voters and own taxable property is included as "Attachment A".

THE STATE OF TEXAS    §  
                                  §  
COUNTY OF SMITH       §

**RESOLUTION OF ELEVEN (11) SMITH COUNTY  
VOLUNTEER FIRE DEPARTMENTS  
RELATING TO DISTRIBUTION OF FUNDS BY PROPOSED  
SMITH COUNTY EMERGENCY SERVICES DISTRICT NUMBER 2**

TO: INTERESTED PERSONS AND ENTITIES

WE, THE UNDERSIGNED, fire chiefs or authorized representatives of the following volunteer fire departments located in Smith County, Texas:

1. Arp Volunteer Fire Department
2. Bullard Volunteer Fire Department
3. Chapel Hill Volunteer Fire Department
4. Dixie Volunteer Fire Department
5. Flint-Gresham Volunteer Fire Department
6. Jackson Heights Volunteer Fire Department
7. Noonday Volunteer Fire Department
8. Red Springs Volunteer Fire Department
9. Troup Volunteer Fire Department
10. Whitehouse Volunteer Fire Department
11. Winona Volunteer Fire Department

present this resolution for the purpose of expressing our unanimous declaration concerning our recommended distribution of available net revenue funds that will result in the creation of Smith County Emergency Services District No. 2, and in support of this declaration state as follows:

- (1) Efforts of the eleven (11) volunteer fire departments have been actively pursued to create Smith County Emergency Services District No. 2, which is proposed to encompass all of the real estate in Smith County, Texas, exclusive of Smith County Emergency Services District No. 1, consisting of Lindale and various land located in the Northwest portion of Smith County, Texas, the incorporated boundaries of the City of Tyler, Texas, the City of Hideaway Lake, and Tyler Pipe Industries in Swan, Texas.
- (2) Each of the eleven (11) volunteer fire departments desire to benefit from the nominal ad valorem tax allowed by law to be assessed by an emergency services district. Said eleven (11) volunteer fire departments could have actively pursued the creation of an emergency services district for each of the eleven (11) volunteer fire departments. However, this arrangement would have created administrative costs for different districts. In an effort to be much more efficient, all eleven (11) volunteer fire

departments agreed to attempt to create a Smith County Emergency Services District No. 2, which as said, would encompass the geographic areas of Smith County, Texas, which are presently assigned to each of the eleven (11) volunteer fire departments. By creating a single Emergency Services District, substantial administrative savings will result.

- (3) While the eleven (11) volunteer fire departments cannot bind the policies of Smith County Emergency District No. 2, if same is created in the future, all eleven (11) volunteer fire departments have agreed and by this resolution urge such newly created Smith County Emergency Services District No. 2, to proportionally divide net revenues from any ad valorem tax rate which is assessed by allocating the percent to each volunteer fire department based proportionally on the percent of taxable property located within each volunteer fire department.

THEREFORE, BE IT UNANIMOUSLY RESOLVED, by the eleven (11) above and below named volunteer fire departments that any newly created Smith County Emergency Services District No. 2 proportionally divide net revenues from any ad valorem tax rate which is assessed by allocating the percent to each volunteer fire department based proportionally on the percent of taxable property located within each volunteer fire department.

EXECUTED ON THIS 13 DAY OF July, 2006

Mark Harold  
Fire Chief or Authorized Representative for  
Arp Volunteer Fire Department

Greg Hill  
Fire Chief or Authorized Representative for  
Bullard Volunteer Fire Department

Sal Acker  
Fire Chief or Authorized Representative for  
Chapel Hill Volunteer Fire Department

Tommy Rgell  
Fire Chief or Authorized Representative for  
Dixie Volunteer Fire Department

Blind B. B. B.  
Fire Chief or Authorized Representative for  
Flint-Gresham Volunteer Fire Department

John B. Freeman  
Fire Chief or Authorized Representative for  
Jackson Heights Volunteer Fire Department

Greg Hill  
Fire Chief or Authorized Representative for  
Noonday Volunteer Fire Department

Charles E. Wilson  
Fire Chief or Authorized Representative for  
Red Springs Volunteer Fire Department

Mr. Carly  
Fire Chief or Authorized Representative for  
Troup Volunteer Fire Department

John B. Freeman  
Fire Chief or Authorized Representative for  
Whitehouse Volunteer Fire Department

John B. Freeman  
Fire Chief or Authorized Representative for  
Winona Volunteer Fire Department

## ***tylerpaper.com***

07/24/2006

### **FIRE DEPARTMENTS, OFFICIALS SUPPORT EMERGENCY DISTRICT**

**By: ROY MANNARD, Staff Writer**

A new Smith County Emergency Services District No. 2 is one step closer to becoming a reality, after volunteer firefighters and other officials went before the Smith County Commissioners Court to explain the proposed district.

Emergency service districts bolster the efforts of existing volunteer fire departments by levying a property tax within its borders. Revenues go to pay for equipment and personnel for those departments.

Departments that would be included in the district include Arp, Bullard, Chapel Hill, Flint-Cresham, Dixie, Jackson Heights, Noonday, Troup, Red Springs, Whitehouse and Winona.

This project was stalled two years ago when organizers discovered that no official county boundaries exist; county commissioners in 1846 failed to have a proper survey performed. But state Rep. Leo Berman, R-Tyler, authored legislation allowing district organizers to use the same borders used by the Smith County Appraisal District.

That has allowed the project to move forward toward a Nov. 7 referendum.

Smith County commissioners on Monday voiced their support for formation of the district, and their willingness to hold several public hearings throughout the proposed district to help educate residents.

"Not everyone that receives fire support from the volunteer fire departments participates in the chili suppers," said County Judge Becky Dempsey. "The formation of the emergency services districts is a more fair and equitable way of raising funds."

Gary Jackson, the Lindale attorney helping to lead formation of the district, said the state limits how high the new tax can go.

"The statute allows a maximum of 10 cents per \$100 valuation," he said. "(Smith County) Emergency Services District No. 1 has never used more than 5 cents per \$100. But the benefit received is enormous."

That means on a home worth \$100,000, the maximum annual tax bill would be \$100.

Because most homeowners insurance rates will go down because of a better emergency services rating, formation of the district could actually result in a net savings for homeowners, officials said.

"A lot of folks hear the word tax, and they react," Judge Dempsey said. "They don't realize that it's very minimal, they will receive services, and their insurance will go down."

Commissioner Bobby Van Ness added, "It's possible we could get this reduction within a couple of years."

The next step is that series of public hearings. The district could appear on the ballot of the Nov. 7 general election. Only those living within its boundaries would vote on its creation.

#### **JAIL MATTERS**

Also on Monday, commissioners voted to begin negotiations to "disengage" the services of their design/build team of Lee Lewis Construction and Wigginton Hooker Jeffrey Architects, and local architect Garland Wright through his firm, Sincilar Wright Architects.

"We awarded the Request for Proposals, and services were rendered under that RFP," said Assistant District Attorney Michael Gary. "With no bonds being passed and no jail being built, we no longer need their services."

It's not yet determined how much should be paid to the firms, but Judge Dempsey said no money has been budgeted for that.

"If there's still a bill that needs to be submitted for services, then we need a drop-dead date and a drop-dead amount," Gary said.

Lee Lewis Construction and Wigginton Hooker Jeffrey Architects were selected in 2005 to design and build a new jail. The team had responded to the county's Request for Proposals with a preliminary price tag of \$55.71 million.

A week after choosing the design/build team, commissioners chose local architect Garland Wright to look out for the county's interests throughout the project. He was to be paid by the county, but the county would have been reimbursed by Lee Lewis, according to the RFP.

The price tag on the new facility rose from the \$55.71 million figure, however, as commissioners added beds, a central physical plant and some other big-ticket items.

The final figure for a jail in a remote location was \$75 million; a multi-story downtown design came in at \$92 million. A compromise of sorts - moving the remote design to a proposed site nearer the courthouse - resulted in an \$83 million downtown proposal. The \$75 million design and the \$83 million design appeared on the May 13 ballot.

Both propositions were soundly defeated at the polls on May 13.

The RFP does not specify what would happen if voters rejected the project, according to Commissioner JoAnn Fleming.

Commissioners noted during the process that coming up with essentially three different designs was beyond the scope of the RFP. They have since paid a total of \$130,278.14 to the Wigginton firm.

No money has been paid to Wright as of yet.

Judge Dempsey will negotiate on behalf of the county.

#### **MASTER PLANNING**

Facilities Planning Committee member Kay Davenport appeared at Monday's meeting to pass along her group's recommendations on updating the county's master plan. The 2000 Master Plan authored by the W'ginton firm was the committee's starting point, she said.

"The data (in that document) appeared to be good data, but we felt like it needed to be updated and to include the jail data," Ms. Davenport said. "We determined we were not in the position to do that, so we thought it would be best to bring in professionals."

The group recommended issuing a new Request for Proposal for an update of the plan. Originally, the committee had recommended the W'ginton firm be brought back in to do the work, but on Friday that was amended to the RFPs to avoid the appearance of conflicts of interest.

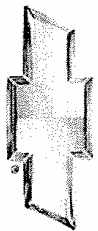
In other business, commissioners approved:

- Payment of accounts due, payroll and health claims.
- Ratification of standard letter agreement for disposal of dredged materials.
- Budget amendments, including \$4,433 for general operations; \$750 for extra help for Justice of the Peace Precinct 2.
- Pipe and utility line installation requests, including a water line on CR 15 by Walnut Grove Water Supply; a water line on CR 2116 by Wright City Water Supply, a sewer line on CR 328 by city of Tyler; a telecommunications line on CR 573 by Verizon; a water line on CR 3168 by Texas Water Systems; and a fiber optic cable line on CR 471 by AT&T.
- Closing a portion of CR 388.
- Plats for the Wilscoett Subdivision and the Thomas Harris Subdivision.
- An interlocal agreement with the city of Winona for cutting brush and limbs.
- Hiring and a license and weights enforcement officer, and purchasing a truck for that officer.
- Contracts for native gravel, sand and clay.
- Modification of gasoline and diesel contracts.
- Renewing contract for interpreter services.
- Interlocal agreement with Lindale school district for a law enforcement liaison officer.
- Renewal of salvage yard license for K&L Auto Crushers.
- Approval of 2006-2007 polling places and presiding and alternate judges.

- A warding RFP for telephone systems to Lantana Communications.
- Loop 49 funding.

*Roy Maynard covers county government and politics. He can be reached at 903.596.6291, e-mail: roymaynardm@gmail.com*

# PELIER



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**RESOLUTION NO. R-2006-19**

**A RESOLUTION SUPPORTING THE FORMATION OF SMITH COUNTY EMERGENCY SERVICES DISTRICT NO. 2; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Smith County Volunteer Fire Departments are pursuing the creation of Smith County Emergency Service District No. 2 to assist them in funding needed for planning and providing future emergency services to residents of Smith County; and

**WHEREAS**, the City recognizes the growth of Smith County as a whole, and the need for additional funding for all Smith County Volunteer Fire Departments; and

**WHEREAS**, the nominal tax which will be assessed to generate the needed funding will also include out-of-county and out-of-state landowners, thereby creating a fair and equitable taxing policy;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:**

**PART 1.** That the City of Tyler does support and will allow the formation of Smith County Emergency Service District No. 2 within the Extraterritorial Jurisdiction (ETJ) of the City of Tyler.

**PASSED AND APPROVED** on this the 23<sup>rd</sup> day of August, 2006.

\_\_\_\_\_  
JOSEPH O. SEEBER, MAYOR  
CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

\_\_\_\_\_  
CASSANDRA BRAGER, CITY CLERK

\_\_\_\_\_  
CITY ATTORNEY