

Agenda Item Request Form

BURNET COUNTY COMMISSIONER'S COURT

Meetings – 9:00am – 2nd and 4th Tuesday of Every Month

**NO ITEM WILL BE ON AN AGENDA
WITHOUT PRIOR APPROVAL BY A MEMBER OF COMMISSIONER'S COURT**

All **Contracts** must be approved by County Auditor's
And County Attorney's office prior to being on the Agenda

Agenda items and supporting documents are due to Court Coordinator's Office (Rm. 201) no later than noon on Thursday prior to the meeting date requested.

Ph: 512-715-5276 Fax: 512-715-5217 email: comcrt@burnetcountytexas.org

Presenters are to limit presentation time to no more than 5 minutes.

Today's Date: 10/20/22

Requested by: Karin Smith

AGENDA ITEM(S):

Agenda request attached for the discussion/action of the agreement with TDEM for the use of office space allocated by BCISD.

AS

Meeting Date Requested: (required) 10/25/22

Agenda Item Approved by: (required)

County Judge Oakley

Commissioner Pct. 1 Luther

Commissioner Pct. 2 Beierle

Commissioner Pct. 3 Wall

Commissioner Pct. 4 Dockery

**MEMORANDUM OF UNDERSTANDING
BETWEEN BURNET COUNTY AND THE TEXAS DIVISION OF EMERGENCY MANAGEMENT FOR OFFICE
SPACE ALLOCATED BY THE BURNET CONSOLIDATED INDEPENDENT SCHOOL DISTRICT**

MEMORANDUM OF UNDERSTANDING AFFIRMING PHYSICAL SPACE OWNED BY BURNET CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND USED BY BURNET COUNTY MAY BE SHARED BY THE TEXAS DIVISION OF EMERGENCY MANAGEMENT FOR FUNCTIONS THAT BENEFIT THE CITIZENS OF BURNET COUNTY.

RECITALS

WHEREAS, Burnet County is a local governmental entity located within the State of Texas responsible for the well being of its citizens. In order to carry out its legally assigned functions, Burnet County requires the use of physical office space to be located within the county. Said space is used by various Burnet County departments and/or by other governmental entities providing governmental services to the citizens of the county in cooperation with Burnet County.

WHEREAS, the Texas Division of Emergency Management (TDEM) coordinates the emergency management program for the State of Texas, which is intended to ensure that the State and its local governments efficiently respond to and recover from emergencies and disasters. TDEM implements plans and programs to help prevent or lessen the impact of emergencies and disasters. Its charge includes increasing the public's awareness about threats and hazards, coordinating emergency planning, plus providing an extensive array of specialized training for emergency responders and local officials. TDEM also administers disaster recovery and hazard mitigation programs in the State of Texas. This responsibility includes providing support to Burnet County.

WHEREAS, Burnet Consolidated Independent School District, BCISD, is a local governmental entity that provides educational services to children within a portion of Burnet County, Texas. In order to carry out its responsibilities, BCISD owns several physical buildings located within Burnet County. In an effort to bring efficiency in providing its services in a cost-effective manner, BCISD previously ceased its use of a portion of a property/campus it owns at 607 N. Vanderveer, Burnet, Texas. This area had no immediate use requirement for BCISD, thus said space was made available to Burnet County via a separate memorandum of understanding because it was deemed by all that it benefited the citizens of Burnet County. Said memorandum of understanding allows Burnet County to share space with another governmental entity that brings services to the citizens of the county.

WHEREAS, a portion of this identified space, used by Burnet County but owned by BCISD, can be utilized to serve the interests of TDEM in order to house an employee who shall provide emergency management expertise to Burnet County which will therefore benefit the citizens of Burnet County.

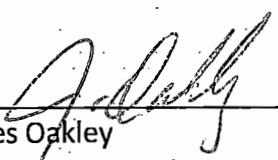
The parties enter into the following memorandum of understanding:

MEMORANDUM OF UNDERSTANDING

1. BCISD previously granted Burnet County the use of physical space it owns located at 607 N. Vanderveer, Burnet, Texas. Burnet County's use of the space is conditioned upon its performance of services for the citizens of Burnet County.
2. Burnet County's permission to use this space is indefinite or until notice is provided otherwise. Burnet County may share this space with any other governmental entity that provides services to the citizens of the county.
3. TDEM has the need of office space to be utilized by its employee in order to provide emergency management expertise to Burnet County and other locally situated counties. Said service shall benefit the citizens of the counties, including those of Burnet County.
4. TDEM's use of its assigned area inside of the building at 607 N. Vanderveer shall cease when Burnet County withdraws its permission or upon the termination of the agreement between BCISD and Burnet County allowing Burnet County use of the premises.
5. TDEM understands that the equipment located in its assigned area is owned by BCISD. TDEM must keep and maintain the equipment and area in a good, clean condition of repair and maintenance at all times.
6. Any damages to any areas which Burnet County uses at 607 N. Vanderveer, Burnet, Texas, including but not limited to the area assigned to TDEM, that is attributed to TDEM shall be borne by TDEM.
7. Any damages to any equipment owned by either Burnet County or BCISD which is attributable to TDEM shall be borne by TDEM.
8. The cost of utilities, to include electricity, water, waste water, etc. in the area assigned to TDEM shall be incurred by Burnet County. If available, Burnet County shall also provide internet service to the office space assigned to TDEM.
9. TDEM shall cease the use of the area within 30 days of notice provided by either Burnet County or BCISD for any reason whatsoever. Should any such notice occur, TDEM shall not expect to be provided with a new office space location within any building owned or operated by Burnet County.
10. While using the assigned space, TDEM acknowledges that Burnet County may temporarily use same area in a manner that does not interfere with any TDEM scheduled activity or equipment. Any damages to the area and/or equipment owned by BCISD and/or TDEM that is attributable to Burnet County shall be borne by Burnet County. Should any dispute or issue arise regarding the use of this shared space, the decision of Burnet County shall control.

11. TDEM agrees that it will accept Burnet County's responsibility to provide general maintenance and cleaning needs of the assigned area and equipment therein. TDEM shall not remodel or change any of the existing structure in the assigned area.
12. Burnet County shall control TDEM access to the building. In order to ensure safety and security, Burnet County may provide separate access and keys for independent ingress/egress into the TDEM assigned area without affecting the functions of the remaining areas assigned to Burnet County or remaining portions of the building that remain under the care and control of BCISD. Any costs associated with this shall be borne by Burnet County.
13. BCISD shall continue to carry all necessary insurance coverage for the building at 607 N. Vanderveer, Burnet, Texas, which includes the area assigned to Burnet County and which TDEM may use as assigned. Burnet County shall carry liability insurance for injuries occurring in areas it has been allowed to use. TDEM agrees that it shall obtain liability insurance in the amount of not less than two million dollars for any bodily injury, death or to any person or property damage occurring to which it is attributable. The parties agree that they will indemnify the other party for any injuries, damages, or torts arising out of the intentional acts or acts of negligence of their personnel/volunteers/employees/guests who use and control the facility and the kitchen area located therein.

ADOPTED by this ____ day of _____, 2022.



James Oakley
Burnet County Judge

Robbie Barrera
District Coordinator 12 of Region 6
Texas Division of Emergency Management