



**COMMISSIONERS COURT
COMMUNICATION**

COURT ORDER NUMBER 145255

PAGE 1 OF 6

DATE: 5/20/2025

**SUBJECT: CONSIDERATION OF REQUEST TO TERMINATE THE AGREEMENT
BETWEEN TARRANT COUNTY AND THE CITY OF BURLESON FOR
THE INSPECTION AND PERMITTING OF ON-SITE SEWAGE
FACILITIES**

***** CONSENT AGENDA *****

COMMISSIONERS COURT ACTION REQUESTED

It is requested that the Commissioners Court consider a request to terminate the Agreement between Tarrant County and the City of Burleson for the inspection and permitting of onsite sewage facilities.

BACKGROUND

For over 50 years, the Tarrant County Public Health (TCPH) Environmental Health Division has provided inspection and permitting services for onsite sewage facilities in unincorporated areas and incorporated cities within Tarrant County. These services have included inspections of new facilities, repairs to existing systems, complaint investigations, and follow-up inspections as needed.

On June 21, 2005, the Commissioners Court, through Court Order #95633, approved an agreement between Tarrant County and the City of Burleson for the County to conduct onsite sewage facility inspections and permitting on behalf of the City. At the time, the City of Burleson had insufficient resources to perform these services. The contract was open-ended and included no expiration date.

The City of Burleson has now submitted a written request, as required by the terms of the agreement, to terminate the agreement effective June 23, 2025.

With approval of this request, Tarrant County will discontinue all onsite sewage facility inspection and permitting services for the City of Burleson as of June 23, 2025.

FISCAL IMPACT

There is no fiscal impact associated with this item.

| | | | |
|--------------|---------------|--------------|-----------------|
| SUBMITTED BY | Public Health | PREPARED BY: | Gary Collins |
| | | APPROVED BY: | Amanda Campbell |



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March 25, 2025

Honorable Tim O'Hare
Tarrant County Judge
100 East Weatherford Street
Fort Worth, TX 76196

Honorable Phil Sorrells
Tarrant County Criminal District Attorney
Tim Curry Criminal Justice Center
401 West Belknap
Fort Worth, TX 76196

Dr. Brian Byrd
Tarrant County Public Health Director
1101 S. Main Street
Fort Worth, TX 76104

Sabrina Vidaurri
Associate Director
5001 N. Riverside Drive
Fort Worth, TX 76137

Raj Chauhan, MBA- HM, RS, DR
Tarrant County Public Health Environmental Health Manager
5001 N. Riverside Drive
Fort Worth, TX 76137

RE: Notice of Termination of the Agreement between the City of Burleson (the "City") and Tarrant County (the "County") for the Inspection and Permitting of Certain On-site Sewage Disposal Systems in the City of Burleson (the "Agreement")

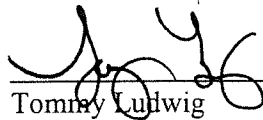
Dear Judge O'Hare, Mr. Sorrells, Dr. Boyd, Ms. Vidaurri, and Mr. Chauhan:

I am writing to respectfully inform you that pursuant to Section 4 of the Agreement and as requested by the County, the City desires to mutually terminate the Agreement. In accordance with Texas Health and Safety Code Ch. 366, Subchapter C, the City will be designated as the authorized agent with the authority to regulate the use of on-site sewage disposal systems in the City. Please allow this letter to serve as formal notification that the City is terminating the Agreement effective June 23, 2025.

Honorable Tim O'Hare, Honorable Phil Sorrells, Dr. Brian Boyd, and Mr. Raj Chauhan
March 25, 2025
Page 2 of 2

For your convenience, I have enclosed a copy of the Agreement. Thank you for your attention to this matter. Please respond to confirm receipt of this termination notice. If you have any questions, please do not hesitate to contact me regarding this matter.

Sincerely,



Tommy Ludwig
City Manager
City of Burleson

Enclosures: the Agreement

cc (w/o enclosures): Eric Oscarson, Deputy City Manager
Amanda Campos, City Secretary
Tony McIlwain, Development Services Director
Lisa Duello, Deputy Director of Development Services
Matt Ribitzki, Deputy City Attorney

SIGNED AND EXECUTED this _____ day of _____, 2025.

**COUNTY OF TARRANT
STATE OF TEXAS**

By: Separate Electronic Signature Page
Tim O'Hare
County Judge

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 20th 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]

Date: 6/4/05

Date: 6/21/05

*By law, the District Attorney's Office may only advise or approve contracts 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).