

THE STATE OF TEXAS §

COUNTY OF HARRIS §

The Commissioners Court of Harris County, Texas, Met in a regular session at its regular term at the Harris County Administration Building in the City of Houston, Texas, on \_\_\_\_\_,

with the following members present:

Judge Hidalgo	County Judge
Rodney Ellis	Commissioner, Precinct No. 1
Adrian Garcia	Commissioner, Precinct No. 2
Tom S. Ramsey, P.E.	Commissioner, Precinct No. 3
Lesley Briones	Commissioner, Precinct No. 4

and the following members absent: \_\_\_\_\_,

constituting a quorum, when among other business, the following was transacted:

**ORDER AUTHORIZING HARRIS COUNTY PUBLIC HEALTH to approve the attached Interlocal Agreement between Harris County Public Health (HCPH) and City of Bellaire.**

Commissioner \_\_\_\_\_ introduced an order and moved that Commissioners Court adopt the order. Commissioner \_\_\_\_\_ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
Judge Hidalgo	[ ]	[ ]	[ ]
Comm. Ellis	[ ]	[ ]	[ ]
Comm. Garcia	[ ]	[ ]	[ ]
Comm. Ramsey	[ ]	[ ]	[ ]
Comm. Briones	[ ]	[ ]	[ ]

The meeting chair announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order adopted follows:

**IT IS ORDERED** that the County Judge is authorized to approve the attached Interlocal Agreement between Harris County Public Health (HCPH) and City of Bellaire. This Agreement will be effective October 10, 2023 through October 9, 2024. Please see attached document(s) for additional information.

The documents are attached hereto and incorporated herein and incorporated as if set out in full word for word. Harris County is authorized to do any and all things necessary or convenient to accomplish the purpose of this Order.

## INTERLOCAL AGREEMENT

THE STATE OF TEXAS     §  
  §  
COUNTY OF HARRIS     §

This Interlocal Agreement (“Agreement”) is made and entered into by and between Harris County (“County”), a body corporate and politic under the laws of the State of Texas, and the City of Bellaire (“City”), a municipal corporation situated within Harris County.

### RECITALS:

The City desires for the County to conduct Retail Food Establishment activities under the County’s “Food Safety Program,” such as permitting and inspection for persons selling or serving food within the City's corporate limits;

The County, acting through Harris County Public Health, agrees to conduct Retail Food Establishment activities, provided that the City adopts certain rules and practices and abides by the terms of this Agreement.

### TERMS:

#### I.

The County, acting through Harris County Public Health and pursuant to its Food Safety Program, agrees to establish a Food Safety Program and provide the following services as they may apply to retail food establishments located within the City's corporate limits during the term of this Agreement. These services may include, but are not limited to, the following:

1. Certification for the issuance of the County's Retail Food Establishment Permit;
2. Inspection of Retail Food Establishments; and
3. Upon request, documentation and notice via an emailed report, of the Food Safety Program activities within the City;

#### II.

The City agrees, and it is expressly understood that as compensation for those services provided by the County, the County shall collect and retain any fees received from applicants for all Retail Food Establishment activities conducted under the County’s “Food Safety Program,” pursuant to this Agreement. The County is an independent contractor under the terms of this Agreement and is not an officer, agent, servant, or employee of the City.

### III.

The City further agrees to the following as part of and during the term of this Agreement:

1. Adopt the Texas Department of State Health Services “Texas Food Establishment Rules” found at 25 TEXAS ADMINISTRATIVE CODE §§ 228 and any amendments to it (hereinafter the “State Rules”), such State Rules being adopted by reference as if set forth herein at length;
2. Adopt for applicability in the City the rules and requirements in the “Rules for Regulation of Food Establishments in the Unincorporated Areas Of Harris County, Texas” promulgated by the Commissioners Court of Harris County, Texas, and becoming effective on October 11, 2023, and any amendments to it (hereinafter the “County Rules”), such County Rules being adopted by reference as if set forth herein at length;
3. Designate the Local Health Authority of Harris County as Health Authority for this Agreement;
4. Unless exempted or modified by the County Rules, require all food establishments within the City's corporate limits to procure and maintain a valid Harris County Public Health Retail Food Establishment permit; and,
5. The City will not pass or maintain a rule or ordinance that conflicts with the State or County Rules. The City will provide the County seasonable notice of any rules or ordinances that may conflict with the State Rules or the County Rules so that the County can determine an appropriate course of action, if any.

### IV.

The City understands that Harris County Public Health, as part of its regular Food Safety Program, provides testimony and support for misdemeanor court proceedings in Justice of the Peace Court handled by the District Attorney’s Office. By way of example and not limitation, the City is responsible for enforcement when a city ordinance is passed that prohibits certification of the retail food establishment based on flood plain considerations or when a structure does not meet occupancy standards.

### V.

The term of this Agreement is for one (1) year, renewable automatically. Renewal occurs automatically each year at noon on October 1 unless one Party gives notice of termination to the other Party at least thirty (30) calendar days before any upcoming renewal date, in which case the term of this Agreement shall end at noon on that renewal date. Either Party may terminate this Agreement upon giving the other Party at least thirty (30) calendar days prior written notice of the

intent to terminate this Agreement. Notice of termination shall be in writing and sent to the other party, per contacts listed in Section VI.

## **VI.**

All notices and communications under this Agreement must be mailed by certified mail, return receipt requested, or delivered to the parties at the following addresses:

FOR THE COUNTY:           Commissioners Court of Harris County Harris County  
Administration Building 1001 Preston, 9th Floor  
Houston, Texas 77002  
Attention: Clerk of Commissioners Court

FOR THE CITY:            City of Bellaire  
7008 S Rice Ave  
Bellaire, TX 77401

These addresses may be changed upon giving prior written notice of the change. A copy of any notification of communication hereunder shall also be forwarded to the following address:

Harris County Public Health  
1111 Fannin St  
Houston, Texas 77002  
Attention: Director, Environmental Public Health Division

## **VII.**

The City affirmatively consents to disclose its e-mail addresses provided to the County. This consent is intended to comply with the Texas Public Information Act, TEX requirements. Texas Gov't Code ANN.§ 552.137, as amended, and shall survive termination of this Agreement. This consent shall apply to e-mail addresses provided by the City and the City's agents acting on the City's behalf. It shall apply to any e-mail address provided in any form for any reason, whether related to this Agreement or otherwise.

## **VIII.**

This instrument contains the entire Agreement between the parties relating to the rights herein granted and the assumed obligations. No amendment or modification of the Agreement is valid or binding unless in writing and executed by the County and the City.

## **IX.**

The parties have executed this Agreement in multiple originals, each having full force and effect.

APPROVED AS TO FORM:  
CHRISTIAN D. MENEFEE  
Harris County Attorney

HARRIS COUNTY

By: Courtney T. Carlson

Assistant County Attorney  
C.A. File No. 23GEN2021

By: \_\_\_\_\_

LINA HIDALGO

County Judge

Date Signed: \_\_\_\_\_

**Harris County Public Health**

Approved:

By: Barbie L. Robinson

Barbie L. Robinson, MPP, JD, CHC  
Executive Director

Harris County Public Health

Date: 9/21/2023

By: Ericka Brown M.D.

Ericka Brown, MD, MBA, FACHE

Harris County Public Health

Division Director, Community Health & Wellness

Local Health Authority

ATTEST  
APPROVED:

**THE CITY OF BELLAIRE**

By: Tracy Dutton  
Tracy Dutton  
City Secretary Clerk

By: Sharon Citino  
Sharon Citino  
City Manager  
Date Signed: 9.10.23