

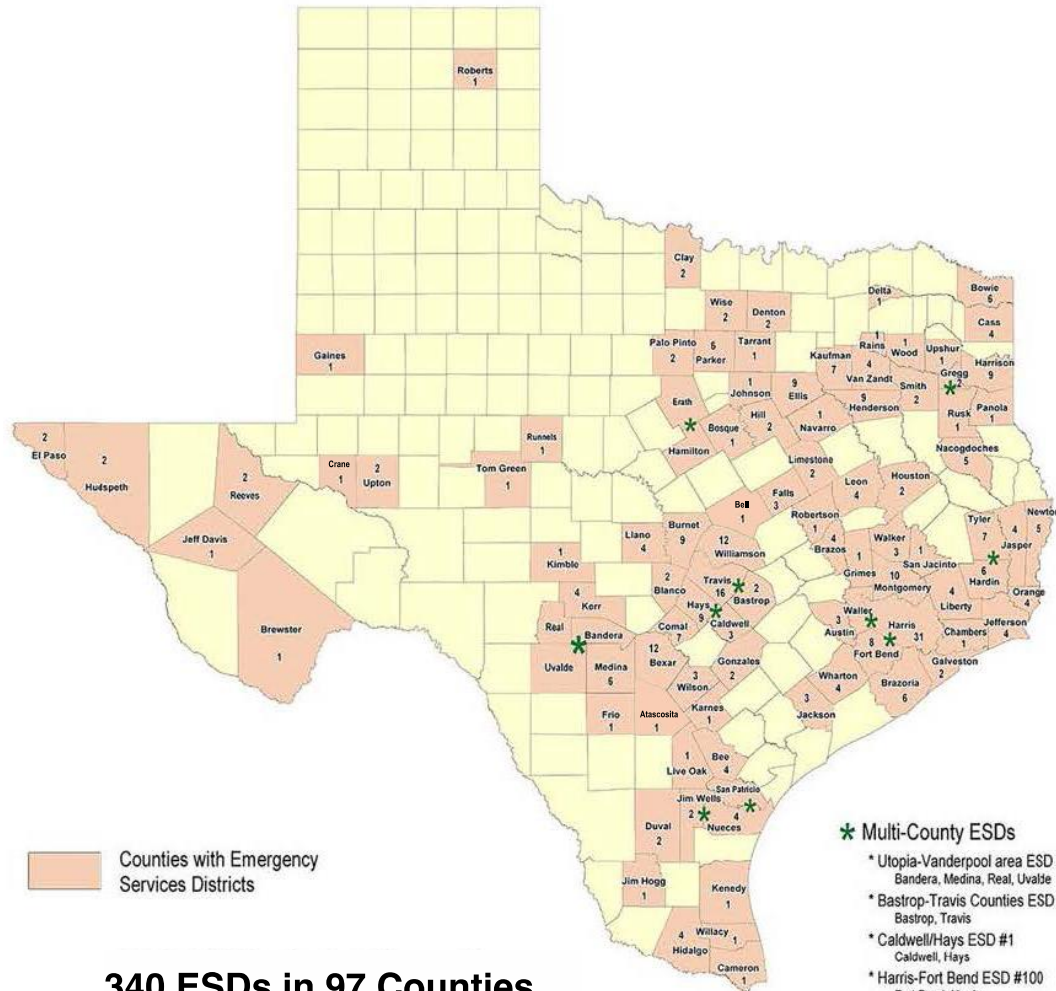
# **Specialized Districts: EMERGENCY SERVICES DISTRICTS**

V.G. Young Institute of County Government  
School for Commissioners Courts  
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# What is an ESD?

- ESDs are local political subdivisions that may provide fire, rescue, EMS and other emergency services
  - Governed by 5 commissioners appointed by County, except in Harris, Smith, Orange counties and multicounty ESDs
  - Primarily funded by property taxes not to exceed \$0.10

# NUMBER OF EMERGENCY SERVICES DISTRICTS BY COUNTY



# Why create an ESD?

- Ensure adequate funding of local fire, EMS, rescue and other emergency services.

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## RELIABLE

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  - Property tax – Constitutional Limit of 10 cents per \$100 property value
  - Sales tax – Ability to “carve out”
  - Fees



# Why create an ESD?

- Ensure reliable funding of local fire, EMS, rescue and other emergency services
- Spread funding for emergency services among everyone that might receive those services

# The Law

- Chapter 775 – Emergency Services Districts

# Creation Video

■ [www.safe-d.org](http://www.safe-d.org)

# Basic Process

- Petition
- Acceptance by County Commissioners Court
- Order for Election
- Conducting the Election
- Canvassing the Election
- Order Creating the District
- And Then...

# Petition

- 100 Qualified Voters, or a majority if less than 100 Qualified Voters in the Area
- Name of the District
- Boundaries of the District
- Voter Printed Name, Mailing Address, Voter ID Number, Signature, Date
- Agreement of 2 voters to pay not more than \$150 of costs

# Petition

- Municipal Consent required if area within City Limits or ETJ
  - written request to City for consent
  - 60 days for City to Respond
  - if no consent, within 90 days of request, file petition requesting services
    - majority of voters
    - 50 percent landowners
  - if refusal or no action within 6 months of petition, deemed consent
- Consent valid for 6 months

# Acceptance

- Proper petition received by County Judge and filed with County Clerk
- Hearing at next regular or special session after Petition is filed
  - Notice of Hearing
    - Posted at least 21 days in advance
    - Published 2 consecutive weeks (first at least 21 days in advance)

# Hearing on Petition

- If Commissioners Court Finds
  - that creation of the district is feasible
  - will benefit the territory in the district
  - will secure the public safety, welfare, and convenience, and
  - will aid in conserving the real property or natural resources in the proposed district
- Then Commissioners Court shall grant the petition and fix the district's boundaries



# Ordering Election

- Upon granting petition, Commissioners Court must order election
- Notice of Election same as notice of hearing on petition
- Election on next Uniform Election Date (Except not in May of even-numbered years)

# Canvassing Election

- District Created if Majority of Votes In Favor
- Must be Majority of Voters within City Limits and ETJ in favor of creation to include those areas in District
- If election fails, must wait one year to try again

# Order Creating District

- In form prescribed by statute
- Order should be filed in County Records together with all other records relating to creation of District
  - Petition
  - Municipal Consents
  - Order Calling Election and Making Findings regarding Creation
  - Order Canvassing Election and Creating District
- Overlapping Districts
  - Services limited to those not provided by existing district

# Commissioner Appointment

- Names of initial board candidates submitted to Commissioners Court.
  - Must be at least 18 years of age; and
  - Must be a resident citizen of the state and:
    - a qualified voter within areas served by the district; or
    - the owner of land subject to taxation in the district.
- Board consists of five commissioners.
- Commissioners serve two-year terms.

# Commissioner Appointment

- The commissioners court shall consider relevant factors in determining the individuals to appoint as emergency services commissioners, including whether the individuals have knowledge that relates to fire prevention or emergency medical services and that is relevant to the common policies and practices of the board.
  - Health & Safety Code 775.034(g) or 776.033(g)

# Commissioner Traits to Consider

- Professional Business Management
- Strong Leadership and People Skills
- Medical/EMS knowledge and/or experience
- Fire Suppression knowledge and/or experience
- Real Estate/Building Construction
- Banking and Investments
- Information Technology
- Working Knowledge of the Open Meetings Act
- Must be bondable
- Intangibles

# Commissioner Traits to Consider

## ■ Conflicts

- Commissioners are subject to Chapter 171, Local Government Code.
  - Health & Safety Code 775.038(d)
- If a local public official has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if...

# Commissioner Traits to Consider

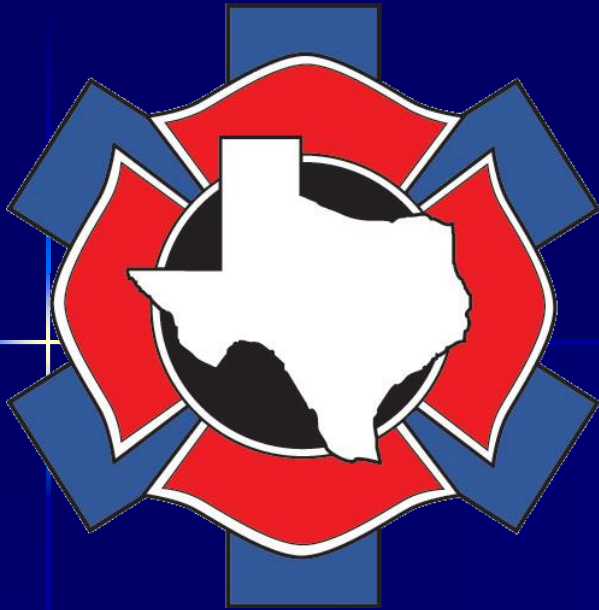
- SUBSTANTIAL INTEREST IN BUSINESS ENTITY.
  - owns 10 percent or more of stock or shares or owns either 10 percent or more or \$15,000 or more of the fair market value; or
  - funds received exceed 10 percent of the person's gross income for the previous year.
- SUBSTANTIAL INTEREST IN REAL PROPERTY.
  - equitable or legal ownership with a fair market value of \$2,500 or more.
- NEPOTISM
  - A local public official is considered to have a substantial interest under this section if a person related to the official in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has a substantial interest under this section.



# SAFE-D

- State Association of Fire and Emergency Districts
- Annual Conference
- Regional Conferences
- Website – [www.safe-d.org](http://www.safe-d.org)

**Questions?**



**[www.safe-d.org](http://www.safe-d.org)**

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