

Emergency Services District Creation

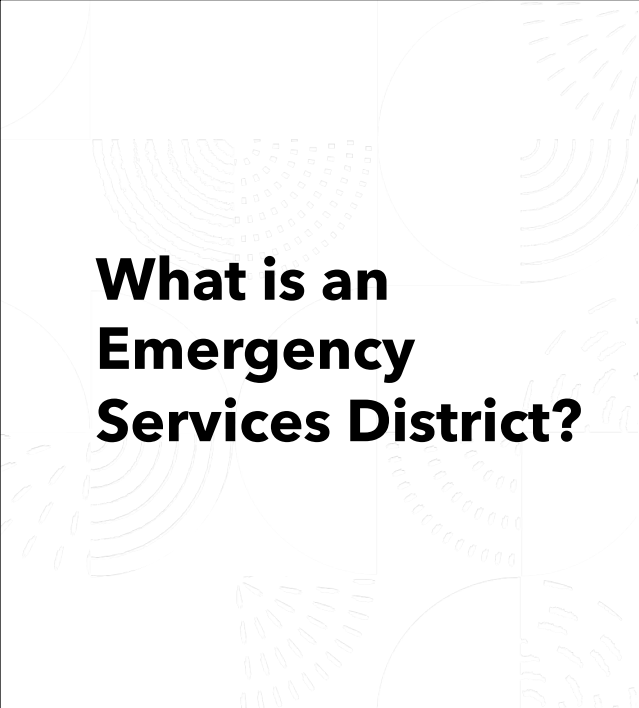
Texas State Association of Fire and Emergency Districts
www.safe-d.org

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What is an Emergency Services District?

- ESDs are local political subdivisions that, with voter approval, may provide fire protection, emergency medical services and other emergency services.

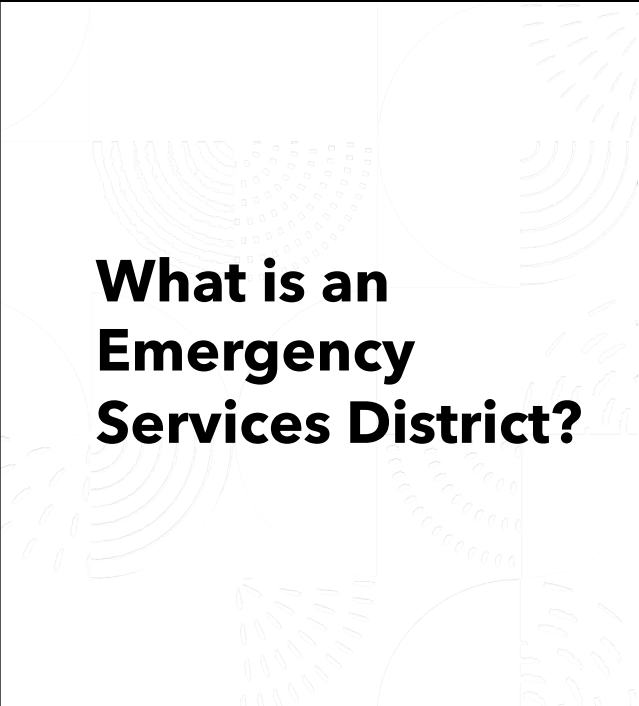
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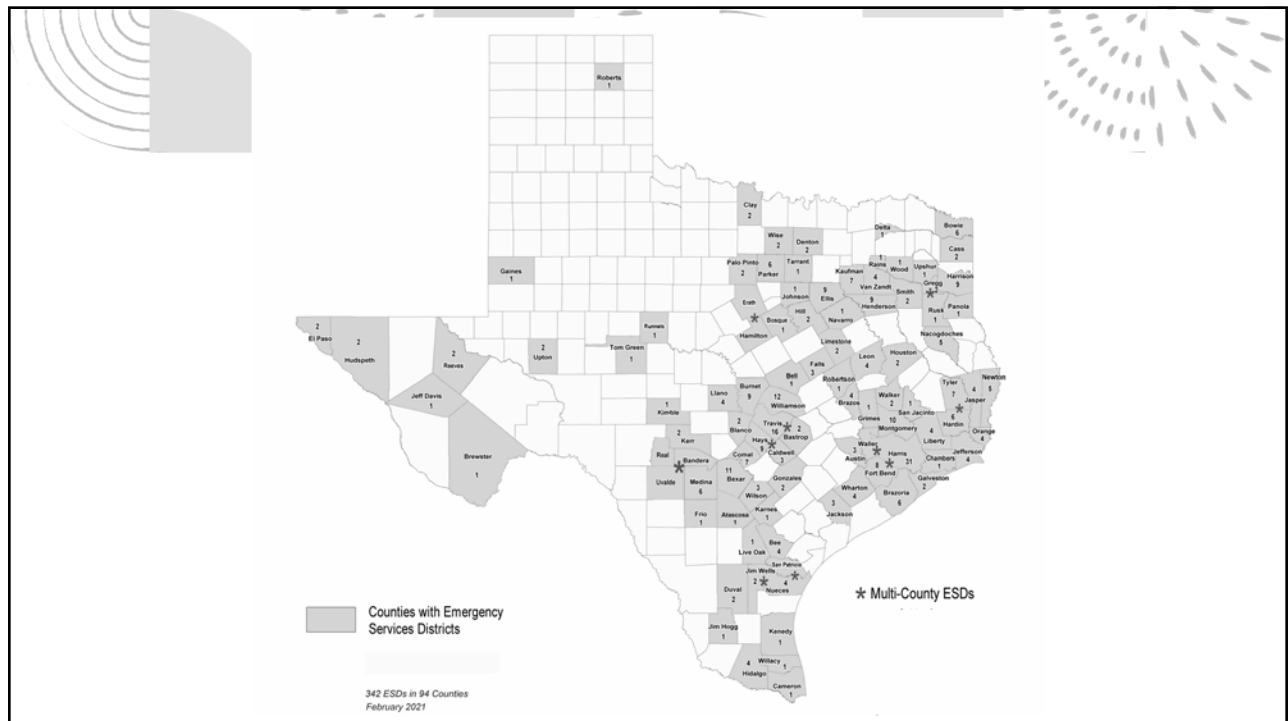
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- Chapter 775 of Health and Safety Code

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- Created by an election of the voters
- Chapter 775 of Health and Safety
- Governed by 5 commissioners appointed by County Commissioners court; elected by voters in Harris, Smith and Orange counties and multicounty ESDs

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Why create an ESD?

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



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Why create an ESD?

- Ensure **reliable** funding of local fire, EMS and other emergency services.



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Reliable funding

• Property Tax

- * 10 cents per \$100 assessed value
STATE CONSTITUTION MAXIMUM
- * Home valued at \$300,000 pays
\$300/year (\$25/month) at maximum

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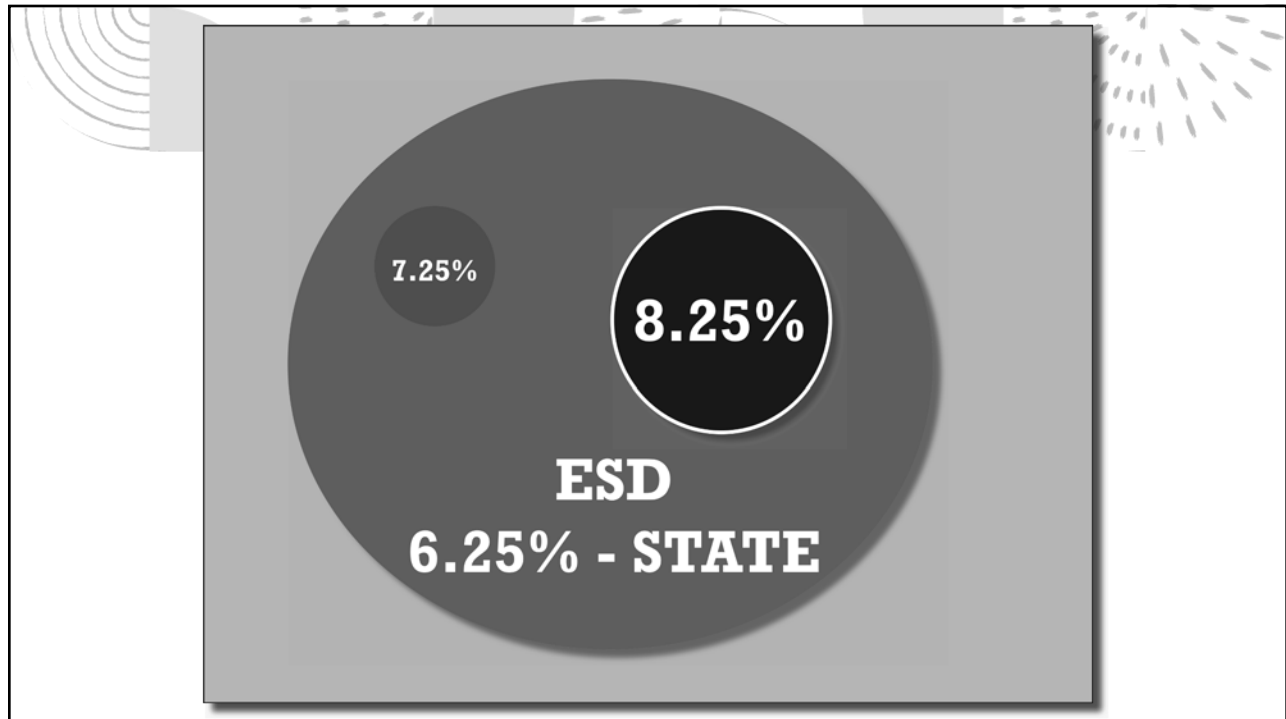


Reliable funding

• Sales Tax

- * Voter approval
- * 2 percent maximum available
to local governments (6.25 percent=State)
- * ESDs can carve out portions of district
already at maximum

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Reliable funding

• Fees

- * Ambulance transport fee
- * False alarm fee
- * Fire Code inspection fee

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Reliable funding

• Encouraged by other Governments

- * Cities – Way to get funding for responding in ETJ
- * Counties – Way to offload burden of subsidizing fire depts. or EMS

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ESDs are created by election.

• Timing

- * Uniform Election Date
 - First Saturday in May
 - Tuesday after first Monday in November
- * County elections prohibited in May of even numbered years.
- * County must call election 78 days before.

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Process

- **Petition**
- **Acceptance by Commissioner Court**
- **Order for Election**
- **Conducting the Election**
- **Canvassing the Election**
- **Order Creating the District**
- **...and Beyond**

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Petition

- 100 Qualified Voters (or a majority if less than 100 Qualified Voters in proposed ESD)
- 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 county's election costs

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Petition

SAMPLE

- <https://www.safe-d.org/esdcreationpetition/>

Consult your own attorney
before circulating petition.

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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
 - Published 2 consecutive weeks
 - 1st Notice posted at least 21 days in advance

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Petition - Municipal Consent

- Required if proposed ESD is within City Limits or ETJ (extraterritorial jurisdiction)
- Written request to City for Consent
 - 60 days for City to respond
 - If no Consent within 90 days, City subject to petition to provide services that would have been provided by ESD
 - If no action within 6 months of petition, deemed to have Consented.
 - Consent valid for 6 months

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Petition - Municipal Consent

- If municipality "opts out," removal of tax base from proposed District may call into question the District's ability to provide service - "feasibility"

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Hearing on Petition

- If Commissioners Court finds:
 - That creation of the District is “feasible;”
 - That creation will benefit territory in the District;
 - That creation will secure the public safety, welfare and convenience; and
 - That creation will aid in conserving the real property or natural resources in the proposed District...

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Ordering the Election

- ...then Commissioners Court shall grant petition and fix the boundaries of the proposed District
- Upon granting petition, Commissioners must order election.
- Election must be called 78 days prior to Election Day.
- Election on next Uniform Election Date (except not in May of even-numbered years)

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Commissioner Court Canvasses Election

- District created if majority of total votes in favor
- Within municipality's City Limits and ETJ, majority of voters must vote in favor of creation for those areas to be included in new ESD.
- If election fails, must wait one year to try again.

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Order Creating District

- In form prescribed by statute (Health & Safety Code, Sect. 775.019)
- Documents to be filed in County Records:
 - Petition
 - Municipal Consents
 - Order Calling Election and Making Findings regarding Creation
 - Order Canvassing Election and Creating District
- Newly created ESD should make copies for its records.

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Commissioner Appointment

- ESD Board of Commissioners is responsible for District.
 - 5 Commissioners on Board
 - Serve staggered 2-year terms
- Names of initial Board candidates submitted to Commissioners Court
 - Must be 18 years of age; AND
 - Must be a resident citizen of Texas; AND
 - Must be a Qualified Voter within areas served by District; or
 - Must be Owner of land subject to taxation by the District

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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)

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Elected Commissioners Harris, Smith, Orange Counties

- (c) A person is disqualified from serving as an emergency services commissioner if that person:
 - (1) is related within the third degree of affinity or consanguinity to:
 - (A) a person providing professional services to the district;
 - (B) a commissioner of the same district; or
 - (C) a person who is an employee or volunteer of an emergency services organization providing emergency services to the district;
 - (2) is an employee of a commissioner of the same district, attorney, or other person providing professional services to the district;
 - (3) is serving as an attorney, consultant, or architect or in some other professional capacity for the district or an emergency services organization providing emergency services to the district; or
 - (4) fails to maintain the qualifications required by law to serve as a commissioner.

Health & Safety Code 775.0355

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Commissioner Appointment

- Traits to Consider:
 - Professional business management
 - Strong leadership/people skills
 - Fire suppression knowledge/experience
 - Medical/EMS knowledge/experience
 - Real estate/building/construction

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Commissioner Appointment

- Traits to Consider:
 - Banking and investments
 - Information technology
 - Working knowledge of Open Meetings/Public Information Acts
 - Must be bondable

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Getting Started

SAFE-D Checklist for New ESDs

- <https://www.safe-d.org/safed-new-esd-checklist/>

Good luck!

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Questions?

Texas State Association of Fire
and Emergency Districts - SAFE-D

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