

Emergency Service District (ESD) Overview

Council Meeting Presentation

July 27, 2023

What is an ESD?

- ESD's are local political subdivisions that may provide fire, rescue, EMS and other emergency services
 - Governed by 5 commissioner board
 - Appointed by County Commissioners Court (except in Harris, Smith and Orange Counties and most multi-county ESDs, where they are elected)
 - Primarily funded by property taxes not to exceed \$0.10 per \$100 valuation.

History

- Rural Fire Prevention Districts Amendment to Constitution Approved November 1949
 - Tax Cap of \$0.03
 - Enabling Statute Adopted in 1957
- According to the Interpretive Commentary, the Texas farm bloc supported the creation of a special district to purchase modern fire-fighting equipment and reduce insurance rates by decreasing response times in rural areas – even envisioning fire fighting via helicopter response to rural areas

Recent Changes

- Emergency Services Districts Amendment to Constitution
Approved November 1987
 - Tax Cap of \$0.10
 - Enabling Statutes Adopted same year

Why are ESD's created?

- Ensure adequate funding of local fire, EMS, rescue and other emergency services
- ESD's spread funding for emergency services among everyone that might receive those services (within city limits and outside city limits)

ESD Statistics

- Over 400 known ESD's in Texas
- More than 200 are SAFE-D members
- Approximately One-Third have Tax Rates $> \$0.09/\100
- Nearly 100 ESD's are also collecting sales tax funding

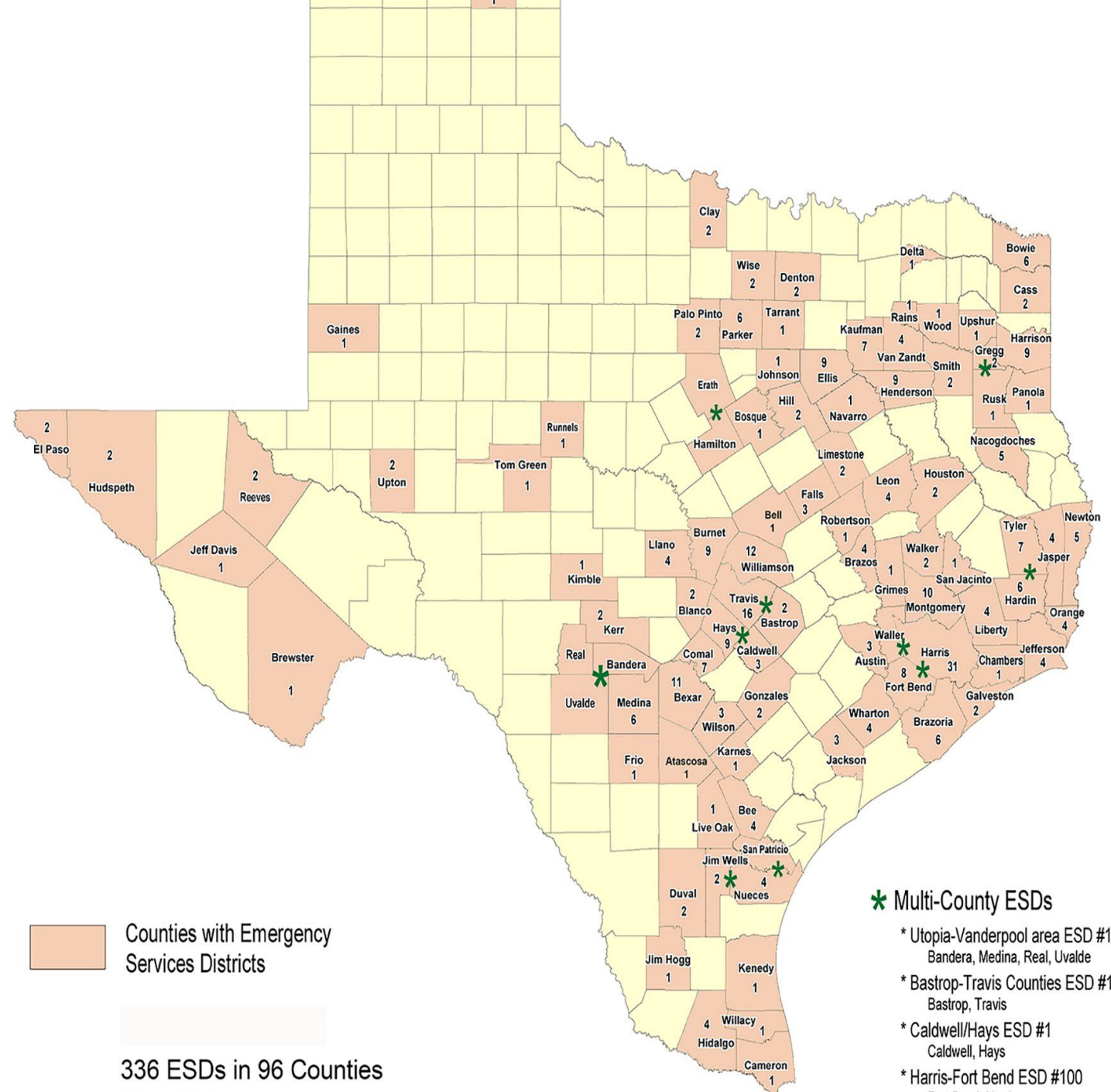
Most Current Map of ESDs in Texas

Wise County = 2

Denton County = 2

Parker = 6

Tarrant = 1



336 ESDs in 96 Counties

February 2021

AUTHORITY AND LIMITATIONS

ESD Authority

- Emergency Services Districts are creations of the Texas Legislature through the statutes
- Legislature derives its authority to create ESDs from the voters through the Texas Constitution
- ESD's do not have any powers except those expressly provided by the Statutes

Constitution

- Laws may be enacted to
 - provide for the establishment and creation of special districts to provide emergency services and
 - to authorize ... a tax on the ad valorem property situated in said districts not to exceed Ten Cents (10¢) on the One Hundred Dollars (\$100.00) valuation for the support thereof; – provided that no tax shall be levied in support of said districts until approved by a vote of the qualified voters residing therein.
- Texas Constitution, Article III, Section 48-e

Constitution, cont.

- Authorized services
 - emergency medical services
 - emergency ambulance services
 - rural fire prevention and control services, or
 - other emergency services authorized by the Legislature.
 - Texas Constitution, Article 111, Section 48-e (cont.)

The Statutes

Texas Health & Safety Code

- Chapter 775 – ESDs
- Chapter 776 – ESDs in Counties with less than 125,000 population – repealed in 2011 (all ESDs operate under 775)
- Chapter 794 – Rural Fire Prevention Districts – repealed in 2003 (all RFPDs converted to 775 ESDs)

ESD Creation Process

- Petition by Qualified Voters
 - Consent of City Required if Area includes ETJ or City Limits
- Records of Petition Acceptance by County Commissioners Court
- Order for Election
- Ballot Language
- Order Canvassing Election
- Order Creating the District

ESD Creation Process, cont.

- No Articles of Incorporation for ESDs
- No Bylaws for ESD's
- ESD's are local government entities governed by Texas statutes

WHO RUNS THE SHOW?

The Board of Commissioners

ESD Commissioners

- Board of five commissioners.
- Appointed by Commissioners Court for 2 years
 - at least 18 years of age; and
 - a resident citizen of the state that is:
 - a qualified voter within district; or
 - owner of land subject to taxation in the district.

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)