

Emergency Services Districts

Article III, Section 48-e of the Texas Constitution
Chapter 775 of the Texas Health and Safety Code

Authorization

- Article III, Section 48-e, Texas Constitution
 - EMERGENCY SERVICES DISTRICTS. Laws may be enacted to provide for the establishment and creation of special districts to provide emergency services and to authorize the commissioners courts of participating counties to levy 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. Such a district may provide emergency medical services, emergency ambulance services, rural fire prevention and control services, or other emergency services authorized by the Legislature.
- Chapter 775.003, Health and Safety Code

Creation of District

- 775.011; Petition for Creation of District Located Wholly in One County
 - County Judge must receive a petition
 - Petition signed by
 - At least 100 qualified voters
 - Who own taxable real property in proposed district
 - Name of district proposed by petition
 - Gaines County Emergency Services District No. 1

Contents of Petition

- 775.013; petition prescribed must show:
 1. District is to be created and operated under Article III, Section 48-e, and Chapter 775
 2. Name of the proposed district
 3. Proposed district boundaries
 4. Services that the district will provide
 5. Creation of district complies with 775.020 and 775.0205

Contents of Petition

- 775.013; petition prescribed must show:
 6. Mailing address of each petitioner
 7. Name of municipality whose consent must be obtained under 775.014
 8. Miscellaneous:
 - a. Statement that boundaries of proposed district are coextensive with the boundaries of another political subdivision is sufficient legal description for the purposes of #3 above
 - b. Must contain an agreement signed by at least 2 petitioners that obligates them to pay not more than \$150 of the costs incident to the formation of the district, including the costs of publishing notices, election costs, and other necessary and incidental expenses

Creation of District That Includes Municipal Territory

- 775.014; a district must request a municipality (city) to be included in the district after the petition is filed under 775.015
 - Except as provided below, the city may not be included unless the City Council gives written consent on or before the 60th day after the request is received
 - If the City Council does not consent w/in the 60-day period prescribed above, a majority of qualified voters and the owners of at least 50% of the territory in the city's limits or ETJ, that would have been included in the district, may petition the City Council to make fire control and EMS/Ambulance service available. This petition must be received by the 90th day after the initial request was received by the City Council

Creation of District That Includes Municipal Territory

- 775.014; a district must request a municipality (city) to be included in the district after the petition is filed under 775.015
 - If the City Council refuses, or fails to act on the petition to provide fire protection and EMS/Ambulance services w/in 6 months after the date on which the petition is received, the City Council's refusal or failure to act constitutes consent for the territory that is the subject of the original petition to be included in the proposed district

Filing of Petition and Notice of Hearing

- 775.015
 - If petition is in proper form, CJ may receive and file with CC
 - At next regular or special session of Comm. Crt. a place, date, time for public hearing is set
 - Notice of Hearing – must include
 - Creation of district is proposed
 - District is to be created and operate under Article III, Section 48-e, of Texas Constitution
 - Name of proposed district

Filing of Petition and Notice of Hearing

- District's boundaries as stated in petition
- Place, date, time of hearing, and
- Each person w/ interest in creation may attend and present grounds for or against
- CC shall retain a copy of notice and give enough copies to Sheriff for posting and publication
- Not later than 21st day before the date of the hearing, Sheriff shall...
 - Post copy on courthouse door
 - Publish notice in newspaper of general circulation, once a week for two weeks
- Return of each officer executing notice must be documented

Hearing

- 775.016

- At the time and place set for the hearing or at a later date then set, the commissioners court shall consider the petition and each issue relating to creation of the district.
- Any interested person may appear before the commissioners court in person or by attorney to support or oppose the creation of the district and may offer pertinent testimony.
- The commissioners court has exclusive jurisdiction to determine each issue relating to the creation of the district, including any matters negotiated with a consenting municipality under Section [775.014](#)(h), and may issue incidental orders it considers proper in relation to the issues before the commissioners court. The commissioners court may adjourn the hearing as necessary.

Petition Approval

- 775.017;
 - If after the hearing the commissioners court finds that creation of the district is feasible and will promote the public safety, welfare, health, and convenience of persons residing in the proposed district,
 - the commissioners court shall grant the petition,
 - fix the district's boundaries,
 - and impose any conditions negotiated under Section [775.014](#)(h). For the purposes of this provision, the population of the county is determined according to the most recent federal decennial census available at the time the petition is filed.

Petition Approval

- If the proposed district will include territory in the municipal limits or extraterritorial jurisdiction of one or more municipalities,
 - the commissioners court of the county in which the municipality is located must determine if the district would still meet the requirements prescribed by Subsection (a) if the territory in the municipality's limits or extraterritorial jurisdiction is excluded from the district.
 - The commissioners court must make this finding for each municipality the territory of which will be included in the district.
- If the commissioners court finds that the proposed district does not meet the requirements prescribed by Subsection (a), the commissioners court shall deny the petition.

Election

- 775.018
 - On the granting of a petition, the commissioners court shall order an election to confirm the district's creation and authorize the imposition of a tax not to exceed the rate allowed by Section [48-e](#), Article III, Texas Constitution. Any conditions negotiated under Section [775.014](#)(h) must be included on the ballot.
 - Subject to Section [4.003](#), Election Code, the notice of the election shall be given in the same manner as the notice of the petition hearing.

Election

- The election shall be held on the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with other requirements of law.
- The board of the existing district shall adopt a statement before the date of the election required by this section that specifies the types of emergency services the existing district will provide or continue to provide in the overlapping territory if the proposed district is created.

Election Results and Commissioners Court Order

- 775.019
 - A district is created and organized under this chapter if a majority of the votes cast in the election favor creation of the district.
 - A district may not include territory in a municipality's limits or extraterritorial jurisdiction unless a majority of the voters residing in that territory who vote at the election vote in favor of creating the district subject to any conditions negotiated under Section [775.014](#)(h) and imposing a tax. The exclusion of that territory does not affect the creation of a district that includes the remainder of the proposed territory if the commissioners court's findings under Section [775.017](#) are favorable to the district's creation.

Election Results and Commissioners Court Order

- If a majority of those voting at the election vote against creation of the district, the commissioners court may not order another election for at least one year after the date of the official canvass of the most recent election concerning creation of the district. A subsequent election must be held in the same manner provided by this chapter for the original creation election.
- When a district is created, the commissioners court in which the district is located shall enter in its minutes an order that reads substantially as follows:

Election Results and Commissioners Court Order

WHEREAS, at an election held on the _____ day of _____, 19____, in that part of _____ County, State of Texas, described as (insert description unless the district is countywide), there was submitted to the qualified voters the question of whether that territory should be formed into an emergency services district under state law; and

WHEREAS, at the election _____ votes were cast in favor of formation of the district and _____ votes were cast against formation; and

WHEREAS, the formation of the emergency services district received the affirmative vote of the majority of the votes cast at the election as provided by law;

NOW, THEREFORE, the Commissioners Court of _____ County, State of Texas, finds and orders that the tract described in this order has been duly and legally formed into an emergency services district (or a portion thereof) under the name of _____, under Article III, Section [48-e](#), of the Texas Constitution, as proposed by S.J.R. No. 27, Acts of the 70th Legislature, Regular Session, 1987, and adopted by the voters at an election held November 3, 1987, and has the powers vested by law in the district.

- Any conditions that were negotiated under Section [775.014](#)(h) and included on the ballot must be included in the order entered under this section.