

**SUBJECT:** Removal of an emergency services district board member by a county

**COMMITTEE:** Local Government Ways and Means — favorable, without amendment

**VOTE:** 4 ayes — Hill, Puente, Quintanilla, Villarreal  
0 nays  
1 present not voting — Elkins  
2 absent — Creighton, C. Howard

**SENATE VOTE:** On final passage, April 19 — 31-0, on Local and Uncontested Calendar

**WITNESSES:** For — Leilah Powell, Bexar County Commissioners Court  
Against — None

**BACKGROUND:** Health and Safety Code, sec. 775.036(a)(4) requires an emergency service district board to give a written report not later than February 1 of each year to the county commissioners court regarding the district's administration for the preceding calendar year and the district's financial condition.

Sec. 775.082(b) requires an emergency service district to prepare and file with the commissioners court of each county that contains any part of the district on or before June 1 of each year an audit report of the district's fiscal accounts and records. The audit must be performed and the report prepared at the expense of the district. The county auditor, with the approval of the commissioners court, adopts rules relating to the format of the audit and report.

**DIGEST:** CSSB 1501 would allow the commissioners court of the county in which an emergency services district is located to remove one or more board members by a majority vote if the board failed to give the report required by Health and Safety Code, sec. 775.036(a)(4) or file the audit report required by Health and Safety Code, sec. 775.082 (b) within 91 days after the report or audit was due.

The bill would require the commissioners court to let the board know it was considering seeking removal within 60 days of not having received the report or audit.

CSSB 1501 would require, for a district located in more than one county, that each commissioners court vote for removal.

The bill specifies that the validity of a board action would not be affected because it was taken when a ground for removal or a board member existed.

CSSB 1501 would apply only to an appointed director and would not apply to a director who is elected or appointed to fill a vacancy in an elected director position.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

CSSB 1501 would make members of emergency service district boards more accountable to the commissioners courts that appoint them and the taxpayers who support them through ad valorem taxation. As suburbanization has brought development to unincorporated areas of counties, individuals have turned to emergency service districts to provide the same emergency medical and fire services that they have been accustomed to receiving in municipalities.

County commissioners courts are authorized to appoint members to the board, and emergency services district boards are required to file a report regarding the district's administration and financial condition for the preceding calendar year and an audit report regarding the district's fiscal accounts and records. However, county commissioners courts do not have any authority to take action against an emergency services district if reports are not completed. While county commissioners have the power of appointment every two years, current law does not enable county commissioners to make emergency service district board members accountable for their actions annually, even though it is the commissioners who ultimately receive any complaints associated with emergency service district performance.

In addition, while the bill would allow a commissioners court to remove one or more board members, it intends for removal only of the directors deemed responsible for having failed to complete annual reporting and auditing requirements. CSSB 1501 would provide greater accountability of emergency service districts to voters and provide notice protections so that county commissioners effectively communicated with the board about their expectations regarding report and audit filing.

OPPONENTS  
SAY:

CSSB 1501 unfairly would punish and politicize emergency service district board members. Currently, emergency service district boards are accountable to county commissioners courts through the power of appointment. Every two years, emergency service district board members can be appointed or removed because of job performance or shifting desires of county commissioners. Emergency service districts should not be further subject to political wrangling by making them subject to removal annually.

While the bill would allow removal to occur only for late submission of an annual audit or report, it would assign blame to districts that might not truly be at fault. Most emergency service districts are small operations and do not have auditors on staff to handle these reports. Instead, districts often hire outside auditors or consultants, which can create delays in auditing and report delivery. Because county commissioners already can perform audits of emergency service districts under their jurisdiction and pass these costs along to the district, this bill is unnecessary to ensure timely analyses.

Further, this bill would allow a commissioners court to remove one or more board members, which could result in the removal of an entire emergency service district board. It is important to maintain institutional memory in order to ensure adherence to best practices in emergency service provision. CSSB 1501 instead would put taxpayers at risk by allowing their chief emergency services provider to be managed by a completely inexperienced board.

NOTES:

The House committee substitute differs from the Senate-passed version in that the substitute would allow a commissioners court to remove only appointed board members. In addition, the substitute would require the

commissioners to notify board members that the commissioners court was considering their removal.