

- SUBJECT:** Establishing oversight and election procedures for ESD boards
- COMMITTEE:** County Affairs — committee substitute recommended
- VOTE:** 8 ayes — Neave Criado, Stucky, J. Jones, Orr, Rosenthal, Schatzline, Slaton, Tinderholt
- 1 nays — Gerdes
- WITNESSES:** For —Serinah Breland, City of Pflugerville; Brian Havran; David Rogers
(*Registered, but did not testify*: Sarah Lindley Bailey; Kimberly Moyers)
- Against — Tom Foster, Johnson County ESD No. 1; Trevor Stokes, Pflugerville Professional Firefighters Association L4137; John Carlton, Travis County ESD #2; Robert Abbott, Travis County ESD No. 6
(*Registered, but did not testify*: Elisa M. Tamayo, El Paso County; David Waallace, Kaufman County ESD #3; Stephen Watson, Mark Jack, Parker County ESD 1; Cicely Kay, Travis County Commissioners Court; Nick Perkins, Travis County ESD #2, Pflugerville Fire Department; Brandon Barkley, Aaron Segura, Nick Perkins, Travis County ESD #2; Scott Kerwood, Williamson County ESD #3)
- BACKGROUND:** Some have suggested that the commissioners court of certain counties should be required to choose whether the board of emergency services commissioners will be elected or if the commissioners court will approve the district's annual budget and tax rate in order to improve accountability for emergency services commissioners.
- DIGEST:** CSHB 1775 would amend the Health and Safety Code to establish provisions for the oversight of a commissioners court and the election of a board of emergency services commissioners. These provisions would apply only to an emergency services district (ESD) that was located wholly in one county and was not;
- a county with a population of more than 3 million;
 - a county with a population of more than 200,000 that bordered

- Lake Palestine; or
- a county with a population of less than 200,000 that bordered another state and the Gulf Intercoastal Waterway.

Choice of oversight option. After a district was created and the initial emergency services commissioners were appointed, the commissioners court of the county in which the district was located would choose whether:

- the board was elected in the manner established by the bill; or
- the commissioners court would approve the annual budget and tax rate of the district.

A commissioners court that initially chose to approve ESD budgets and the tax rate could at any time require that a board of the ESD be elected. A commissioners court that chose to require that a the board be elected could not approve the ESD's budgets and tax rate.

Election of the board. CSHB 1775 would require ESDs that chose the oversight of an elected board to maintain a five-person board of emergency services commissioners elected at large. The board members would serve staggered terms of four years, and eligible candidates would have to be at least 18 years of age and a resident of the ESD for which they were applying. For an initial election, the candidate would be required to give the county's voter registrar a sworn notice of the candidate's intention to run for office that included certain personal information.

After the election was held, the county's voter registrar or deputy registrar would prepare a sworn statement of the election costs incurred by the county. The statement would be given to the newly elected board, which would order the appropriate official to reimburse the county for the county's election costs. The initial emergency services commissioners' terms of office would begin 30 days after the election results had been canvassed.

The two commissioners who received the fewest votes would serve a term

that expired on January 1 of the third year after the election was held. The other emergency services commissioners would serve terms that expired on January 1 of the fifth year after the election was held. The county judge would then order an initial election for emergency services commissioners on the next November uniform election date, held in even-numbered years.

For two districts that chose to consolidate and chose to have an elected board of emergency service commissioners, the consolidated district would initially be composed of the two commissioners from each existing board who had served the longest terms. In addition, the initial commissioners of the consolidated district would serve until the next available uniform election after the date the joint order of consolidation was adopted.

For districts that chose not to use the election method described above, the commissioners court would appoint five commissioners to the board of the consolidated district.

Budget and tax rate approval. These procedures would apply only to an ESD that chose the oversight option of approval of the annual budget and tax rate by the commissioners court of the county in which the district was located. The bill would require the commissioners court to adopt a schedule for the ESD and submit it to the county for final approval of the district's annual budget, tax rate calculations and notices, and recommended tax rate.

The commissioners court would be considered to have approved the recommended tax rate if the commissioners court did not approve or deny a tax rate before the 31st day after the date the recommendation was submitted.

If a commissioners court denied the annual budget, then the district would not be permitted to make expenditures under that budget except for an obligation incurred before the beginning of the fiscal year for which the budget was submitted. If a commissioners court denied the tax rate submitted, the district would not be able to impose the tax at a rate greater

than was imposed in the fiscal year preceding the one for which the tax rate was submitted.

As soon as practicable after the effective date, but by January 1, 2024, the commissioners court of a county with an ESD would be required to decide whether the board of emergency services commissioners would be elected, or if the commissioners court would approve the annual budget and tax rate.

The bill would not prohibit a person who was a member of the board of emergency services commissioners before the effective date of the bill from running for election to the board if the person met the requirements and qualifications described for that purpose.

The bill would take effect September 1, 2023.