

SUBJECT: Electing the board of an emergency services district in Orange County

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 8 ayes — W. Smith, Naishtat, Bolton, Farabee, Harless, Heflin,
Leibowitz, T. Smith

0 nays

1 absent — Coleman

WITNESSES: For — None

Against — Chris Barron, State Firemen's and Fire Marshals' Association;
Ken Campbell, State Association of Fire and Emergency Districts; Kevin
MacDonnell, Travis County E.S.D. #4; (*Registered, but did not testify*:
Mike Howe, State Association of Fire and Emergency Districts; Don
Smith, Travis County Fire Control)

BACKGROUND: Health and Safety Code ch. 776 governs emergency services districts in
counties of 125,000 or less. Under sec. 776.033(a), for a single-county
district, a county commissioners court appoints a five member-board of
emergency commissioners to serve as a district's governing body.

DIGEST: HB 1819 would allow the governing body of an emergency services
district wholly located in a county that borders or contains a portion of the
Neches River, the Sabine River, and Sabine Lake (Orange County) to
convert to an elected board. An elected board would consist of a five-
person board of emergency commissioners elected at large. Each
commissioner would serve a two-year term. To be eligible as a candidate,
a person would have to be at least 18 years of age and a resident of the
district. The two initial emergency commissioners receiving the fewest
votes would serve one-year terms, while the other three would serve two
year terms.

A candidate would have to give the county clerk notice of the candidate's
intention to run for office listing the person's personal information and
intent to run for emergency commissioner. Upon receipt, the clerk would

place the person's name on the ballot. The election would be held on an authorized election date.

After the election, the county clerk would prepare a 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 those costs.

The board of an emergency services district in Orange County would be able to convert to an elected board by resolution. After a board had made that decision, the county judge could order an election. A commissioner serving on the board at the time of the resolution would be able to continue to serve until the election and qualification of a new commissioner for that position. The bill would not prevent a person from running for election to the board.

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:**

CSHB 1819 would allow the citizens of Orange County to exercise increased oversight over an emergency services district in their community. After the September 11 terrorist attacks, emergency services districts have been invested with increased funds and responsibilities. However, some districts have experienced problems related to the quality and commitment of the members who serve on these boards. The emergency services district in Orange County in particular has struggled to retain effective representation on its governing body. CSHB 1819 would enable the board to convert to an elected board, allowing local voters to recruit and judge quality candidates to ensure the effective management of this important public safety organization.

The argument that CSHB 1819 could lead to the politicization of emergency services districts in counties across the state is misplaced. CSHB 1819 is a narrowly tailored bill that only would address problems that are specific to one emergency services district in Orange County. No other emergency services district in the state would be affected by the bill, and additional legislation would be required to allow another district to convert to an elected board. The bill would allow local elected officials and voters in Orange County to exercise oversight over the emergency

services district in their community, an important exercise of local control for the residents of Orange County.

**OPPONENTS
SAY:**

By allowing the election of board members to an emergency services district in Orange County, CSHB 1819 could lead to the politicization of these important public safety entities. Under current law, the governing board of an emergency services district is appointed by the county commissioners court. This is appropriate because members of the governing board of an emergency services district should be shielded from political influence and should be appointed based on credentials of the board members rather than political acumen.

An election of an emergency services district board likely would have low voter participation, potentially allowing the outcome to be determined by a highly organized group of emergency services personnel. This could lead to narrow and inappropriate appeals by candidates to ease oversight of emergency services personnel or to increase pay.

Emergency services districts operate on a limited budget, and the cost of running an election for board members could be costly, perhaps more than \$10,000 per election. This would be a diversion of taxpayer dollars from the vital emergency services provided by a district.

NOTES:

The original version of HB 1819 would have applied to any emergency services district located primarily in a county with a population of 125,000 or less. The bill would have required the county judge to order an election after a board converted to an elected board.