

Caldwell Hays ESD 1

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Niederwald, TX 78640

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An ESD (Emergency Services District) is a political subdivision of the State of Texas tasked with providing fire protection for the constituents that reside in the district. Funding is provided by sales tax and an ad valorem tax (property tax) of \$0.10 per \$100 of property value as per the county appraisal district and.

Caldwell Hays ESD 1 was created by an election held in May of 2008. There are five Commissioners elected in the November election of even numbered years. Your current Commissioners are: **Pete Cendennen**, Howard Gandy, Karen Gallaher, Bob Elving, and **Derek Herring**.

The Commissioners of the ESD have regular monthly meetings. Notice of each meeting is posted at the meeting site and each county courthouse of Caldwell and Hays Counties. Most regular meetings are held on the last Tuesday of each month at 7:00 PM at Chisholm Trail Fire Rescue Station 3 located at 9835 FM 1854, Lytton Springs, TX. Public attendance is welcome and there is time allotted for the public to address the commissioners.

To provide service to the district, Caldwell Hays ESD 1 contracts with Chisholm Trail Fire Rescue. CTFR provides fire suppression, search and rescue, vehicle extrication, fire prevention, and licensed by the Texas Department of Health as a medical First Responder Organization.

To request public information, please contact us. CHESD1 is audited annually by Medack & Oltmann LLP. Their contact information is: 512-321-3951 or CenTexCPAs.com. If you have suspicion of fraud, please inform them.

Emergency Services Districts

In the past, emergency services districts and rural fire prevention districts performed similar functions by providing emergency services to district residents. A constitutional amendment was approved in 2003 converting rural fire prevention districts into emergency services districts and repealing the constitutional authority for the creation of rural fire prevention districts as well as the statutory basis for rural fire districts, Chapter 794 (Rural Fire Prevention Districts) of the Health and Safety Code. The constitutional amendment resulted in an increase in taxing authority from three cents to 10 cents per \$100 valuation of taxable property.

The creation of emergency services districts is authorized under Section 48-e, Article III, Texas Constitution. Emergency services districts support and provide local emergency services, including emergency medical services, emergency ambulance services, rural fire prevention and control services, and any other emergency services authorized by the Texas Legislature. Chapter 775 (Emergency Services Districts), Health and Safety Code, sets forth the requirements for creation and operation of emergency services districts.

The Health and Safety Code provides that these districts are created by filing a petition with the county judge that is signed by 100 qualified voters. After a public hearing is held considering the creation of the district and upon a finding that the district's creation is feasible and promotes public safety, welfare, health, and convenience of persons residing in the district, the commissioners' court will grant the petition. After granting the petition, an election is held to confirm the district's creation and to authorize imposition of a tax not to exceed 10 cents on each \$100 of valuation of the property situated in the district. An emergency services district has the power to impose a sales and use tax and an ad valorem tax. An emergency services district is authorized to issue bonds and notes to perform any of its powers if the commissioners' court approves their issuance.

The commissioners' court appoints a five-member board of directors with two-year terms. However, if the population of the district is greater than three million and if the district is located in more than one county, the five-member board is elected. Chapter 775 sets forth provisions for merging districts, removing or transferring certain territories within and around districts, and expanding districts. Emergency services districts cannot overlap. An emergency services district is dissolved upon petition, hearing, and election to confirm the dissolution.

Chapter 344 (Fire Control, Prevention, and Emergency Medical Services Districts), Local Government Code, sets forth provisions authorizing a fire control, prevention, and emergency medical services district to be created inside the boundaries of an emergency services district. The municipality that proposes the creation of a fire control, prevention, and emergency medical services district must request consent for its creation from the governing body of the emergency services district, provided that these services are not already offered in the municipality and that the plan does not propose emergency services that were not provided by a rural fire prevention district or emergency services district within the municipality. Creation of the district and imposition of a sales and use tax for financing the operation of the district must be approved by a majority of the qualified voters of the proposed district at an election held for that purpose.

An emergency services district is authorized to create the office of fire marshal if the county in which the district is located does not already have one. The fire marshal investigates and determines the causes of fires and inspects property for fire hazards. The Health and Safety Code sets forth criminal penalties for persons refusing to cooperate with the fire marshal while conducting investigations or for persons failing to comply with orders issued by the fire marshal. The statute also defines hazardous material and provides that the district may provide services for handling hazardous materials.

Chapter 776 (Emergency Services Districts in Counties of 125,000 or Less), Health and Safety Code, sets forth the provisions for the creation of emergency services districts in counties of 125,000 or less; however, it is becoming more common to rely on Chapter 775 because it authorizes greater flexibility. Chapter 772 (Local Administration of Emergency Communications), Health and Safety Code, sets forth provisions for the creation, operation, and powers of an emergency communications district, establishing a 9-1-1 service as the primary emergency telephone number. This chapter authorizes the imposition of a 9-1-1 emergency service fee to be collected by a service supplier or provider of local exchange access lines (i.e., the phone company) and the issuance of bonds. The chapter sets forth various other provisions for counties of certain populations.