

Henderson County

EMERGENCY SERVICES DISTRICT No.12

COMMISSIONERS POLICIES AND PROCEDURES

ARTICLE I -NAME, DESCRIPTION, MISSION and CONTACT INFORMATION

Section 1: Henderson County Emergency Services District No. 12 ("ESD", "ESD12").

Section 2: Emergency Services District No. 12 ("District") is a legally constituted subdivision of the State of Texas and is authorized under Article III, Section 48-e of the Texas Constitution. Texas Health and Safety Code §775.003 is the enabling Act for the District.

Section 3: The ESD seeks to enter into a long-term committed partnership with the County of Henderson to work together to develop the best services we can for District 12 residents and property owners taking into account the limited resources available to the District. We seek to achieve this goal by leveraging and coordinating the resources available to the District with those available to the County and the City of Chandler to maximize efficiency and avoid redundancy. Our long-term strategic plan shall be developed to achieve this goal, and this relationship shall be reflected in our Policies and Procedures, fire code and other District documents as needed.

Section 4: Telephone numbers of the District 12:

Non emergency: _903-521-5962_____

Mailing Address of the District:

Box 1768 , Chandler, Texas 75758

ARTICLE II -PURPOSE

Section 1 : The District is governed by a Board of Emergency Services Commissioners ("Board"). It is the purpose of the Board Policies and Procedures to provide a codification of Board policies established directly through the recorded actions of the Board. As new policies are enacted, or present policies revised or rescinded, such additions or changes will be issued by the Secretary to be inserted in the Board Policies and Procedures. These Board Policies and Procedures are subject to and controlled by Texas Government Code Chapter 551 Open Meetings; Texas Government Code Chapter 552 Public Information; Texas Local Government Code Chapter 171 Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments; and Texas Health and Safety Code Chapter 775 Emergency Services Districts; and where the Policies and Procedures and the statutes conflict, the statutes control.

ARTICLE III – OBJECTIVE

Section 1 : PREVENTION of fire, rescues, and accidental exposure to hazardous materials through public education and awareness.

Section 2: READINESS to respond to fire, rescues, and accidental exposure to hazardous materials through professional and effective training, diligent acquisition and maintenance of equipment, and safe and prompt response to emergencies.

Section 3 : EVALUATION of all actions in the context of our mission and these objectives.

ARTICLE IV - POWERS AND DUTIES

Section 1: Powers of the District The powers of the District are specified in §775.031 (a).

Section 2: Powers and Duties of the Board The powers and duties of the Board are specified in §775.036.

NOTE - The Board shall publish each January the address of the District's administrative office in the legal notices of a local newspaper in the District as per §775.036(f).

Section 3: Service Contracts Service contracts are addressed in §775.0366.

Section 4: Additional Powers and Duties of the Board Additionally, the Board may develop a strategic plan for the District, and administer these Policies and Procedures.

ARTICLE V - BOARD

Section 1: Administrative Provisions The official name of the Board is: Henderson County Emergency Services District No. 12, Board of Emergency Services Commissioners

Section 2: Appointment of Commissioners

- a. The Henderson County Commissioner's Court shall appoint five members to the Board to serve as the District's governing body.
- b. District Commissioners serve staggered two-year terms. By January 1 of each year, the Commissioner's Court shall appoint a successor for each Commissioner whose term has expired or been vacated.
- c. So long as the District has an existing service contract with a third party, such as a City or other emergency services contractor, the Chief of that third party, or his designee shall hold a non-voting position on the Board, and may contribute to general discussions of the Board. That position shall not apply when determining whether a quorum exists.

Section 3: Board Officers

- a. The Board shall elect from its members, a President, Vice-President, Secretary, Treasurer, Communications
- a. Board elections shall be held each February.
- b. Notification shall be made to Henderson County Commissioners Court and other county offices on officer election results immediately following.
- c. A letter shall be prepared for the Commission's designated bank depository as required by applicable law stating signatories to be removed (if any), along with a list of the current members and their positions. This letter should be signed by the President and Treasurer and filed at the bank depository. See Policies and Procedures Article V, Section 4.4.6.

Section 4: Board Officers and Duties

a. President: The President shall preside at all Board meetings and act as chief executive officer and spokesman for the Board and may perform other duties as prescribed by law, District Policies and Procedures, or Board directives.

b. Vice-President: The Vice-President shall perform the duties of the President in the absence or disability of the President. If the office of President becomes vacant, the Vice-President shall serve as President until a new President is elected.

c. Secretary: The Secretary shall ensure Board meeting notices are posted in accordance with §551.041, meeting agendas are prepared, meeting minutes are recorded, and files of minutes and other transactions are maintained in accordance with record retention and other applicable laws. See Exhibit A of these Policies and Procedures, Records Retention Policy.

1. The Board may acquire the services of an administrative assistant to provide such services.
2. The Secretary shall ensure the preparation and review of, as appropriate, District instruments, contracts, and agreements.
3. The Secretary shall update the webpage as needed.
4. The Secretary shall serve as the Document Retention Policy Manager for the District.

d. Treasurer: The Treasurer is the fiscal and chief investment officer of the Board and shall maintain financial records for the District, supervise all financial affairs including receipts and disbursements of funds, provide liaison with the designated bank depository and recipients of funds from the District, and provide an annual administrative and financial audit of the District in compliance with applicable law. See Policies and Procedures Article XVII, Section 4 Annual Administrative and Financial Audit for more information.

1. The Board may acquire the services of a book keeper to assist treasurer
2. The Treasurer shall prepare a District preliminary operating budget for the next fiscal year and submit it to the Board for consideration no later than the regular June meeting of each year.
3. The Treasurer shall evaluate the financial status of the District and provide a recommendation for the next year's tax levy no later than the regular August meeting of each year. See §775.074.
4. The Treasurer shall ensure that the tax levy is ready to be set in accordance with the Tax Collection Agreement with Henderson County and applicable law.
5. The Treasurer shall secure a performance bond in accordance with §775.037(b) as set by the County Judge of Henderson County and filed with the Henderson County Clerk (there is no fee for this filing).
6. The Treasurer shall sign and the President shall countersign all financial instruments of the District. Also, see duties of Vice President and Assistant Treasurer; §775.071, §775.072, and §775.073.
7. The Treasurer shall ensure that all current Commissioners are recorded as authorized signatories with the Commission's designated bank depository as required by applicable law, and to facilitate compliance with the above duty of the Treasurer.

8. The Treasurer, along with the President, shall prepare a statement of Currently Known Facts, Decisions and Economic Conditions as part of Management's Discussion and Analysis section of the annual administrative and financial audit report and forward it to the auditor no later than December 1.

9. The Treasurer shall submit an annual report to the Texas Department of Agriculture no later than January 1 as per §775.083. If the information in the report changes, the District shall update that information using their Internet-based system.

e. Communication Officer: The Communication Officer will assist the secretary to maintain transparency through notices, web-site updates, and public records.

Section 5: Commissioner Training All Commissioners are required to comply with the training requirements specified in §551.005, §552.012 and §775.0365.

ARTICLE VI - VACANCIES

Section 1: If a Board position becomes vacant, the County Commissioners shall be asked by the District Commissioner to appoint a replacement in a timely manner.

Section 2: The Board may remove a District Commissioner as per §775.042(a).

ARTICLE VIII - QUORUM, BOARD MEETINGS and POSTING OF MEETINGS

Section 1: A quorum of this Board shall consist of three members.

Section 2: Board meetings shall generally be held the third Monday of each month at 6:30pm. at the location as may be posted on the agenda. If a scheduled date falls on a holiday, or if a quorum of the Board cannot be obtained, the President, after consultation with other Board members, may reschedule the meeting on a date no earlier than ten days before the regularly scheduled meeting or no later than ten days after the regularly scheduled meeting.

Section 3: Meetings shall be posted no less than seventy-two (72) hours preceding the meeting in compliance with the §551.041 in the following locations:

1. Henderson County Annex
2. ESD 12 webpage at [Henderson County Emergency Service District 12 | Chandler, TX - Official Website](#)
3. Henderson County Website

ARTICLE IX - SPECIAL MEETINGS

Section 1: Special Board meetings may be called at any time by the President of the Board at his own initiative or upon written request to the President by one or more Board members. The notice of special meeting shall state the date, time, and place of the meeting and be forwarded to the members no less than seventy-two (72) hours in advance of the time of the meeting; provided, however, that emergency meetings may be held upon shorter notice whenever consent is obtained by at least three members of the Board and notices posted in accordance with Chapter 551 Texas Open Meetings Act as applicable to the District. See §551.0411 and §551.045.

ARTICLE X - OPEN MEETINGS, PUBLIC INFORMATION

Section 1: District meetings and records are open to the public in accordance with Chapter 551 Texas Open Meetings Act and Chapter 552 Texas Public Information Act.

Section 2: District Records shall be maintained pursuant to the District Records Retention Policy attached as Exhibit A to these Policies and Procedures.

ARTICLE XI - TRANSACTION OF BUSINESS

Section 1: The Board may transact official business only when in session and shall not be bound in any way by any statement or action on the part of any individual member except when such statement or action is in pursuance of specific written instructions of the Board. The Board, except in open meetings and in accordance with the Chapter 551 Texas Open Meetings Act, shall adopt no order or decree.

ARTICLE XII - AGENDA

Section 1: The Secretary, in consultation with the President, shall ensure each Board member is provided prior to each meeting, an advance copy of an agenda outlining matters that should be considered by the Board, and such other matters, materials, and information requested to be included for consideration.

Section 2: Regular meeting agendas should include Call to Order; Approval of Minutes from previous meeting(s); Treasurer's Report; Fire Chiefs Report; Discussion, consideration and possible action on agenda items; Public Comment; and Adjournment.

ARTICLES XIII - RULES OF ORDER

Section 1: In its deliberations, the Board shall be governed by Robert's Rules of Order except as otherwise provided by these rules and regulations or by statute. The Board President or his designee shall serve as Parliamentarian.

ARTICLE XIV - ORDER OF BUSINESS

Section 1: The order of business to be observed by the Board shall be in accordance with Chapter 551 Texas Open Meetings Act as applicable to the District.

ARTICLE XV - REQUEST FOR INFORMATION

Section 1: In order to keep all members of the Board properly advised and to prevent duplication of work, any written report, survey, statistics, or information requested by the Board, or any member thereof, shall be duly recorded in the minutes. Copies of such reports should be made available to all members of the Board.

ARTICLE XVI - MINUTES OF BOARD MEETING

Section 1: Copies of the official minutes of each meeting of the Board shall be distributed to members of the Board and to others who make a formal request. An official copy of all Board minutes shall remain on file and available to any citizen desiring to examine them. See §551.022.

ARTICLE XVII - FISCAL AFFAIRS

Section 1: Revenue

Tax Levy, Appraisals, Evaluation, and Collection

- a. The Board shall provide for a tax levy, appraisals, evaluation, and collection. See §775.074.
- b. The Treasurer is the Board officer responsible for all tax revenue matters of the District and shall maintain appropriate liaison with the Tax Assessor/Collector, Appraisal District, Appraisal Review Board, etc.
- c. Each August and September the Board shall review and set the tax levy for the next tax year in accordance the Tax Collection Agreement.

Section 2: District Fiscal Year

- a. The District's fiscal year shall be October 1 through September 30.

Section 3: District Budget

- a. An annual preliminary operating budget for the next fiscal year shall be prepared and submitted to the Board by the Treasurer at the regular June meeting of each year.
- b. In order for the budget to be approved, the Appraisal District must, by letter, certify the District valuation and projected revenues for the fiscal year.

Section 4: Annual Administrative and Financial Audit

- a. The Board shall acquire the services of a Certified Public Accountant to perform the audit.
- b. The Treasurer, along with the President, shall prepare a statement of Currently Known Facts, Decisions and Economic Conditions as part of Management's Discussion and Analysis section of the annual administrative and financial audit report and forward it to the auditor no later than December 1
- c. An administrative and financial audit of the activities of the District shall be prepared for the previous fiscal year and a hardcopy of the report submitted to the Board for review no later than the regular March meeting of each year. The Treasurer should arrange for the auditor to supply sufficient copies of the hardcopy report.
- d. After review and approval by the Board, an electronic copy of the annual administrative and financial audit report shall be submitted to the Henderson County Auditor's Office no later than June 1 of each year, in accordance with §775.082(b). The county auditors will forward the report to other county offices as required.
- e. An electronic/hardcopy of the report should be provided to the Precinct 3 Commissioner's office.

Section 5: Fiscal Reports

- a1. Each month, the Treasurer shall provide a fiscal report to the Board on the status of revenue collection and disbursements for the previous month and for the fiscal year to date.
- b. The Board may acquire the services of a bookkeeper to provide such services

Section 6: Disbursements

- a. All disbursements shall be by check, signed by the Treasurer, and countersigned by the President. See Policies and Procedures Article V, Sections 4.2 Vice-President and 4.5 Assistant Treasurer, as well as §775.073.
- b. All current Commissioners are required by applicable law to be recorded as authorized signatories with the Commission's designated bank depository.
- c. Disbursements will only be made for itemized invoices applicable to encumbered funds approved by the Board.

Section 7: Indebtedness

- a. The Board shall not obligate the District to more indebtedness than the projected revenues for the fiscal year. See §775.071.
- b. In the special case of bonds, the Board may obligate the District to long term indebtedness in accordance with state law. See §775.072.

Section 8: Minimum Fund Balance

- a. The Board shall establish and maintain a minimum fund balance of fifty percent (50%) of eighteen (18) months operating funds based on the current year's budgeted operating expenses (Total Expense). In other words, $((\text{Total Expense} * 50\%) * 1.5)$. This amount should be placed in an unrestricted reserve account (Minimum Operating Fund) and adjusted each year as a new budget is adopted.

ARTICLE XVIII - BOARD CODE OF CONDUCT

Section 1: District Commissioners shall be open, available, and courteous to the general public.

Section 2: Each District Commissioner shall ensure that the District is managed in a businesslike manner and shall act as stewards of public funds. See Texas Local Government Code Chapter 171.

Section 3: District Commissioners shall not receive any compensation for services, but when on official business may be reimbursed for reasonable expenses. See §775.038.

Section 4: District Commissioners may travel; attend meetings and seminars on official business only with approval of the Board and shall be reimbursed based on reasonable receipts provided for the expenses. Commissioners are encouraged to pursue training beyond minimum requirements. See Policies and Procedures Article V, Section 5 Commissioner Training and §775.038.

Section 5: A District Commissioner may not serve in a position of authority with any entity which receives funds from the District. See Texas Local Government Code Chapter 171.

Section 6: No District Commissioner shall become a part of any contract or transaction, which the District is a party whereby the Commissioner might receive money or other things of value, other than as a resident or property owner of the District. See Texas Local Government Code Chapter 171.

Section 7: All District property, records, electronic equipment, logon ids and passwords, computer software, etc. that is in possession of a Commissioner during their term, must be returned to the District upon completion of their service as per Policies and Procedures Exhibit A Records Retention Policy and other applicable laws.

ARTICLE XIX - SEVERABILITY

Section 1: In the event that any one or more of the provisions contained in these Policies and Procedures shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and these Policies and Procedures shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

ARTICLE XX - ASSURANCES

Section 1: The Board assures that no person shall, on the grounds of race, creed, color, handicap, national origin, sex, sexual preference, or political affiliation, be excluded from, be denied the benefit of, or be subjected to discrimination under any program or activity funded in whole or in part by the District.

Section 2: Incorporated by reference as if specifically written herein are rules, regulations, and all other requirements imposed by law, including, but not limited to, compliance with rules and regulations of the State of Texas and those of the United States.

ARTICLE XXI - AMENDMENTS

Section 1: These Policies and Procedures may be amended when necessary at a regular or special meeting by a majority vote of the Board. Proposed amendments must be submitted to the Secretary prior to any such meeting to be sent out with regular Board materials for that meeting.

Mailing Address for all Commissioners:

Box 1768

Chandler, Texas 75758