

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5
Bexar County ESD5 Fire and Rescue
Board**

**POLICIES AND PROCEDURES
GUIDE**



ADOPTED BY BOARD ACTION

September 21, 2023

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**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

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**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 1

DEFINITIONS

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

Article 1

DEFINITIONS

Unless the context requires otherwise, the following terms and phrases used in these Policies and Procedures shall mean the following:

- A. The term "Board" means the governing board of the Bexar County Emergency Services District # 5.
- B. The term "District" or "ESD #5" shall be used interchangeably to refer to Bexar County Emergency Services District #5 created pursuant to Texas Health and Safety Code, Chapter 775.
- C. The term "Official(s)" means the Board Member(s) (Commissioner(s)) and Officer(s) authorized to conduct the business of the District.
- D. Any reference herein to the masculine gender shall also refer to the feminine gender in all appropriate cases.

AUTHORITY:

**Art. ID, Section 48-e of the Texas Constitution
Texas Health and Safety Code, Chapter 775
See Section 775.001**

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 2

**STATEMENT OF PURPOSE, DISTRICT
POWERS AND GOALS**

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

Article 2

STATEMENT OF PURPOSE, DISTRICT POWERS AND GOALS

PURPOSE:

Bexar County Emergency Services District #5 (hereinafter "ESD #5" or "District") is a political subdivision of the State of Texas, organized as provided by Article III, Section 48-e of the Texas Constitution, as proposed by S.J.R. No. 27, Acts of the 70th Legislature, Regular Session 1987, and adopted by the voters at an election held May 15, 2005, pursuant to Chapter 775 of the Texas Health and Safety Code to protect life and health.

The voters within the boundaries of ESD #5 voted to establish the ESD to provide fire protection and emergency medical services to the residents and businesses within ESD #5 on its establishment. ESD #5 is wholly situated in Bexar County, Texas and consists of a defined area within Southwest Bexar County and provides mutual aid support for certain areas of service within Atascosa County. *See service area map attached as Exhibit A.*

DISTRICT POWERS PER TEXAS HEALTH AND SAFETY CODE §§ 775.031 & 775.036:

CHAPTER 775, TEXAS HEALTH AND SAFETY CODE, as amended, authorizes ESD #5 to exercise the following powers, duties and functions:

- A. acquire, purchase, hold, lease, manage, occupy, and sell real and personal property or an interest in property;
- B. enter into and perform contracts necessary to its purpose;
- C. appoint and employ necessary officers, agents and employees;
- D. sue and be sued, but only to the extent provided by law with all immunities at law maintained and asserted judicially by appropriate pleading;
- E. impose and collect taxes as prescribed by Chapter 775;
- F. accept and receive donations;

- G. lease, own, maintain, operate, and provide emergency services related vehicles and other necessary or proper apparatus, instrumentalities, equipment, and machinery to provide emergency firefighting and life support services;
- H. construct, lease, own, and maintain real property, improvements, and fixtures necessary to house, repair, and maintain emergency services vehicles and equipment;
- I. contract with other entities, including other districts or municipalities, to make emergency services facilities and emergency services available to the district and entities with which the District has duly contracted;
- J. contract with other lawful contracting entities, including other districts or municipalities, for operation (reciprocal or otherwise) of services and facilities if the contracting parties find that such operation (including reciprocal aid agreements) would be mutually beneficial and not detrimental to the district;
- K. borrow money as provided by law and within such limitations enumerated by the legislature;
- L. perform all other acts necessary and implied to carry out the purposes of Chapter 775, Texas Health and Safety Code; and
- M. Perform any and all of the described functions *within the budget* and priorities necessarily established by constraints of revenue and funds available to the District from any source whatsoever.

BOARD DUTIES:

The powers and duties of the Board as defined by 775.036 of the Texas Health and Safety Code are as follows:

- (a) The Board shall:
 - (1) hold regular monthly meetings and other meetings as necessary;
 - (2) keep minutes and record of its acts and proceedings;
- (b) The Board may promote educational programs it considers proper to help carry out the purposes of this chapter
- (c) Chapter 551, Government Code, does not apply to a meeting of a committee:
 - (1) of the board is less than a board quorum attends; or
 - (2) Composed of representatives of more than one board, if less than a quorum of any of the boards attends.
- (d) Each January, the board shall publish the street address of the district's administrative office in eight-point type in the legal notices section of a newspaper of general circulation in the district.

- (e) Each June 1st, the District will submit an annual financial audit to the Bexar County Auditor's office. Failure to do so will result in the automatic removal of the Board President and Treasurer

POLICY:

It is the policy of ESD #5 to fulfill its responsibilities under Chapter 775 and applicable federal and state laws, specifically comply with requirements adopted by the Legislature for local governments, attain its goals, and faithfully discharge its public trust to the residents and businesses within the boundaries of ESD #5 (and the fire departments and their areas for which ESD #5 provides monetary support), citizens of the State of Texas, general public, and other public bodies by conducting its affairs in the highest moral, ethical and sound business manner.

RESPONSIBILITIES:

- A. **Goals.** By this policy statement, the Board of Directors of ESD #5 formally affirm the following overall goals of the District.
- B. **Mission to the District's residents and businesses within the District's boundaries.** To ensure that life and health is protected by providing reliable fire protection and emergency medical services to the District's residents and businesses within the District's boundaries as depicted on the attached official map of the District. (See Attached Exhibit A, District Service Area Map.)
- C. **Fiscal.** Adopt prudent fiscal policies to (a) maintain the financial integrity of the District; (b) ensure that adequate funding from current revenues, reserves, or borrowing will meet the requirements of the various annually budgeted activities established by ESD #5; and (c) ensure that property taxes are imposed and collected as prescribed by Chapter 775.
- D. **Institutional Relations.** Conduct the affairs and business of ESD # 5 in a moral and ethical manner to maintain the confidence of the general public, residents, and local, state and federal legislative bodies and officials, and do so through open and transparent processes.
- E. **Organization.** Maintain organizational capabilities to effectively carry out the requirements of Chapter 775 of the Texas Health and Safety Code, and meet the major goals and objectives of ESD # 5 by maintaining: (1) an organization sensitive to its public service responsibility; (2) an organization responsive to changing business, economic, regulatory and other external constraints and management requirements; and (3) an organization capable of developing and implementing long range plans.

F. **Planning.** Establish Board planning and direction by continual commitment on the part of the Board of Directors in (1) formulating and reviewing the mission of ESD # 5, (2) establishing annual short-term and long-term multiple-year goals of the District. This planning effort shall encompass setting goals in the respective major functions, particularly for fiscal planning, organizational direction and measurement of progress.

- Short and long-term goals shall be reviewed annually and included for consideration in the budget process.

AUTHORITY:

Art. III, Section 48-e of the Texas Constitution
Texas Health and Safety Code, Chapter 775
See Section 775.031 [District Powers]

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 3

**QUALIFICATIONS OF
BOARD MEMBERS**

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

Article 3

**QUALIFICATIONS OF
BOARD MEMBERS**

The Commissioners Court of Bexar County shall appoint a Five-Member Board to serve as the District's governing body. To be qualified to serve as a District's Board Member, a person must be:

- A. at least 18 years old; and
- B. a resident citizen of this state and:
 - (1) a qualified voter *within the defined areas served* by the District;
 - (2) The owner of land subject to taxation *in the District*.
- C. Able to pass a criminal background check conducted by the Bexar County Fire Marshal's Office.

ESD Board Members should not hold any additional public offices that conflict with their duties as ESD Board Members.

On January 1 of each year, the Commissioners Court shall appoint a successor for each emergency services district board member whose term has expired, provided, however, as prescribed by law a board member shall continue until the successor has been appointed, qualified and taken the oath of office.

The Commissioners Court shall fill a vacancy on the Board for the remainder of the unexpired term.

Prior to appointment, Bexar County ESD Board Members are required to take, as a minimum, the following National Incident Management System (NIMS)/Incident Command System training (in accordance with Homeland Security Presidential Directive Number 5):

ICS-402 – *Incident Command System Overview for Executives and Public Officials*
IS-100.b – *Introduction to the Incident Command System* (On-Line FEMA Course).
IS-200.b – *ICS for Single Resources and Initial Action Incidents* (On-Line FEMA Course).
IS-700.a - *National Incident Management System* (On-Line FEMA Course).
IS-800.b – *National Response Framework, An Introduction* (On-Line FEMA Course).
If these training courses cannot be completed before appointment, Board Members must complete all training not later than six (6) months from the date of appointment.

The Bexar County Office of Emergency Management (BCOEM) will assist ESD Board Members in providing and scheduling this training and will maintain records on attendance.

ESD Board Members will provide continuing education certificates to be filed with BCOEM (As a qualification for reappointment).

In addition, BCOEM will host, on an annual basis, a Bexar County Emergency Services District workshop to provide training, discuss issues, and answer questions specific to Bexar County ESDs.

AUTHORITY:

**Art. ID, Section 48-e of the Texas Constitution
Texas Health and Safety Code, Chapter 775.034
Texas Government Code 418.005**

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 4

CODE OF ETHICS

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

Article 4

CODE OF ETHICS

PURPOSE:

The purpose of this Policy is to provide guidance to the District's Board Members and employees regarding standards of ethical conduct, conflicts of interest and nepotism.

POLICY:

It is the Policy of the District that District officials and employees shall conduct themselves in a manner consistent with sound business and ethical practices; that the public served shall be of prime concern in conducting District business; that the appearance of impropriety shall be avoided to insure and maintain public confidence in the District, and that the Board shall control and manage the affairs of the District fairly, impartially, without discrimination and in conformity with the statute and general law applicable to the District.

CONDUCT:

1. The District's Board Members and employees shall conduct themselves as to establish and maintain trust and respect to ESD #5. In accordance with state law, no Board Member or employee shall:
 1. Accept or solicit any gift, favor or service that might reasonably tend to influence the Board Member or employee in the discharge of official duties;
 2. Report anything of value in excess of \$50.00, including but not limited to employment or engage in a business or professional activity that the Board Member or employee might reasonably expect would require or induce the Board Member or employee to respond to its offer or acceptance;
 3. Accept other employment or other compensation that could reasonably be related to the ESD and be expected to impair the Board Member's or employee's independence of judgment in the performance of the Board Member's or employee's official duties;
 4. Make personal investments that could reasonably be expected to create a substantial conflict between the Board Member's and employee's private interest and public interest;

5. Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the Board Member's or employee's official powers or perform the Board Member's or employee's official duties in favor of another;
2. Chapter 36 of the Penal Code prohibits Board officials and employees from accepting certain gifts or benefits of \$50 or more in value. As public servants, ESD #5 Board Members, officers and employees are prohibited from soliciting or accepting a benefit in exchange for decisions, opinions, recommendations, votes, or other exercises of official discretion for the benefit or as the result of inducement responding to any such offer.
3. The prohibition against gifts or favors as stated above, does not apply to an occasional non-pecuniary gift, valued at less than \$50.00 or an award publicly presented in recognition of public service.
4. In accordance with Health & Safety Code 775.042, an ESD board may remove a member if:
 1. the member is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the board; and
 2. The other members of the board unanimously vote to remove that member.

Not later than the 30th day after the date of a vote to remove a member under Section 775.042, that member may file a written appeal for reinstatement to the Commissioners Court of the county in which a single-county district is located.. The Court may reinstate the member if it finds the removal unwarranted after considering:

If an ESD Board intends to remove an ESD Board Member, provide the Bexar County Office of Emergency Management (BCOEM) with a notice of the board intentions before the ESD Board Meeting (including the identity of the Board Member and cause for removal) and provide BCOEM with the results of the removal action after the ESD Board Meeting. This will allow BCOEM to notify Commissioners Court of the need to prepare for a written appeal for reinstatement from the removed ESD Board Member.

5. **Removal of an Appointed Board Member by Commissioners Court.** This section does not apply to a district unless the Commissioners Court of the county in which the district is located adopts this section by resolution. This section applies only to an appointed board member. This section does not apply to a board member who:(1) is elected; or (2) is appointed to fill a vacancy in an elected board member position. The Commissioners Court of the county in which a district is located, by an order adopted by a majority vote after a hearing, may remove a board member for the following reasons:
 - a. "Incompetency" as defined by Section 87.011, Local Government Code; means : (A) gross ignorance of official duties ;(B) gross carelessness in the discharge of those duties; or (C) unfitness or inability to promptly and properly discharge

official duties because of a serious physical or mental defect that did not exist at the time of the officer's election.

- b. "Official misconduct" as defined by Section 87.011, Local Government Code; means intentional, unlawful behavior relating to official duties by an officer entrusted with the administration of justice or the execution of the law. The term includes an intentional or corrupt failure, refusal, or neglect of an officer to perform a duty imposed on the officer by law.
- c. "Misconduct" As defined by Section 178.001, Local Government Code. means intentionally or knowingly :(A) violating a law relating to the office of director; or(B) misapplying anything of value belonging to a special district that has come into the custody or possession of a director by virtue of the director's office.

CONFLICTS OF INTEREST:

- A. **Local Government Code Chapter 171 Regulations.** The District's Board Members and employees shall avoid conflicts of interest and shall conduct themselves so as to avoid the *appearance of conflicts* of interest in the discharge of their official duties as a political subdivision. Local Government Code Chapter 171 regulates conflicts of interest of Board Members and Officers of ESD #5. Section 171.003(a) specifically prohibits Board Members and Officers from:
 - 1. violating Sec. 171.004 which requires a local public official who discovers that he/she has a substantial interest in a business entity or real property to file an affidavit detailing the nature and extent of the Board Member's or officer's interest;
 - 2. acting as a surety for a business entity that has work, business, or a contract with ESD #5; or
 - 3. Acting as a surety on any official bond required of a Board Member or an officer of ESD #5.
- B. **Substantial Interest in Business Entity.** An individual has a substantial interest in a business entity in three different circumstances:
 - 1. the individual owns at least ten percent (10%) of the voting stock or shares of the business entity or at least \$5,000 of the business entity's fair market value;
 - 2. in the previous year, the individual received from the business entity more than ten percent (10%) of his or her gross income; or
 - 3. The individual is related within the first degree by consanguinity or affinity to another individual who has a substantial interest in the business entity.

C. Conflict Disclosures and Abstention from Voting Required.

1. District officials shall disclose such conflicts and shall file with the Board Secretary an Affidavit stating the nature and extent of the conflict. Thereafter, that District official shall abstain from participation in the matter as provided by law or these policies.
2. District officials shall not disclose, without written Board authorization, confidential information.
3. The District may not contract for the purchase or services or personal property with a District official or with a business entity, in which a District official has substantial interest, except as permitted by law.
4. The Board shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a Board official has an interest. The Board official having the interest may not participate in that separate vote or discussion of that agenda item.
5. A conflict of interest exists when an employee has a direct or indirect economic interest in a business entity seeking to do or doing business with ESD #5. In such cases the employee will not participate in discussion, recommendations or approvals of any business transactions with the business entity.

TREASURER BOND:

The Board Treasurer is required to be bonded.

NEPOTISM:

- A. The District's Board shall not confirm the appointment to any position, nor award a contract, to a person related to a Member of the Board within the third degree by affinity (marriage) or within the third degree by consanguinity (ancestry) when the salary or other compensation of such appointee is paid, directly or indirectly, from District funds. (See Texas Govt. Code Chapter 573).
- B. The prohibition against nepotism applies to the hiring of any independent contractor.

USE OF DISTRICT PROPERTY:

District officials shall not permit any private or unauthorized person or entity the use of District owned or District-controlled equipment, materials, supplies, or property; provided, however, the Board may approve the use of a District property for charitable purposes the District Board determines to be in the public interest.

AUTHORITY:

Art. III, Section 48-e of the Texas Constitution

Texas Health and Safety Code, Chapter 775

**See Section 775.038 [Compensation, Conflicts of Interest] and Section 77.042
(Removal of a Board Member by the ESD Board)**

Texas Govt. Code Chapter 5573

**Texas Local Government Code, Chapter 171 (Regulation of Conflicts of
Interest of Officers of Local Governments) See Sections 171.001 *et seq.***

Penal Code, Chapter 36

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 5

BOARD MEETING POLICY

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

Article 5

BOARD MEETING POLICY

PURPOSE:

The purpose of this policy is to establish guidelines to assure compliance with the Texas Open Meetings Act ("TOMA"), Chapter 551 of the Texas Government Code, Title 5, and that every regular, special or called meeting of the District is open to the public, except as specifically provided by Chapter 551 (and as the Act may be amended from time-to-time).

POLICY:

- A. **Regular Meetings Regular** (monthly) meetings of the Board shall be held at such time and at such public location as determined by the Board. ESD5 holds their regular monthly meetings on the 3rd Thursday of each month at 6:00 pm at 7120 E. 6th Street, Somerset, TX 78069, unless otherwise posted. Agendas are posted at the Bexar County Courthouse as well as on the District website, bexarcountyesd5.com.
- B. **Special Meetings** Special meetings are subject to call by the Board President, or by any two Board Members. The purpose of such special meetings is to act upon matters of an emergency nature which should not be delayed until a regular meeting or the special meeting shall be the subject of special focus, such as budget matters requiring detailed consideration. Minutes of such meetings will be maintained and approved at a regular meeting.
- C. **Workshop Meetings.** Workshop meetings are subject to call by the Board President or any two Board Members, subject to approval by a majority of the Board. The time, place and purpose will be stated at each instance. The purpose of such meetings shall be to hear reports and to discuss in depth matters of interest to the District and to explore and discuss problems without necessarily taking specific action unless so posted in the agenda notice. The general public can attend such meetings, but they may not participate in the proceedings unless invited to do so.
- D. **Notice of Meetings.** The Board shall give written notice of all regular and special Board meetings stating the date, hour, place, and subject of each item of the meeting held by the District's Board. The notice of a meeting by the Board must be posted in a place readily accessible to the general public (and on the ESDs website) at all times for at least 72 hours before

the scheduled time of the meeting, except in case of an emergency meeting (see Texas Gov't Code §551.045).

E. Preparation and Posting of Meeting Agendas.

1. No action can be taken on any matter or item unless that item has been posted *on the agenda* for that meeting. It is a Board policy that the regular agenda shall be distributed to each Board Member when posted in a public place at least 72 hours prior to any regular or Special Board meeting. [Notice for Emergency Meetings is controlled by Texas Gov't Code §551.045, referenced in D above.]
2. The Board President will set the agenda items, or any two board members. An item not appearing on the agenda shall not be taken up for discussion as a matter of Board business during any business meeting. However, the Board may receive items as information.
3. The Directors' agenda packets for all regular meetings will be made up and arrangements for delivery or pick up by the Board Members at least 3 days prior to the meeting. This will afford Board Members time to inquire into the nature of each matter to be discussed and/or acted upon.
4. Special Meetings of the Board, as with General Meetings, shall be restricted to consider only the item or matters stated on the agenda.
5. Workshops shall be posted 72 hours prior to conduct and shall be conducted primarily for information gathering or discussion concerning stated topics for which the Board wishes to receive information, discuss possible options or review on.
6. At any meeting, the Board Members may request items for subsequent meetings, and consider matters of schedule, timing and convenience so as to ensure that Board quorums are available.

BOARD MEETINGS PROCEDURES:

A. Conduct of Meetings:

1. These enumerated procedures shall apply to all meetings of the District's Board. The President shall be the Presiding Officer at all meetings. In the event of the absence of the Board President, the Vice President shall be the Presiding Officer. In the absence of both President and Vice President, the Board Members present, if *comprising a quorum*, shall select one of their Members to preside at that meeting.
2. Business may be considered in the Regular, Special or Emergency Meetings in accordance with Robert's Rules of Order.

B. Agenda

The Presiding Officer shall follow the agenda as published. However, the Presiding Officer shall address items out of order to facilitate guests, or other factors, subject to majority approval of the Board.

C. Board Action

The Board shall act by approving or disapproving a motion, after the Board has heard all of the facts, reviewed the supporting data, and listened to the arguments concerning such agenda item.

D. Minutes of Meetings

1. Summary description of actions taken in meeting will be incorporated in written minutes taken by the Secretary (or his/her designee). The Secretary is responsible for the meeting minutes and their presentation and approval at subsequent *regular meetings*.
2. The minutes shall record the presence of Board Members. The minutes shall include general areas of discussion and identify speakers and the point or points that were made. The minutes shall reflect all motions made, who made and who seconded the motions, the outcome of each motion, including the roll call vote, if requested. A copy of the minutes will be distributed with the general meeting agendas and submitted for approval to the Members of the Board at the next Regular Meeting of the Board.

E. Decorum and Debate

The Presiding Officer shall always maintain order during Regular, Special, Emergency or Workshop Board Meetings. The Presiding Officer must not permit debate or comment from any person who has not been recognized. Interruptions must be silenced by voice and, in the event of any person's failure to heed the direction of the Presiding Officer, the Presiding Officer may have that individual removed from the room.

F. Citizen Participation at Meetings

1. All citizens attending any Regular, Special Board, Workshop or Emergency Meetings will be asked to sign the roster provided. Names will be reflected in the minutes of said meeting by the Board Secretary (or his/her designee) *as a matter of record*.
2. To maintain decorum, the Presiding Officer, at any Regular, Special, Emergency or Workshop Meeting, will ask the citizens present if they wish to speak on any item on the agenda through request on a sign-up sheet. If so, they will be given an opportunity to speak at the proper time, as recognized by the Presiding Officer for a time period not to exceed three (3) minutes. If more than five

(5) citizens wish to address the Board on any single agenda item, the Board may establish a procedure for reasonable consideration of the issue and the views of the participants

3. No citizen may speak or otherwise interrupt any meeting until recognized by the Presiding Officer. Citizens who disregard the directions from the Presiding Officer are subject to being asked or removed from the meeting.
4. As a general rule citizens may not participate in the discussions of a Board Workshop unless invited to do so by the Presiding Officer.

AUTHORITY:

Art. III, Section 48-e of the Texas Constitution

Texas Health and Safety Code, Chapter 775

Section 775.036 [Powers and Duties of Board]

Texas Government Code, Chapter 551 [Texas Open Meetings Act]

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 6

**COMPENSATION, FEES OF OFFICE &
BOARD APPROVED EXPENSE
REIMBURSEMENT**

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

Article 6

**COMPENSATION, FEES OF OFFICE & BOARD APPROVED EXPENSE
REIMBURSEMENT**

PURPOSE:

The purpose of this Policy is to establish guidelines for payment of Employee Compensation and the District's Board Members' (Commissioners) Fees of Office.

EMPLOYEE COMPENSATION POLICY:

- A. **Salary and Administration.** It is the policy of the District to pay compensation that is nondiscriminatory and competitive. However, all compensation policy decisions must take into consideration the District's overall financial condition and competitive position.
- B. **Job Description and Responsibilities.** It is the policy of the District to have job descriptions for all staff positions. Job descriptions will be signed by the employee, reviewed annually, and kept in the employee's personnel file.
- C. **Pay Procedures.** It is the policy of the District to pay by check or direct deposit on a regular basis and in a manner so that the amount, method and timing of wage payment comply with any applicable laws or regulations. All employees will be paid every two weeks.
- D. **Timesheets and Payroll Processing.** All District employees prepare their own timesheets. Timesheets will be submitted in a timely manner. Each department head is responsible for reviewing the timesheets of the employees in his/her department. Timesheets are processed by an independent bookkeeping firm who then processes the payroll.
- E. **Payroll Taxes.** The District employs an independent bookkeeper that processes all payroll taxes.
- F. **Form W-4, Employee's Withholding Allowance Certificate.** It is the policy if the District to require all employees to complete and sign Form W-4. This form will be permanently kept in the employee's personnel file and updated as needed.

DISTRICT BOARD MEMBERS FEES OF OFFICE POLICY:

- A. **Fees of Office.** Each Board Member is entitled to receive fees of office of \$150.00 per day for each day or part of day the District's Board Member actually spends performing the duties of a Board Member. Total compensation (fees of office) may not exceed \$7,200.00 per year.
- B. **Reimbursement.** Board Members may be reimbursed for reasonable and necessary Board pre-approved activities and related expenses incurred in performing Board-approved official duties. (See also, Travel Expenditures Policy.)
- C. **Documentation of Reimbursement.** To receive fees of office, or authorized reimbursement for expenses, a Board Member must file with the District a form (Verified Statement for Board Approved Fees of Office) showing the number of days spent performing the duties of a Board Member, and a brief general description of the duties performed for each day of service. Supporting documents, including receipts, shall be submitted to provide verification, any necessary documentary review and enable audit of previously Board-approved expenses incurred in the course of District business.

Attachment: Verified Statement for Board Approved Fees of Office or Reimbursement form attached.

AUTHORITY:

**Art. ID, Section 48-e of the Texas Constitution
Texas Health and Safety Code, Chapter 775
Section 775.038 [Compensation, Conflict of Interest] Texas
Local Government Code, Chapter 171**

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5**

**BOARD MEMBER'S VERIFIED STATEMENT FOR BOARD-APPROVED FEES
OF OFFICE OR REIMBURSEMENT**

I, _____, as a Member of the Board of Bexar County Emergency Services District #5, hereby submit this Verified Statement pursuant to the Texas Health and Safety Code Section 775.038 and state that the following information represents the number of days or parts thereof that I have actually spent in the service of the district and a general description of the duties performed for each day of service.

DATE	DESCRIPTION OF DUTIES PERFORMED	COST ITEM TO BE REIMBURSED WITH ATTACHED RECEIPT

Executed this _____ Day of _____, 20____.

Board Member
Bexar County Emergency Services District #5

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 7

TRAVEL EXPENDITURES POLICY

//

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

Article 7

TRAVEL EXPENDITURES POLICY

PURPOSE:

The Board hereby establishes this Travel Expenditures Policy for reimbursing District officials and employees for actual pre-approved expenses that are reasonably and necessarily incurred while engaging in activities on behalf of the District, which activities are performed outside of Bexar County.

MEALS AND LODGING:

- A. Upon prior approval by a majority of the District's Board, reimbursement may be made for lodging and/or cost of meals incurred by District officials while performing District business.
- B. Reimbursement requests shall be submitted to the District and include a statement of the business purpose of the travel, with the date, time and place. A general description of the duties performed for each day of service shall be accompanied by supporting receipts/invoices and shall be submitted timely following the event described. *See Verified*
- C. Statement for Board Approved Fees of Office or Reimbursement. Said general description shall be maintained and made available for any audit purposes.

TRANSPORTATION:

- A. Based on prior Board approval, District officials and employees who must use their personal vehicles while conducting District business may be reimbursed for actual miles driven at the current mileage rate allowed by the Internal Revenue Service. Mileage will be computed by the most direct route.
- B. Based on prior Board approval, District officials and employees traveling on commercial transportation shall be entitled to reimbursement for the actual cost of the transportation necessary for performing official business. Board Policy shall require prior Board approval when traveling on commercial transportation and provide ticket purchase by the District [based on such prior Board approval]. Expenses associated with travel to and from annually scheduled events, conferences, and seminars shall be reviewed and approved by the Board prior to attending said event.

- C. District officials and employees shall make reasonable efforts to secure prior arrangements and reservations for lodging. In securing such reservations, a request shall be made to request a quote and secure government rates for accommodation or travel whenever possible to do so.

AUTHORITY:

**Art. III, Section 48-e of the Texas Constitution
Texas Health and Safety Code, Chapter 775
Section 775.038 [Compensation, Conflicts of Interest (and
Reimbursement for Reasonable and Necessary Expenses)]**

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 8

**DEPOSITORIES SELECTION AND
DISBURSEMENT OF FUNDS POLICY**

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

Article 8

DEPOSITORIES SELECTION AND DISBURSEMENT OF FUNDS POLICY

PURPOSE:

The Board hereby establishes this policy for designating depositories and disbursement of District funds to ensure that sound financial management and guidelines of the District's funds are in effect to support the District's core business function. Further, this policy shall satisfy the statutory requirements of Texas Health and Safety Code §§775.072 and 775.073.

POLICY FOR SELECTING DEPOSITORIES:

- A. One (1) or more banks shall be selected by the Board to serve as depositories for District funds. All District funds shall be deposited in a depository bank except that the Board:
 - 1. May deposit funds pledged to pay bonds or notes with banks named in the trust indenture or in the bond or note resolution (and with adequate security); and
 - 2. Shall remit funds for the payment of the principal of and interest on bonds and notes to the bank of payment; provided, however, that any depository shall comply with requirements of the Texas Public Funds Investment Act (Texas Gov't Code Chapter 2256).
- B. The District may not deposit funds in a depository or trustee bank in an amount that exceeds the maximum amount insured by the Federal Deposit Insurance Corporation ("FDIC") *unless* the excess funds are secured in the manner provided by law for the security of county funds pursuant to the Texas Public Funds Investment Act.
- C. The District will keep non-tax money in a separate account. This money will consist of insurance billings, donations, boot drives, etc. The Fire Chief and General Manager will be the signers on this account.
- D. The District will keep a "reserve" account equal to at least 10% of it's annual operating budget or 3 months expenses. This account will not be surplus funds but will be used, if necessary, during the summer months when tax collections are slow.

POLICY AND PROCEDURE FOR DISBURSEMENT OF DISTRICT FUNDS:

- A. Tax revenue collected by the District are declared to be trust funds to be used only for Board-approved purposes as provided for by the District enabling statute or other applicable law.
- B. Funds collected by donations, billed revenue, or other source not considered tax money or public funds will be kept in a separate bank account called the non-tax account to be used for discretionary items as determined by the Fire Chief, or Board.
- C. The use of any funds or property of the District for any purpose not provided for by statute or Board policy is strictly prohibited.
- D. District funds may be disbursed by check signed by the Treasurer/Asst. Treasurer and counter-signed by the President/Vice President. If the Treasurers or Presidents are absent or unavailable, the Board Secretary may sign. All Board Members that are identified on the District's bank accounts as authorized signatories.
- E. Checks for fees of office or reimbursements made payable to any board member will be signed by at least 3 board members, not including the payee.
- F. Disbursements considered to be routine, may be paid through a bank's billpay system. Ex. Utilities, fuel, phone, etc.
- G. Other payments or purchases may be processed within the following guidelines:

General Manager has spending authority up to \$3,500, but also has authority to pay bills, or make purchases for previously budgeted items presented in the course of business.

Fire Chief has spending authority up to \$5,000, but also has authority up to \$10,000 for previously budgeted items. Fire Chief is responsible for maintaining the Bexar County ESD 5 Fire and Rescue Budget.

Board President has spending authority up to \$15,000

Board President along with a second board member has spending authority up to \$25,000.

All expenditures are reviewed and ratified by the board at the next regularly scheduled meeting.

- H. In the event of an online payment or payment required that does not allow time to process a manual check, the District's Visa card may be used. The credit card(s) will be kept locked in the administrative office. The Visa card WILL NOT be used at any time at an ATM to get cash. All charges must be presented to the board for approval at the next regularly scheduled board meeting. If a charge is not approved by the board, the expense becomes the responsibility of the purchaser.

AUTHORITY:

Art. III, Section 48-e of the Texas Constitution
Texas Health and Safety Code, Chapter 775
Section 775.072 [Depositories]
Section 775.073 [Method of Payment]

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 9

**RECORDS MANAGEMENT, PUBLIC
INFORMATION AND DESIGNATION OF
TPIA RESPONSE OFFICER**

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

Article 9

**RECORDS MANAGEMENT, PUBLIC INFORMATION AND DESIGNATION
OF TPIA RESPONSE OFFICER**

PURPOSE:

The purpose of this Policy is to establish guidelines to assure compliance with the Texas Local Government Records Act and the Texas Public Information Act ("TPIA"). These guidelines shall conform to state law and affirm that the District functions shall be open to public inquiry and that the public has access to information and records of the District as provided by applicable laws. To the extent such law shall be amended, these policies shall conform to such amendment.

POLICY:

- A. Records Management Requirements:** State law requires and good business practices dictate that all District records and information ("District Information") be managed in accordance with the provisions of this policy. The District Information includes all information and records in any format that is collected, assembled, or maintained in connection with the transaction of official business: (1) by the District; or (2) for the District, if the District owns the information or has a right of access to it. District Information includes any and all documents, writings, maps, drawings, and electronically stored information (including electronic mail). Specifically:
1. District Information must be created, captured, stored, maintained, and disposed of in compliance with the District's Records Management Program pursuant to Chapter 201, Local Government Code, as amended from time to time.
 2. District Information belongs to the District and not to the particular individuals who create it. Information and records must transfer intact to successors when staff changes are made.
 3. District Information must be composed with a concern for ethics, legal compliance, safety, and proper business practices.
 4. Unauthorized destruction, removal, or use of District Information is prohibited.

5. Vital District Information must be protected from loss.
6. The District shall designate a "TPIA Response Officer" who shall also be responsible for generating District Information for purposes of state records management and retention requirements.
7. All District Information must be carefully protected and preserved from deterioration, alteration, mutilation, loss, removal or destruction, except as provided by approved retention schedule and established destruction procedures.

B. Public Information Requirements: As a governmental entity, the District is subject to the Open Records requirements of TPIA.

1. District Information is presumed to be open to public inspection and copying unless an exception to disclosure applies.
2. In the normal course of conducting business, it is necessary for the District to provide public information to any requestor including residents, government officials, vendors and others.
3. It is the policy of the District to provide access to and copies of the District Information maintained by the District as reasonably prompt as possible after a request is made, except where the requested information may be exempted from disclosure or a request for an Attorney General Ruling is made. District Information not exempt from disclosure is available for inspection by the public during posted business hours, as provided by this policy.

C. Request Procedure: The District must respond to written requests *within 10 business days or exceptions to disclosure are waived* as a matter of law.

1. A request for District information is considered received by the District when it is received in writing (including hand delivery, mail, email, fax, or physical delivery at the District Office).
2. If the request is received via electronic mail or facsimile, the request must be made to the District's TPIA Response Officer or his/her designee to be considered a written request.
3. If the written request is unclear, with respect to the information or records being sought, the TPIA Response Officer, may ask the requestor to clarify the request.
4. State law *prohibits* the District's TPIA Response Officer or any employee from asking a requestor the purpose or reason for the request.

D. Records Request Processing:

1. The District's TPIA Response Officer, in consultation with the District's legal counsel, may designate certain categories of information that may be released directly upon request to the public.
2. After review and consultation with legal counsel, the TPIA Response Officer shall either (1) release the requested the District Information to the requestor with statement for costs related to copying and preparation; or (2) refer the District Information request to legal counsel to determine through the Texas Attorney General's Office if the requested District Information is excepted from public disclosure.

E. Excepted Information-Attorney General Decision Requests: The District can only assert an exception to public disclosure of information or records if the District formally requests a decision from the Texas Attorney General, asserting the exception within ten (10) business days of the date the request is received in writing or if legal counsel determines that the Attorney General has previously issued an opinion directly on point. Legal Counsel will be responsible for preparing requests to the Attorney General to assert appropriate exceptions.

F. Charges for Copying, Data Assembly and Waiver of Charges for Requests Less than Ten (10) Pages: Pursuant to 1 TAC, Chapter 111, Subchapter C, the District incorporates by reference costs of copies of public information and all related charges, including such items as oversized paper, labor charges for programming, et cetera. Rule 111.63 as of August 23, 2005 is included as an attachment and Rule 111.70, Summary of Charges is included herein by reference. It is further provided that any requests for copying 10 or fewer pages of standard 8 ½ x 11 paper shall be waived.

G. Records Retention: Records retention shall comply with Texas Government Code, Subchapter J, Preservation and Management of Local Government Records. Section 441.161 provides that the Local Government Records Committee shall review and approve records retention schedules and such rules as are appropriate and may be adopted by the Commission under the authority of §441.165. Rules of the Texas State Library and Archives Commission applicable to local government are hereby included by reference for purposes of setting forth within this policy retention rules applicable to the District.

AUTHORITY:

Art. III, Section 48-e of the Texas Constitution

Texas Health and Safety Code, Chapter 775

Texas Local Government Code

Section 775.036 [Powers and Duties of Board]

See Chapter 201, Local Government Records

Act, Section 201, *et. seq.*

See Chapter 203, Management Preservation of Records

Sections 203.021-.026

See Chapter 205, Electronic Storage of Records, Section 205, *and et. seq.*

Texas Government Code, Chapter 552 (Texas Public Information Act).

Texas Building and Procurement Commission, Chapter 111, Subchapter C [Cost of Copies]

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 10

**FINANCIAL MANAGEMENT POLICY,
AUDIT & BUDGETS**

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

Article 10

FINANCIAL MANAGEMENT POLICY, AUDIT & BUDGETS

PURPOSE:

The purpose of this Financial Management Policy is to ensure effective financial management, including the use of budgets, planning and control of costs, the establishment of a functioning *audit committee*, and the use of uniform reporting format and requirements in order to satisfy the statutory requirements of Texas Health and Safety Code, Chapter 775, Subchapter E. ESD # 5 shall comply with all Government Accounting Standards Board (GASB) statements as applicable.

POLICY:

- A. Fiscal Year.** The Board's fiscal year shall be the twelve (12) month year starting on October 1st and ending in September 30th of each year.
- B. Budget.** The District shall adopt a budget annually not later than September 25th for use in planning and controlling District costs. Such budget shall take into consideration all District revenues and all projected District obligations and expenditures. The budget may be amended at any time including transfer of funds between categories of funds. All budget amendments shall be approved by the Board and detailed in the Board Minutes. Budgets, once adopted, will be posted to the District website.
- C. Accounting Records.** District accounting records shall be prepared on a timely basis, namely, by a person with knowledge and recorded contemporaneously with the event for which the entry description is made, and maintained in an orderly manner in conformity with Government Accounting Standards Board (GASB). Such records shall be available for public inspection during regular business hours, generally 8:30 a.m. to 5:00 p.m. or by appointment (consistent with staff schedule or Director availability which shall not be unreasonably withheld) at the District's office.
- D. Auditing Requirements and Reporting.**
 - A. Pursuant to Texas Health and Safety Code §775.082, the county auditor shall have access to the books, records and assets of the District.
 - B. The District is required to annually select a Certified Public Accountant and prepare and file with the Commissioners Court of Bexar County and Bexar County Auditor's Office by mail, hand delivery, or email, on or before June 1 of each year; an audit report of the District's financial accounts and records. The audit shall be performed and the report prepared at the expense of the District.

The Commissioners Court, on application by the District, may extend up to an additional 30 days the deadline for filing the audit report sent to Commissioners Court and Bexar County Auditor's Office by certified mail. It shall be the policy of the District not to request such an extension, unless required by extraordinary circumstances and upon Board approval.

- C. The audit shall be performed by a certified public accountant or public accountant holding a permit from the Texas State Board of Public Accounting. The proposed charges for the audit shall be approved by the Board and the final audit approved by the Board and submitted to the Commissioners Court of Bexar County in accordance with statutory requirements stated above.
- D. If the audit notes any deficiencies, the District shall address the audit findings and recommendations to the County Commissioner including how the findings and recommendations will be addressed.
- E. For auditing purposes, business and accounting-type records will be retained for three (3) years.
- E. **Annual Report Requirements.** On or before **January 1** of each year, the District shall file with the Texas Department of Agriculture an annual report that includes the following:
 - 1. The District's name;
 - 2. County in which District is located;
 - 3. The District's business address;
 - 4. The name, mailing address, and term of office of each Board member ;
 - 5. The name, mailing address, and term of office of the District's General Manager, Executive Director, and Fire Chief, if applicable;
 - 6. The name of each legal counsel or other consultants for the District; and
 - 7. The District's annual budget and tax rate for the preceding fiscal year.

AUTHORITY:

Art. ID, Section 48-e of the Texas Constitution
Texas Health and Safety Code, Chapter 775, Subchapter E, Finances
See Section 775.082 [Auditing Requirements] See
Section 775.083 [Annual Report]

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 11

**BUDGETING, PRIORITY REQUESTS AND
ADEQUATE ON-HAND FUNDS POLICY**

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

Article 11

**BUDGETING, PRIORITY REQUESTS AND
ADEQUATE ON-HAND FUNDS POLICY**

PURPOSE:

The purpose of this Policy is to insure the District maintains an adequate revenue base to support its budgeted activities pursuant to statutory purpose to the extent of such funds availability. The Board recognizes that the services and programs provided by the District cost money, that priority allocations are necessary, and that funds must be maintained at a level commensurate with tax and revenue sources available to the District to support prioritized services authorized by statute. The Board shall establish its budget/priorities to insure that revenues from taxes or grants will be collected and available to accomplish its purposes.

POLICY:

- A. **Fees for Providing Services.** The District, or a person authorized by contract on the District's behalf, may charge a reasonable fee for emergency services performed for on behalf of a person or entity, including a fee for responding to a false alarm or for a fire code inspection. (See §775.040)
- B. **Fee Payment and Collection.** A fee imposed by the District pursuant to §775.040 must be paid within a reasonable amount of time as established by the District.
- C. **Ad Valorem Tax.** The Board will impose an annual ad valorem tax on all real and personal property situated within the District's territory and subject to District taxation for the District's support and for the purposes authorized by Chapter 775 of the Texas Health and Safety Code. When issuing bonds or notes, the District shall set a sufficient tax rate in accordance with §775.074.
- D. **Sales Tax.** The District will collect Sales and Use Tax.

DEBT:

Except as provided by Texas Health and Safety Code 775.051, 775.072, 775.076, 775.077, 775.078 and 775.085, a district may not contract for an amount of indebtedness in any one year that is in excess of the funds then on hand and anticipated revenues for the year.

CONTRACTS:

The District and Service Provider shall establish a yearly contract with incorporated payment schedules.

AUTHORITY:

Art. III, Section 48-e of the Texas Constitution
Texas Health and Safety Code, Chapter 775
Sections 775.040 [Fees for Providing Services]
Sections 775.041 [Fee Payment and Collection]
Sections 775.074 [Ad Valorem Tax]
Section 775.071 [Debt]

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 12

INVESTMENT POLICY

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

Article 12

INVESTMENT POLICY

PURPOSE:

It is the District's policy to (a) preserve principal, (b) to maximize interest and (c) do so in a manner that complies with provisions of Texas law relating to the investment and security of funds of Districts. (See also Texas Govt. Code Chapter 2256, ***Public Funds Investment*** Subchapter A, Authorized Investments For Governmental Entities; and Sections 775.072, 775.073, etc. for conflict). In case of conflict with Section 775.072 and 775.073, Texas Health & Safety Code, this latter statutory provision shall control. To achieve these stated goals, the District establishes primary investment objectives, in order of priority, which are the preservation and safety of the principal, liquidity, investment diversification, reasonable yield, appropriate maturity dates that supports orderly fund availability for budget/contract expenditures and the enhanced quality and capability of investment management.

A. GENERAL POLICY ON INVESTMENTS

1. The preservation of the District's principal shall be the primary concern of the District. Consistent with preservation of principal, District funds shall be invested to yield the highest possible rate of return, taking into consideration the strength of the financial institution and complying with any Internal Revenue Code laws or regulations and procedures set forth in any bond resolutions or orders, adopted from time to time by the Board that may impose yield restrictions.
2. Authorized investments include those, which are outlined in Texas Gov't Code §§2256.009 - 2256.016.
3. The maximum allowable stated maturity of any individual investment owned by the entity shall be adopted by Board resolution as a part of the Annual Budget process.
4. Settlement of all transactions, except investment pool funds and mutual funds, ***shall be on a delivery basis (not payment basis).***

B. INVESTMENT OFFICER AND COMMITTEE

1. The District designates the Treasurer, or any other selected board member, as the Investment Officer.
District funds shall be invested and reinvested by the Investment Officer with the Texas Public Funds Investment Act pursuant to Board approval, and as part of the Annual Budget process commencing each July.
2. It shall be the responsibility of the District's Investment Officer to invest and reinvest the District funds in accordance with this Policy and Board approval to meet the needs and requirements of the District.
3. The Investment Officer shall attend at least one training session from an independent source approved by the District containing at least ten (10) hours of instruction relating to the investment responsibilities under this subchapter and such training shall be conducted within twelve (12) months after the Investment Officer takes office and/or assumes duties.
4. The Investment Officer, shall prepare, and submit to the Board, on a quarterly basis, a written report of investment transactions for all funds covered by this Policy for the preceding reporting period.

C. SECURITY OF DISTRICT FUNDS

It shall be the Policy of the District that all funds shall be insured by the FDIC, FSLIC and/or by requisite and prudent collateral pledged to the extent of the fair market value of the amount not insured by a federal agency named. The District officials recognize that FDIC and FSLIC insurance is only available up to a statutory maximum of \$250,000 as of this policy adoption (including accrued interest on the account or deposit for establishing such insurance limit) and that the amount of funds at any one Texas financial institution (including branch banks located within the same country) will be cumulated to determine the maximum amount of insurance coverage.

AUTHORITY:

**Art. ID, Section 48-e of the Texas Constitution
Texas Health and Safety Code, Chapter 775
See Section 775.043 [Exemption from Investment Training] See
Section 775.072 [Depositories]
Texas Govt. Code Chapter 2256, Public Funds Investment,
Subchapter A**

ESD#5 **Quarterly Investment Report SAMPLE**

Quarter Ended: March 31, 2010

Investment Position	Rate	Market	Change Market	3/31/2010 Ending Market	3/31/2010 Accrued Interest	1/1/2010 Beginning Book Value	3/31/2010 Ending Book Value	Maturity Date
RBFCU								
Certificate of Deposit	1.20%			\$100,000	\$233		\$100,000	7/8/2010
Certificate of Deposit	1.60%			\$100,000	\$311		\$100,000	1/7/2011
Frost Bank								
Money Market								
Total				\$200,000	\$545			

The above complies with the investment Policy and the Public Funds Investment Act.

Prepared by: _____ Investment Officer

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 13

**PROFESSIONAL SERVICES
PROCUREMENT POLICY**

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

Article 13

PROFESSIONAL SERVICES PROCUREMENT POLICY

PURPOSE:

This policy establishes guidelines for the procurement of professional services.

POLICY:

A. Texas Professional Services Procurement Act.

The District shall procure applicable professional services (*see* Paragraph B, below for enumerated professionals) in accordance with the Texas Professional Services Procurement Act (the "PSPA"), Texas Government Code Chapter 2254, Subchapter A, and any other applicable state regulation.

B. Selection of Professional Services per the Professional Services Procurement Act.

1. This policy applies to the services provided within the state-law defined practice areas of the following professions: (i) accounting, (ii) architecture, (iii) landscape architecture, (iv) land surveying, (v) medicine, (vi) professional engineering, (vii) real estate appraising, (viii) optometry, and (ix) professional nursing.
2. This policy also applies to professional services provided by a person licensed or registered as: (i) a certified public accountant, (ii) an architect, (iii) a landscape architect, (iv) a physician, including surgeons, (v) a land surveyor, (vi) an optometrist, (vii) a professional engineer, (viii) state certified or licensed real estate appraiser, and (ix) a registered nurse.
3. The Professional Services Procurement Act prohibits the selection of named professional services based upon competitive bids. Rather, the District shall select the defined professional services based upon demonstrated competence, qualifications, and for a fair and reasonable price that may be determined by requesting statements of qualifications and appropriate fee structure(s) for evaluation purposes.

4. The terms and conditions of contracts for professional services, including the terms for payment, are within and controlled by the decision authority of the Board and shall be consultants/professionals engaged by the Board for public purposes provided by the Texas Health & Safety Code, Chapter 775 and such services shall in no way inure to the private benefit of any Board Member, employee or other consultant.

LEGAL SERVICES:

The Board Members serve staggered terms and are not necessarily serving for more than one term. Therefore, legal services shall be considered and secured by agreement with the District giving due regard to professional experience, related matters of governmental policy issues concerning the District, knowledge concerning interlocal agreements and their preparation and approval, hourly rates, cost to the district for travel and availability for board meetings, day-to-day consultation, workshops and experience with open meetings/open records issues, training and practice. [The District shall, consistent with securing value to the District, procure legal services for part or all of a year (or longer) to provide continuity and consistency.] Legal services shall be developed in a manner that provides an incentive to the District and its counsel to develop and maintain a continuing relationship that fosters support for the statutes and the purpose(s) for which the District is created.

AUTHORITY

**Art. III, Section 48-e of the Texas Constitution
Texas Health and Safety Code, Chapter 775
Texas Government Code, Chapter 2254
(Professional Services Procurement Act)**

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 14

**PROCUREMENT CONTRACTING
POLICY**

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

Article 14

PROCUREMENT CONTRACTING POLICY

PURPOSE:

This policy establishes guidelines for review and award of contracts for the purchase of personal property, namely, equipment, materials, supplies, and delivery or installation services related to such property procurement. Because the provisions of Chapter 775 are specifically made applicable to the Emergency Services District #5 and therefore control over general provisions at law, the provisions of 775 Texas Health and Safety Code (and Texas Local Government Code Section 2155) are controlling. Nevertheless, the specific requirements of Chapter 775 and general law requirements must be coordinated and reconciled, giving first consideration to the specific language of the Emergency Services District legislation while at the same time considering procurement-specific legislation enacted later in time and giving due consideration to the scope and specificity of the later enactment. In preparing for particular procurement(s), the Board shall consider the type, dollar size and complexity of the particular procurement and give due regard for the legal requirements, notice and advertising and legal selection process required for the procurement before approving such activity.

PROCUREMENT POLICY:

- A. By the terms of the statute, creating the Emergency Services District # 5, the Board is required to contract for construction, repair, purchase of equipment, materials, machinery, supplies and related services in accordance with Section 775.084 of the Texas Health and Safety Code.
- B. For contracts of procurement over \$50,000.00, but exempted under §775.084(i), the Board shall follow the requirements of §775.084, Texas Health and Safety Code (attached), and may make awards for the offer or(s) which provide(s) the District with a responsive offer consistent with what the Board deems the *best overall value* (not necessarily the lowest bid). The Board shall declare its basis for selection when the award is made on a basis other than that of the lowest responsible offer.
- C. The Board President has the authority to approve up to \$5,000 for emergency purchases and up to \$10,000 with a 2nd board member. The Vice-President has the same authority in the absence of the President. An Emergency purchase is described as something that cannot wait for a called board meeting. Any purchase made in this matter, will be brought to the entire board for approval at the next scheduled meeting.

- D. The District's Fire Chief has purchasing authority up to \$1,000 with the verbal approval of at least one board member. All purchases will be itemized for the full board's review at the next regularly scheduled meeting.
- E. The District's General Manager has purchasing authority up to \$500 with the verbal approval of at least one board member. All purchases will be itemized for the full board's review at the next regularly scheduled meeting.

STATE SANCTIONED PROCUREMENT:

- A. The Board may purchase a product or service through a State of Texas pooled purchasing program.
§271.082 or Subchapter F (Cooperative Purchasing Program) or Subchapter G (Purchases from Federal Schedule Sources of Supply), Local Government Code, *and* upon approval of a resolution requesting that the District be allowed to participate.
- B. The District may procure insurance, health or retirement benefits and other financial or related products or services through the Texas Municipal League, Texas County or District Associations (or other duly organized public entity associations) which deem the Emergency Service District to be an eligible participant.

PROCUREMENT WITH OTHER LOCAL GOVERNMENTS:

Further, the Board shall be authorized to conduct procurement by duly approved contract with other local governments pursuant to authority of the Interlocal Cooperation Act and having due regard for making the contract term and conduct of the process be open and transparent in both appearance and in conduct of the enumerated activity.

CREDIT / DEBIT CARD:

- A. ESD #5 keeps one credit card with a limit of \$2,500.
- B. Credit card will only be used for business purposes. Personal purchases of any type are not allowed. The cardholder is responsible for ensuring the credit card purchases are within budget and properly approved.
- C. Credit cards may not be used for cash advances for any reason and under no circumstances shall a Credit card be used for the purchase of alcohol.
- D. Credit cards are not intended for purchases that can otherwise be paid for using corporate checks. Instead they are intended for vendors that do not accept corporate checks, purchases during travel, emergency purchases, or online purchases.
- E. The ESD is exempt from state sales tax. All purchasers should provide this information to vendors at the time of purchase and do what is feasible to

- ensure that they are not paying state sales tax on purchases.
- F. The Credit card user is responsible for submitting all receipts related to purchases to the General Manager.
 - G. The Credit card user shall submit original receipts or printed receipts to the District. In the case of meals each receipt must include the names of all persons involved in the purchase, and a brief description of the business purpose of the purchase, in accordance with Internal Revenue Service regulations. Any submitted receipts that do not follow the above guidelines may be returned back to the originator for correction.
 - H. The Credit card user may be held financially responsible for any purchases in which they cannot produce an original receipt for. In addition the Credit card user may also be subject to disciplinary action.
 - I. The Credit card must remain locked in the ESD #5 admin office at all times. If the card is to be taken off premises, it must be checked out with admin and promptly returned with a receipt. A record of the purchase will be presented to the board for approval at the next regular meeting. If approval is not granted, the user may be held liable for the expense.

Attachments: Exhibit A - Service Area Map (to be included by ESD)

AUTHORITY:

**Art. III, Section 48-e of the Texas Constitution
Texas Health and Safety Code, Chapter 775
Section 775.073 [Expenditures]
Section 775.084 [Competitive Bids]
Texas Government Code, Chapter 791
Texas Local Government Code, Chapter 172
Texas Local Government Code Section 262.025(a)
Texas Local Government Code Section 2155**

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 15

**MAJOR EQUIPMENT, TITLES FOR THE
EQUIPMENT, INSURANCE AND
DISPOSITION OF INSURANCE
PROCEEDS POLICY**

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

Article 15

**MAJOR EQUIPMENT, TITLES FOR THE EQUIPMENT, INSURANCE AND
DISPOSITION OF INSURANCE PROCEEDS POLICY**

PURPOSE & POLICY:

- A. All Equipment purchased by the District, will be placed in the name of the Bexar County Emergency Service District # 5 (ESD # 5) or Bexar County ESD 5 Fire and Rescue.
- B. ESD # 5 will continue to purchase property and casualty insurance on major items of equipment owned by the District and pay the premiums on such property and casualty insurance.
- C. In the event of loss, the insurance proceeds, if any, after repair (or in the case of being totaled) will be remitted to the entity in whose name the title appears (Bexar County ESD 5 or Bexar County ESD 5 Fire and Rescue).
- D. With respect to any equipment that the District owns, the insurance will go to pay any debt on the property, or repairs required, and if no debt and/or repairs are required, any insurance proceeds will come to the District for placement into the District's account.
- E. Property that does not merit repair or replacement will not be insured for purposes of property and casualty replacement.
- F. This policy applies to property and casualty insurance only and does not bear on liability, health or workers' compensation.

INSURABLE INTEREST:

If the insurable interest stands in the name of a third party, that party will receive the proceeds after any requirement for mortgage payment. If the property stands in the name of the District, the District will receive the insurance proceeds after any payment of the Mortgage owed by the District. In each case, if the mortgage or financing interest requires repair, the repairs will be effectuated through the use of the insurance proceeds, and any remaining funds, if any, will be remitted to the entity in whose name the property is listed.

Further, the Board, based on the above policy, will review each situation with the above policy guidance but will consider the facts of each case to insure that the services required of the District and the tax resources available are put to the best possible use.

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 16

ANTIFRAUD POLICY

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

Article 16

ANTIFRAUD POLICY

PURPOSE:

The purpose of this policy is to provide guidelines for the prevention, deterrence, and detection of fraud. District Board Members and Staff will be responsible for creating a positive workplace environment ensuring a culture of honesty and ethical behavior to enhance the District's ability to protect its assets, operations, and reputation.

SCOPE:

- A. This policy applies to any fraud, or suspected fraud, involving employees, consultants, vendors, contractors, and/or any other party with a business relationship with the District. All employees are responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Each Board Member, Officer, and Employee shall be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of fraud.
- B. Any fraud that is detected or suspected must be reported immediately to the District's President, who shall act as the District's Internal Auditor, and who shall coordinate all investigations. All employees will be held accountable to act within the organization's code of conduct.

ACTIONS CONSTITUTING FRAUD:

- A. Fraud is defined as the intentional false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Examples of fraud refer to, but are not limited to:
 - Impropriety in the handling or reporting of money or financial transactions
 - Forgery or alteration of any document or account belonging to the District (checks, timesheets, invoices, contractor agreements, bid documents, purchase orders, electronic files, and other financial documents)
 - Financial report misrepresentations
 - Forgery or alteration of a check, bank draft, or any other financial document
 - Misappropriation of funds, securities, supplies, inventory, or any other asset including furniture, computers, fixtures or equipment)
 - Authorizing or receiving payments for hours not worked

- Disclosing confidential and proprietary information to outside parties
- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the District that may be construed to be an attempt to influence the performance of an employee's official duty in the scope of employment for the District
- Destruction, removal, or inappropriate use of records, furniture, fixtures and equipment
- Any similar or related irregularity

B. Questions as to whether an action constitutes fraud should be referred to the District's internal auditor for clarification.

INVESTIGATION RESPONSIBILITIES:

1. The Internal Auditor shall have the primary responsibility for the investigation of all suspected fraudulent acts as defined in this policy. Any employee or officer who suspects dishonest or fraudulent activity must notify the Internal Auditor immediately. An employee or officer shall not attempt to personally conduct investigations and shall not contact the suspected individual in an effort to determine facts or demand restitution.
2. Upon completion of its investigation, the Internal Auditor shall submit a report detailing its findings to the Board. The Internal Auditor's report may contain a recommendation to refer the matter to the appropriate law enforcement and/or regulatory agencies for independent investigation. The decision to make any such referral shall be made by the Board of Directors in conjunction with legal counsel.

CONFIDENTIALITY:

- A. The Internal Auditor shall treat as confidential all reports of suspected fraud or irregularities and all information obtained through an investigation. The District will attempt to protect an individual's identity if they report a concern and do not want their name disclosed. The investigation process, however, may reveal the source of the information, and/or a statement by the individual may be required as part of the evidence. The District will not tolerate harassment or victimization and will take action to protect those who raise a concern in good faith.
- B. Investigation results shall not be disclosed or discussed with anyone other than those who have a legitimate need to know. All inquiries concerning the activity under investigation from the suspected individual, his attorney or representative, or any other inquirer should be directed to the Internal Auditor.

AUTHORIZATION:

In the course of an investigation of suspected fraud, with proper notification of the appropriate level of management and in the presence of the appropriate administrator, the Internal Auditor shall have:

- Free and unrestricted access to all District records, premises, and facilities, whether owned or rented by the District;
- The authority to interview employees and officers; and
- The authority to examine, copy, and/or remove all documents, electronic data, files, tapes, disks, computers, and other equipment and storage facilities on the premises without prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is the scope of the investigation.

CONSEQUENCES:

In the event an employee or officer is found to be engaging in or to have been engaged in fraudulent acts, or failed to report fraudulent acts, he or she will be subject to disciplinary action, which could include termination or removal. Based on the seriousness of the offense, the results may be referred to the appropriate law enforcement and/or regulatory agencies.

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 17

HUMAN RESOURCES POLICY

**BEXAR COUNTY
EMERGENCY SERVICES DISTRICT #5
POLICIES AND PROCEDURES**

Article 17

HUMAN RESOURCES POLICY

A. Equal Employment Opportunities.

Bexar County ESD # 5 provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, ethnicity, national origin, citizenship, gender, gender identity, gender expression, sexual orientation, pregnancy status, age religion, political affiliation or beliefs, physical or mental disability, genetic information, veteran status, or any non-merit factor (except where such is a bona fide occupational qualification) in accordance with applicable federal, state, and local laws governing non-discrimination in employment.

This policy applies to all terms and conditions of employment, including but not limited to, recruitment, hiring selection, placement, promotion, demotion, termination, layoff, rehire, benefits, transfer, leaves of absences, compensation and training.

Improper interference with the ability of Bexar County ESD # 5 employees to perform their expected job duties is absolutely not tolerated. ESD # 5's designated person for issues concerning Equal Employment Opportunity is (Secretary of the Board)

B. Americans with Disabilities Act (ADA)

It is the policy of Bexar County ESD #5 to abide by all provisions of the Americans with Disabilities Act (ADA). Bexar County ESD # 5 does not discriminate on the basis of disability or perceived disability against any person. Bexar County ESD # 5 evaluates all employees and job applicants on their ability to perform the essential functions of the job. Mental or physical disabilities are not considered when evaluating employees and/or applicants for jobs. Bexar County ESD # 5 only considers factors that are critical to performing the jobs or tasks assigned.

C. Verification of Eligibility to Work in the United States (Immigration Reform & Control Act of 1986).

Bexar County ESD # 5 requires the verification of eligibility for all employees to work in the United States. All new employees must complete an I-9 Form and provide proof of employment eligibility. Bexar County ESD # 5's General Manager will ensure that all new employees complete an I-9 Form and provide proof of employment eligibility as required by the I-9 Form. Acceptable forms of proof of employment are provided on the I-9 Form and include birth certificate, social security card, driver's license or student identification card

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5**

POLICIES AND PROCEDURES

Article 18

**ATTACHMENT A:
APPLICATION FORM FOR BEXAR
COUNTY EMERGENCY SERVICES
DISTRICT BOARD MEMBER**

AND

**ATTACHMENT B:
RE-APPLICATION FORM FOR BEXAR
COUNTY EMERGENCY SERVICES
DISTRICT BOARD MEMBER**

**BEXAR COUNTY EMERGENCY SERVICES DISTRICT BOARD MEMBERS
APPLICATION FORM**

Upon completion return to: OFFICE OF THE COUNTY MANAGER
PAUL ELIZONDO TOWER, SUITE 1024
SAN ANTONIO, TEXAS 78205
Attention: Thomas Guevara, Chief of Staff to the County Manager
tguevara@bexar.org

(NOTE: THE INFORMATION YOU PROVIDE ON THIS FORM IS PUBLIC)

Please attach a current resume to this application along with cover letter stating what you would hope to accomplish as an emergency services district board member.

Name: _____

Home Address: _____

Home Phone: _____ Work Phone: _____ Cell Phone: _____

Business Address: _____

E-mail Address: _____ Fax: _____

I. Eligibility/Conflict of Interest Issues

A. Section 775.034 of the Texas Health and Safety Code states that to be eligible for appointment to the ESD board in this state, a person must:

- (1) be 18 years of age or older on the date of appointment;
- (2) a resident of Texas;
- (3) a qualified voter within the ESD or owner of land subject to taxation by the ESD; and

Do you meet all the above requirements? _____.

Please specify if you are a qualified voter in the ESD or do you own property but do not reside in ESD.

If not, or if you are unsure of your eligibility, please attach an explanation.

In addition, Section 775.034 of the Texas Health and Safety Code states that Commissioners Court shall consider the applicant's knowledge of fire prevention or emergency medical services.

Please describe your knowledge of fire prevention or emergency medical services:

B. Commissioners Court recommends individuals seeking appointment should complete the following National Incident Management System (NIMS/Incident Command System Training), a person must complete *ICS-402, Incident Command System Overview for Executives and Public Officials*.

Have you completed ICS-402? _____.

If not, or if you are unsure of your eligibility, please attach an explanation.

(If you have questions regarding training, please contact the Bexar County Office of Emergency Management at BCOEM@bexar.org, or contact the Chris Lopez, Bexar County Emergency Management Coordinator at LCLopez@bexar.org).

C. Bexar County Administrative Policy No. 2.1 prohibits the appointment of a candidate who:

- (1) is in arrears on Bexar County taxes; and/or
- (2) is an adverse party in pending litigation against Bexar County.

Have you ever been or are you now in arrears on Bexar County taxes? _____. If so, please attach an explanation.

Have you ever been or are you now an adverse party in pending litigation against Bexar County? _____. If so, please attach an explanation.

D. Financial, Nepotism and Other Matters:

Do you do business with ESD, or have a significant financial interest in an entity that does business with ESD? _____. If so, please attach an explanation.

Do you serve as an officer or director of a corporation or subsidiary, affiliate, or subdivision of a corporation that does business with Bexar County? _____. If so, please attach an explanation.

Do you have any relatives who work for the ESD, do business with the County, or have a significant interest in an entity that does business with the ESD? _____. If so, please attach an explanation.

Has a tax lien ever been filed against you or have you (or a company in which you have been a principal) ever filed for bankruptcy? _____. If so, provide cause number and place of filing, describe status or outcome of case, amount of lien, and attach an explanation.

Have you ever been or are you now in arrears on your taxes with any other entity? _____. If so, please attach an explanation.

Have you ever been or are you now delinquent in child support payments? _____. If so, please attach an explanation.

Have you ever been a party, plaintiff or defendant, in litigation of any kind? _____. If so, please attach an explanation.

Have you ever been arrested? _____. If so, please attach an explanation and describe the outcome.

Texas Constitution, Article XVI, section 40 prohibits an official from holding two civil offices of emolument or where the official could use the power in one office to control and/or impose policies that impact the other office. Do you currently serve in another public office? _____. If so, please attach an explanation.

Commissioners Court has adopted an ESD Best Practices manual to include requiring ESDs to organize and adopt operating procedures, personnel management policies and financial policies. Will you support, promote, and follow Commissioners Court recommended ESD Best Practices manual? _____.

II. Certification

Before me, the undersigned authority, on this day personally appeared _____, being by me duly sworn upon oath says: "I, _____, of Bexar County Texas, being a candidate for appointment to the Bexar County Emergency Services District No. ____ Board, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am citizen of the United States eligible to hold such office under the Constitution and laws of this state. I am aware of the nepotism law, Chapter 573 Government Code, and swear that the foregoing statements and attached explanations included in my application are in all things true and correct."

Signature of Appointment Candidate

Sworn to and subscribed before me at _____, this the _____ day of _____, 20_____.

Signature of Person Administering Oath

**BEXAR COUNTY EMERGENCY SERVICES DISTRICT BOARD MEMBERS
RE-APPLICATION FORM**

Upon completion return to: OFFICE OF THE COUNTY MANAGER
PAUL ELIZONDO TOWER, SUITE 1024
SAN ANTONIO, TEXAS 78205
Attention: Thomas Guevara, Chief of Staff to the County Manager
tguevara@bexar.org

(NOTE: THE INFORMATION YOU PROVIDE ON THIS FORM IS PUBLIC)

Please attach a current resume to this re-application along with cover letter stating your goals as an emergency services district board member.

Name: _____

Home Address: _____

Home Phone: _____ Work Phone: _____ Cell Phone: _____

Business Address: _____

E-mail Address: _____ Fax: _____

I. Eligibility/Conflict of Interest Issues

A. Section 775.034 of the Texas Health and Safety Code states that to be eligible for appointment or re-appointment to the ESD board in this state, a person must:

- (1) be 18 years of age or older on the date of appointment;
- (2) be a resident of Texas;
- (3) be a qualified voter within the ESD or owner of land subject to taxation by the ESD; and
- (4) Possess knowledge of fire prevention or emergency medical services.

Do you continue to meet the residency and voter qualification requirements? _____.

Please specify if you are a qualified voter in the ESD or do you own property but do not reside in ESD. _____

If not, or if you are unsure of your eligibility, please attach an explanation.

B. Commissioners Court recommends individuals seeking re-appointment to complete the following National Incident Management System (NIMS) course: *ICS-402, Incident Command System Overview for Executives and Public Officials*.

Please attach a class completion certificate for this course.

Have you completed at least six hours of continuing education related to your ESD duties within the last two years? _____.

Continuing education requirements for ESD Board Members can be found in Texas Health and Safety Code 775.0365.

(If you have questions regarding training, please contact the Bexar County Office of Emergency Management at BCOEM@bexar.org, or contact the Chris Lopez, Bexar County Emergency Management Coordinator at LCLopez@bexar.org).

C. Bexar County Administrative Policy No. 2.1 prohibits the appointment or re-appointment of a candidate who:

- (1) is in arrears on Bexar County taxes; and/or
- (2) is an adverse party in pending litigation against Bexar County.

Have you ever been or are you now in arrears on Bexar County taxes? _____. If so, please attach an explanation.

Have you ever been or are you now an adverse party in pending litigation against Bexar County? _____. If so, please attach an explanation.

D. Financial, Nepotism and Other Matters

Do you do business with ESD, or have a significant financial interest in an entity that does business with ESD? _____. If so, please attach an explanation.

Do you serve as an officer or director of a corporation or subsidiary, affiliate, or subdivision of a corporation that does business with Bexar County? _____. If so, please attach an explanation.

Do you have any relatives who work for the ESD, conduct business with the County, or have a significant interest in an entity related to the ESD? _____. If so, please attach an explanation.

Has a tax lien ever been filed against you? _____. Has a company in which you were the principal of ever filed for bankruptcy? _____. If so, provide cause, number, place of filing, status, outcome of case, amount of lien, and an explanation.

Have you ever been or are you now in arrears on your taxes with any other entity? _____. If so, please attach an explanation.

Have you ever been or are you now delinquent in child support payments? _____. If so, please attach an explanation.

Have you ever been a party, plaintiff or defendant, in litigation of any kind? _____. If so, please attach an explanation.

Have you ever been arrested? _____. If so, please attach an explanation and describe the outcome.

Texas Constitution, Article XVI, section 40 prohibits an official from holding two civil offices of emolument or where the official could use the power in one office to control and/or impose policies that impact the other office. Do you currently serve in another public office? _____. If so, please attach an explanation.

Commissioners Court has adopted an ESD Best Practices manual to include requiring ESDs to organize and adopt operating procedures, personnel management policies and financial policies. Will you continue to support, promote, and follow Commissioners Court recommended ESD Best Practices manual? _____.

II. Certification

Before me, the undersigned authority, on this day personally appeared _____, being by me duly sworn upon oath says: "I, _____, of Bexar County Texas, being a candidate for re-appointment to the Bexar County Emergency Services District No. ____ Board, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am citizen of the United States eligible to hold such office under the Constitution and laws of this state. I am aware of the nepotism law, Chapter 573 Government Code, and swear that the foregoing statements and attached explanations included in my application are in all things true and correct."

Signature of Appointment Candidate

Sworn to and subscribed before me at _____, this the _____ day of _____, 20_____.

Signature of Person Administering Oath

**BEXAR COUNTY
EMERGENCY SERVICES
DISTRICT #5

POLICIES AND PROCEDURES**

Article 19

**ATTACHMENT:
GRIEVANCE POLICY**

BEXAR COUNTY EMERGENCY SERVICE DISTRICT # 5 GREIVANCE POLICY

COMPLAINTS	In this policy, the terms “complaint” and “grievance” shall have the same meaning.
PROCESS	Employee grievances shall be filed in accordance with this policy.
GUIDING PRINCIPLES	The Commissioners encourage employees to discuss their concerns with their supervisor. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level. Informal resolution shall be encouraged by not extending deadlines in this policy, except by mutual written consent.
DIRECT COMMUNICATION WITH A COMMISSIONER	Employees shall not be prohibited from communicating with a member of the board of Commissioners regarding ESD operations except when communication between employee and a Commissioner would be inappropriate because of a pending hearing or appeal related to the employee.
FORMAL PROCESS	An employee may initiate the formal process described below by timely filing a written complaint form. Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time. The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Commissioner Policy, nor to require a full evidentiary hearing or “mini-trial” at any level.
FREEDOM FROM RETALIATION	Neither the Commissioners nor any ESD employee shall unlawfully retaliate against an employee for bringing a concern or complaint.
WHISTLEBLOWER COMPLAINTS	Whistleblower complaints shall be filed within the time specified by law and may be made to the Chief of the Department or designee beginning at Level 1. Timelines for the employee and the ESD set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint.

GENERAL PROVISIONS

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including e-mail and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three (3) days after the deadline.

COMPLAINTS AGAINST SUPERVISOR

Complaints alleging a violation of the law by a supervisor may be made to the Chief of the ESD beginning at Level Two. Complaint forms alleging a violation of law by the Chief may be submitted directly to the Board President or designee beginning at Level Four. Complaint forms alleging a violation of law by a Board of Commissioners shall be submitted directly to the Board of Commissioners.

GENERAL PROVISIONS FILING

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including e-mail and fax, or by U.S. Mail. Hand delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after deadline.

SCHEDULING CONFERENCES

The ESD shall make reasonable attempts to schedule conferences at a mutually agreeable time. if the employee fails to appear at a schedule conference, the ESD may hold the conference and issue a decision in the employees' absence.

RESPONSE

At Levels One, Two, and Three, "response" shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the employee's e-mail address of record, or sent by U.S. Mail to the employee's mailing address of record. Mailed responses

shall be timely if they are postmarked by U.S. Mail on or before the deadline.

DAYS

“Days” shall mean ESD business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is “day zero.” The following business day is “day one”.

REPRESENTATIVE

“Representative” shall mean any person or organization that is designated by the employee to represent him or her in the complaint process.

The employee may designate a representative through written notice to the ESD at any level of this process. The representative may participate in person or by telephone conference call. If the employee designates a representative with fewer than three days notice to the ESD before a scheduled conference or hearing, the ESD may reschedule the conference or hearing to a later date, if desired, in order to include the ESD attorney. The ESD may be represented by counsel at any level of the process.

CONSOLIDATING COMPLAINTS

Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the ESD may consolidate the complaints.

UNTIMELY FILINGS

All time limits shall strictly be following unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

COSTS INCURRED

Each party shall pay its own costs incurred in the course of the complaint.

COMPLAINT AND APPEAL FORMS

Complaints and appeals under this policy shall be submitted in writing on a form provided by the ESD. A complaint under this policy submitted on a form other than that provided by the ESD will not trigger the ESD's timeline to hold a Level One conference as set out herein. Upon receipt of a complaint on a form other than that provided by the ESD, the EDS shall, within three days, provide the complainant with an approved ESD form.

Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

AUDIO RECORDING

If requested by the Grievant the ESD shall make an audio recording of all grievance hearings.

LEVEL ONE

Complaint forms must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance;¹ and
2. With the lowest level administrator who has authority to remedy the alleged problem.

If the only administrator who has authority to remedy the alleged problem is the Chief or designee, the complaint may begin at Level Three following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is filed against a member of the board of commissioners the complaint may begin at Level Four following the procedure, including deadlines, for filing the complaint form at Level One.

¹ All pending grievances at the time of the approval of this grievance process by the Board of Commissioners shall be filed pursuant to this policy and will be considered timely.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary; and schedule a conference with the employee within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

LEVEL TWO

If the employee did not receive the relief requested at Level One or if the time for a response has expired, the employee may appeal by written notice to the Chief or designee for a meeting before a mediation committee.

The appeal notice must be filed in writing, on a form provided by the ESD, within ten days of the date of written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One Administrator shall prepare and forward a record of the Level One complaint to the mediation committee. The employee may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted/by the employee at Level One
3. The written response issued at Level One and any attachments
4. All other documents relied upon in reaching the Level One decision.

The members of the mediation committee consist of employee of the ESD designated by the Chief, a member of the Board of Commissioners, and someone designated by the Board President. The committee cannot be a witness or be involved in the grievance. If the grievance is against anyone on the committee or by the individual making the

designation i.e. they shall be replaced by the next individual that is directly under them, i.e. instead of president they will be designated by the vice-president, if against the chief they will be designated by the assistant chief.

Within ten days of the drawing, the mediation committee shall hear the appeal of the grievant, at which time the grievant or aggrieved shall have the right to include such witnesses and representatives as they deem necessary. A satisfactory resolution must be attempted.

The mediation committee shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the mediation committee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the mediation committee believes will help resolve the complaint.

Recordings of the Level One and Level Two conference, if any, shall be maintained with the Level One and Level Two records.

LEVEL THREE

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may request a conference with the Chief or designee to appeal the Level Two decision.

The appeal notice must be filed in writing, on a form provided by the ESD, within 10 days of the date of the written Level Two response, or, if no response was received, within ten days of the Level Two response deadline.

After receiving notice of the appeal, the level two administrator shall prepare and forward a record of the Level Two appeal to the Level Three Administrator. The employee may request a copy of the Level Two record.

The Level Three record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two
3. The written response issued at Level Two and any attachments
4. All other documents relied upon in reaching the Level Two decision.

The Level Three administrator shall include a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents

considered at Level One and Level Two and identified in the Level Three appeal notice. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level Two decision. The Level Three administrator may set reasonable time limits for the conference.

The Level Three administrator shall provide the employee written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Three administrator may consider the Level One and Level Two records, information provided at the Level Three conference, and any other relevant documents or information the Level Three administrator believes will help resolve the complaint.

Recordings of the Level One, Level Two and Level Three conferences, if any shall be maintained with the Level One, Level Two, and Level Three records.

LEVEL FOUR

If the employee did not receive the relief requested at Level Three or if the time for a response has expired, the employee may appeal the decision to the Board of Commissioners.

The appeal notice must be filed in writing, on a form provided by the ESD, within ten days of the date of the written Level Three response, or if no response was received, within ten days of the Level Three response deadline.

The Chief or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Chief or designee shall provide the Board the record of the Level Three appeal. The employee may request a copy of the Level Three record.

The Level Three records shall include:

1. The Level One record;
2. The Level Two record;
3. The notice of appeal from Level Two to Level Three.
4. The written response issued at Level Three and any attachments.
5. All other documents relied upon by the administration in reaching the Level Three decision.

The appeal shall be limited to the issues and documents considered at the Level Three, except that if at the Level Four hearing the ESD administration intends to rely on evidence not included in the Level Three record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

The ESD shall determine whether the complaint will be presented in open or closed meeting accordance with the Texas Open Meetings Act and other applicable law.

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the employee and the BCESD administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record the Board meeting required by law, the Board shall prepare a separate record of the Level Four presentation. The Level Four presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled board meeting. If the Board does not make a decision regarding the complaint by the end of the next scheduled board meeting, the lack of a response by the Board upholds the administrative decision at Level Three.

CONDUCT

Grievants, their representatives, and representatives of the ESD shall at all times conduct themselves in a professional nonconfrontational manner at all levels of the grievance process. At Level One, Level Two, and Level Three, grievants, their representatives and representatives of the ESD shall direct their comments to the person or persons hearing the grievance and not to each other.

At Level Four, grievants, their representatives, and representatives of the ESD shall direct their comments to the Board and not to each other. Defamatory comments shall not be tolerated at any level of the grievance proceedings.

Bexar County Emergency Services District #5

OFFICIAL GRIEVANCE FORM

NAME OF EMPLOYEE _____ DEPARTMENT _____

CLASSIFICATION _____

WORK LOCATION _____

IMMEDIATE SUPERVISOR _____ TITLE _____

STATEMENT OF GRIEVANCE:

List applicable violation: _____

Adjustment required: _____

**I authorize, _____ as my representative to act for me
in the disposition of this grievance.**

Date _____ Signature of Employee _____

Signature of Representative _____ Title _____

Date Presented to ESD Representative _____

Signature _____ Title _____

Disposition of Grievance: _____

**THIS STATEMENT OF GRIEVANCE IS TO BE MADE OUT IN TRIPLICATE.
ALL THREE ARE TO BE SIGNED BY THE EMPLOYEE.**

ORIGINAL TO _____

COPY _____

BEXAR COUNTY EMERGENCY SERVICES DISTRICT #5
COMPLAINT FORM — LEVEL ONE

To file a formal complaint, please fill out this form completely and submit it by hand delivery, electronic communication, or U.S. mail to the appropriate administrator within the time established in. All complaints will be heard 'in accordance with policy and any exceptions outlined therein.

1. Name: _____

2. Address: _____

Telephone number: _____

E-mail address: _____

3. If you will be represented in presenting your complaint, please identify the person representing you.

Name: _____

Address: _____

Telephone number: _____

E-mail address: _____

4. Please describe the decision or circumstances causing your complaint (give specific factual details).

5. What was the date of the decision or Circumstances causing your complaint?

6. Please explain how you have been harmed by this decision or circumstance.

7. Please describe any efforts you have made to resolve your concerns and the responses to your efforts. Please include dates of communication and whom you communicated with regarding your concerns.

8. Please describe the outcome or remedy you seek for this complaint.

Signature: _____
Signature of representative: _____
Date of filing: _____
Signature Date Received _____

Complainant, please note:

A complaint form that is incomplete in any material way may be dismissed, but may be refiled with- all the required information if the refiling is within the designated time for filing a complaint,

Attach to this form any documents you believe will support the complaint; if unavailable when you submit this form, they may be presented no later than the Level One conference.

Please keep a copy of the completed form and any supporting documentation for your records.

BEXAR COUNTY EMERGENCY SERVICES DISTRICT #5
LEVEL TWO APPEAL NOTICE

The grievant may request, within ten (10) days after receipt of the response at Level One, a conference with the _____ or designee. The _____ or designee shall hold a conference with the grievant within ten (10) business days after the appeal form is filed. Absent extenuation circumstances, the _____ or designee shall have ten (10) business days following the conference to provide a written response.

To appeal a Level One decision, or the lack of a timely response after a Level One conference, please fill out this form completely and submit it by hand delivery, electronic communication, or U.S. mail to the Fire Chief or designee within the time established in ESD policy.

Appeals will be heard in accordance with policy and any exceptions outlined therein.

1. Name: _____

2. Address: _____

Telephone number: _____

E-mail address: _____

3. If you will be represented in presenting your appeal, please identify the person representing you.

Name: _____

Address: _____

Telephone number: _____

E-mail address: _____

4. Who held the Level One conference? _____

Date of conference: _____

Date you received a response to the Level One conference: _____

5. Please explain specifically how you disagree with the outcome at Level One.

6. Attach a copy of your original Level One complaint and any documentation submitted at Level One.

7. Attach a copy of the Level One response being appealed, if applicable.

Grievant signature: _____

Signature of representative: _____

Administrator Signature: _____ Date: _____

Date of filing: _____

Complainant, please note:

A complaint or appeal form that is incomplete in any material way may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing a complaint or appeal.

Please keep a copy of the completed form and any supporting documentation for your records.

BEXAR COUNTY EMERGENCY SERVICES DISTRICT #5
LEVEL THREE APPEAL NOTICE

To appeal a Level Two decision, or the lack of a timely response after a Level Two conference, please fill out this form completely and submit it by hand delivery, electronic communication, or U.S. mail to the _____ or designee within the time established in ESD policy. Appeals will be heard in accordance with policy and any exceptions outlined therein.

1. Name: _____

2. Address: _____

Telephone number: _____

E-mail address: _____

3. If you will be represented in presenting your appeal, please identify the person representing you. If the person representing you will participate by telephone conference call, please check the box below. The ESD will inform you if the equipment necessary for telephone representation is unavailable.

☐ Representation will be by telephone conference call.

Please note: You must designate a representative who will be participating in person or by telephone with an advance notice of at least three days, or the _____ may reschedule the conference or hearing to a later date.

Name: _____

Address: _____

Telephone number: _____

E-mail address: _____

4. Who held the Level Two conference? _____

Date of conference: _____

Date you received a response to the Level Two conference: _____

5. Please explain specifically how you disagree with the outcome at Level Two.

6. Attach a copy of your original Level One complaint and any documentation submitted at Level One and Two.

7. Attach a copy of the Level Two response being appealed, if applicable.

Employee signature: _____

Signature of representative: _____

Date of filing: _____

Receiving Administrator Signature: _____ Date: _____

Complainant, please note:

A complaint or appeal form that is incomplete in any material way may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing a complaint or appeal.

Please keep a copy of the completed form and any supporting documentation for your records.

**BEXAR COUNTY EMERGENCY SERVICES DISTRICT #5
LEVEL FOUR APPEAL NOTICE**

To appeal a Level Three decision, or the lack of a timely response after a Level Three conference, please fill out this form completely and submit it by hand delivery, electronic communication, or U.S. mail to the or designee within the time established in ESD policy. Appeals will be heard in accordance with policy and any exceptions outlined therein.

1. Name: _____

2. Address: _____

Telephone number: _____

E-mail address: _____

3. If you will be represented in presenting your appeal, please identify the person representing you. If the person representing you will participate by telephone conference call, please check the box below. The _____ will inform you if the equipment necessary for telephone representation is unavailable.

☐ Representation will be by telephone conference call.

Please note: You must designate a representative who will be participating in person or by telephone with an advance notice of at least three days, or the _____ may reschedule the conference or hearing to a later date.

Name: _____

Address: _____

Telephone number: _____

E-mail address: _____

Who held the Level Three conference? _____

Date of conference: _____

Date you received a response to the Level Three conference: _____

4. Please explain specifically how you disagree with the outcome at Level Three.

5. Do you want the Board to hear this appeal in open session? ☐ Yes ☐ No If so, the Board will consider your request; however, you may not have a legal right under the Texas Open Meetings Act to require a meeting in open session.

6. Attach a copy of your original Level One complaint and any documentation submitted at Level One and a copy of your Level Two and Three appeal notice.

7. Attach a copy of the Level Two and Three response being appealed, if applicable.

Employee signature: _____

Signature of representative: _____

Date of filing: _____

Receiving Administrator Signature: _____ Date: _____

Complainant, please note:

A complaint or appeal form that is incomplete in any material way may be dismissed but may be refiled with all the required information if the refile is within the designated time for filing a complaint or appeal.

Please keep a copy of the completed form and any supporting documentation for your records.