

**SUBCHAPTER K: FIRE DEPARTMENT PROJECTS**

**§§293.122 - 293.125**

**Effective October 6, 2002**

**§293.122. Filing of Documents.**

Applicants shall submit all of the required data at one time in one package. The application for fire department plan approval, and the application for financing a fire department are separate applications. Applications may be returned for completion if they do not satisfy the requirements of this chapter.

**§293.123. Application Requirements for Fire Department Plan Approval.**

Applications for fire department plan approval shall include:

(1) application by the district's board covering the subject matter contained in Water Code, §49.351, as amended, and specifically identifying:

(A) the method proposed for district fire protection: i.e. establishment of own fire department, joint fire protection service between two or more districts, or contract with others for fire fighting services; and

(B) the method proposed for financing the project including, if applicable, the amount and type bonds (tax, revenue, combination) proposed for issuance by the district;

(2) certified copy of the district board's resolution authorizing submission of application for fire department plan approval;

(3) certified copy of the district board's order adopting a fire protection plan and/or any proposed contract to be entered into by the district for this purpose;

(4) evidence that a copy of the fire protection plan and proposed contracts as adopted by the district's board has been coordinated with the city having extra-territorial jurisdiction of the district; and if the district is outside the jurisdiction of any city, then provide evidence that the county commissioners court of the county in which the district is located has been provided a copy of the plan;

(5) filing fee in the amount of \$100;

(6) fire protection plan (the plan) which shall include, but not be limited to, the following applicable requirements:

(A) number and type of buildings and other facilities to be constructed including preliminary drawings, individual cost estimates, together with a location map of the area covered by the plan showing building/facility sites;

(B) discussion of existing and/or proposed water supply and distribution systems and their capabilities to support the district board's adopted plan;

(C) number, type, purpose and estimated cost of each programmed item of fire fighting equipment;

(D) number and combined salary estimate of paid employees proposed, including benefit packages;

(E) copy of each proposed contract adopted by the district's board;

(F) number and type of facilities and structures existing and projected within the district proposed for fire protection coverage under the adopted plan;and

(G) preliminary summary of costs, as applicable, for capital improvements, including buildings, support facilities, vehicles, and miscellaneous equipment; and associated expenses, including legal fees; fiscal agent fees; administration, printing and selling bonds; capitalized interest (two years); building and facility sites (itemize showing cost/acre/site); organization, operation, maintenance, and administration costs; and bond discount;

(7) financial presentation for the district board's adopted plan which shall include, but not be limited to:

(A) total amount of all bonds currently authorized by the district's electorate;

(B) total amount of bonds approved for issuance by the commission or its predecessors;

(C) total bonds sold by the district, existing debt, including an itemization of all outstanding bonds, tax or bond anticipation notes, miscellaneous short and long term debt, and present district tax rate to support debt service;

(D) projection of revenues and expenses over the life of the proposed bond issue, together with an amortization schedule for the proposed bond issue, if bonds are to be sold to finance the establishment of the fire department; and all debt, as outlined under subparagraph (C) of this paragraph, plus the anticipated debt for any proposed bond issue to finance establishment of a fire department shall be included in the projection of revenues and expenses;

(E) a draft of the proposed contract for services and the plan that describes in detail the facilities and equipment to be devoted to service to the district, including financial requirements under the proposed contract, if the district proposes to contract with any other person to perform fire fighting services within the district under Water Code, §§49.351(e); and

(F) evidence that the district can financially sustain the operation and maintenance costs of the proposed fire department, and a presentation of the method proposed for generating funds for these purposes, and other miscellaneous expenses; and

(8) report describing existing fire department and fire fighting services (fire service organization) within 25 miles of the district, including,

(A) a map showing prominent roads, landmarks and the location of each fire service organization, and depicting distance and route to the center of the district by each organization; and

(B) a narrative statement addressing the capabilities and willingness of each fire service organization to serve the needs of the district; the probability of a reasonable contract with one or more of the fire service organizations within a 25 mile radius, and a preliminary estimate of the annual costs of this anticipated fire protection service; and any other information deemed pertinent to the proposed application.

Adopted September 13, 2002

Effective October 6, 2002

**§293.124. Application Requirements for Fire Department Financing.**

(a) Applications submitted under the provisions of Water Code, §49.351, for establishment of a fire department and the issuance of bonds to finance the construction and purchase of necessary buildings, facilities, and equipment for this purpose shall be considered by the commission only as a separate application for the issuance of bonds; therefore, the request for approval to issue bonds to establish or expand a fire department should not be integrated into a bond application submitted under §293.43 of this title (relating to Application Requirements) for engineering projects except for those water supply and distribution facilities necessary to support the fire protection plan approved by the voters.

(b) Districts are encouraged to submit incremental separate applications to initially finance or expand fire department facilities and equipment at various stages of district development as required. Projects for ultimate fire protection plan financing will not normally be recommended for commission approval for a district unless development of that district is substantially completed.

(c) The application shall address the applicable subject matter contained in Water Code, §49.351, including the method proposed for district fire protection, the type and amount of bonds requested and/or the board adopted method of financing the project from other resources.

(d) The application shall be accompanied by a certified copy of the district board's resolution authorizing submission of the application.

(e) The district shall also include a certified copy of the district board's order canvassing election returns as voted by the district's electorate on the propositions specified under Water Code, §49.351(i).

(f) A certified copy of the fire protection plan and executed contracts as approved by the district's voters shall be submitted.

(g) If the fire protection plan authorized by the district's voters is not identical to that approved by the commission, or if the application request under consideration is to finance an increment of the ultimate fire plan approved by the voters, either or both, provide an itemized description of alterations and the reasons for each change or deferred service;

(h) A filing fee in the amount of \$100 shall be submitted with the application.

(i) The district shall include a detailed plan approved by the district's electorate, or the incremental portion thereof as requested in the application, to include, but not be limited to:

(1) number and type of buildings and other facilities to be constructed including final construction plans, specifications and itemized cost estimates for each building or facility, water supply and distribution improvements;

(2) number, type, purpose and estimated cost of each programmed piece of fire fighting equipment;

(3) number of paid employees proposed, and the total estimated salary, including benefit packages;

(4) copy of each executed contract for fire protection services between districts, with another person or fire service organization(s), and the estimated annual cost to fulfill the contract requirements;

(5) number and type of facilities and structures existing and projected within the district (or districts for joint projects) proposed for fire protection coverage under the application; and

(6) summary of costs in conformance with format shown under §293.123(6)(G) of this title (relating to Application Requirements for Fire Department Plan Approval).

(j) Districts are encouraged to update and/or modify the financial presentation included in the application for fire protection plan approval as considered by the commission in its approval of that plan, including all the information required under §293.123 of this title (relating to Application Requirements for Fire Department Plan Approval).

Adopted September 30, 1996

Effective October 22, 1996

**§293.125. Additional Data and Information.**

Additional data and information may be required by the executive director when deemed pertinent to the bond application under consideration.

Adopted May 7, 1998

Effective June 5, 1998