

The Political Context of Emergency Services Districts in Texas

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Paper prepared for presentation at the annual meeting of the Northeastern Political Science Association (Montreal, November 8-10, 2018).

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Abstract

Special purpose districts are the most numerous units of government in Texas. There are approximately 3,350 special districts in Texas, divided into 40 different types. Special districts exist locally and provide infrastructure and deliver specific services, like firefighting, road construction, and water treatment. While the powers of special districts vary based on type and location, they may impose property taxes and sales taxes as well as issue bonds and sue and be sued. This paper examines emergency services districts (ESDs). ESDs can provide fire protection, emergency medical services, or both. The districts are created through a grassroots effort that starts when a petition signed by at least 100 voters is presented to the County Commissioners Court in the county in which the ESD is to be created. The Commissioners Court determines the feasibility of the request and calls an election for voter approval of the district. Approximately 93 of Texas's 254 counties have at least one ESD. The present research considers the political environment of those counties who have created ESDs compared to the counties without ESDs. The political variables are subjected to a statistical analysis. We then present case studies examining the experiences of two counties to illustrate how the political variables work together to create or defeat ESDs. This research suggests that the creation of ESDs primarily the result of politics in the individual county.

The Political Context of Emergency Services Districts in Texas

Texas has many local governments. The 2012 Census of Governments indicates that Texas has 5,147 local governments, including 1,468 general purpose governments and 3,679 special districts (U.S. Census Bureau, 2013). Special districts are “the most basic level of government . . . created to provide infrastructure and levy taxes for limited purposes, such as firefighting, road construction, and water and sewage treatment” (Texas Senate Research Center, 2014, p. 2). Special districts, also known as special-purpose governments, may be compared to general-purpose government like municipalities and counties, subdivisions of states that provide a wider variety of services. Special districts usually are administratively and fiscally independent from general purpose governments (Galvan, 2007, p. 3042). Special districts also have the ability collect revenue through taxes. This paper examines one type of special district found in the state of Texas: Emergency Services Districts (ESDs). We attempt to develop a model explaining why ESDs exist in some counties but not in others.

After considering the development of special districts in the United States and in the state of Texas, we examine the creation and development of Emergency Services Districts in Texas. We analyze in order to create a model of ESD development across the state. This paper also provides two brief case studies. The case studies reveal why one county that according to the model should not have an ESD, has one. The second case presents the story of a county that considered an ESD that voters defeated. County leaders then came back with an alternative proposal that was successful.

Special District Government

Special purpose districts have existed in most American states for a long time. Despite their long presence in the United States, many Americans are unlikely to know which, if any, special districts serve them. In some states, special districts are known as public authorities, and while the boards that govern them are elected, these elections usually do not encourage larger turnouts of voters. A 1964 report of the Advisory Commission on Intergovernmental Relations reviews the history of special districts in the United States. The report recounts “the toll road and canal corporation of 1800’s are examples of the early use of special districts established to perform functions which government felt obliged to undertake” (Advisory Commission on Intergovernmental Relations, 1964, p. 1).

While some special districts emerged in the late 19th and early 20th Centuries, the growth in the number of such districts occurred in the 1930s and immediately after World War II (Advisory Commission on Intergovernmental Relations, 1964, p. 2). This growth encouraged the study of special districts. One of the aspects of special districts uncovered by this early research was the fact that few citizens knew or understood how special districts worked (Bollens, 1957, p. 1). Galvan (2007) demonstrates how rapidly the number of special districts increased after World War II: “By 1952, 12,340 special districts existed in the United States; fifty years later, they numbered 35,052—a nearly threefold increase” (pp. 3043-3044).

As special districts proliferate, their controversial nature increases. Bollens (1957) noted the challenges presented by fragmented and uncoordinated delivery of services in a metropolitan area (p. 50). Perrenod (1984, p. 4) summarizes the criticism of special districts, especially in growing metropolitan areas, as being invisible governments that lack democracy

and accountability, as well as providing inefficient duplication of services (p. 4). Hamilton (1984) argues that special districts reduce democracy. Defenders of special districts present their arguments from a number of different perspectives. Public choice theorists argue that the use of multiple special districts in metropolitan areas might result in efficient and responsive delivery of services (Bish, 1971; Bish and Ostrom, 1979; Foster, 1997; Hawkins, 1976; Leigland, 1990). Foster (1997) summarizes an ecologic view of special districts, an interesting perspective that bears on the present research. Theorists considering special districts from the ecologic view see districts as positive “because they represent nonradical adaptations to local governmental arrangements and preserve, rather than jeopardize local autonomy (Foster, 1997, p. 44). In brief, special districts bring flexibility in the search for solutions of problems that may cross the boundaries of local, general-purpose governments, like municipalities and counties.

Special Districts in Texas

We now briefly review the creation and history of special districts in Texas, before turning specifically to an examination of Emergency Services Districts in Texas. In most cases, special purpose districts are governed by the commissioners court of the county in which they are created, or by a board of directors appointed by the governing body that created the district or elected by the voters residing in the district. The most common form of special purpose district in Texas is the independent school district (ISD). Other types of special districts include water and wastewater districts, municipal utility districts, and improvement and economic development districts (Texas Senate Research Center, 2014).

The Texas Constitution in Section 52 of Article III, provides for the creation of certain special districts for limited purposes. The districts are allowed to issue bonds and to levy taxes to pay of the principal and interest on the bonds. When a district chooses to issue bonds, the action must be approved by a two-third vote of district residents, “and the amount of issued bonds may not exceed one-fourth of the assessed valuation of the real property of the district or territory” (Texas Senate Research Center, 2014, p. 2). Special districts are created through other provisions of the Texas Constitution. Sections 5, 8 through 9B, and 13, of Article IX, authorize the creation of hospital districts. Sections 48-e and 48-f of Article II authorize the creation of emergency services districts and jail districts (Texas Senate Research Center, 2014, p. 2).

Most special districts in Texas may levy property taxes. Some are authorized to levy sales taxes of up to two percent, which, when combined with existing city and county sales taxes creates a sales tax rate of up to 8.25 percent. In 2003, the 78th Legislature created a Special District Local Laws Code containing local laws that govern individual special districts.

Emergency Services Districts (ESDs) are political subdivisions of the State of Texas that may provide fire, rescue, and other emergency services.¹ All ESDs are governed by five-member Boards of Commissioners. Most commissioners are appointed by the County Commissioners Court of the county that they reside in. Some boards are elected by district residents. ESDs are funded by a property tax, limited by the Texas Constitution to not exceed \$0.10 per \$100 of property valuation. Some ESDs also levy a sales and use tax.

¹This information is drawn from the summary published in Texas State Association of Fire and Emergency Districts (2017).

Emergency Services Districts in Texas have their origins in a constitutional amendment approved by voters in 1949. Farmers and rural property owners were concerned about property damage caused by fire and encouraged the Texas Legislature to propose a constitutional amendment allowing rural areas to create Rural Fire Protection Districts. These districts were allowed to levy a property tax at \$0.03 percent \$100 of property valuation. By the late 1980s, population growth in rural areas and the move to becoming suburbs encouraged the examination of a better funded form of fire protection districts. In 1987, the Texas Legislature proposed a constitutional amendment creating Emergency Services Districts with broader powers and the ability to levy a higher tax. Voters in ESDs were able to approve a tax rate up to \$0.10 by \$100 valuation. In 2003 and 2011, rural fire protection was consolidated as all Rural Fire Protection Districts were converted into Emergency Services Districts.

Tax revenues are used the Emergency Services District to hire full-time emergency personnel, contract with other entities that have full-time fire and emergency medical departments, and purchase new equipment and facilities. ESDs are allowed to contract with existing volunteer fire departments and emergency services organizations to provide a more stable funding source for the volunteer organizations. One benefit of the funding provided by ESDs are reduced fire and emergency medical response times. Property owners also may realize lower insurance rates (Texas State Association of Fire and Emergency Districts, 2017, p. 3). ESDs are described and prescribed in Texas Health and Safety Code Chapter 775.

The creation of an ESD starts with a petition signed by at least 100 voters in the proposed district. The petition is presented to the County Commissioners Court in the county (or counties) in which the district will be located. If the Commissioners Court approves the

petition, an election is called in which the voters in the proposed district must elect to create the district. A new Emergency Services District is created if a majority of voters approve (Texas State Association of Fire and Emergency Districts, 2018). As of October 1, 2018, there are over 300 ESDs in Texas, including seven multi-county ESDs. Some counties have more than one ESD and there are instances in which ESDs overlap, so it is possible for a county resident to live in two ESDs (Texas State Association of Fire and Emergency Districts, 2018).

[Figure about here]

The present research seeks to develop a model to describe why some counties have ESDs and others do not. Two primary aims guided the selection of Emergency Services Districts as the subject to be examined in this paper. The first aim relates to a method of better understanding special districts. Galvan argues:

Though special districts continually grow in number and scope, the theories that support them have not been thoroughly scrutinized. Perhaps the obstacle to such scrutiny is the difficulty in developing a metric of assessment: Too many types of special districts exist, and the scope of districts changes constantly. An imperfect, but nonetheless revealing, method is a close investigation of one type of special district (2007, p. 3044).

The second aim of this study is to provide students at West Texas A&M University with an example of research using statistical analysis. The university has a large Emergency Management Administration major. The authors wish to provide these students with

information and pedagogical materials from an area with which they may have personal experience.²

Method

This paper examines the presence of Emergency Services Districts (ESDs) in Texas counties. Put simply, we seek to answer the question: why do some counties have at least one ESD and other counties have none? Perrenod (1984) and Foster (1997) suggest that special districts are most likely to be found in metropolitan areas, or at least, in areas that are experiencing rapid increases in demands for services. While measuring such demands at the county-level across a state may be difficult, we intend to show how such demands may spur the increase in the number of counties with ESDs. In brief, then, our guiding hypothesis is that counties experiencing significant change are more likely to have at least one Emergency Service District.

Using data collected from the United States Census Bureau and the Texas Secretary of State's election results, this paper assesses the hypothesis while testing for other potential explanations for the spread of Emergency Services Districts in Texas. Data on ESDs, the dependent variable, were provided by the Texas State Association of Fire and Emergency Districts. County-level demographic data were drawn from the United States Census Bureau, while a measure of county political leanings was obtained from the election results maintained by the Texas Secretary of State.

²In 2001, the Randall County Commissioners Court contracted with the first author and two colleagues to study the prospects and possibilities of creating a rural fire protection district to serve the rural areas in the county (Abernathy-Thetford, 2001). Later that year, Randall County cancelled the contract and the study was never completed.

Measures

PRESENCE OF AN EMERGENCY SERVICES DISTRICT

The dependent variable, presence of an emergency services district, is measured by coding counties 1 if there is at least one ESD anywhere in the county. If a county does not have an ESD, it is coded 0. While several counties have more than one ESD and a few counties have ESDs with overlapping boundaries, 92 counties have at least one ESD. Over 33 percent of Texas's 254 counties have ESDs.

POPULATION CHANGE

Data on county population change from 2010 to 2017 come from the United States Census Bureau. This variable is important because previous research suggests that special districts are a policy solution to population changes in local governments (Perrenod, 1984 Foster, 1997). Concho County (county seat: Paint Rock) lost 33.5 percent of its population. The population of Loving County (county seat: Mentone) grew by 63.4 percent. This measure is not the optimal to describe population change, however, as Loving County's population in 2017 is estimated at 134 people. Due to its uniqueness (Blumenthal, 2006, p. A11), Loving County has been removed from analysis.

RURAL ISOLATION

Three indicators of rural isolation were factor analyzed—percentage of the county population living in rural areas, born in Texas, and past their 65th birthday—revealing only one significant factor accounting for 64.37 percent of the variance. The scores on each of the three variables are summed for each county. Terrell County (county seat: Sanderson) exhibits the most rural isolation while Collin County (county seat: McKinney) exhibits the least.

PERCENT VOTE REPUBLICAN IN 2016

As a very rough measure of political party identification, we use the percentage of the county vote for the Republican presidential candidate in 2016. This measure is drawn from election results data maintained by the Texas Secretary of State. Republican nominee Donald Trump received 18.94 percent of the vote in Starr County (county seat: Rio Grande City) and 94.58 percent of the vote in Roberts County (county seat: Miami). We examine Roberts County as one of the brief case studies later in this paper.

SOCIOECONOMIC STATUS

Two indicators of socioeconomic status were factor analyzed. The two indicators are the percentage of county population over the age of 25 who have completed high school and the percent of people in the county who live over the poverty line (100 – poverty). There is only one factor explaining 75.80 percent of the variance. Socioeconomic status is the sum of the two indicators.

COUNTY POPULATION DIVERSITY

The percentage of county residents who are white Anglo serves as a measure of population diversity. This indicator is drawn from Census data.

Method of Analysis

The present research seeks to understand why some counties have emergency services districts. Since the dependent variable—counties with at least one emergency services district—is dichotomous, a logistical regression model is used to find the explanatory variables. As noted, Loving County is a problem so it is removed from additional analysis; therefore, the

analysis includes 253 counties. To begin to understand what factors explain the diffusion of emergency services districts, a correlation analysis was conducted initially.

Findings

The findings from the correlation analysis are depicted in Table 1. From this table, one first finds that a county's degree of population change is positively associated with the presence of an emergency services district. Counties exhibiting greater support for the Republican presidential candidate in 2016 appear to be less likely to have an emergency services district. This is easy to explain. There is a positive relationship between rural isolation and vote for President Trump ($r=.498$, $p=.000$). Counties that grew faster from 2010 to 2017 show less support for President Trump ($r=-.238$, $p=.000$). We should note that while more counties are creating emergency services districts in the 21st Century, some counties have had rural fire protection districts since the late 20th Century.

[Table 1 about here]

Table 2 displays the results of the logistic regression. Overall, the model does not predict the distribution of emergency services districts terribly well, although the correctly predicts 67.6 percent of the cases. The most striking finding presented in Table 2 is the strength of the relationship with population change: counties that are growing faster are likely to have at least one emergency services district. Rural isolation and vote for the 2016 Republican presidential candidate also are significant although the 2016 Republican vote is negatively related to the presence of emergency services districts.

[Table 2 about here]

The model is a little disappointing. The Nagelkerke R^2 indicates that the model accounts for 19.4 percent of the variability the presence of at least one emergency services district in a particular county. The model clearly is underspecified. There is a reasonable explanation for this problem. Since less than half of Texas's counties have ESDs, we should wait until more counties create emergency services districts before trying to develop a model. It also is possible that the creation of emergency services districts are determined by politics within each county. A brief examination of two cases will help plumb the "local politics" theory of emergency services district creation.

Two Brief Case Studies

Roberts County is located in the northeastern Texas Panhandle, north and east of Amarillo. The county seat is Miami, which is also the only incorporated community in the county. In 2017, the United States Census estimated that the county population was 938 who live in a county with a total area of 924 square miles. After more than 94 percent of its voters cast their ballots for the Republican presidential candidate, Donald Trump, Roberts County was dubbed the "most pro-Trump county in America." Election results show that 524 voters out of 550 supported Donald Trump (Keneally, Nawaz, Hopper, and Kurtis, 2018). According to the model presented above, Roberts County should not have an emergency services district.

Since Roberts County is sparsely populated, the volunteer fire department in Miami was responsible for responding to fire and medical emergencies across the entire county. By the early 21st Century, county leaders recognized that the fire department's resources were

stretched very thin. County Judge Vernon Cook³ spurred an investigation into the creation of an emergency services district. He was able to convince more than 100 voters to sign a petition that was presented to the County Commissioners Court. The commissioners voted to send the idea to be decided by the voters in Roberts County (Vernon Cook, personal communication, October 23, 2018). On November 2, 2004, Roberts County voters approved the creation of an emergency services district by a vote of 386 For to 19 voters Against (Regional Results, 2004, p. 5C).

While no longer the County Judge, Cook reports that the district has provided more resources for fire protection and emergency medical services. In fact, it has allowed for expanded emergency services, especially important considering the distance one must travel for emergency medical providers. In 2017, the district levied a property tax at a rate of \$0.037430 per \$100.00 valuation. The total levy for 2017 was \$250,198 (The County Information Program, Texas Association of Counties, 2018).

Our second case study is Randall County, like Roberts County, one of the 26 counties that form the Texas Panhandle. Randall County is one of the fastest growing counties in the region with most of the growth in the southern and southwestern parts of the city of Amarillo. Randall County shares Amarillo with Potter County to the north. Other population centers are Canyon, the county seat with a population over 13,000, and smaller communities like Palisades, Lake Tanglewood, and Timbercreek (Rausch, 2018). It is these smaller communities at the center of this case study.

³In Texas, the County Judge has both judicial and administrative duties and is the presiding officer of the commissioners court (Texas Association of Counties, 2018).

In December 2009, the Randall County Commissioners Court voted to hold an election in May 2010 to determine if voters wanted to create an emergency services district to serve unincorporated parts of the county as well as the villages of Timbercreek and Palisades. This vote was the end of a long process that started in March of 2009 when “roughly 250 people in Lake Tanglewood, Timbercreek Canyon and Palisades” signed petitions asking that voters in those communities be allowed to decide to create an ESD (Ramirez, 2009). The debate was spurred by the county’s decision to relocate a county fire station at a greater distance from the villages. The village of Lake Tanglewood originally had been part of the plan but the village council later decided to withdraw its support (Rogers, 2009). When they called for the election, the commissioners “determined the issue must win with the majority of votes in both Palisades and Timbercreek to levy a new tax” (Stecklein, 2010). On May 8, “the vote passed in Palisades with 85.7 percent of voters in favor of creating the district, but it failed in Timbercreek, where only 44.4 percent supported the measure. . . . Only one person in the unincorporated areas voted, and that person opposed the measure” (Stecklein, 2010).

In a very cruel twist of fate, less than a year after the emergency services district vote, a wildfire swept through eastern Randall County destroying homes and other property in the areas that rejected the measure (Ranaivo, 2011a). Randall County voters approved the creation of a County Assistance District on November 8, 2011. “Among 777 ballots cast, 53.2 percent backed the proposal while 46.7 percent went against it” (Ranaivo, 2011b, p. A1). A County Assistance District is an innovation in Texas local government. In 1999, the 76th Legislature enacted legislation to allow counties with a population of less than 45,000 to call an election to create a county assistance district. The county assistance districts may impose a sales and use

tax for: the construction, maintenance, or improvement of roads or highways; to assist in law enforcement and detention services; for maintenance or improvement of libraries, museums, parks, or other recreational facilities; and to assist in providing for the public health and welfare. In 2005, the Texas Legislature expanded the eligibility criteria so that it applies to more counties. The sales tax, as approved by voters in the new district, would be applied to purchases only at businesses located in the unincorporated parts of Randall County. Funds raised through the sales and use tax have been used by the Randall County Assistance District to purchase and maintain equipment for the Randall County Fire Department as well as purchase some property some property around the county's multipurpose building for economic development (Barrington, 2014).

Discussion

This paper examines one solution that Texas counties use to solve local government challenges: the creation of emergency services districts. With only a minority of counties creating such districts, it appears that this policy solution is determined largely by political factors in each individual county. A careful, and less quantitative, analysis of each of the 92 counties' experiences with emergency services districts would be necessary to more fully understand why some counties have the districts and others do not. Of course, it is informative to locate counties like Randall County that experienced voter rejection of the idea of an emergency services district. The case studies presented here, while brief, illustrate the value of studying each county's experience with emergency services districts.

There is limited, though logical, support for the hypothesis that growing counties are more likely to create emergency services districts. It also is likely that counties which are

morphing into suburbs of the state's mega-cities like Dallas, Houston, San Antonio, and Austin, are more likely to create these special districts. Tracking the diffusion of emergency services districts in the state of Texas is a research enterprise with a long time horizon. It is worthy of continued study, especially as the state loses its more rural identity.

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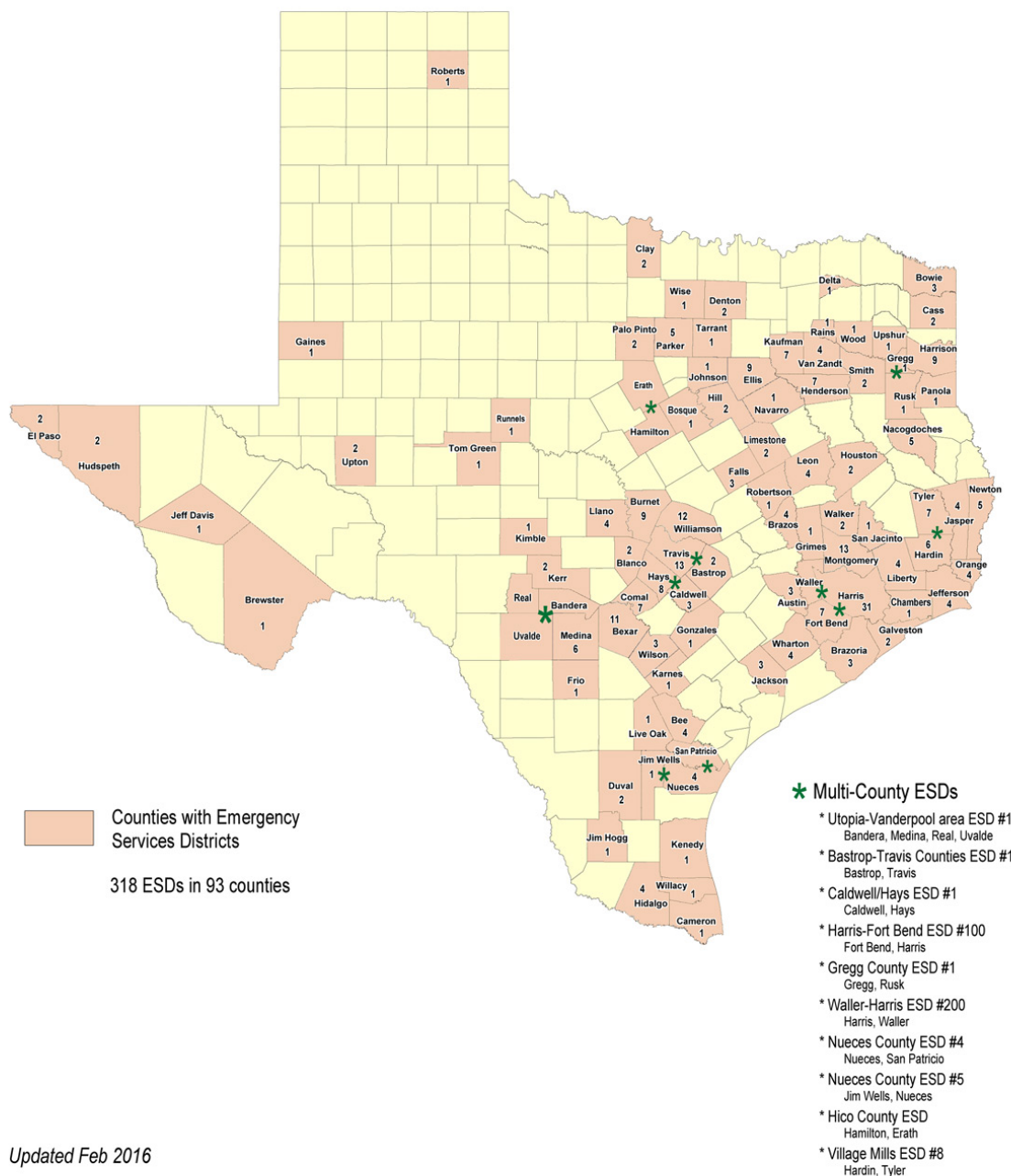
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Figure: Distribution of Emergency Services Districts in Texas.

NUMBER OF EMERGENCY SERVICES DISTRICTS BY COUNTY



<http://www.safe-d.org/images/ESD2016map.jpg>

Table 1. Correlation Analysis of Counties with Emergency Services Districts (ESD) and Independent Variables (N=253).	
	Does the county have an ESD?
Population Change from 2010-2017	.312 p=.000
Rural Isolation	-.071 p=.263
Percent Vote Republican in 2016	-.188 p=.003
Percent of the County Population White Anglo	-.078 p=.217
Socioeconomic Status	.085 p=.178

Table 2. Determinants of the Presence of Emergency Services Districts.	
	Estimated logit coefficients (standard errors)
Population Change from 2010-2017	.084* (.000)
Rural Isolation	.012* (.005)
Percent Vote Republican in 2016	-.040* (.012)
Percent of the County Population White Anglo	-.013 (.015)
Socioeconomic Status	.025 (.015)
Summary statistics:	
Number of cases	253
-2 Log Likelihood	292.91
Chi-square	38.76
Nagelkerke R ²	.194

*=significant at 0.05 level in a two-tailed test.