

NEWLY ELECTED OFFICIALS WORKSHOP 2012

TYPES OF CITY GOVERNMENTS AND HOW THEY WORK

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CONCEPT & HISTORY

- **LEGAL STATUS OF MUNICIPAL CORPORATIONS**
 - **Municipal:** Derived from the Roman word Municipium, meaning free city capable of governing its local affairs
 - **England:** The term was applied to self-governing cities and towns
 - **Colonial America:** Municipal Corporations originated in a grant of power from the King of England

CONCEPT & HISTORY

- After the American Revolution; The power of the crown was passed to the State Legislatures
- New York, Pennsylvania and Maryland were the first three to recognize the transfer of power to the Legislature
- Disagreements prevailed on the issue of self-rule
- Democratic doctrine – “Government closest to the people governs best”
- Prevailing Legal Theory – “Municipal government are totally dependent and subservient to the will of the legislature”

CITY GOVERNMENT IN TEXAS

- Republic of Texas (1836) established municipalities as corporations
- When Texas was under the jurisdiction of Spain and Mexico, a municipality included surrounding rural areas as well as the town
- The Republic changed this to define the territory of the municipality as the county and urban regions began to incorporate
- The first congress incorporated 18 cities and towns and 53 by the end of the Republic

CITY GOVERNMENT IN TEXAS

- Several Cities were incorporated by special congressional acts, with several cities incorporated by one act.
- Incorporations resembled charters with provisions for governing body, qualifications for office, powers of the city council and fire, street duty and taxation.
- The 1837 charter granted to San Augustine resembled a home rule city by providing aldermen the power to pass any ordinance for the benefit of its inhabitants without conflict with the Republic

SPECIAL LEGISLATIVE CHARTERS AND GENERAL LAW

- 1858, Provided general rules for incorporation of smaller cities
- 1846, New Braunfels was granted a special charter subject to ratification by local voters in a special election
- 1845-61, terms of office expanded beyond one year and some cities were given responsibility for local education
- 1876, Legislature provided that cities under 10,000 could be chartered only under general law; cities over 10,000 would continue to be subject to the special laws of the legislature. In 1903, this was changed to 5,000 population.

HOME RULE CHARTERS

- Texas voters established in 1912
- Enabling act was passed in 1913
- Three major objectives
 - Create a favorable climate for more direct governing of cities by their citizens
 - Secure adequate powers so that municipalities could meet increased demands for services
 - Avoid interference in local government from the state legislature
 - Cities may act without affirmative action of the legislature

TEXAS CITIES NOW

TYPES OF CITIES:

Special Law

General Law

Type A

Type B

Type C

Home Rule

TEXAS CITIES NOW

- General law cities are smaller cities (less than 5,000 in population). All general law cities operate according to specific state statutes prescribing their powers and duties.
- General law cities are limited by what the state authorizes or permits them to do. If state law does not grant general law cities the express or implied power to initiate a particular action, none may be taken.

GENERAL LAW TYPE A

- LGC Chapter 22
 - Aldermanic
 - Wards – 2 Alderman from each Ward; Mayor at large
 - At Large – 5 Alderman; Mayor
 - Two Year Staggered terms

GENERAL LAW TYPE B

- LGC Chapter 23
 - Aldermanic
 - At Large – 5 Alderman; Mayor; Marshal
 - One Year terms
 - Two year staggered terms by ordinance
 - Office of Marshal may be abolished by ordinance

GENERAL LAW TYPE C - COMMISSION

➤ LGC Chapter 24

- Commission
 - At Large – 2 Commissioners; Mayor
- Two Year terms
- \$3,000 Bond

HOME RULE

- Any city over 5,000 population where citizens have adopted a home rule charter is a home rule city.
- A charter establishes the city's governmental structure and provides for the distribution of powers and duties among the various branches of government. It is the City's Constitution.
- Rather than looking to state law to determine what they may do, home rule cities look to the state constitution and state statutes to determine what they may not do.
- Thus, if a proposed home rule city action has not been prohibited or pre-empted by the state, the city generally can proceed.

HOME RULE

➤ Municipal organizations

- Governmental Structure left totally at the discretion of local voters
- Free to choose form of government (Mayor-council, council-manager)
- Choose a large or small city council
- Election of council members – single member districts or by place
- Fix the terms of office

HOME RULE

- Municipal organizations (cont')
 - Selection of the mayor
 - Total discretion of the city's administrative structure
 - Providing for the appointment or election of major administrative officials
 - Creation of any board or commission that the voters feel are necessary to effectively run the city

HOME RULE

➤ Annexation

- Power to “unilaterally” annex adjoining areas
- “Unilateral” means the city can bring adjacent unincorporated area into the city without permission of the persons residing in that area
- State law does not prohibit this action
- City can guide development in that area
- Allows the city to maintain a strong economic base by bringing in taxable properties and other resources to fund municipal services

HOME RULE

- Initiative, referendum, and recall
 - These three powers are unique to home rule cities and their voters
 - There is no constitutional or statutory authority for these three provisions
 - Initiative is a procedure where local voters directly propose or initiate legislation
 - This procedure circumvents the city council by direct ballot action with wide community support but the council refuses to enact

HOME RULE

- Initiative, referendum, and recall (cont')
- Referendum is a procedure where local voters can repeal unpopular existing ordinances the council refuses to rescind by its own action
- Recall is a process by which local voters can oust members of the city council before the expiration of their terms

WHAT DOES A
CITY DO?

WHAT DOES A CITY DO

- Employer
- Regulator
 - Criminal conduct
 - Licensing
 - Zoning
- Financier
 - levy taxes
 - assess fees and charges
 - sell bonds
 - set budget
- Buyer

WHAT DOES A CITY DO

➤ Health and Safety

- Nuisances
- Noise
- Litter
- Junked Vehicles
- Substandard Buildings
- Firearms/Fireworks
- Outdoor Burning

WHAT DOES A CITY DO

- Health and Safety
 - Police
 - Fire

WHAT DOES A CITY DO

- Code Enforcement
 - Municipal Court
- Economic Development
- Elections
- Environmental
 - Water/wastewater
 - Storm runoff
 - Solid Waste Collection

WHAT DOES A CITY DO

- Land Use & Development
 - Comprehensive Plan
 - Flood Prevention
 - Zoning
 - Subdivisions/Plats/Site Development
 - Building Codes
 - Signs
 - Historic Preservation

WHAT DOES A CITY DO

- Land Use & Development
 - Antenna Towers
 - Sexually Oriented businesses
 - Lighting
 - Impact Fees
 - Landscaping/Tree Preservation/Open Space
 - Public Infrastructure

WHAT DOES A CITY DO

➤ Personnel

- Creating/Abolishing Municipal Offices
- Job Descriptions
- Employment Manuals
- Retirement/Benefits

WHAT DOES A CITY DO

- Procurement
 - Purchasing Policies
 - Awarding Contracts
 - Cooperative Purchasing
 - Disposition of Property

WHAT DOES A CITY DO

- Quality of life
 - Parks
 - Golf Courses
 - Dog Parks
 - Skate Parks
 - Recreation
 - Concerts

**HOW DO WE
DO IT?**



TEAMWORK

OPTIONS:

- Completely become immerse in the issues and become an “expert”.
- Hire experts to assist in all things municipal.
- Rely on the expertise of Staff, other Council Members, and Boards and Commissions.

BOARDS AND COMMISSIONS

- Planning
- Zoning
- Planning and Zoning
- Boards of Adjustment
 - Zoning
 - Construction
- Parks
- Capital Improvements
- Impact Fees
- Quasi-Judicial

CITY STAFF

Implement City Council Policy Decisions

- Handle all day-to-day administrative functions
 - Finance
 - Community Development Services
 - Courts
 - Human Resources
 - Police
 - Fire
 - Economic Development

OTHER GOVERNMENTAL ENTITIES

- Federal
- State
 - Agencies
- Counties
- Economic Development Corporations
- Municipal Utility Districts
- Local Government Corporation

Questions?

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