

Types of City Government

Riley Fletcher 2016

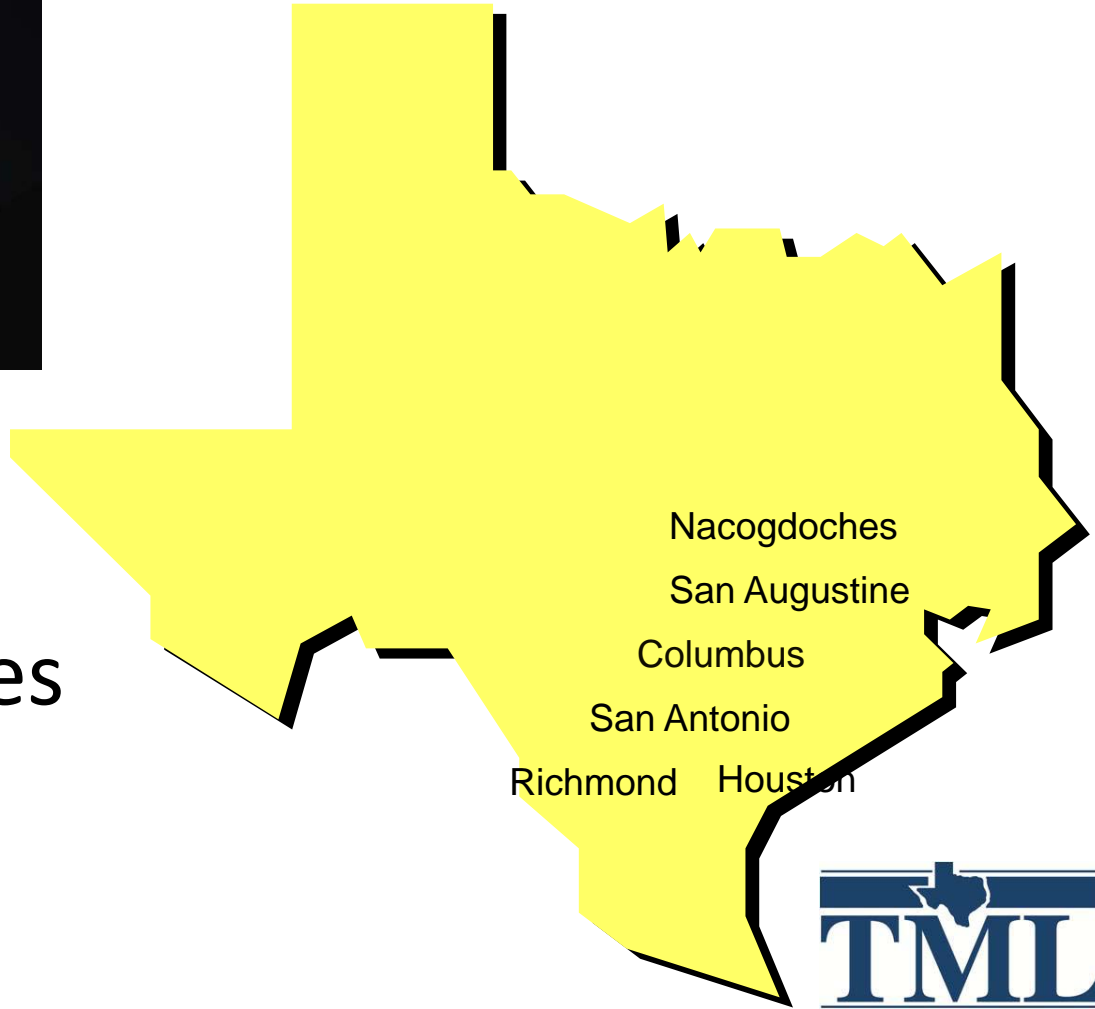
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Birth of Texas Cities



General Law Cities Type A, B, or C?



Borrowing Provision

- Type B cities have the same authority, duties, and privileges as a Type A city, unless there is a conflicting state provision regarding only Type B cities.
- Type C cities have the same powers as a Type B or Type A city, unless the law specifically provides otherwise

Home Rule Cities



Home Rule Authority

A home rule city may do anything authorized by its charter that is not specifically prohibited or preempted by the Texas Constitution or state or federal law; A general law city has no charter and may *only* exercise those powers that are specifically granted or implied by statute.

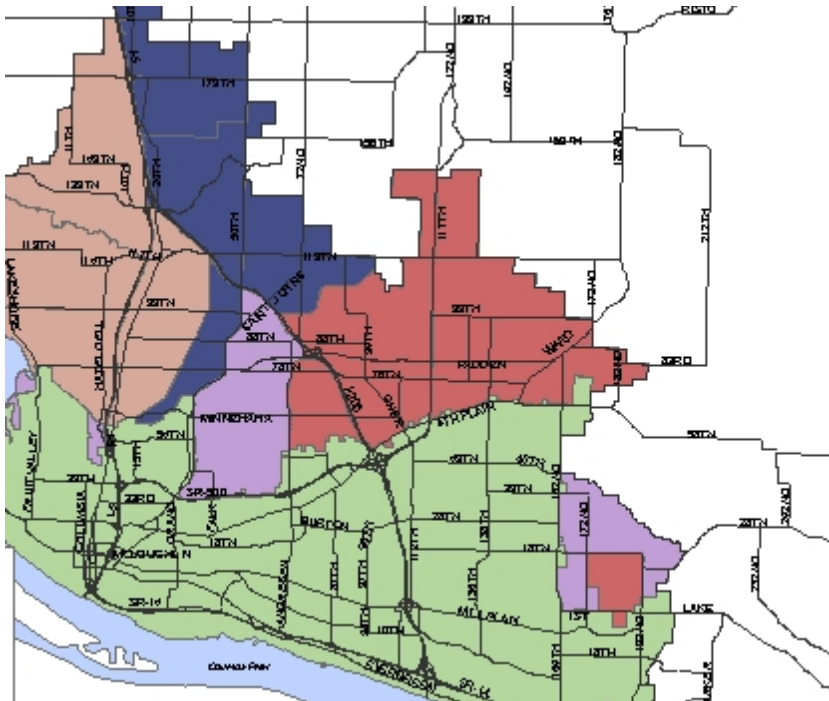
How do I know what type of city I represent?!



What are some differences in general law and home rule cities?



Annexation



Home Rule: unilateral annexation with state rules

General Law: mostly requested annexations with rules

Property Taxes

- Home Rule: \$2.50 per \$100 valuation
- Type A: \$1.50 per \$100 valuation
- Type B: .25 per \$100 valuation
- Type C: Same as Type A if 501-4,999 population or Same as B if 201-500 population



Initiative, Referendum, and Recall

- Only home rule cities possess these powers
- Home Rule Charter gives authority
- Initiative: Citizens want an ordinance
- Referendum: Citizens want to repeal an ordinance
- Recall: Citizens want to remove one or more members of governing body

Changing City Type

Changing to a Type A City

1. Affirmative vote of 2/3 of city council;
2. Record taken and signed by mayor; and
3. Record filed and recorded in county clerk's office.

Changing to Home Rule

1. City council may order an election to create a charter commission, with 2/3 vote of council; or
2. Council must order an election if presented with a petition signed by at least 10 percent of the qualified voters

State Preemption of Local Authority



Transportation Code

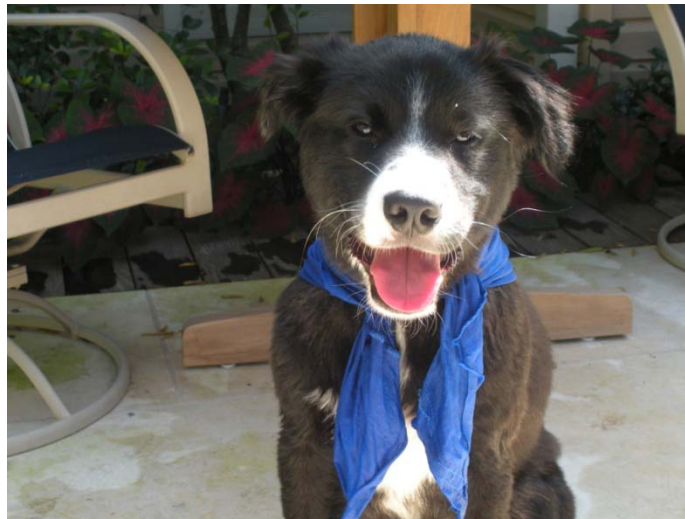
Sec. 545.425

State-level

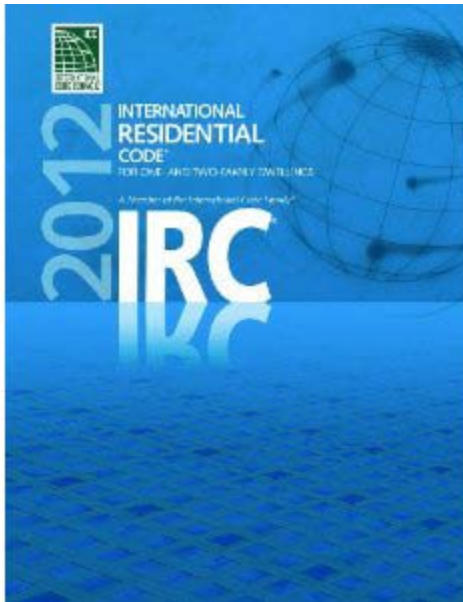
misdemeanor to drive
in a school zone while
talking on a cell phone

Dangerous Dogs

- Sec. 822.047. LOCAL REGULATION OF DANGEROUS DOGS. A county or municipality may place additional requirements or restrictions on dangerous dogs if the requirements or restrictions:
 - (1) are not specific to one breed or several breeds of dogs; and
 - (2) are more stringent than restrictions provided by this subchapter.



Fire Sprinklers



Oil & Gas Regulations

- HB 40 (2015): oil and gas operation subject to the exclusive jurisdiction of the state
- Cities may not enact or enforce ordinance that ban, limit, or otherwise regulate oil and gas operation
- Cities can regulate aboveground activity if it is “commercially reasonable”

Questions?

Great resources are available on our website:

<http://www.tml.org/> → “Legal Research”

Feel free to contact me:

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