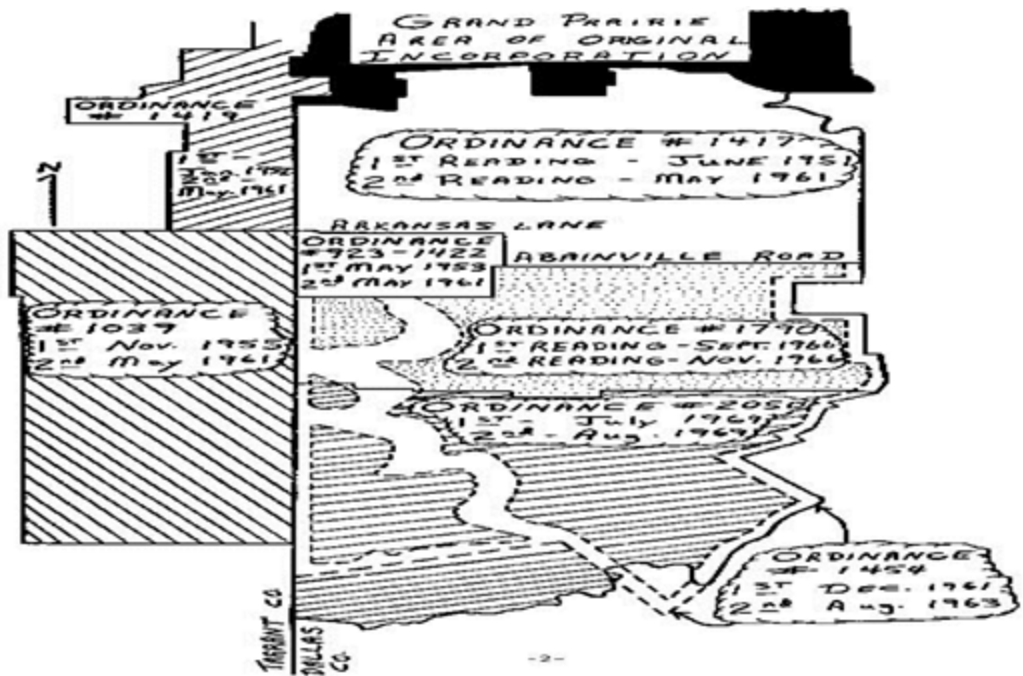
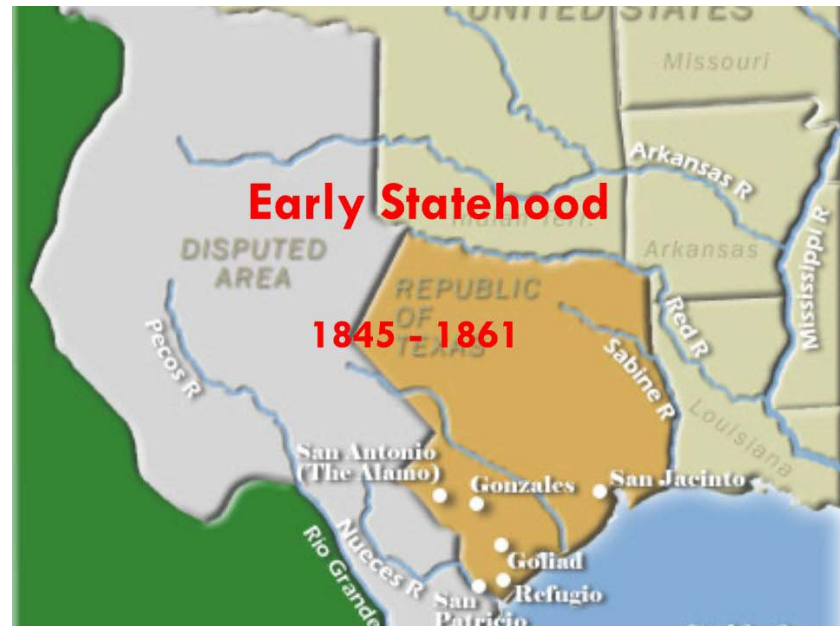
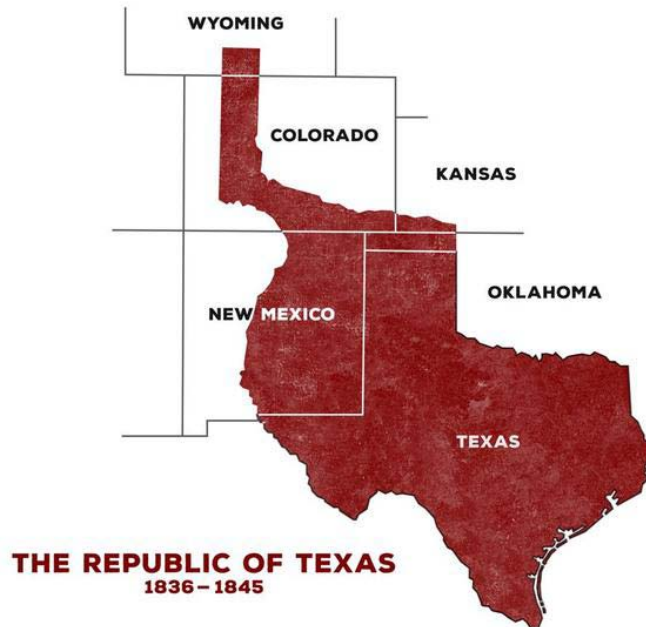


MUNICIPAL ANNEXATION: The New Reality?



Scott Houston
General Counsel
Texas Municipal League

How did we get where we are now?



How did we get where we are now?

CHAPTER ELEVEN.

TOWNS AND VILLAGES.

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ARTICLE 506. Where a town or village may contain two hundred inhabitants and less than one thousand inhabitants, it may be incorporated as a town in the manner prescribed in this chapter.

ART. 507. If the inhabitants of such town or village desire to be so incorporated, at least twenty residents thereof, who would be qualified voters under the provisions of this chapter, shall file an application for that purpose in the office of the judge of the county court of the county in which the town or village is situated, stating the boundaries of the proposed town or village, and the name by which it is to be known if it be incorporated.

ART. 508. If satisfactory proof is made that the town or village contains the requisite number of inhabitants it shall be the duty of the county judge to make an order for holding an election on a day therein

May be incorporated, when.
(Acts May 26,
1873, p. 98, §1;
Jan. 27, 1883.)
O. & W. p. 433.

Mode of proceeding.

County judge to order election to determine, etc.

How did we get where we are now?

Texas Home Rule Charters *Terrell Blodgett*



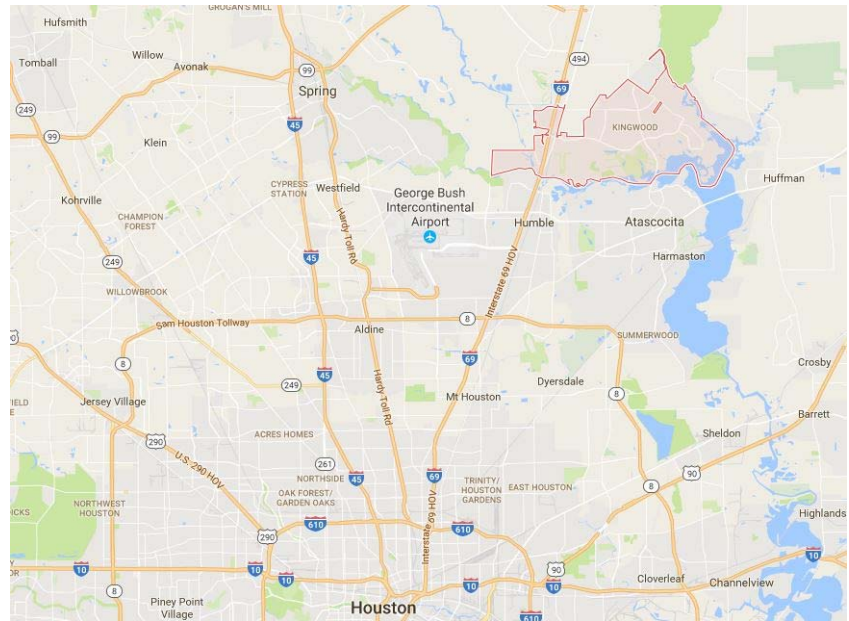
Second Edition (2010)

Updated by

Kelly McBride and Scott Houston

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How did we get where we are now?

By: Mowery, Keel, Crabb, Thompson, Turner,
et al.

H.B. No. 568

Substitute the following for H.B. No. 568:

By: Jones of Dallas

C.S.H.B. No. 568

A BILL TO BE ENTITLED

AN ACT

relating to a revision of the procedures for municipal annexation.



How did we get where we are now?

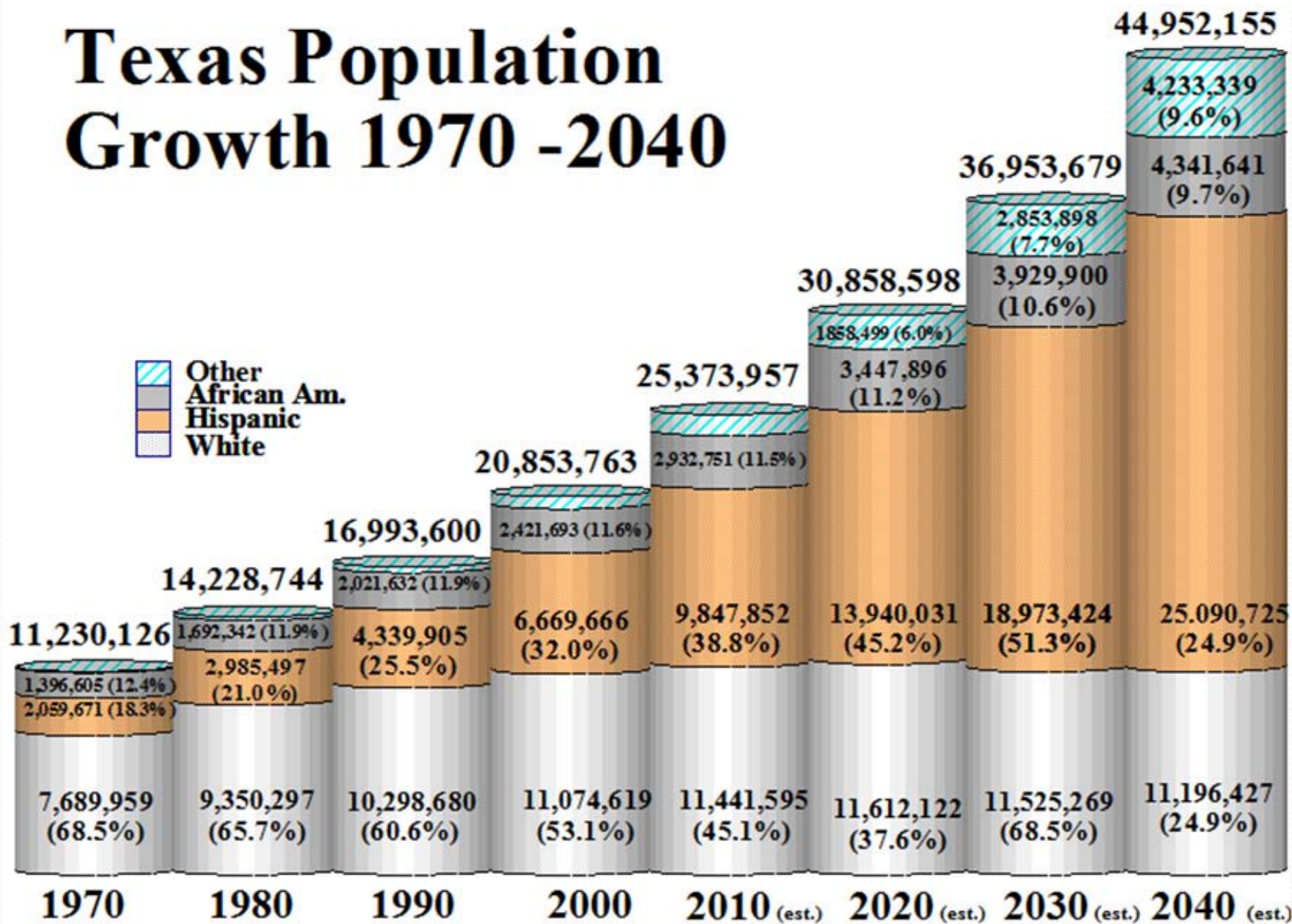
S.B. 6 Senate State Affairs Hearing Video



How did we get where we are now?

- 1836/1845 – Special law cities
150,000
- 1858 – General law cities
600,000
- 1912 – Home rule cities
4,500,000
- 1963 – Municipal Annexation Act
9,800,000

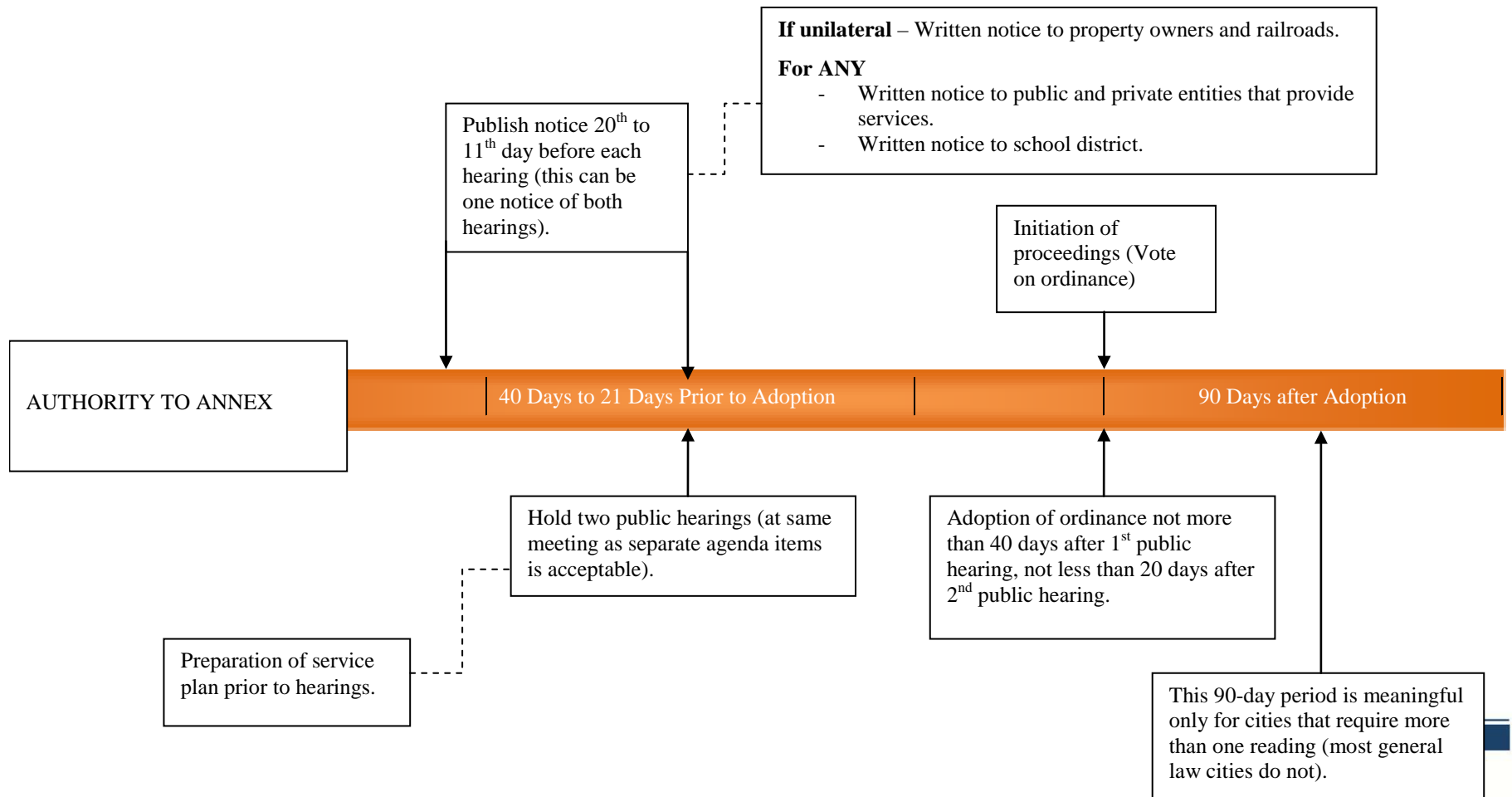
Texas Population Growth 1970 -2040



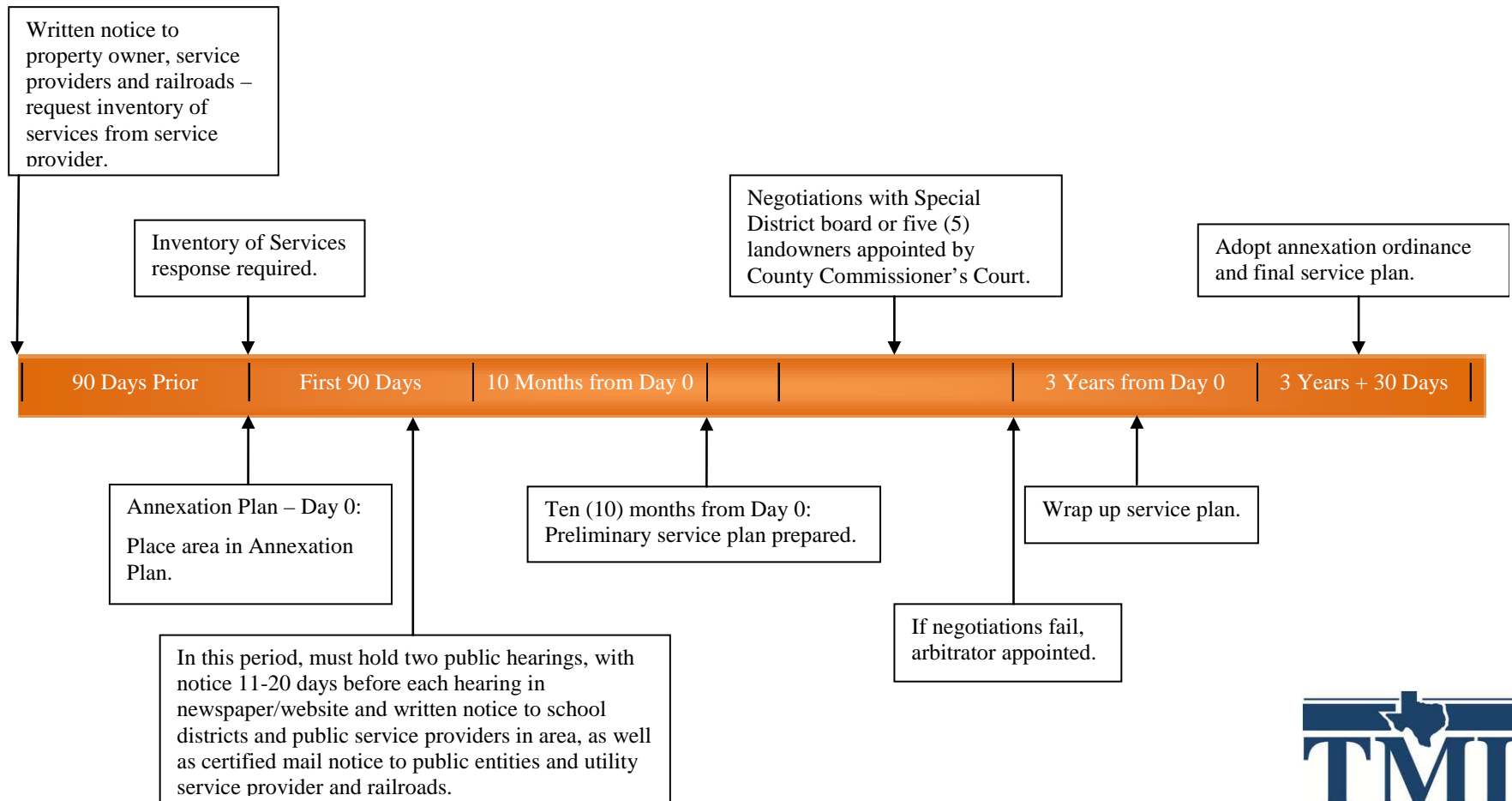
Senate Bill 6

- **Tier 1 County – County with less than 500,000 population that has not adopted Tier 2 status by election**
- **Tier 2 County – County with a population of 500,000 or more**

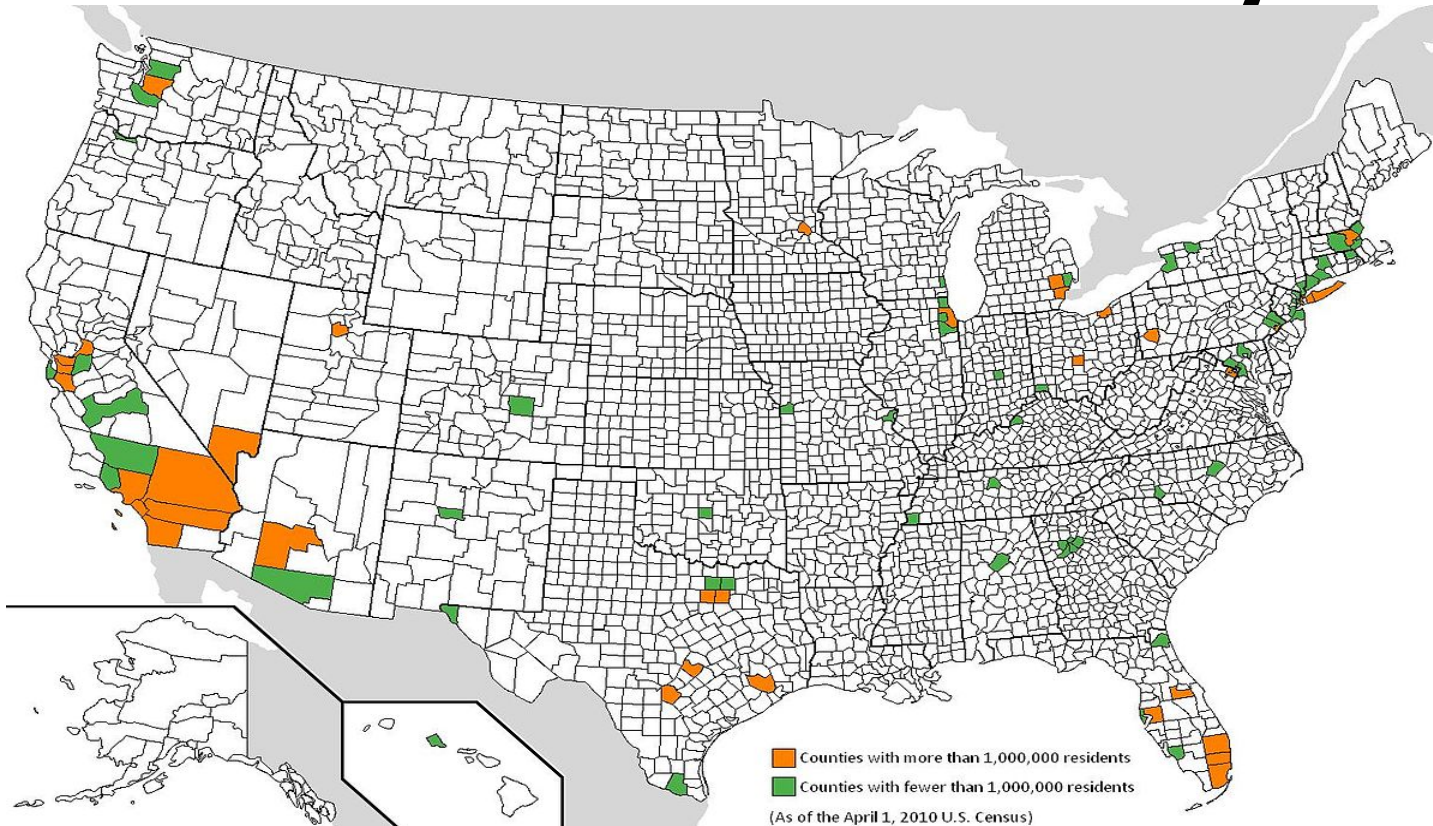
Tier 1 – Exempt Process



Tier 1 – Plan Process



Tier 2 County

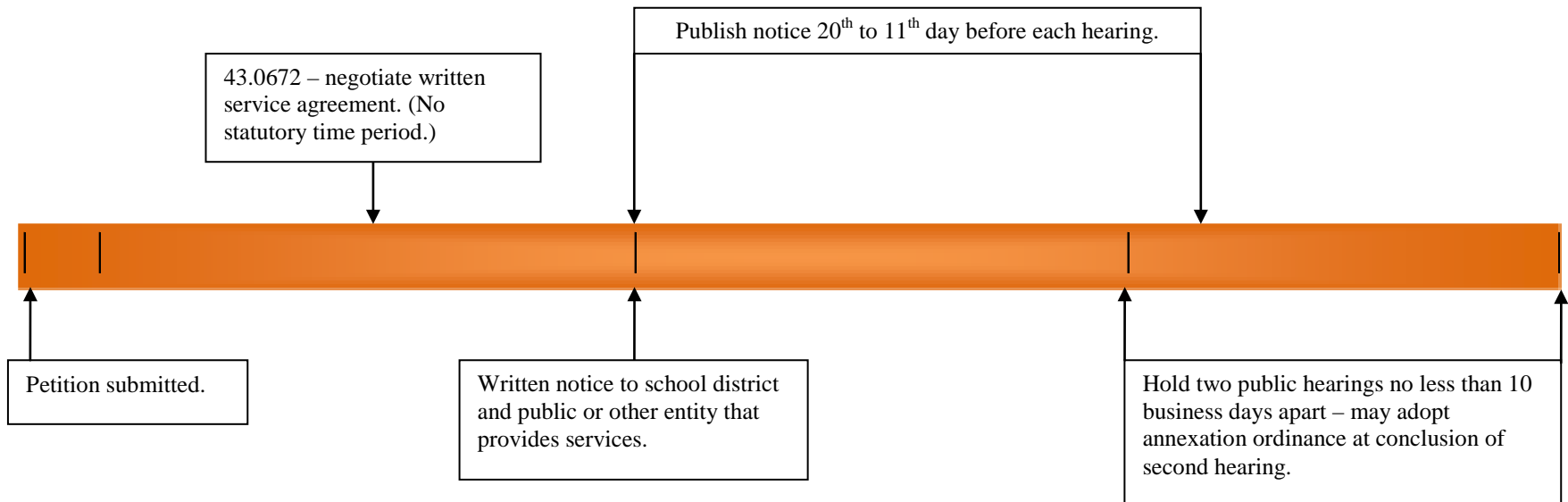


Travis, Tarrant, Harris, Fort Bend, El Paso, Denton, Dallas, Collin, Bexar, Henderson, and any other county that has opted in to Tier 2 by election

Tier 2 County

- **Authority and procedures combined into one**
- **Three schemes:**
 1. **Petition of individual landowner**
 2. **Area with less than 200 population petition process**
 3. **Area with 200 or more population election process**

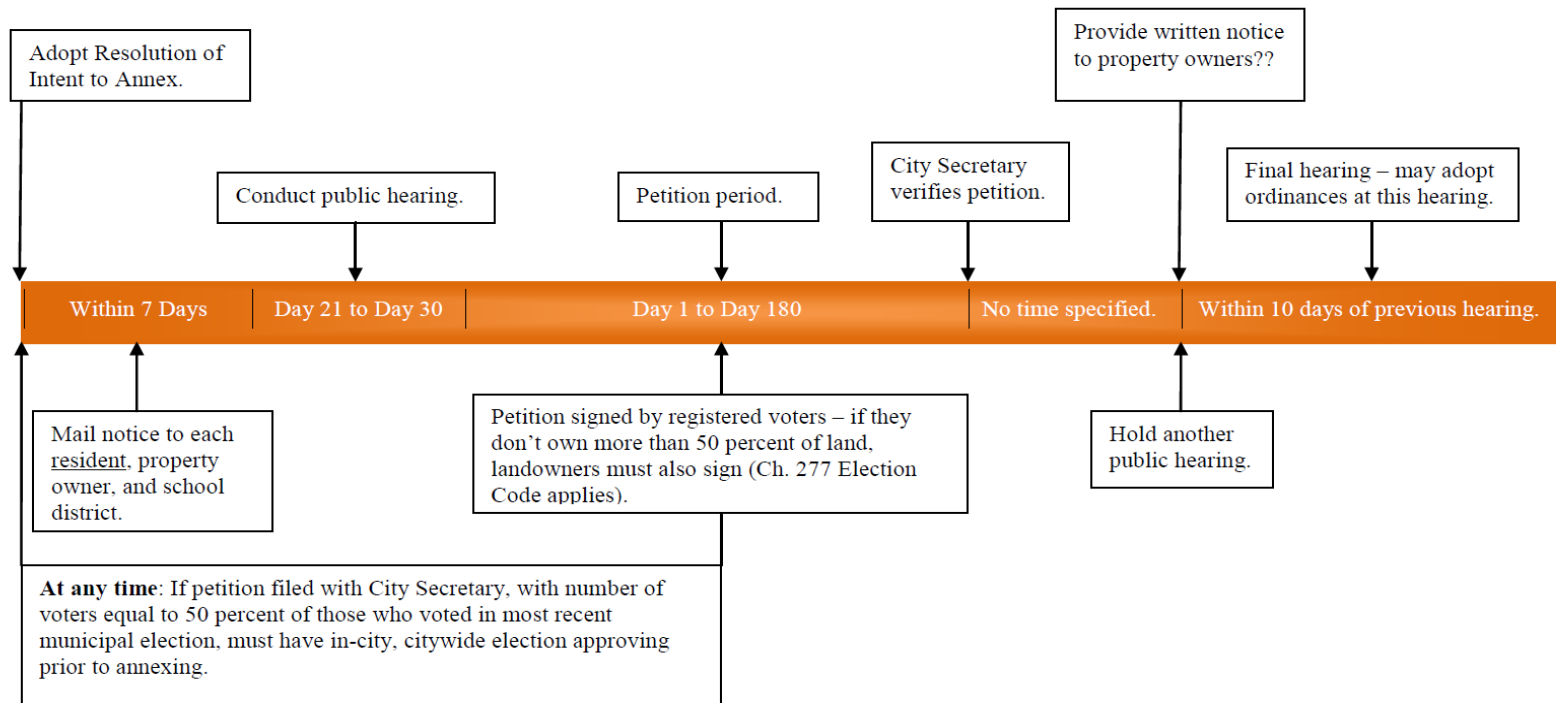
Tier 2 – Individual Landowner Petition



Tier 2 – Voter Petition (less than 200 population)

- Only if:
 - (1) City obtains consent to annex the area through a petition signed by more than 50 percent of the registered voters of the area; and
 - (2) if the registered voters of the area do not own more than 50 percent of the land in the area, the petition must also be signed by more than 50 percent of the **owners of land** in the area.

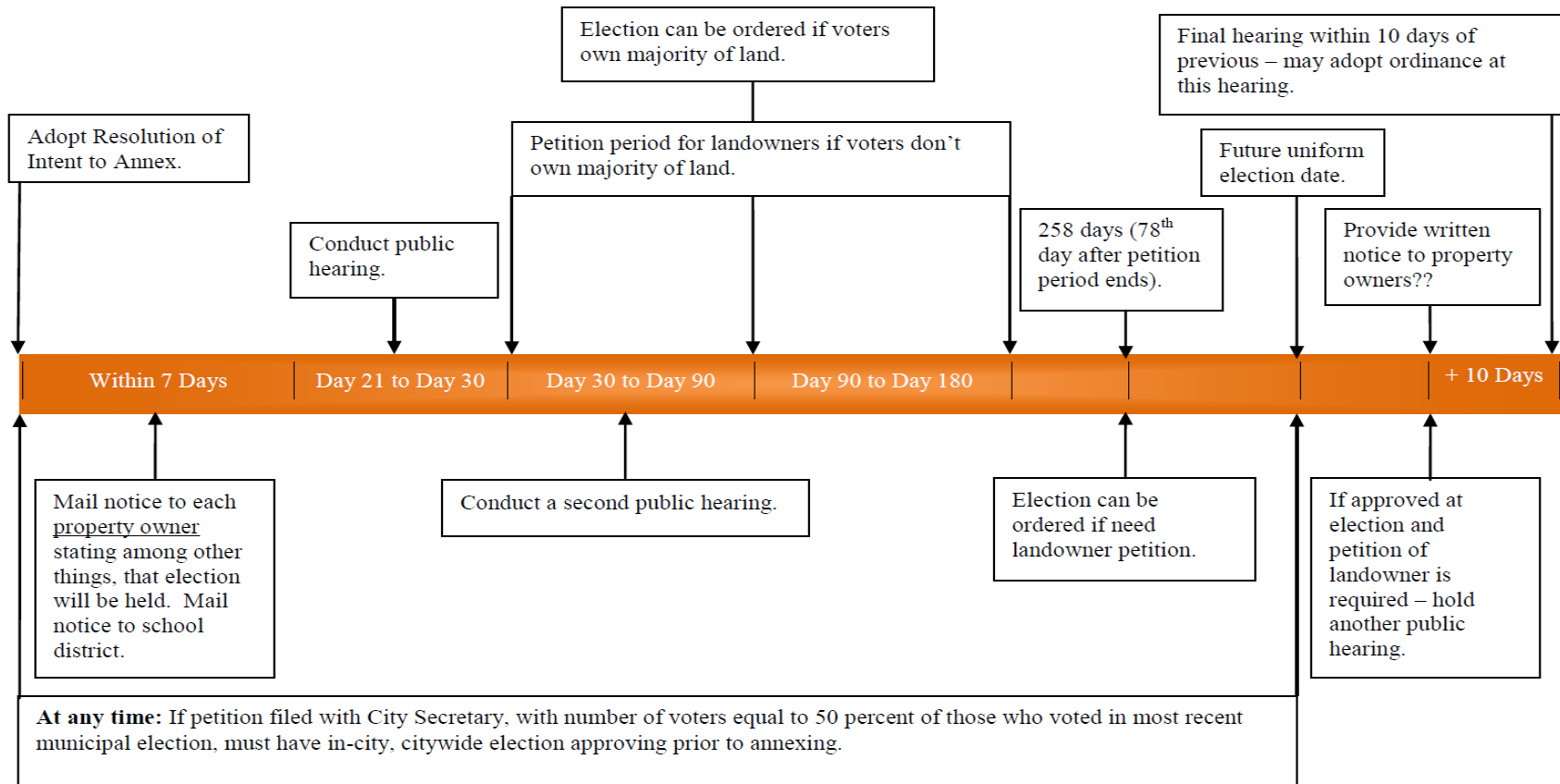
Tier 2 – Less than 200 Population



Tier 2 – Election (200 or more population)

- Only if:
 - (1) City holds an election in the area proposed to be annexed at which the qualified voters of the area approve the annexation; and
 - (2) if the registered voters of the area do not own more than 50 percent of the land in the area, the city obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area.

Tier 2 – 200 or More Population



SB 6 – Remedies

- (a) This chapter may be enforced only through mandamus or declaratory or injunctive relief.
- (b) A political subdivision's immunity from suit is waived in regard to an action under this chapter.
- (c) A court may award court costs and reasonable and necessary attorney's fees to the prevailing party in an action under this chapter.

Lack of Policy Consideration

- State of Texas & Counties **expected** cities to solve growth problems
- What is our ETJ responsibility?
- Charge more to non-city residents?
 - Library
 - Parks, etc.
- Urban boundary?
- Special districts/SPAs
- Development agreements and non-annexation agreements (services)?

Post-S.B. 6 Issues

- If Cities no longer plan for or manage development or stop serving these areas will State or Counties step up to the plate?
 - Are they interested?
 - Will they plan for major roadways, etc.?
 - Will they regulate substandard development?
 - Will they pay for necessary improvements? Ha.

How did we get where we are now?

S.B. 6 Senate State Affairs Hearing Video



“The city can convince them to want
to come in...”



EC 255.003 says no they can't...

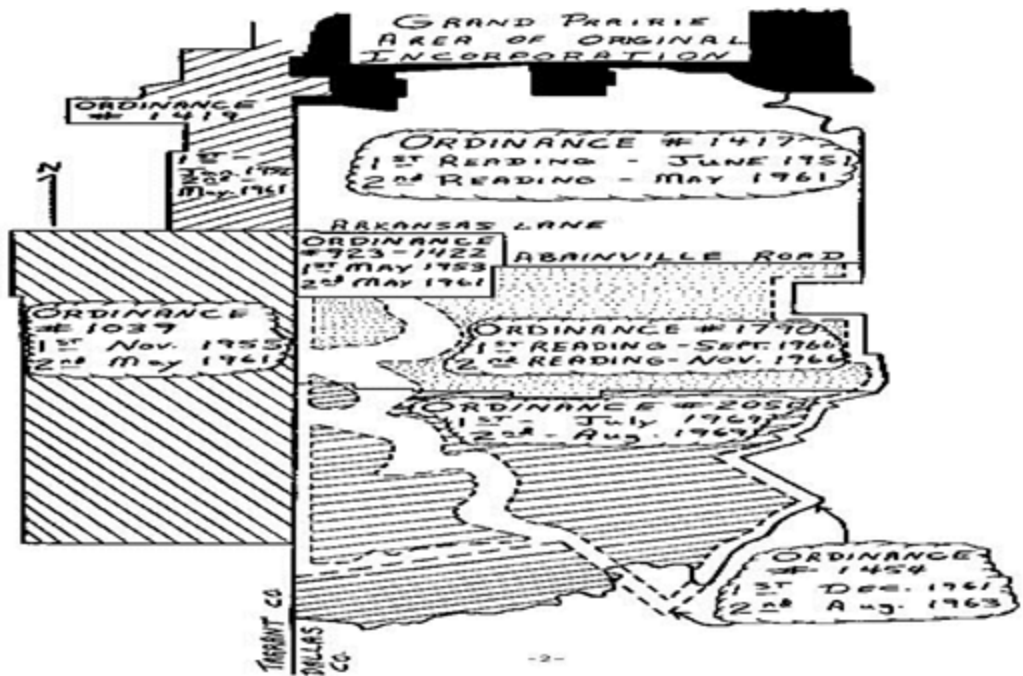


What does S.B. 6 mean for the future?

According to the recent mid-term census data, more than 1,400 people are added to the Texas population each day. That's 490,000 last year alone. And 450,000 of them were in and around cities in an MSA. It's not a city's fault that growth is happening, but it is (was?) a city's responsibility to ensure that the growth in and around them is sustainable.



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