

Types of City Government

RILEY FLETCHER BASIC MUNICIPAL LAW SEMINAR

FEBRUARY 5, 2026

Stephanie Huser, Legal Counsel



1

OUTLINE



- Brief History of Texas Cities
- Determining City Type
- General Law Cities
 - Type A
 - Type B
 - Type C
- Home Rule Cities
- Differences in Authority
- Preemption
- Resources

2

Brief History



• 1836-1845 – Republic of Texas

- Communities could incorporate as a towns by special act of the Congress of the Republic of Texas
- Nacogdoches was first town incorporated on June 5, 1837
- Special acts of congress resembled basic charter
- Special act = Could exercise only those powers granted in text of the act
- 50 more towns were incorporated

3

Brief History



• 1845 – Texas annexed by the United States

- Communities could incorporate through a special act of the state legislature

• 1858 – Statute passed allowing for incorporation under general laws

- Foundation for the Local Gov't Code
- Petition "Chief Justice of the County"
- Election for incorporation
- Election for mayor and alderman

• 1912 – Home Rule Amendment Article XI, Section 5 of Tex. Constitution

- Removed incorporation by special act
- Cities over 5,000 power to adopt charter after election (self-government)



4

Determining City Type



General Law

Type A
Type B
Type C



Home Rule

- A city's order of incorporation will determine type
- Must be filed with county clerk's office
- No statewide database



5

General Law Cities



6

General Law – Type A

- Aldermanic Form of Government
- Council = Mayor + 5 aldermen (if no wards)
- Mayor doesn't vote except to break a tie
- Quorum consists of 3 aldermen, except:
 - Special meeting or meeting concerning taxation
 - 2/3 requirement
 - Mayor doesn't count toward quorum requirements
- Two-year terms (unless diff term adopted)
- Mayor pro tem elected to fill in for mayor
- Taxation:
 - Limited to \$1.50 or \$2.50 per hundred-dollar valuation, depending on pop.



7

General Law – Type B

- Aldermanic Form of Government
- Council = Mayor + 5 aldermen
- Quorum =
 - Mayor + 3 aldermen, or
 - 4 aldermen, if mayor absent
- One-year terms (unless staggered 2-year terms are adopted)
- Mayor pro tem elected to fill in for mayor
- Mayor vote unclear
- Taxation:
 - Limited to \$0.25 per hundred-dollar valuation



8

General Law – Type C

- Commission Form of Government
- Council = Mayor + 2 Commissioners
- Two-year terms (unless longer term adopted)
- Taxation:
 - Limited to \$0.25 or \$1.50 per hundred-dollar valuation, depending on population



9

General Law City Authority

“ A general law city may only exercise those powers that are specifically granted or necessarily implied in state law. ”



10

Power to Enact and Enforce Ordinances

The governing body of a municipality may adopt ... an ordinance, rule or police regulation that ... is for the good government, peace, or order of the municipality ...
- *Tex. Local Gov't Code Sec. 51.001*

A Type A general law city "may adopt an ordinance ... not inconsistent with state law that is necessary for the government, interest, welfare, or good order of the municipality ...
- *Tex. Local Gov't Code Sec. 51.012*

The governing body of a Type B municipality may adopt an ordinance ... not inconsistent with state law, that the governing body considers proper for the government of the municipal corporation ...
- *Tex. Local Gov't Code Sec. 51.051*



11

Borrowing Provisions

- Local Gov't Code Chapter 51
- 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 (depending on pop.), unless the law specifically provides otherwise



12

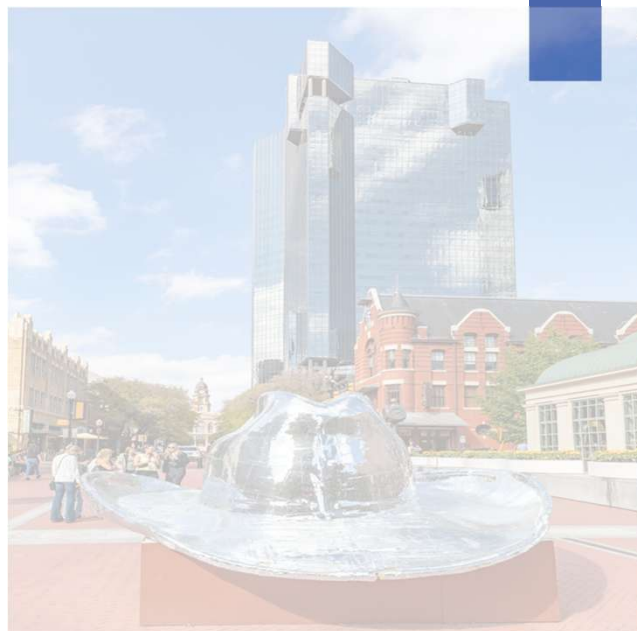
City Manager Form of Government

- Local Gov't Code Chapter 25
- Cities < 5,000 population
- Election
- Similar to private corporation
- City Administrator Option
- "Weak Mayor" vs. "Strong Mayor" form of government



13

Home Rule Cities



14

Home Rule City Authority

“ Home-rule municipalities derive their powers from the Texas Constitution and possess the full power of self government and look to the Legislature not for grants of power, but only for limitations on their power.”



15

Differences in Authority

- Citizen Initiative & Referendum (HR)
- Recall Election (HR)
- Removal (GL)
- Term Limits (HR)
- Maximum Property Tax Rates

16

Maximum Property Tax Rates

- **Home Rule:** \$2.50 per \$100 valuation
- **Type A with <5,000 population:** \$1.50 per \$100 valuation
- **Type A with >5,000 population:** \$2.50 per \$100 valuation
- **Type B:** \$ 0.25 per \$100 valuation
- **Type C:** Same as Type A if 501-4,999 pop., or same as B if 201-500 pop.



17

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.




18




19

Juvenile Curfew Ordinances



Local Government
Code § 370.007



20

Alcoholic Beverages

Alcoholic Beverage Code
§§ 1.06 and 109.57



21

Transportation Network Companies



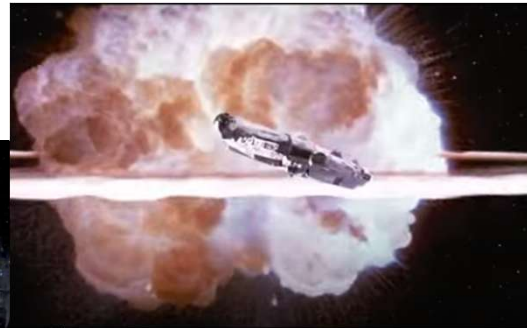
Texas Occupations
Code
Chapter 2402



22

Texas Regulatory Consistency Act

H.B. 2127 –
“Super Preemption Bill”
“Death Star Bill”



23

Texas Regulatory Consistency Act

Expressly prohibits adoption or enforcement of:

1. Employment related regulations that exceed or conflict with federal or state law. (e.g., employee breaks, hiring practices, scheduling practices, and employment leave.) ***Does not apply to city employee policies.
2. New or amended predatory lending regulations (payday loan establishments).
3. Regulations impeding a business involving animal breeding, care, treatment or sales or animal products – including veterinary practices in certain instances.
4. New or amended regulations relating to the retail sale of dogs or cats.
5. Regulations involving evictions.

“Field of Regulation Occupied by State Law” in eight statutory codes:

Agriculture Code
Business & Commerce Code
Finance Code
Insurance Code

Labor Code
Natural Resources Code
Occupations Code
Property Code



24



25

TML Website

Navigation menu: RESOURCES, POLICY, EDUCATION, AFFILIATES, CITY CAREERS, RISK POOL

HOW CAN WE HELP YOU?

Legislative Information
Legal Research

LEGAL RESEARCH

- Amicus Brief Update
- Ask a Texas Municipal League Attorney
- Example Documents
- Legal Questions & Answers (Q&A)
- Top 10 Legal Questions
- Topics

Legal Q&As:
<https://www.tml.org/254/Legal-Questions-Answers-QA>

Legislative Information:
<https://www.tml.org/319/Legislative-Information>

26

Charters and Ordinances

municode

Texas

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Alabama Alaska Arizona Arkansas California Colorado Connecticut Delaware Florida Georgia Illinois Indiana Iowa Kansas Kentucky Louisiana Maine Maryland Massachusetts Michigan Minnesota Missouri Montana Nebraska Nevada New Hampshire New Jersey New York North Carolina North Dakota Ohio Oklahoma Oregon Pennsylvania Rhode Island South Carolina South Dakota Tennessee Texas Utah Vermont Virginia Washington West Virginia Wisconsin Wyoming

AMERICAN LEGAL Publishing Corporation

Home Services Purchase Codes Code Library Partnerships

USA Map > Texas

Texas

View All Texas Codes

Anahuac	Harker Heights	Pleasanton
Baird	Heath	Port Isabel
Balcones Heights	Ivanhoe	Sour Lake
Big Sandy	Keene	Stephenville
Center	Marble Falls	Sweetwater

<https://www.generalcode.com/library/>
<https://library.municode.com/tx>
<https://codelibrary.amlegal.com/regions/tx>

GENERAL CODE

Search for Municipality

When seen in the listing, indicates a MapLink site and indicates a collection of Custom Building Codes

eCodes by State MapLink Sites Custom Building Codes



27

Thank you!

stephanie@tml.org
legalinfo@tml.org
512-231-7400



28