MUNICIPAL LAW:
Home Rule Cities v. General Law Cities
AT A GLANCE: LOCAL GOVERNMENT IN TEXAS

As of 2014,
- 254 Counties in Texas
- 1,214 Municipalities
- 862/1,214 are General Law Cities
  • A, B, or C
- 352/1,214 are Home Rule/Charter

Ten Most Populated Cities in Texas:
• Houston, San Antonio, Dallas, Austin, Fort Worth, El Paso, Arlington, Corpus Christi, Plano, and Laredo

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COUNTIES

- Counties are the “middle-man”
  - Provide governmental services for residents while providing administrative services for the State
- Governmental
  - Road maintenance, health, welfare, law enforcement, jails and courts.
- Administrative
  - Voter registration, vehicle licensing
GENERAL LAW CITIES

- Powers limited to specific statutory authority
- Know your alphabet:
  - A, B, or C?
  - The difference determines which state laws apply
KNOW YOUR ALPHABET: A, B, or C?

TYPE A

- Larger
- Alderman (a.k.a., City Council)
  - Alderman – governed by statutes
- Governing Body = City Council
- Typically, 1 Mayor + 5 City Council Members
  - 2 year terms
- Municipal Officers
  - City Secretary, City Attorney, Engineer, Treasurer, Tax Assessor-Collector
KNOW YOUR ALPHABET: A, B, or C?

TYPE B

- New Cities Start Here
- Governing Body = Board of Alderman
- 201 < 10,000 residents
  - Change to Type A at 600+
- Typically, 1 Mayor + 5 Aldermen
  - Typically, 1-year terms
- Can change to Type A at 600 inhabitants
KNOW YOUR ALPHABET: A, B, or C?

TYPE C

- Governing Body = Board of Commissioners
  - ALWAYS has a 1 Mayor +2 Commissioners
  - MUST appoint City clerk
  - CAN appoint other officers
  - Typically, 1-year terms
- If > 500, follow Type A Requirements
- If < 500, follow Type B Requirements
- Can change to Type A at 600 inhabitants
## KNOW YOUR ALPHABET: ABC CHART

<table>
<thead>
<tr>
<th></th>
<th>TYPE A</th>
<th>TYPE B</th>
<th>TYPE C</th>
</tr>
</thead>
<tbody>
<tr>
<td>GOVERNING BODY</td>
<td>City Council</td>
<td>Board of Alderman</td>
<td>Board of Commissioners</td>
</tr>
<tr>
<td>MEMBERSHIP</td>
<td>1 Mayor + City Council</td>
<td>1 Mayor + 5 Aldermen</td>
<td>1 Mayor + 2 Commissioners</td>
</tr>
<tr>
<td>TERM</td>
<td>2 years</td>
<td>1 year (typically)</td>
<td>1 year (typically)</td>
</tr>
<tr>
<td>EXTRA INFO.</td>
<td>Larger populations</td>
<td>New cities start here, 201 &lt;10,000 residents</td>
<td>&gt; 500, Type A rules. &lt; 500, Type B rules. Type A at 600</td>
</tr>
</tbody>
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FROM GENERAL LAW → HOME RULE

• 5,000 or more inhabitants = GL → Home Rule
  – TX. Const. art XI, section 5
• Governing body can create a charter commission to write a Home Rule Charter
  – 2/3 vote needed
  – Charter Commission: If 10% of city’s residents ask for it
  – Texas Local Government Code §9.003
    • Residents MUST vote on proposed charter
HOME RULE

• Inherent Powers
  – City powers not specifically given by statute
• Local voters decide government and administrative structure
• Most important ability of home rule cities:
  – UNILATERAL ANNEXATION!!
• Limitation on Powers:
  – City MUST obey State Law and Constitution
HOW IS HOME RULE DIFFERENT?

• Rule of Thumb

• “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.”
<table>
<thead>
<tr>
<th></th>
<th>GENERAL LAW</th>
<th>HOME RULE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mandatory Fees on Utility Bills</td>
<td>No Authority</td>
<td>Broad Powers</td>
</tr>
<tr>
<td>Removal of Council Members</td>
<td>No Recall</td>
<td>Recall</td>
</tr>
<tr>
<td>Term Limits</td>
<td>May not impose</td>
<td>May impose</td>
</tr>
<tr>
<td>Dog Breed Bans</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
Conclusion
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