

# **MUNICIPAL LAW:**

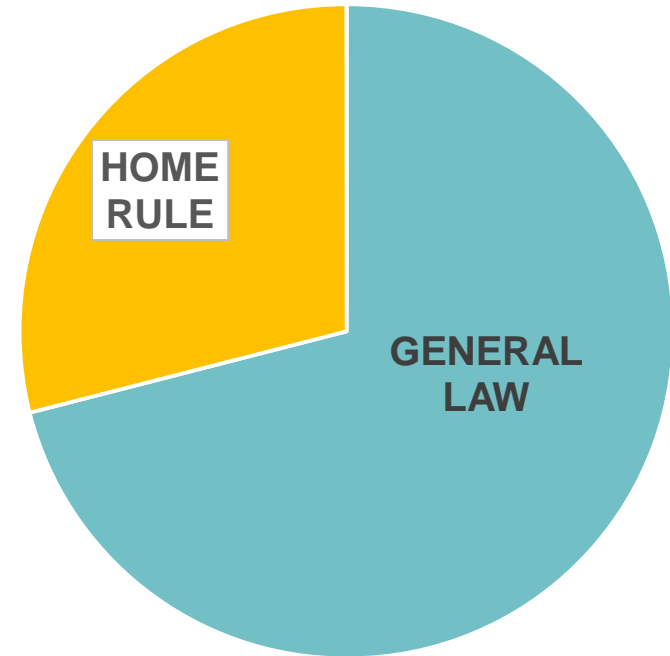
## **Home Rule Cities v. General Law Cities**

# AT A GLANCE: LOCAL GOVERNMENT IN TEXAS

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## ■ 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

# COUNTIES

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- **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

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- **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?

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## 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?

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## 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?

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## 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

	<b>TYPE A</b>	<b>TYPE B</b>	<b>TYPE C</b>
<b>GOVERNING BODY</b>	City Council	Board of Alderman	Board of Commissioners
<b>MEMBERSHIP</b>	1 Mayor + City Council	1 Mayor + 5 Aldermen	1 Mayor + 2 Commissioners
<b>TERM</b>	2 years	1 year (typically)	1 year (typically)
<b>EXTRA INFO.</b>	Larger populations	New cities start here, 201 <10,000 residents	> 500, Type A rules. < 500, Type B rules. Type A at 600



# FROM GENERAL LAW → HOME RULE

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- **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
- **Other TX Local Government Code Sections: §9.002, §9.005, §9.006, §9.007**

# HOME RULE

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- **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?

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- 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.”*

# WHERE HOME RULE AND GENERAL LAW ARE DIFFERENT

	GENERAL LAW	HOME RULE
<b>Mandatory Fees on Utility Bills</b>	<b>No Authority</b>	<b>Broad Powers</b>
<b>Removal of Council Members</b>	<b>No Recall</b>	<b>Recall</b>
<b>Term Limits</b>	<b>May not impose</b>	<b>May impose</b>
<b>Dog Breed Bans</b>	<b>No</b>	<b>No</b>

# Conclusion

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