

Local Government in Texas

Units of Local Government

- County- an administrative subdivision of the state
- Municipal governments- incorporated sub-division of the state chartered by the state
- Special districts- special purpose units of government. Created either by a special act of the legislature or under a general statute.

Local Government: Competing Theories of Sovereignty

- State Sovereignty- all authority rests with the state (Dillon’s Rule: “Municipal corporations owe their origin to, and derive their powers and rights wholly from, the legislature.”)
 - Judge John F. Dillon, Iowa Supreme Court, 1868.
- Local Sovereignty- local governments have rights to exist, powers to elect their officials, and conduct their business.

County Government in Texas

Basic Characteristics of Counties

- Legal Status
 - Administrative subdivision of the state
- Organization
 - Decentralized
 - County-wide elected officials
 - County commissioners elected by precinct

County Officials

- Elected for a four year term
- Partisan Elections in November, even year
- Overlapping terms of office for county-wide officials and County Commissioners
- Salaries established by County Commissioner’s Court based on authorization by state law

Constitutional Officers of County Government

- County Judge
- County Sheriff
- County Tax-Assessor Collector*
(*Counties with a population of 10,000 or more)
- County Clerk
- County Attorney ¹(Some counties combine with DA)
- County Treasurer ²(Can be abolished)

County Judge

Presides over Commissioner's Court and has one of five votes
Judge, constitutional county court (in counties with statutory county courts, this function is optional and generally not exercised)
Coordinator/administrator of various county programs
Prepares and presents budget to County Commissioner's Court

County Sheriff

Enforces state laws
Custody of prisoners/ county jail
Serves and enforces orders of county/district courts

District Attorney/Criminal District Attorney

- Presents evidence to Grand Jury
- Prosecutes felonies (and misdemeanors in districts with Criminal District Attorneys)

Tax-Assessor Collector

- Collects property taxes
- Vehicle license and registration fees
- Registers voters (except in counties with an election administrator)

County Clerk

- Custodian of legal records such as property deeds/marriage licenses/election records
- Issues licenses such a marriage
- Chief election official (except counties with election administrator)

County Treasurer*

- *Has been abolished in some counties
- County Treasurer
 - banks county money
 - approves purchase orders/payroll
 - serves as cash management officer

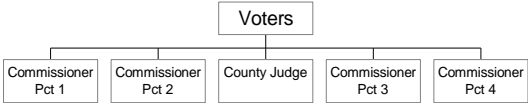
County Attorney*

- Serves as civil lawyer for County
- Prosecutes all misdemeanors
 - *Note: In counties with a Criminal District Attorney, the County Attorney position may be abolished and an Attorney for the County appointed by the County Commissioner's Court

County Commissioners
Selected by Precincts

- Serves on Commissioner's Court
- approve and supervise budget
 - appoint non-elected county executives
- Responsible for precinct roads/parks
- Supervises many social service functions in larger counties

County Commissioners Court



Appointed Officers
(Appt by Commissioners Court)

- | | |
|--|-------------------------------|
| - County Attorney | - Personnel Officer |
| - Road Administrator/
Right of Way Dept | - Purchasing Agent |
| - Home Demonstration
Agent | - Farm Demonstration
Agent |
| - Veteran's Service
Officer | - County Engineer |
| - Health Officer/
Pathologist | - Any others |

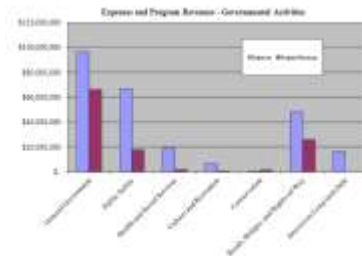
Required Functions of Counties

- Administration of Justice
 - law enforcement
 - courts (jp/ county/ district for urban counties)
- Tax Collection
- Record keeping and custody
- Elections
- ROW for state highways
- Administration of state mandated programs

Optional Programs

- County may undertake any optional programs not outlawed. Major problem is financing such programs. Examples include
 - parks
 - libraries
 - health
 - transportation (airports)
 - waste disposal

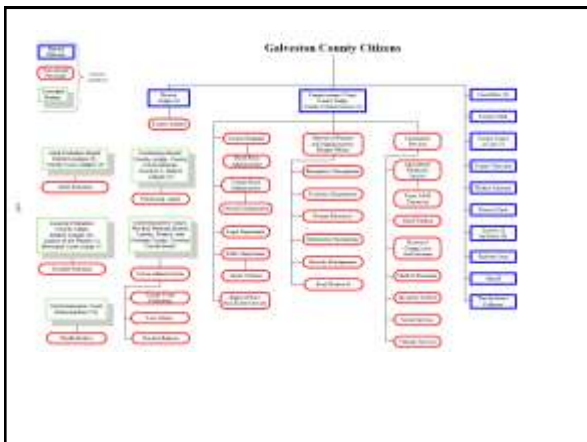
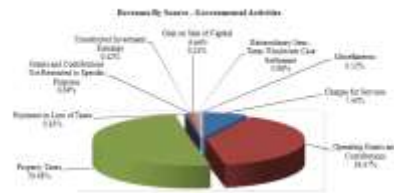
Galveston County- 2013 Expenses



County Revenues

- Property taxes
 - \$.80/\$100 for general fund
 - \$.15/\$100 for roads & bridges
 - \$.30/\$100 for maintenance of farm to market/flood control
 - \$1.25/\$100 maximum property
- Sales taxes- (1/2 cent) -only for counties that do not have transportation districts
- Fees/Fines
- Federal Aid (for specific programs)

Galveston County 2012 Revenues



Proposed Reforms for County Government

- Integrated organizational structure
- County “Home Rule”
- Ordinance powers for counties

Municipal Government
in Texas

Municipal Corporations

- Voluntarily created by the voters of the area
- Adopt a charter which dictates the form, powers, and restrictions on the municipal government

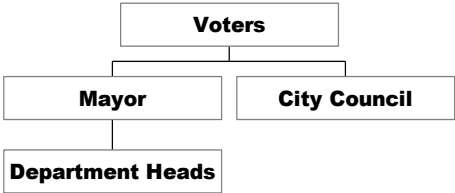
Types of City Charters

- Home Rule for municipalities with population greater than 5000 (Over 10,000 must adopt Home Rule Charter)
- General Law Charters-minimum 200 persons to 5000

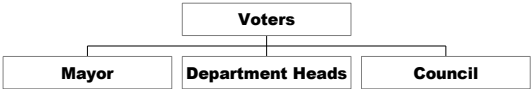
Forms of City Government

- Mayor Council
 - Strong Mayor-Council
 - Weak Mayor-Council
 - » (Special version for General Law Cities called Aldermanic Form)
- Council Manager
- Commission

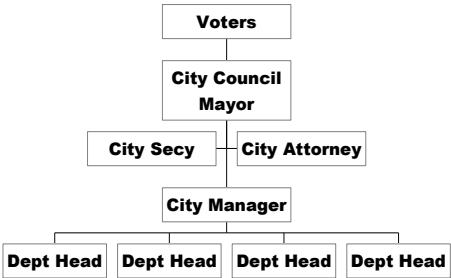
Strong Mayor Council



Weak Mayor



Council Manager



Commission Form



Powers of Cities

Note: All of these are “optional” powers. Cities are not required to perform any of these functions.

- Protection-
 - police and fire, health, food inspection
- “Welfare” functions
 - assistance to needy (largely a state function now), libraries, parks and recreation
- Physical Services
 - zoning, housing, streets, drainage, flood control
- Utilities
 - water, sewage, solid waste,
 - electricity, natural gas, public transit, airports

Municipal Finance

- Sales tax
 - up to 1 cent per dollar with voter approval (some cities may add an additional ¼ cent for special functions).
- Property tax
 - General Law \$1.50/\$100
 - Home Rule \$2.50/ \$100
- Occupation taxes (taxes on privilege of doing business)
- Fees/Fines
- Federal aid

Special District Government in Texas

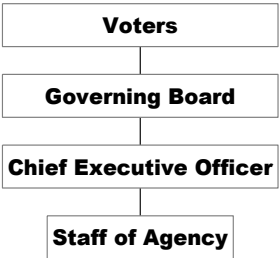
Special Districts

- Special purpose units of government
 - May be created by
 - Special Law (a specific act of the Legislature)
 - General Law (allow a special district to be created if voters approve and all conditions of the general law are met)
- Note: There are no home rule special districts.

Types of Districts

- Schools (public and community college)
- Water and Sewage (FWSD, WCID, MUD)
- Hospital/Health
- Flood Control/Drainage
- Fire Control Districts
- Mosquito Control
- Urban Renewal (Tax Reinvestment Zones)
- Airport Districts

Structure of Special District Government



Reasons for Creation

- Unsuitability of existing governments
- Geographical limits on existing governments
- Financial restrictions on existing governments
- Difficulty of coordinating existing units
- Public ideas that specialization is efficient

Problems with Special Districts

- Undemocratic
- Expensive
- Decentralizing
- Difficulty with assigning responsibility

Financing Special Districts

- Schools
 - property taxes
 - state aid
 - federal aid
 - fees (community colleges)
- Transit Districts
 - fees
 - sales taxes
- Other Districts
 - property taxes
 - fees

Selection of Local Governmental Officials

- County
 - Constitutional Officials must be elected
 - Other departmental heads may be appointed by Commissioner's Court
- Cities
 - Mayor and Council elected
 - Department heads- appointed
- Special Districts
 - School District Board and Water and Utility Board members must be elected
 - Other SD Board members may be appointed (established in State Law)

County Wide Elected County Officials

- County Judge
- Sheriff
- Tax-Assessor Collector
- County/District/Criminal District Attorney
- County Clerk
- Treasurer*
- Surveyor*

* Positions have been abolished in some counties.

City Elections

- Terms, salaries, and method of election determined by city charter
 - Generally two year terms of office
 - Non-partisan elections
 - Plurality or majority vote
 - Uniform election dates for offices/ special elections for referendums and bond elections

School Board District Elections

- Dates for officials established in state law
- Terms established in state law (3 or 4 years), staggered so that $\frac{1}{2}$ or $\frac{1}{3}$ are elected each election
- Trustees may be elected
 - At-large, majority vote or cumulative vote
 - Combination single-member districts/at-large