

Chapter 10: Local Government in Texas

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State and Local Government

GOVT 2306

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Why Local Government Matters

- In 2013 there was a fertilizer plant explosion in the town of West, Texas
 - 15 fatalities, 200 injuries
 - Under state law, city and county could adopt a fire code; neither had done so
- Only 15 counties have adopted a fire code
- Texas has no statewide fire code
 - Doing so would require many older, private business to retrofit their buildings.
- Sometimes local governments do not have the power or ability to provide adequate services
 - Some counties cannot enforce a fire code (population requirement)
- This is one example of how standardization in public safety can be beneficial to the community.

Local Government, in general

- Local government institutions play a major role in Texas providing sewer, water, electricity, police protection, and public education
 - More than 4,800 general-purpose local governments
- 3 Components of Local Government
 - City government
 - County Government
 - Special Districts

3 Components of Local Government

- **County Government**

- A unit of state government that performs some primary functions in the area of a county, such as construction and maintenance of county roads, law enforcement, etc.

- **City Government** (municipal government)

- A unit of state government that establishes and enforces rules under which an incorporated area will operate

- **Special Districts**

- A unit of local government that performs a single service in a limited geographic area, such as education or sanitation.

County Government in Texas

- County governments in Texas primarily govern rural areas and have constricted powers
 - Usually do NOT have powers to legislate
 - Function primarily as an administrative arm of the state government
 - Issuing drivers license is a state function performed by county governments
 - Elections are state function performed by county governments
- 254 counties (the most of all states)
 - Each county has a county government

TABLE 10.2

Primary Functions of County Government

- Construction and maintenance of county roads and bridges
- Law enforcement
- Dispute resolution
- Record-keeping
- Social services

County Government:

County Commissioners' Court

- **County commissioners' court:** main governing body of county
 - Not really a judicial court; consists of a **county judge** and four (4) **county commissioners**
 - The county commissioners' court sets the county tax rate and county budget
 - Expenditures include that for roads and bridges, maintaining county jails, indigent health care, etc.
 - The county is divided into 4 parts – precinct lines redrawn to reflect equal population. Each precinct elects a commissioner

County Judge
Elected countywide
Has judicial-administrative functions and
presides over the commissioners' court

Commissioner
Precinct 1
Elected from
one-quarter
of county
population

Commissioner
Precinct 2
Elected from
one-quarter
of county
population

Commissioner
Precinct 3
Elected from
one-quarter
of county
population

Commissioner
Precinct 4
Elected from
one-quarter
of county
population

FIGURE 10.1

The County Commissioners' Court

County judge: the person in each of Texas's 254 counties who presides over the constitutional county court and county commissioners' court, with responsibility for the administration of county government; some county judges carry out judicial responsibilities

County commissioner: government official (4 per county) on the county commissioners' court whose main duty is the construction and maintenance of roads and bridges

County Government:

Larger Counties

- Larger counties have more justices of the peace and more **constables**, whose roles also vary by county
 - **Constable**: precinct-level county official involved with serving legal papers and, in some counties, enforcing the law
- Larger counties may have probate judges, numerous district judges, and county-court-at-law judges; etc.

The 5 Functions of County Government

1. Construction and maintenance of county roads and bridges

- County commissioners are often called “road commissioners”

2. Law enforcement

- Undertaken by the constable and sheriff
 - See information about the duties of the **constable** on the next slide
- The **sheriff** is the chief law-enforcement officer within county government
 - Responsible for maintaining the county jail and the safety of prisoners

Duties of Texas Constables

- Serves as a licensed peace officer and performs various law enforcement functions, including issuing traffic citations.
- Serves warrants and civil papers such as subpoenas and temporary restraining orders.
- Serves as bailiff for Justice of the Peace Court.

Source: Texas Association of Counties

<https://www.county.org/texas-county-government/texas-county-officials/Pages/Constable.aspx>

The 5 Functions of County Government

3. Dispute Resolution

- **County attorneys** and **district attorneys** also perform a law-enforcement role by prosecuting criminals
- County attorneys prosecute less serious criminal offenses, district attorneys prosecute more serious criminal offenses

4. Record-keeping

- Mainly managed by **county clerks**
- Others include the **district clerk**, the **county tax assessor-collector**, and the **county auditor**

5. The most important **social services** provided by counties involve emergency welfare assistance

- Health department

A few more county officials...

- The **county clerk** and **district clerk** are the main record-keepers of the county and of district court documents, respectively.
- The **county tax assessor-collector** maintains the county tax records and collects the taxes owed to the county.
- The **county auditor**, appointed by the district judges, receives and disburses county funds; in large counties, this official also prepares the county budget.

Are Some Counties Too Small?

- Issues straining smaller counties: drugs, capital punishment, county jails
 - Counties exist for several reasons, some of them political
 - Originally, the goal of making county seats were to make them easily accessible by horseback (in one day)
 - Wealthy land owners want to create a county government in order to control taxes
- Brewster County has a population of 9,316, but it covers about 6,193 square miles, the size of Connecticut and Rhode Island combined
- Rockwall County has only 149 square miles and a population of 83,021

City Government

- Like counties, municipal governments (or city governments) are creations of the state
- 1,221 municipalities in Texas
 - Ranging from 27 residents in Corral City to almost 2.1 million residents in Houston
- Originally, the Texas Constitution provided that the state legislature was responsible for enacting laws for incorporated cities
 - Management of incorporated cities became too much for the state legislature
 - 1912 implementation of home rule

City Government:

The Home-Rule Charter

- The Home-Rule Charter Amendments, 1912, enabled cities to adopt **home-rule charters** with a majority vote of qualified voters
 - Must be at least 5,000 inhabitants
 - These provide rules under which a city will operate and the form of government, and may grant the power to annex land
 - A charter is simply a municipal constitution and has many similar features and virtues.

3 Forms of Government for Home-rule Cities

Home-rule cities generally can have 3 forms of government (or some variation of these 3 forms)

- 1. Mayor-council**
- 2. Commissioner**
- 3. Council-manager**

TABLE 10.4

The Largest Home-Rule Cities

NAME	2010 CENSUS POPULATION	2012 POPULATION ESTIMATES	FORM OF GOVERNMENT	FIRST CHARTER	PRESENT FORM ADOPTED
Houston	2,099,451	2,160,821	Mayor-council	1905	1994
San Antonio	1,327,407	1,382,951	Council-manager	1914	1951
Dallas	1,197,816	1,241,162	Council-manager	1889	1907
Austin	790,390	842,592	Council-manager	1919	1994
Fort Worth	741,206	777,992	Council-manager	1924	1985
El Paso	649,121	672,538	Council-manager	1873	2004
Arlington	365,438	375,600	Council-manager	1920	1990
Corpus Christi	305,215	312,195	Council-manager	1926	1993
Plano	259,841	272,068	Council-manager	1961	1993
Laredo	236,091	244,731	Council-manager	1848	1911

SOURCES: Compiled from *Texas Almanac 2006–2007* (Dallas: Dallas Morning News, 2006), 340–64; *Texas Almanac 2008–2009* (Dallas: Dallas Morning News, 2008), 8; Texas State Data Center; www.citypopulation.de/USA-Texas.html; City Charter of the City of Laredo as Amended (2010); City of El Paso website, www.elpasotexas.gov; U.S. Census Bureau, “State and County QuickFacts,” www.quickfacts.census.gov/qfd/states/48/484/464.html.

3 Forms of Government for Home-rule Cities:

Mayor-council

- The mayor is the chief executive, and the city council is the legislative body
 - Houston is one of the only major cities to have this form of government
- The mayor is elected from the city in an **at-large election**,
 - **At-large elections:** an election in which officials are selected by voters of the entire geographical area, rather than from smaller districts within that area
- The council is elected either at-large or from **single-member districts** or a combination
 - Single-member district: an electorate that elects only one representative for each district

3 Forms of Government for Home-rule Cities:

Commissioner

- Ran by a small group of elected commissioners acting in legislative and executive capacities
- Large cities simply cannot function as the commissioner form of local government
- Was supposed to bring good business practice to local government and avoid the squabbles found in the mayor-council form

3 Forms of Government for Home-rule Cities:

Council Manager

- Public policies are developed by the city council
- Executive and administrative functions are assigned to a professional city manager
- Goal of this form of local government:
 - (1) Free local government from the “yuckier” side of politics and
 - (2) bring administrative expertise

City Government in Texas: Houston

- **A Tale of Five Cities: Houston**
 - Largest city in Texas, with over 2.1 million people; strong mayor–council form
 - 16 elected officials in the city serving concurrent two-year terms, including a mayor, a controller, and 14 council members
 - Unlike in most cities, the city controller is elected
 - Current mayor: Annise Parker

City Government in Texas: San Antonio

- **A Tale of Five Cities: San Antonio**
 - Second-largest city in Texas
 - Council-manager form of government
 - Mayor, currently Ivy R. Taylor, is selected at large
 - City manager serves at the pleasure of the council as the chief executive
 - Supervises the activities of all city departments, a budget of \$2 billion, and 12,000 employees
 - Current city manager is the former Phoenix city manager

City Government in Texas: Dallas

- **A Tale of Five Cities: Dallas**
 - Council-manager form
 - Power of mayor is weak
 - Mayor, currently Mike Rawlings, presides over council meetings, creates council committees
 - 14-member council elected from single-member districts and a mayor elected at large
 - Council reflects African Americans and Hispanics

City Government in Texas: Austin

- **A Tale of Five Cities: Austin**
 - Fourth most populous city in Texas and the state capital
 - Mayor is elected citywide
 - City council is elected from single-member districts

City Government in Texas: El Paso

- **A Tale of Five Cities: El Paso**
 - Council-manager form
 - Eight city council members chosen by single-member districts; mayor elected at large.
 - City manager (Joyce Wilson) reports to mayor and city council
 - The main problem facing El Paso is poverty (22.3 percent)

City Government: General Statute Cities

- Cities and towns less than 5,000 are chartered by **general statute**
 - These “**general-law**” cities and towns may act or organize themselves only as explicitly permitted by statutory law passed by the state legislature
 - For example, levy, assess, and collect taxes

Special Districts

- A **special district** is a unit of local government that performs a single service in a limited geographic area
 - Mosquito control, furnish water, school districts, sanitation, fire protection, ambulance services, flood control, community colleges...
 - created to serve an entire county, part of a county, all of 2 or more counties, or parts of 2 or more counties
 - 2,309 special districts in Texas, not including school districts—more than any other form of local government
 - They can be created to do almost anything that is legal

Types of Special Districts

- There are two types of special districts in Texas
 - **School district**
 - **Nonschool special district**
 - Ex: municipal utility districts, economic development corporations, hospital districts

Special Districts: School Districts

- Every inch of land in Texas is part of a school district
 - 1,265 school districts
- An elected board of trustees sets overall policy for the school district (budget, tax rate, school calendar)
 - A superintendent gives recommendations to the trustees
- School districts differ
 - Population, the tax rate and base, and the economic profile of residents and school-related funding—and, to some degree, the varying achievement.

Special Districts: Nonschool Districts

- There are many types of nonschool special districts
 - Harris County has 436 nonschool special districts.
 - **Municipal utility district (MUD)**: a special district that offers services such as electricity, water, sewage, and sanitation outside the city limits
 - Community college districts
 - Hospital districts
 - Emergency service districts
 - Flood control districts

Special Districts:

Creation, Governance, and Financing

- Creation of a special district begins with a petition signed by the residents of the area to be served
- **Property taxes** are the primary source of revenue
 - **Property tax:** a tax based on an assessment of the value of one's property, which is used to fund the services provided by local governments, such as education
- **User fees** are the second-largest source; state and federal aid furnish the remainder
 - User fee: a fee paid for public goods and services, such as water or sewage service

Special Districts:

Hidden Governments and Potential for Abuse

- Everyone in Texas lives in at least one special district and most live in several
 - **Hidden governments:** special districts of which many citizens are unaware
- Problems with special districts include the potential for abuse
 - Private gain by developers suggest greater scrutiny is needed

Councils of Government

- One of the greatest problems facing local governments is coordination across boundaries
- The Regional Planning Act provided for the creation of regional **councils of government (COGs)** to promote coordination
 - Plan for economic development
 - Contract with local government to perform some services
 - Review application for federal and state assistance
 - Environmental quality
 - Transportation
 - More....

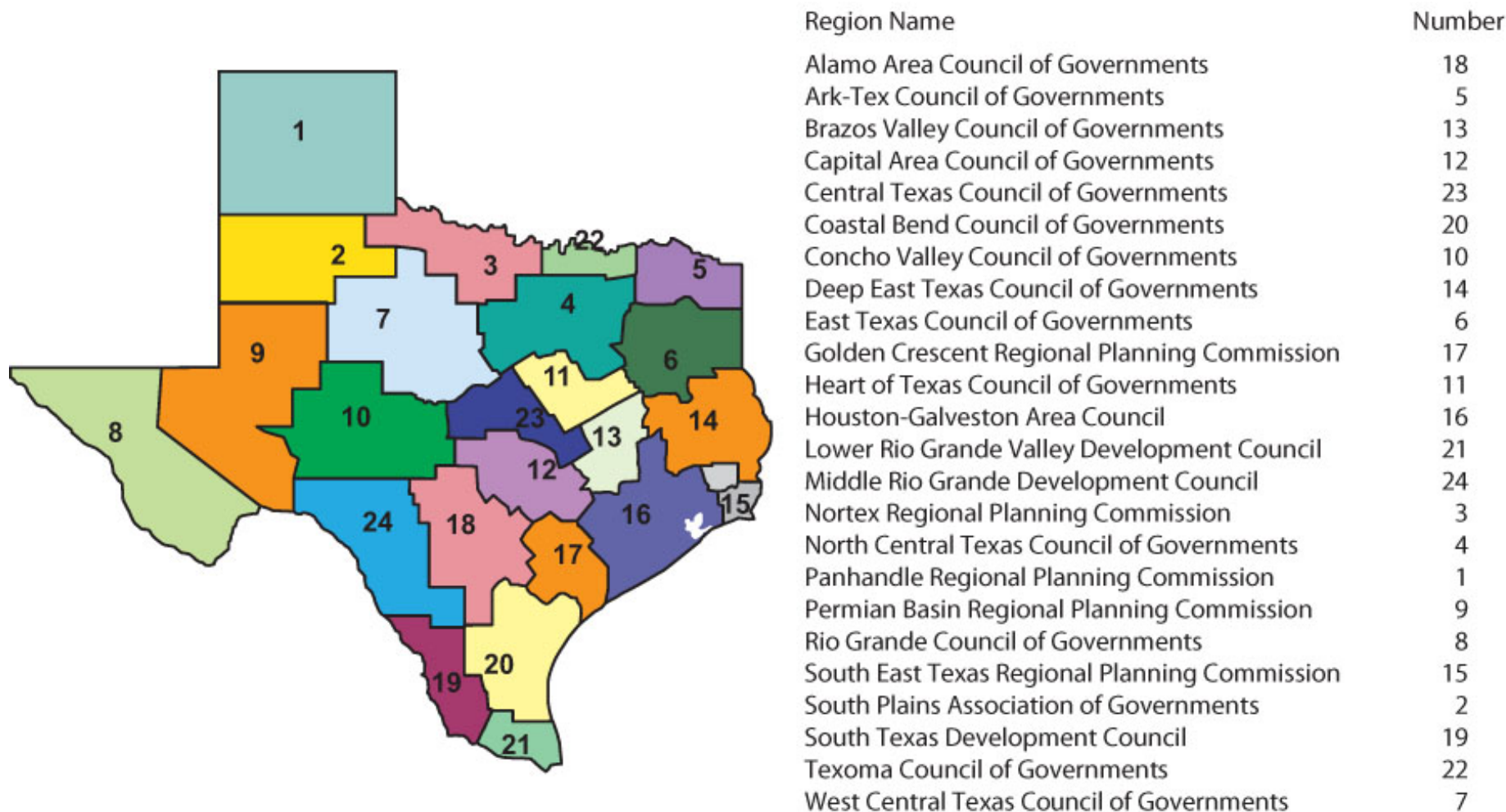


FIGURE 10.2

Regional Councils of Government in Texas



Lecture Slides

GOVERNING TEXAS

SECOND EDITION

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