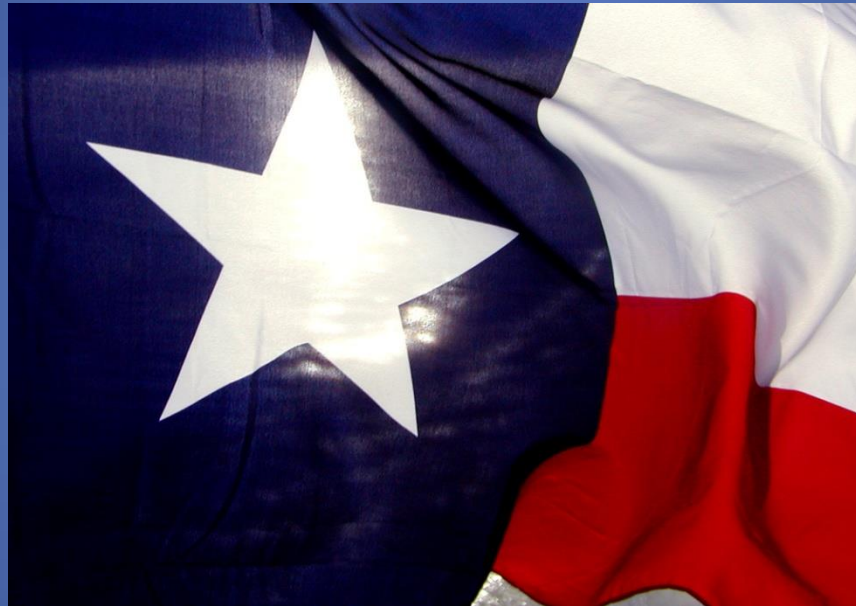


Chapter 11



LOCAL AND COUNTY GOVERNMENTS AND SPECIAL DISTRICTS

Learning Objectives

- Identify how Texans can have an impact on their local governments
- Differentiate among the two types of cities and several forms of city government
- Explain the impact of grassroots politics on local government

Learning Objectives

- Explain why counties were established and how they have evolved
- Analyze the importance of special districts abound in Texas
- Explain the impact of regional councils of governments

Introduction

- Local government includes 3 levels:
 - *Municipal* (city), *county*, and *special district*
- Although local government is the essence of American democracy –
- Most people cannot identify the type of local government in their hometowns, much less name their county commissioners or city council members

Introduction

- Local governments perform a wide range of services, e.g. –
- Building roads and keeping them clean and safe, to collecting garbage and providing health care for the homeless
- Many of today's successful local government leaders are managing and operating more like businesspeople than politicians
- 80% of Texans live within the boundaries of some 1,200 municipalities

Municipal Government

- **TYPES OF MUNICIPALITIES**
- **GENERAL LAW** - A highly restrictive, and the most fundamental type of, legal status for municipal government
- **HOME RULE** - Gives municipalities more autonomy in establishing tax rates and providing services
 - Must be approved by a majority of the voters in municipalities of 5,000 or more persons



FIGURE 11.1 Texas Cities with More Than 50,000 People.

The Texas Constitution: A Closer Look

The Texas Constitution sets limitations on the amount of taxes a city can levy. Article 11, Section 4 prohibits cities with fewer than 5,000 residents from becoming home rule, and it places strict limitations on the amount of taxes that can be levied.

Section 5 allows cities with home rule charters to levy significantly higher local taxes, but sets a cap and sets further restrictions. One of the most notable is a prohibition against adopting local laws inconsistent with state law.

3 Forms of Municipal Government

- 1) Mayor-Council
- 2) Council-Manager
- 3) Commission
- **1) MAYOR-COUNCIL:** most widely used in less populated and rural cities
- Simplest form: most of the day-to-day operations are carried out by either the mayor or city council
- Most have only a few departments - a fulltime, administrator or manager's salary is not justified

Municipal Government

- **2) COUNCIL-MANAGER:** used most by medium and larger-sized cities
- Voters elect a city council and a mayor who hire a **city manager** –
 - Controls the day-to-day operations, and carries out the council's policies
- Allows for both professional management and local political control –
- Cost-effective and efficient management without considering the political implications

Municipal Government

- **3) COMMISSION:** used by very few cities
- There is an elected “commissioner” for each of the city’s departments
- Rather than using a council to oversee the operation of the city as a whole –
- The commission form requires officeholders to oversee the day-to-day operations of their respective departments

TABLE 11.1 Form of Municipal Government in Selected Texas Cities

CITY	FORM OF GOVERNMENT	YEAR ADOPTED
Abilene	Council-Manager	1981
Amarillo	Commission	1913
Arlington	Council-Manager	1990
Austin	Council-Manager	1991
Benbrook	Council-Manager	1990
College Station	Council-Manager	1992
Commerce	Commission	1954
Conroe	Mayor-Council	1992
Corpus Christi	Council-Manager	1993
Corsicana	Commission	1956
Dallas	Council-Manager	1907
Denton	Council-Manager	1959
Dumas	Commission	1991
Fort Worth	Council-Manager	1986
Friendswood	Council-Manager	1971
Galveston	Council-Manager	1991
Hillsboro	Council-Manager	1981
Houston	Mayor-Council	1946
Huntsville	Council-Manager	1992
Keller	Council-Manager	1982

(continued)

TABLE 11.1 (continued)

CITY	FORM OF GOVERNMENT	YEAR ADOPTED
Kingsville	Council-Manager	1986
Laredo	Council-Manager	1982
McAllen	Commission	1980
Pasadena	Mayor-Council	1992
Richardson	Council-Manager	1989
San Angelo	Council-Manager	1915
San Antonio	Council-Manager	1951
Texarkana	Council-Manager	1969
Texas City	Mayor-Council	1946
Tyler	Council-Manager	1937
Waco	Council-Manager	1958

SOURCE: *Dallas Morning News; Texas Almanac.*

Municipal Elections

- All municipal elections are nonpartisan
- Successful candidates attempt to form **COALITIONS** -Alliances of various individuals and groups in support of a particular candidate for elected office
- Most candidates wish to fulfill a sense of civic duty – because the salary is minimal at best

Types of Municipal Elections

- **1) AT LARGE:** No districts or precincts are drawn, candidates draw votes from the entire area
- **2) PLACE SYSTEM:** Candidates campaign for a particular seat
- **3) SINGLE-MEMBER DISTRICTS:** Specific geographic area with a population equal to other districts - elects one person (a single member) to represent that area

The Effects of Group Participation

- Locally based groups have made great strides in local government by affecting some of the most important decisions made by city leaders
 - **Ethnic Groups**
 - **Neighborhood Associations**
 - **Municipal Employee Groups**
- Continue to play a major role in formulating local government policy¹

Municipal Finance

- **Revenue:** most Texas municipalities rely heavily upon **property taxes** - **AD VALOREM** - assessed “according to value”
- **OTHER SOURCES:** State sales tax rebates
- **Franchise taxes** - paid by businesses
- **User fees** - paid by those who utilize a particular government service
- **Special taxes** - e.g. Economic Development Tax

Municipal Finance

- **CAPITAL IMPROVEMENTS** - Long-term infrastructure improvements often built with bond money
- **BONDS – 2 TYPES:** *General obligation bonds* - sold to raise money to build or improve city-owned facilities
- *Revenue bonds* - sold for construction or improvement of a city-owned property that is expected to generate revenue



This extension of the bikeway in Austin over Cesar Chavez Street was funded with bond money. Why do governmental entities generally borrow funds for projects such as this?

Municipal Finance

- **EMINENT DOMAIN: CAN IT BE USED IN THE NAME OF ECONOMIC DEVELOPMENT?**
- Right to reclaim private property in the name of the government if the property is needed for the greater public good
- **2007:** law was passed preventing local governments from using eminent domain solely for the purpose of generating a larger tax base



Dallas Cowboys owner Jerry Jones and Arlington officials wisely avoided eminent domain issues when clearing the way for the new stadium.

Municipal Finance

- **BUDGETING** - Requires extensive research and planning, as cities strive to maintain the lowest tax rates possible while maintaining the highest level of service
- ***ABATEMENTS AND TAX INCENTIVES*** – Offered by cities to business and commercial interests to lure them to set up operations and do business within a city

County Government

- Texas Constitution calls counties “administrative arms of state government”
—
- **STRUCTURE OF COUNTY GOVERNMENT**
- Unlike home rule cities, counties do not have home rule charters and cannot adopt ordinances, also -
- No single executive or officer controls or is accountable for the county’s policy-making personnel

County Government

- County populations range from fewer than 70 [Loving County] to more than 3 million [Harris County]
- Despite stunning geographical and population diversity – the Constitution mandates that all 254 counties be governed in essentially the same manner
- A commissioners court and all elected county officials serve 4-year terms

County Government

- **COMMISSIONER'S COURT** – 5 member governing body of each Texas county
- All counties are divided into **4 precincts** of equal population - each elects a commissioner
- Presided over by the **county judge** – elected countywide [at large]
- No trials are held in the Commissioners Court and its members serve no judicial functions – *(see next slide)*

County Government

- **COMMISSIONER'S COURT** – *Strictly Administrative:*
- Appoints administrators and personnel; sets the county tax rates; adopts the county budget; awards contracts for construction, repair, and maintenance of county buildings and roads; provides medical care for the indigent; and performs other related administrative tasks as required by the Texas Constitution and legislature

Other Elected Officials

- **DISTRICT OR COUNTY ATTORNEY**
- County's legal officer and adviser
- Prosecutes criminal offenses occurring in the county - has sole discretion in determining whether to pursue a criminal conviction or not, also
- Decides what punishments to seek, if any, including whether to pursue the death penalty in a capital murder case

Other Elected Officials

- **SHERIFF** - Provides law enforcement services to areas of the county that are not served by a police department, and oversees the county jail
- Any person eligible to vote in a given county may run for and be elected sheriff – Doesn't have to be a licensed peace officer
- **DISTRICT CLERK** - Registrar, recorder and custodian of all records regarding district court criminal, juvenile, family court, and civil actions

Other Elected Officials

- **COUNTY CLERK** - maintains legal records and vital statistics, such as birth and death certificates, marriage licenses, and real estate transactions
- Elections officer in some counties
- **TAX ASSESSOR-COLLECTOR** – no longer “assesses” property value, but does identify taxable property, and collects taxes that are due to the state and county

Other Elected Officials

- **TREASURER** - Official bookkeeper
- Responsible for tracking all collections and expenditures, and has considerable input in formulating the county's budget
- Most urban counties have eliminated this elected office (a process that requires a constitutional amendment) -
- The Commissioners Court then appoints a county auditor to handle these duties

County Government Finance

- Compared to municipalities and special districts - counties are subject to stringent restrictions
- Ad valorem taxes are the counties' largest single source of revenue, however –
- Constitutionally imposed maximum tax rate of 80¢ per \$100 valuation is a significant restriction

County Government Finance

- To raise the tax rate above 80¢, the Commissioners Court must obtain legislative approval –
 - After approval, the increase must be approved by county voters
- May, under certain circumstances, issue bonds like the municipalities
- Many counties are eligible for federal grants-in-aid for construction of hospitals, airports, flood control projects etc.

County Government Finance

- Counties operate on a yearly budget cycle
- Usually prepared by the county auditor or budget officer with input from all department heads and interested residents
- Like municipal budgeting - public hearings are sparsely attended
- The final draft is forwarded to the Commissioners Court for review and acceptance before it is put into effect



Firework stands often locate just outside of city limits, escaping the reach of municipal law. Should county or government be granted ordinance making powers?

Criticism of County Government and Proposed Reform

- **THE LONG BALLOT** - Voters are required to elect as many as 6 individuals to perform executive and administrative functions, yet -
- No single person can be held accountable for the efficiency of the overall operation
- **INABILITY TO ESTABLISH HOME RULE** - Prohibited from tailoring their system to the needs and desires of local residents

Criticism of County Government and Proposed Reform

- **INABILITY TO PASS ORDINANCES** – e.g. nearly every city has ordinances banning sale and possession of fireworks, and regulating the operation of sexually oriented businesses – counties can't do this
- **SPOILS SYSTEM** - still a fact of life in many counties, but some have transitioned to the civil service system



Rush hour in Austin, only partially alleviated by a city bus. How does the individualistic nature of most Texans ingrain resistance toward mass transit?

Special Districts

- A governmental entity established to deliver a specific service to a limited geographic area –
 - vary in size, function, and scope
- **3 UNIQUE FEATURES:**
 - 1) **Substantially independent** - provide a product or service no other government does
 - 2) **“Governmental character”** - source of funding
 - 3) **“Recognized existence”** - chartered by the state or otherwise approved by the legislature

Special Districts

- **NATURE OF SPECIAL DISTRICTS**
- Fastest growing form of government
- Over 2,800 in Texas - more governments than the number of cities and counties combined
- Most transcend political boundaries and serve larger regions of the state

Types of Special Districts

- **EDUCATION DISTRICTS**
- Most common form of special district
- **INDEPENDENT SCHOOL DISTRICT (ISD) -**
- Local-level limited purpose government that determines public school policy
- Each of Texas's approximately 1,000 ISDs is governed by a school board –
 - 4 to 9 members chosen in local nonpartisan elections

Types of Special Districts

- **SUPERINTENDANT** – manager of a public school system, hired by the board
- Approximately 50 **COMMUNITY COLLEGE DISTRICTS** offer academic and vocational programs
 - Majority of their funding comes from property taxes and tuition
 - Typical tax rate is between 10-20¢ per \$100

Types of Special Districts

- **NONEDUCATION DISTRICTS**
- Hundreds of special districts have been established for delivering services –
- Water and utilities, public housing, hospitals, public transportation and flood control etc.
- Primarily funded by property taxes
- Other sources? Fees, sales taxes, grants

Councils of Government

- A regional voluntary cooperative with no regulatory or enforcement powers
 - Consortium of local governments
 - Assesses the needs of the area as a whole
- 24 COGs provide training for elected and appointed officials, also -
- Assess future environmental, transportation, economic development, labor, and land use issues, as well as other regional social needs

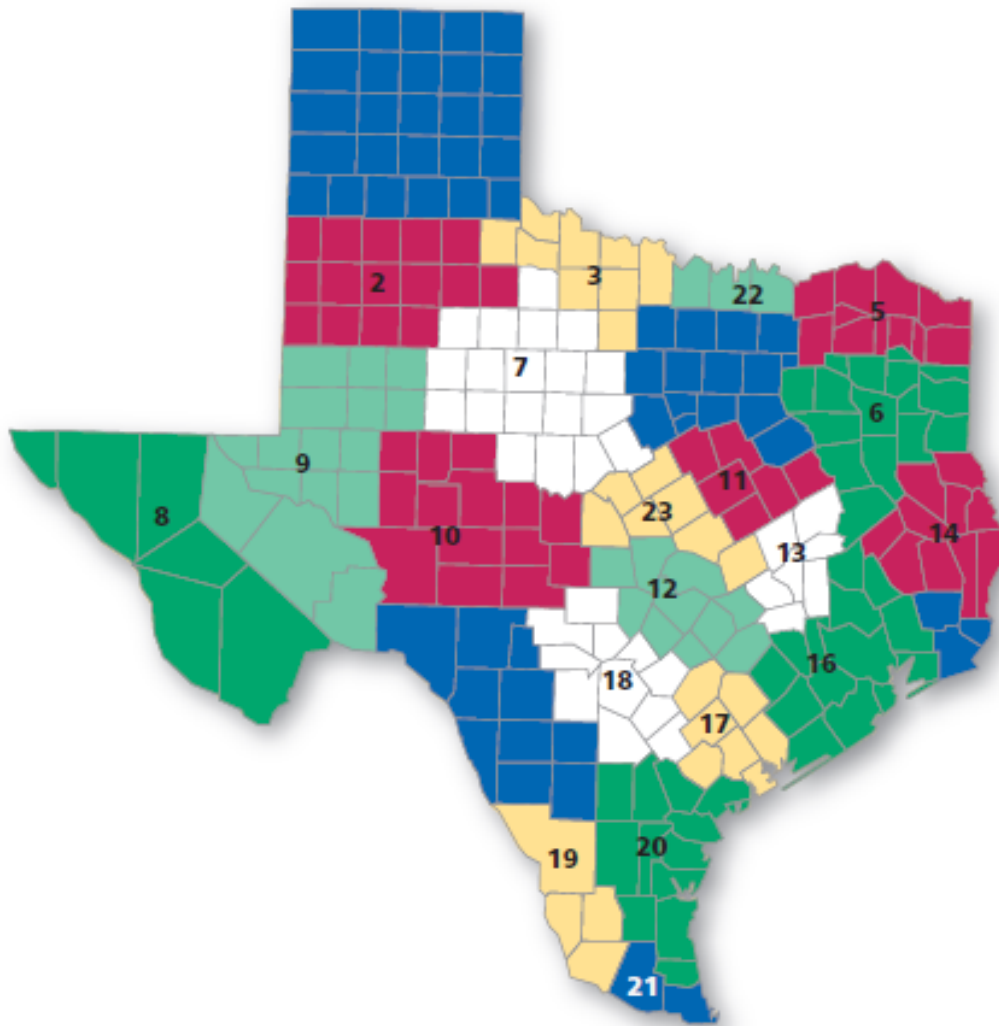


FIGURE 11.2 Boundaries of the 24 Texas Councils of Government (CoGs).