HOUSE
RESEARCH
ORGANIZATION bill digest   5/26/2003

SB 734
Ratliff
(Hunter)

SUBJECT: Appointment powers of certain general-law municipalities

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 4 ayes — Talton, Van Arsdale, Hunter, Wong

                0 nays

                3 absent — Menendez, Bailey, Edwards

SENATE VOTE: On final passage, May 1 — 31-0, on Local and Uncontested Calendar

WITNESSES: No public hearing

BACKGROUND: Local Government Code, ch. 25 governs the city manager form of
                government, including the city manager's powers and duties, in general-law
                municipalities with populations of less than 5,000. Residents may petition the
                mayor to call an election on adopting a city manager form of government.
                The municipality must appoint a city manager within 60 days after an election
                approving this form of government.

                Ch. 22 and 23 govern the election and specify the duties and powers of
                officers in Type A and Type B general-law municipalities. A community may
                incorporate as a Type A general-law municipality if it is unincorporated, has
                more than 600 inhabitants, and meets certain territorial requirements. A
                community may incorporate as a Type B general-law municipality if it is
                unincorporated, has between 201 and 9,999 inhabitants, and meets the same
                territorial requirements.

                In Opinion No. JC-0544 (August 14, 2002) Attorney General John Cornyn
                determined that a general-law municipality must hold an election pursuant to
                Local Government Code, ch. 25 if it wishes to adopt the city manager form of
                government. Without such an election, a general-law municipality's
                governing body lacks the authority to appoint a city manager under chapter 22
                or 23.

DIGEST: SB 734 would specify that Local Government Code, ch. 25 would not limit the authority of the governing body of a general-law municipality with a population of less than 5,000 to appoint and prescribe the duties of an officer or employee under Local Government Code, ch. 22 or 23. This would allow such a municipality to appoint a city manager without the necessity of holding an election.

The bill would take effect September 1, 2003.