

BILL ANALYSIS

Senate Research Center
76R5650 CAG-D

S.B. 464
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Intergovernmental Relations
4/13/1999
As Filed

DIGEST

Currently, the Texas Constitution does not authorize Bexar County and certain political subdivisions to adopt a charter for consolidation. S.B. 464 would establish the procedures for the appointment of a charter commission, and would authorize the adoption of a municipal-county consolidation charter under the provisions of S.J.R. 4.

PURPOSE

As proposed, S.B. 464 implements and adopts the appointment of a municipal-county consolidation charter.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 3, Local Government Code, by adding Subtitle C, as follows:

SUBTITLE C. CHARTER FOR MUNICIPAL-COUNTY CONSOLIDATION

CHAPTER 92. MUNICIPAL-COUNTY CONSOLIDATION IN BEXAR COUNTY

Sec. 92.001. APPOINTMENT OF CHARTER COMMISSION. Requires the Commissioners Court of Bexar County to appoint a charter commission to draft the charter, if the commissioners court is petitioned to do so under Section 92.002. Requires the number of members of the charter commission to be determined by the commissioners court and to be in compliance with requirements under Section 92.005.

Sec. 92.002. PETITION. Requires a petition for the commissioners court to appoint a charter commission to meet certain conditions. Requires at least 10 percent of the necessary signatures to be from the voters of each district that selects a member of the municipality's governing body, in compiling the necessary signatures under Subsection (a)(3).

Sec. 92.003. VERIFICATION OF PETITION. Requires the county clerk to determine whether the petition meets the requirements of Section 92.002(a)(2), and to certify in writing to the commissioners court whether the petition is valid or invalid within 30 days after the date the petition is filed with the county clerk. Requires the municipal clerk or secretary to determine whether the petition meets the requirements of Section 92.002(a)(3) and to certify in writing to the commissioners court whether the petition is valid or invalid within 30 days after the date the petition is filed with the county clerk. Requires the commissioners court to appoint a charter commission within 120 days after the date the commissioners court receives the certifications, if the county clerk and the municipal clerk or secretary certify that the petition is valid. Requires the county clerk or the municipal clerk or secretary to state the reason for that determination, if the petition is certified as invalid. Provides that a person circulating the petition has 60 days after the date of certification to submit additional petitions or signatures to cure the determination of a deficiency, and the appropriate clerk or secretary, no later than the 21st day after the filing of the additional petitions or signatures, to determine whether the additional petitions or signatures are sufficient to cure the deficiency and to certify that determination to the commissioners court.

Sec. 92.004. NOTIFICATION OF OTHER POLITICAL SUBDIVISIONS. Requires the commissioners court to give notice to the governing body of each municipality having any portion of its area in Bexar County of the court's intention to appoint a charter commission, no later than the 30th day after the date the commissioners court receives the certification under Section 92.003(c). Requires that the notice to the governing body of San Antonio specify the number of charter commission members who are to be appointed to represent San Antonio on the charter commission under Section 92.005.

Sec. 92.005. COMMISSION COMPOSITION. Requires the commission to include the same number of members from San Antonio and from the unincorporated areas of Bexar County. Requires each district that selects a member of the municipality's governing body to have the same number of persons appointed to the commission. Requires each precinct that selects a member of the commissioners court to have the same number of persons appointed to the commission to represent the unincorporated areas of Bexar County. Provides that members of the charter commission representing San Antonio are appointed by the governing body of San Antonio. Requires the commissioners court to appoint the appropriate number of residents of San Antonio to the commission, if the governing body of San Antonio fails to appoint members within 60 days after the date of receiving notice of the commissioners court's intent to appoint a charter commission. Requires the charter commission to also include reasonable representation of the population of other incorporated areas within Bexar County.

Sec. 92.006. PREPARATION OF CHARTER. Requires the charter commission to prepare the charter. Requires the charter commission to file its proposed charter with the commissioners court on or before the second anniversary of the date the first appointment to the commission is made. Requires the commissioners court to submit the charter to the United States Department of Justice for preclearance under the federal Voting Rights Act (42 U.S.C. Section 1973c et seq.), as amended, when the proposed charter is filed with the commissioners court. Requires the commissioners court to submit the charter to the attorney general, if the requirement for preclearance under the Voting Rights Act is not applicable to the proposed charter. Requires the attorney general to determine whether the adoption of the proposed charter would result in any retrogression in the effective voting strength of minority populations in the county, under standards or analysis similar to the standards or analysis applied to proposed local government charters under the federal Voting Rights Act. Requires the commissioners court by order and the governing body of San Antonio by resolution to jointly call an election to approve the proposed charter on the first authorized uniform election date prescribed by general law after the date the proposed charter is filed with the commissioners court and that allows sufficient time to comply with applicable requirements of general law, if the proposed charter is precleared or the attorney general determines that no retrogression would occur. Provides that on the date of the election called under Subsection (c), the charter commission is dissolved. Requires the commissioners court and the governing body of San Antonio to publish in each newspaper of general circulation published in Bexar County a public notice, no later than the seventh day and no earlier than the 10th day before the first day of voting on the adoption of the charter under Section 92.007. Requires the notice to contain certain items.

Sec. 92.007. ADOPTION OF CHARTER. Requires the adoption of the charter to be initially approved at the election by a majority of the votes received from the voters of Bexar County. Provides that the consolidated municipal-county government is established under the terms of the charter, if a majority of the votes received at an election under Subsection (a) favor consolidation.

Sec. 92.008. GOVERNING BODY OF CONSOLIDATED GOVERNMENT. Requires a charter adopted under this section to provide for a governing body that consists of certain members. Requires the number of districts adopted under Subsection (a)(3) to be sufficient to ensure that, in the first election following the consolidation, the average population of each district is less than the average population of a single-member district of the governing body of San Antonio preceding the date of the consolidation, and to provide for equal representation from both incorporated and unincorporated areas of the county.

Sec. 92.009. SERVICE DISTRICTS. Requires the charter to provide that the consolidated municipal-county government provides equal services, and to establish and charge taxes that are uniform throughout the consolidated municipal-county government.

Sec. 92.010. AD VALOREM TAXES. Requires the charter to provide that an ad valorem tax levied for debt service of the general obligation debt that was authorized or issued by any consolidated municipality, any special district or authority, or any other political subdivision that is a part of the consolidated municipal-county government to continue to be levied by the consolidated government.

Sec. 92.011. CONSOLIDATION OF EMPLOYEES. Requires the charter to provide that every employee, other than elected officials, of the county or a municipality, special district or authority, or other political subdivision that is part of the consolidated municipal-county government and whose position is eliminated or abolished as a result of the consolidation or within two years after the date of the adoption of the charter, by a reduction in force or by administrative reorganization, to be offered alternative employment by the consolidated municipal-county government at a salary equal to the salary of the abolished position and with substantially equal employee or retirement benefits. Requires any employee whose position is eliminated or abolished and who would have been eligible to retire no later than the fifth year after the abolition or elimination of the position to be offered an early retirement package equal to the benefits that would have been received on attaining full retirement benefits. Provides that an employee has three months to decide to accept an offer of alternative employment or the early retirement package.

Sec. 92.012. RETIREMENT BENEFITS. Requires the charter to provide for the continuation of a pension fund or the retirement system contributions of a pension fund or the retirement system contributions by both the consolidated municipal-county government and the employees of the consolidated municipal-county government that would have been made by the former county government or the municipalities, special districts or authorities, or other political subdivisions before the adoption of the charter. Requires employees of the consolidated municipal-county government hired after the adoption of the charter to be placed in an appropriate pension fund or retirement system.

Sec. 92.013. COLLECTIVE BARGAINING. Prohibits the charter from diminishing the right of employees of the consolidated municipal-county government to organize, to meet and confer, and to bargain collectively with the officials of the consolidated municipal-county government over wages, hours of work, and other terms of employment as provided by state law.

Sec. 92.014. ANNEXATION. Requires the charter, within Bexar County, to establish procedures for the progressive territorial expansion of the consolidated government to reflect the growth of the urbanized area of the consolidated government. Prohibits the boundaries of the consolidated municipal-county government from extending beyond the boundaries of Bexar County as those boundaries exist on the day before the effective date of the consolidated municipal-county charter.

SECTION 2. Effective date: the date on which the constitutional amendment proposed by the 76th Legislature, Regular Session, 1999, that provides for the consolidation of county government and local governments, takes effect. Provides that this Act has no effect, if that amendment is not approved by the voters.

SECTION 3. Emergency clause.