

By: Shapleigh

S.J.R. No. 9

A JOINT RESOLUTION

1 proposing a constitutional amendment to create a consolidated El
2 Paso Metro Government by consolidating El Paso County and the City
3 of El Paso.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article III, Texas Constitution, is amended by
6 adding Section 64A to read as follows:

7 Sec. 64A. (a) The City of El Paso and all of the functions
8 and agencies of the city, including functions and agencies relating
9 to utilities and transportation and including all entities operated
10 or controlled by the city, are consolidated and integrated into El
11 Paso County to form the El Paso Metro Government.

12 (b) As a result of Subsection (a), the powers and duties of
13 the El Paso Metro Government applying throughout the area of the
14 metro government are:

15 (1) the cumulative powers and duties established by
16 constitutional or statutory provisions applying generally to
17 counties or specifically to El Paso County or applying generally to
18 municipalities or home-rule municipalities or specifically to the
19 City of El Paso; and

20 (2) any additional powers and duties granted by this
21 constitution or other law.

22 (c) On the date of the consolidation of the City of El Paso
23 into El Paso County, the El Paso Metro Government shall assume all
24 the powers, duties, responsibilities, rights, privileges, assets,

1 obligations, and liabilities of the county and the city.

2 (d) Following the consolidation of the City of El Paso into
3 El Paso County, the Commissioners Court of El Paso County is
4 abolished and all of its functions and agencies are transferred to
5 the El Paso Metro Government, and the office of El Paso County Judge
6 and the constitutional County Court of El Paso County are
7 abolished. Except as provided by Subsection (n) of this section,
8 the consolidation does not affect any other office of El Paso
9 County, and those offices are continued as offices of the El Paso
10 Metro Government.

11 (e) This section does not diminish the powers, duties, and
12 functions of a municipality in El Paso County that is not
13 consolidated into the El Paso Metro Government. The boundaries of a
14 municipality in El Paso County that is not consolidated into the El
15 Paso Metro Government are the boundaries of the municipality,
16 exclusive of the municipality's extraterritorial jurisdiction, as
17 the boundaries exist on the date of the consolidation of the City of
18 El Paso into El Paso County and as the boundaries may be changed on
19 or before the first anniversary of the date of the consolidation. A
20 municipality in El Paso County that is not consolidated into the El
21 Paso Metro Government keeps its area of extraterritorial
22 jurisdiction until the first anniversary of the date of the
23 consolidation of the City of El Paso and El Paso County. On the date
24 of that first anniversary, that municipality ceases to have any
25 area of extraterritorial jurisdiction.

26 (f) The governing body of the El Paso Metro Government is
27 initially composed of:

1 (1) the four county commissioners of El Paso County
2 who are serving as county commissioners on the day before the date
3 of the consolidation of the City of El Paso into El Paso County;

4 (2) the eight members of the El Paso City Council who
5 are serving as members of the El Paso City Council on the day before
6 the date of the consolidation of the City of El Paso into El Paso
7 County; and

8 (3) a presiding officer elected at large in El Paso
9 County.

10 (g) The initial terms of the members of the governing body
11 of the El Paso Metro Government expire on January 1 following the
12 second anniversary of the date of the consolidation of the City of
13 El Paso into El Paso County.

14 (h) The presiding officer is elected at large in El Paso
15 County. The terms of the presiding officer and the other members of
16 the governing body of the El Paso Metro Government are three years.
17 For constitutional and statutory purposes, the presiding officer of
18 the El Paso Metro Government has the same authority to act as a
19 county judge of a county and as a mayor of a municipality.

20 (i) Unless the charter adopted under Subsection (k)
21 provides differently, after the initial terms of the members of the
22 governing body of the El Paso Metro Government expire, the
23 governing body of the El Paso Metro Government is composed of:

24 (1) eight members, each of whom resides in and is
25 elected from a single-member district that has been determined by
26 the governing body of the El Paso Metro Government; and

27 (2) a presiding officer elected at large in El Paso

1 County.

2 (j) To stagger the terms of the members of the governing
3 body, the first group of members of the governing body of the El
4 Paso Metro Government elected under Subsection (i) shall draw lots
5 to determine which three members shall serve one-year terms, which
6 three members shall serve two-year terms, and which three members
7 shall serve three-year terms.

8 (k) The governing body of the El Paso Metro Government, in
9 the same manner as a home-rule municipality, may adopt a charter to
10 govern the operation of the El Paso Metro Government. The charter
11 may specifically:

12 (1) provide for the title, qualifications, term of
13 office, powers, or duties of a member of the governing body of the
14 El Paso Metro Government, including the presiding officer; and

15 (2) provide for changes in the title, qualifications,
16 terms of office, powers, duties, or other features of the governing
17 body of the El Paso Metro Government.

18 (1) The governing body of the El Paso Metro Government shall
19 establish distinct service districts in the area of the
20 consolidated county government that provide for district taxes that
21 are graduated by area and based on the level of services provided to
22 the service district by the El Paso Metro Government. A state law
23 that lists, defines, or distinguishes between the governmental and
24 proprietary functions of a municipality applies to the El Paso
25 Metro Government as if it were a municipality unless the law
26 specifically addresses metro governments.

27 (m) A charter adopted under this section may also include

1 provisions to:

2 (1) protect the employees of the consolidated
3 political subdivisions;

4 (2) coordinate the charter with the law governing
5 annexation;

6 (3) structure the governing body and the service
7 districts and allocate the debt service obligations of the El Paso
8 Metro Government to ensure equity among the voters and taxpayers of
9 the El Paso Metro Government; and

10 (4) with the consent of the affected political
11 subdivisions or as the legislature may provide by law, consolidate
12 other political subdivisions located in El Paso County and their
13 powers and duties into the El Paso Metro Government.

14 (n) The sheriff of El Paso County is the chief law
15 enforcement officer of the El Paso Metro Government. The sheriff
16 and all other surviving offices of El Paso County and any applicable
17 district offices stand in relation to the governing body of the El
18 Paso Metro Government as they would otherwise stand in relation to a
19 commissioners court for El Paso County.

20 (o) The creation of single-member districts under
21 Subsection (i)(1) does not create precincts or increase the number
22 of precincts created under Section 18, Article V, of this
23 Constitution. The governing body of the El Paso Metro Government
24 may divide the county into precincts under Section 18, Article V, of
25 this Constitution for any purpose other than representation on the
26 commissioners court of a county.

27 SECTION 2. The following temporary provision is added to

1 the Texas Constitution:

2 TEMPORARY PROVISION. (a) This temporary provision applies
3 to the constitutional amendment proposed by the 79th Legislature,
4 Regular Session, 2005, to create a consolidated El Paso Metro
5 Government by consolidating El Paso County and the City of El Paso.
6 This provision expires December 1, 2007.

7 (b) That constitutional amendment takes effect only if, at
8 the statewide election at which that constitutional amendment is
9 submitted to the voters, a majority of the voters of El Paso County
10 voting on the question at that election also favor the amendment.

11 (c) If that constitutional amendment is approved by the
12 voters and will take effect, the commissioners court of El Paso
13 County and the governing body of the City of El Paso shall promptly
14 meet after the amendment is approved by the voters and jointly
15 confer regarding the creation of the El Paso Metro Government. The
16 meeting shall include planning for the consolidation of the city
17 and county government services and methods for operating the
18 services under the El Paso Metro Government. A primary
19 consideration at the meeting is to ensure that both the
20 Commissioners Court of El Paso County and the governing body of the
21 City of El Paso plan for the smooth and efficient transfer of
22 services to the governing body of the El Paso Metro Government and
23 that the high level of quality and quantity of the government
24 services, particularly services related to the public health,
25 safety, and welfare, are continued. Both governing bodies may also
26 draft for approval by the El Paso Metro Government any proposed
27 charter to be adopted by the El Paso Metro Government. Both

1 governing bodies may jointly appoint advisory committees to assist
2 the governing bodies in planning for the consolidation of the city
3 and county government services and methods for operating the
4 services under the new El Paso Metro Government and in preparing any
5 proposed charter to be adopted by the El Paso Metro Government.

6 (d) On the first uniform election date after the 180th day
7 after the date of the election at which that constitutional
8 amendment is approved by the voters, the presiding officer of the El
9 Paso Metro Government shall be selected at an election jointly held
10 by the Commissioners Court of El Paso County and the governing body
11 of the City of El Paso.

12 (e) On the 270th day after the date of the election at which
13 that constitutional amendment is approved by the voters, the
14 governing body of the El Paso Metro Government shall be seated, the
15 City of El Paso is consolidated into the government of El Paso
16 County, and the El Paso Metro Government is formed.

17 SECTION 3. This proposed constitutional amendment shall be
18 submitted to the voters at an election to be held November 8, 2005.
19 The ballot shall be printed to permit voting for or against the
20 proposition: "The constitutional amendment to create a
21 consolidated El Paso Metro Government by consolidating El Paso
22 County and the City of El Paso."