

By: Larson

H.B. No. 431

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of a county charter by Bexar County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 3, Local Government Code, is amended by adding Subtitle C to read as follows:

SUBTITLE C. COUNTY CHARTER

CHAPTER 92. COUNTY CHARTER IN BEXAR COUNTY

Sec. 92.001. APPOINTMENT OF CHARTER COMMISSION BY COMMISSIONERS COURT. (a) The Commissioners Court of Bexar County may at any time appoint the members of a commission to draft a charter under Section 64A, Article III, Texas Constitution. The appointed members shall represent:

(1) the unincorporated area of Bexar County; and

(2) municipalities, other than San Antonio, located wholly or partly in Bexar County.

(b) If the Commissioners Court of Bexar County is notified of the intention of the governing body of San Antonio to appoint a charter commission under Section 92.002(a) or if the commissioners court is petitioned to appoint a charter commission under Section 92.003, the Commissioners Court of Bexar County shall appoint the members of a commission to draft a charter. The appointed members shall represent:

(1) the unincorporated area of Bexar County; and

(2) municipalities, other than San Antonio, located

1 wholly or partly in Bexar County.

2 Sec. 92.002. APPOINTMENT OF CHARTER COMMISSION BY SAN
3 ANTONIO GOVERNING BODY. (a) The governing body of San Antonio may
4 at any time appoint the members representing San Antonio on a
5 commission to draft a charter for Bexar County under Section 64A,
6 Article III, Texas Constitution.

7 (b) The governing body of San Antonio shall appoint the
8 members representing San Antonio on a commission to draft a charter
9 for Bexar County if the governing body is notified of the
10 commissioners court's intention to appoint a charter commission
11 under Section 92.001(a) or 92.004(b).

12 Sec. 92.003. INITIATION OF CHARTER PROCESS BY PETITION. A
13 petition for the appointment of a charter commission must:

14 (1) be filed with the office of the county clerk of
15 Bexar County;

16 (2) be signed by a number of registered voters of Bexar
17 County at least equal to 10 percent of the number of votes received
18 for governor in the county in the most recent gubernatorial
19 election; and

20 (3) comply with the applicable requirements of general
21 law relating to a petition authorized or required to be filed in
22 connection with an election.

23 Sec. 92.004. VERIFICATION OF PETITION. (a) Not later than
24 the 30th day after the date the petition is filed with the county
25 clerk, the clerk shall determine whether the petition meets the
26 requirements of Section 92.003 and shall certify in writing to the
27 commissioners court whether the petition is valid or invalid.

1 (b) If the county clerk certifies that the petition is
2 valid, the commissioners court shall make its appointments to a
3 charter commission not later than the 120th day after the date the
4 commissioners court receives the clerk's certification.

5 (c) If the petition is certified as invalid, the county
6 clerk shall state the reason for that determination. A person
7 circulating the petition has 60 days after the date of
8 certification to submit additional petitions or signatures to cure
9 the determination of a deficiency, and the clerk, not later than the
10 21st day after the filing of the additional petitions or
11 signatures, shall determine whether the additional petitions or
12 signatures are sufficient to cure the deficiency and shall certify
13 that determination to the commissioners court.

14 Sec. 92.005. NOTIFICATION TO POLITICAL SUBDIVISIONS. (a)
15 Not later than the 30th day after the date the commissioners court
16 is required to appoint a charter commission under Section 92.004(b)
17 or after the date the commissioners court decides to appoint a
18 charter commission without a petition under Section 92.001(a), the
19 commissioners court shall give notice to the governing body of each
20 municipality having any portion of its area in Bexar County of the
21 commissioners court's intention to appoint a charter commission.
22 The notice to the governing body of San Antonio must specify the
23 number of commission members who are appointed to represent San
24 Antonio on the commission under Section 92.006.

25 (b) Not later than the 30th day after the date the governing
26 body of San Antonio decides to appoint a charter commission under
27 Section 92.002(a), the governing body of San Antonio shall give

1 notice to the commissioners court and to the governing body of each
2 municipality having any portion of its area in Bexar County of the
3 San Antonio governing body's intention to appoint a charter
4 commission. The notice to the commissioners court must specify the
5 number of commission members who are to be appointed to represent
6 other municipalities in Bexar County and the unincorporated area on
7 the commission under Section 92.006.

8 Sec. 92.006. COMMISSION COMPOSITION. (a) The members of
9 the charter commission shall be divided between members appointed
10 by the governing body of San Antonio and members appointed by the
11 commissioners court, as nearly as possible based on the ratio of San
12 Antonio's population in Bexar County to the population of the
13 remainder of Bexar County. The total number of members of the
14 charter commission shall be determined by the commissioners court
15 if the court initiates the appointment of the commission or if the
16 court is petitioned to appoint a commission. The total number of
17 members of the charter commission shall be determined by the
18 governing body of San Antonio if the governing body of San Antonio
19 initiates the appointment of the commission.

20 (b) If the governing body of San Antonio fails to appoint
21 members within 60 days after the date of receiving notice of the
22 commissioners court's intent to appoint a charter commission, the
23 commissioners court shall appoint the requisite number of San
24 Antonio residents to the commission. If the commissioners court
25 fails to appoint members within 60 days after the date of receiving
26 notice of the San Antonio governing body's intent to appoint a
27 charter commission, the governing body of San Antonio shall appoint

1 the requisite number of residents of the unincorporated area and of
2 other municipalities in Bexar County to the commission.

3 (c) The membership of the charter commission, other than the
4 members representing San Antonio, must be reasonably balanced
5 between residents of other incorporated municipalities in Bexar
6 County and residents of the unincorporated area of Bexar County.

7 Sec. 92.007. PREPARATION OF CHARTER. (a) The charter
8 commission shall prepare the charter. The charter commission shall
9 file its proposed charter with the commissioners court on or before
10 the second anniversary of the date the first appointment to the
11 commission is made.

12 (b) When the proposed charter is filed with the
13 commissioners court, the commissioners court shall submit the
14 charter to the United States Department of Justice for preclearance
15 under Section 5, Voting Rights Act of 1965 (42 U.S.C. Section
16 1973c). If the requirement for preclearance under that Act is not
17 applicable to the proposed charter, the commissioners court shall
18 submit the charter to the attorney general. The attorney general
19 shall determine whether the adoption of the proposed charter would
20 result in any retrogression in the effective voting strength of
21 minority populations in the county, under standards and analyses
22 similar to the standards and analyses applied to proposed local
23 government charters under the federal Voting Rights Act.

24 (c) If the proposed charter is precleared or the attorney
25 general determines that no retrogression would occur, the
26 commissioners court by order shall call an election to approve the
27 charter as proposed by the charter commission on the first uniform

1 election date after the date the proposed charter is filed with the
2 commissioners court that allows sufficient time to comply with
3 applicable requirements of general law.

4 (d) If the proposed charter is not precleared or the
5 attorney general determines that adoption of the proposed charter
6 would result in retrogression in the effective voting strength of
7 minority populations, the commissioners court shall return the
8 charter one time to the charter commission for revision and
9 refiling with the commissioners court before the 180th day after
10 the date the charter is returned to the commission. If the revised
11 proposed charter also is not precleared or the attorney general
12 determines that retrogression still would occur, the commissioners
13 court shall dissolve the commission. A new charter commission may
14 be appointed under Section 92.001(a) or 92.002(a) or as required by
15 a petition under Section 92.003.

16 (e) On the date of the election called by the commissioners
17 court under Subsection (c), the charter commission is dissolved.

18 Sec. 92.008. ADOPTION OF CHARTER. (a) The adoption of the
19 charter must be initially approved at the election by a majority of
20 the votes received from the voters of Bexar County.

21 (b) If the charter provides for integration of the county
22 with one or more municipalities, the governing body of each
23 municipality, other than San Antonio, having more than one-half of
24 the municipality's area in Bexar County shall call an election on
25 the question of whether the municipality shall be integrated into
26 the integrated county government. The election shall be held on the
27 next uniform election date that is after the date the proposed

1 charter is approved under Subsection (a) and that allows sufficient
2 time to comply with applicable requirements of general law.

3 (c) If a majority of the votes received at an election under
4 Subsection (b) favor the integration, the municipality is
5 integrated into the county government under the terms of the
6 charter.

7 (d) If a majority of the votes received at an election under
8 Subsection (b) do not favor the integration, the municipality
9 continues to exist and function as a municipality located in the
10 county area according to the terms of the municipality's charter
11 or, if the municipality does not have a charter, according to the
12 terms of general law.

13 (e) If the charter provides for integration of the county
14 with municipalities, the commissioners court shall call an election
15 in the portion of the unincorporated area in each commissioners
16 precinct on the question of whether that portion of the
17 unincorporated area shall be integrated into an urban service
18 district. The election shall be held on the next uniform election
19 date that is after the date the proposed charter is approved under
20 Subsection (a) and that allows sufficient time to comply with
21 applicable requirements of general law.

22 (f) If a majority of the votes received at an election under
23 Subsection (e) favor the integration, the portion of the
24 unincorporated area in that commissioners precinct is integrated
25 into the urban service district under the terms of the charter.

26 (g) If a majority of the votes received at an election under
27 Subsection (e) do not favor the integration, the portion of the

1 unincorporated area in that commissioners precinct remains outside
2 the urban service district, subject to any charter provisions on
3 expansion of the urban service district.

4 (h) Following the adoption of a charter that provides for
5 integration of the county with municipalities and the initial
6 election on integration of municipalities under Subsection (c), the
7 county may later integrate additional municipalities, special
8 districts, or other political subdivisions if:

9 (1) the county follows the conditions of the charter,
10 if any, for additional governmental integration; and

11 (2) the majority of the votes received from the voters
12 of the municipality, special district, or other political
13 subdivision approve, at an election, the additional integration.

14 Sec. 92.009. GOVERNING BODY OF INTEGRATED COUNTY
15 GOVERNMENT. (a) In order to protect minority voting rights and
16 ensure equity among the voters of an integrated county government,
17 a charter adopted under this section that provides for integration
18 of the county and municipal governments must provide for a
19 governing body that consists of:

20 (1) a presiding officer elected at large;

21 (2) four members elected from single-member districts
22 that when placed together encompass the entire territory of Bexar
23 County; and

24 (3) a number of members elected from single-member
25 districts that when placed together encompass the territory of the
26 integrated county government, and that include the territory
27 outside Bexar County of any integrated municipalities and exclude

1 the territory of any unintegrated municipalities.

2 (b) The number of districts established under Subsection
3 (a)(3) must be sufficient to ensure that, in the first election
4 following the integration of governments, the average population of
5 the districts is no greater than the average population of
6 single-member districts of the governing body of San Antonio before
7 the date of the integration.

8 Sec. 92.010. SERVICE DISTRICTS. (a) In order to ensure
9 equity among the taxpayers of an integrated county government, a
10 charter that provides for integration of the county and
11 municipalities must divide the area in the integrated county
12 government into service districts for the purposes of taxation and
13 the provision of services.

14 (b) One district shall encompass the entire territory of
15 Bexar County before the date of the integration of local political
16 subdivisions. In this district, the services that the integrated
17 county government provides on an equal basis throughout the
18 district are financed by the levy of ad valorem taxes or other taxes
19 or revenues that are uniform throughout the district. This district
20 is the "county service district."

21 (c) One district shall encompass at least the entire
22 territory of San Antonio before the date of the integration of
23 municipalities. This district may be expanded to coincide with the
24 growth of urbanized areas, outside the territory and
25 extraterritorial jurisdiction of unintegrated municipalities, as
26 provided by the charter. In this district, the incremental
27 services provided by the integrated county government, in addition

1 to services provided by the county service district or at a higher
2 level than the services provided by the county service district,
3 are financed by an additional levy of ad valorem taxes or by the
4 imposition of additional taxes or revenue raised solely in the
5 district. This district is the "urban service district."

6 (d) One district shall encompass both the urban service
7 district and all other territory of the integrated county
8 government outside of unintegrated municipalities. In this
9 district, incremental services provided by the integrated local
10 government are financed by the additional levy of ad valorem taxes
11 or by additional taxes or revenue raised solely in the district.
12 This district is the "general services district."

13 (e) If a municipality other than San Antonio is integrated
14 into the county government under Section 92.008(c), or if a
15 municipality that remains unintegrated in the initial election
16 following the adoption of the charter is integrated into the county
17 government, the municipality may either be added to the urban
18 service district established under Section 92.010(c) or become an
19 additional and separate urban service district, as provided by the
20 charter.

21 Sec. 92.011. AD VALOREM TAXES. In order to ensure equity
22 among the taxpayers of an integrated county government, a charter
23 that provides for integration of other political subdivisions must
24 provide that an ad valorem tax levied for debt service of the
25 general obligation debt that was authorized or issued by any
26 integrated municipality, any special district, or any other
27 political subdivision that is a part of the integrated county

1 government shall continue to be levied:

2 (1) only in the area of the urban service district that
3 replaces the integrated municipality; and

4 (2) only in the area of the special district or other
5 political subdivision that is integrated.

6 Sec. 92.012. CONSOLIDATION OF EMPLOYEES. A charter that
7 provides for integration of other political subdivisions must
8 provide that every employee, other than an elected official, of the
9 county and of every municipality, special district, or other
10 political subdivision that becomes integrated into the integrated
11 county government, whose position is abolished as a result of the
12 integration of political subdivisions or whose position is
13 abolished within two years after the date of the adoption of the
14 charter by a reduction in force or administrative reorganization,
15 must be offered alternative employment by the integrated county
16 government at a salary at least equal to the salary of the abolished
17 position and with substantially equal employee and retirement
18 benefits.

19 Sec. 92.013. RETIREMENT BENEFITS. (a) A charter that
20 provides for integration of local political subdivisions must
21 provide for the continuation of the pension fund or the retirement
22 system contributions by both the integrated county government and
23 the employees of the integrated county government that would have
24 been made by the former county government, the integrated
25 municipalities, special districts, or other political subdivisions
26 and the employees of those governments before the adoption of the
27 charter.

1 (b) Employees of the integrated county government hired
2 after the adoption of the charter shall be placed in an appropriate
3 pension fund or retirement system.

4 Sec. 92.014. COLLECTIVE BARGAINING. A charter that provides
5 for integration of other political subdivisions may not diminish
6 the rights of any employees of the integrated county government to
7 organize, to meet and confer, and to bargain collectively with the
8 officials of the integrated county government over wages, hours of
9 work, and other terms of employment as provided by state law.

10 Sec. 92.015. ANNEXATION. (a) A charter that provides for
11 integration of municipalities must, within Bexar County, establish
12 procedures for the progressive territorial expansion of the urban
13 service district to reflect the growth of the urbanized area.

14 (b) In areas outside Bexar County, the integrated county
15 government may take any action in respect to the urban service
16 district that a municipality having the same size and population as
17 the urban service district may take to annex territory to the
18 district, to extend the district's extraterritorial jurisdiction,
19 or to alter the boundaries of the district under this code.

20 (c) The extraterritorial jurisdiction located in Bexar
21 County of a municipality that is not integrated under this chapter
22 may not be expanded as a consequence of annexation by the
23 municipality. The municipality may engage in boundary adjustments
24 by agreement with the integrated county government.

25 SECTION 2. This Act takes effect on the date on which the
26 constitutional amendment proposed by the 82nd Legislature, Regular
27 Session, 2011, adding Section 64A, Article III, Texas Constitution,

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1 and providing for the adoption of a county charter in certain
2 counties is approved by the voters. If that amendment is not
3 approved by the voters, this Act has no effect.