

By: Larson

H.J.R. No. 35

A JOINT RESOLUTION

1 proposing a constitutional amendment to allow the voters of Bexar
2 County to adopt a charter that restructures and empowers the county
3 government and that may allow the integration of the county
4 government with certain other political subdivisions located
5 wholly or partly in the county.

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

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

9 Sec. 64A. (a) Bexar County may adopt a county charter. The
10 county charter may integrate the county government with other local
11 political subdivisions allowed under this section.

12 (b) The charter may:

13 (1) provide for the title, qualifications, term of
14 office, powers, or duties of an office of chief elected official
15 that replaces the office of county judge;

16 (2) provide for the structure, number of members,
17 qualifications, terms of office, powers, duties, or other features
18 of a governing body that replaces the commissioners court;

19 (3) modify the powers, duties, or functions of a
20 county official that is established by another section of this
21 constitution, if the charter otherwise continues all of the
22 established functions of county government;

23 (4) merge the office of an elected county official
24 that is established by another section of this constitution with

1 the office of another county official, if the charter otherwise
2 continues all of the established functions of both offices; and

3 (5) provide for the abolition of the office of an
4 elected county official that is established by another section of
5 this constitution, on the approval of a majority of the voters
6 voting on the question in a separate election held at least one year
7 after the initial election on the adoption of the charter.

8 (c) The abolition of an office under Subsection (b)(5) is
9 effective at the earlier of:

10 (1) the conclusion of the regular term of the office
11 holder at the time of the election to abolish the office; or

12 (2) the date the office becomes vacant.

13 (d) The charter may also integrate the county government and
14 the government of any other municipality, special district or
15 authority, or any other political subdivision, other than a school
16 district, if:

17 (1) more than one-half of the area of the political
18 subdivision to be integrated is located in the county; and

19 (2) the integration of political subdivisions
20 includes the most populous municipality in the county.

21 (e) If Bexar County adopts a charter under this section, the
22 powers and duties of the county are:

23 (1) the powers and duties established by the charter
24 that are not inconsistent with a constitutional or statutory
25 provision expressly applying to a charter county; and

26 (2) any additional powers and duties granted by this
27 constitution or general law.

1 (f) If the charter integrates the county with other local
2 political subdivisions under Subsection (d), the powers and duties
3 of the integrated county government are also the cumulative powers
4 and duties of the political subdivisions that are integrated. The
5 charter may not diminish the powers, duties, and functions of a
6 municipality that is not integrated with the county.

7 (g) If the charter integrates the county with other
8 political subdivisions, the charter shall transfer to the county
9 all the powers, duties, responsibilities, rights, privileges,
10 assets, obligations, and liabilities of the integrated
11 municipality, special district or authority, or other political
12 subdivision.

13 (h) If a municipality that is integrated into a county
14 government has extraterritorial jurisdiction outside the county,
15 or if any portion of an integrated municipality, special district
16 or authority, or other political subdivision is located outside the
17 county, the integrated county government's powers and duties
18 outside the county are limited to those powers and duties that the
19 integrated political subdivision would have had in the absence of
20 the governmental integration.

21 (i) A charter that integrates the county with other
22 political subdivisions must establish distinct service districts
23 in the area of the integrated county government that provide for
24 district taxes that are graduated by area and based on the level of
25 services provided to the service district by the integrated county
26 government.

27 (j) Except for a constitutional or statutory provision

1 expressly applying to Bexar County, a charter adopted under this
2 section controls on an issue relating to the structure, powers,
3 duties, functions, or governance of the county.

4 (k) The legislature, by local law or general law, shall
5 establish the procedures for the appointment or election of a
6 charter commission and for the adoption of a charter under this
7 section. The procedures for appointment or election of a charter
8 commission must include alternative procedures to initiate the
9 creation of a charter commission by action of the commissioners
10 court, by action of the governing body of the most populous
11 municipality in the county, or by petition of residents. The
12 legislative action may include any additional guarantees or other
13 provisions that the legislature considers appropriate to require in
14 a charter to protect minority voting rights. In the case of a
15 charter that integrates the county with other political
16 subdivisions, the legislative action may also include provisions
17 to:

18 (1) protect the employees of political subdivisions
19 that may become integrated under the county charter;

20 (2) coordinate the charter with the law governing
21 annexation; and

22 (3) structure the governing body and the service
23 districts and to allocate the debt service obligations of an
24 integrated county government to ensure equity among the voters and
25 taxpayers of the integrated county government.

26 SECTION 2. This proposed constitutional amendment shall be
27 submitted to the voters at an election to be held November 3, 2015.

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1 The ballot shall be printed to permit voting for or against the
2 proposition: "The constitutional amendment to allow the voters of
3 Bexar County to adopt a charter that restructures and empowers the
4 county government and that may allow the integration of the county
5 government with certain other political subdivisions wholly or
6 partly in the county."