

# Alphabet Soup: Types Of Texas Cities, Texas Municipal League

## Excerpts

<https://www.tml.org/DocumentCenter/View/244/Types-of-Texas-Cities-PDF>

## The Different Forms of Government – General Law Cities page 6

### Type A General Law Cities

Type A general law cities operate under the aldermanic form of government. The term “alderman” is often used **interchangeably with the term city council**, and the modern name of the board of aldermen is the city council. The size of the council is determined by whether the city is divided into wards (e.g., special districts). See TEX. LOC. GOV'T CODE § 22.031.

**In cities where there are no wards (which includes most Type A cities), the council is made up of the mayor and five councilmembers.** If the city has been divided into wards, the council is made up of a mayor and two councilmembers from each ward. **In either case, the mayor does not vote except in the case that his/her vote is needed to break a tie** (except in elections). Id. § 22.037.

A quorum consists of a majority of councilmembers for general business (e.g., three councilmembers if city does not have wards), and **two-thirds of the council for a special or called meeting or a meeting concerning taxation** (e.g., four councilmembers if the city does not have wards). Id. § 22.039. **The mayor does not count toward a quorum in either case.**

**Type A city councilmembers have a two-year term of office unless a longer term of office is adopted under the Constitution.** Id. § 22.035; TEX. CONST. art. XI, section 11.

At each new governing body's first meeting or as soon as possible, the council must elect one of its members to be the **mayor pro tem for a term of one year.** TEX. LOC. GOV'T CODE § 22.037. The mayor pro tem

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## **The Different Forms of Government – Home Rule Cities** page 9

### **The Different Forms of Government in Texas Cities – Home Rule Cities**

A home rule city may adopt and operate under any form of government, including aldermanic or commission form. Id. § 26.021.

**The city may create officers, determine the method of selecting officers, and prescribe qualifications, duties, and tenure of office for officers.** Id. § 26.041.

**Home rule cities can extend an officer's term from two to four years with a charter amendment.** TEX. CONST. Art. XI, section 11.

A city charter may **authorize nominations of partisan candidates** for elected offices in the city. TEX. ELEC. CODE § 143.003.

**City charters in home rule cities supersede state statutory** provisions for withdrawal, death, or ineligibility of city candidates. Id. § 145.097.

A home rule city may prescribe its **own age and residency requirements** for city office, but the minimum age may not be more than 21 years and the minimum residency may not be more than 12 months preceding election day. Id. § 141.003.

Home rule cities **may charge filing fees for office**, which must be refunded to a candidate or his family if the candidate dies, is declared ineligible, or his forms are incorrect. Id. § 141.038. Also, there must be an alternative procedure to paying the fee, and both the fee amount and alternative procedure must be in the city charter.

A home rule city **may prescribe eligibility requirements** or grounds of ineligibility for election officers by city charter. TEX. ELEC. CODE § 32.056.

A city charter may **prescribe requirements**, additional to Section 141.031(a)(4)(L), **for a candidate's application for a place on the ballot**. Id. § 143.005.

The city charter can designate who may accept a candidate's application if it is not the city secretary. Id. § 143.006.

**Changing City Type**  
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**Changing from General Law to Home Rule**

Once general law cities gain an inhabitants number of over 5,000, many change to the home rule form of government **by adopting a charter through an election**. See TEX. CONST. art. XI, section 5.

The **city governing body, through a two-thirds vote, may order an election to create a charter commission to write a charter**, or the governing body must create a charter commission if asked to do so by at least ten percent of the city's qualified voters. TEX. LOC. GOV'T CODE § 9.002.

The city's residents can vote on whether to elect a charter commission of fifteen members to draft a charter or the mayor can select the members of the charter commission at a mass meeting. After the charter commission is selected and finishes the charter, the city's residents must vote on the proposed charter. Id. § 9.003.

**The election is on the next uniform election date.** Thirty days before the election a copy of the proposed charter has to be mailed to each registered voter. A proposed charter is adopted if approved by a majority of the voters at the charter election and the city enters an order recognizing the adoption of the charter. Id. §A9.005.

The new governing body under the charter may be elected at the same time as the election for the charter. Id. § 9.006.

As soon as practicable after the charter is adopted the mayor of the city must certify and send an authenticated copy of the charter to the secretary of state. Id. § 9.007.

## Differences Between Home Rule and General Law Powers .....

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#### Introduction – What's the Difference? [Excerpts]

A home rule city may do anything authorized by its charter that is not specifically prohibited or preempted by the Texas Constitution or state or federal law. A general law city has no charter and may only exercise those powers that are specifically granted or implied by statute.

##### [Examples]

- Mandatory Fees on Utility Bills
- Annexation
- Initiative and Referendum - Citizen initiative and referendum are powers that only home rule cities possess, and then only if the city's charter provides for it. Thus, a city council of a home rule city would have the authority to call a referendum on an issue, including an ordinance, if the city's charter allowed for such an election.
- Removal of Councilmembers - A home rule city's charter may provide for a "recall" provision under which citizens can petition the city council to order an election to recall members of the council. Each home rule city's recall procedure is unique, and is governed by its charter.

#### Other References

- What is Home Rule and how does it differ from General Law? City of Justin \*Adapted from City of Bridgeport, Texas  
<https://www.cityofjustin.com/DocumentCenter/View/631/Home-Rule-Charter-Synopsis>