

County and city governments in texas

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Introduction

In Texas, there are a variety of governmental structures. The two main types of local government include city and county governments. Back when Texas was under Spanish and Mexican rule, the local government was called a municipality. After the Texas Revolution, the municipalities evolved into counties. Most early Texans only dealt with county governments since many of them lived in remote and isolated areas. Since the Spanish municipality included the settlements as well as large areas of surrounding territory, “before 1836 there were in Texas no incorporated cities in the modern meaning of the term” (Blodgett). City governments are a relatively new concept in Texas because throughout most of Texas history, the main form of local government was counties. Cities became incorporated into the state by the Texas Congress after the Texas gained its freedom from Mexico. The Texas Constitution lays out the responsibilities of cities and counties, but counties are granted significantly more power than cities.

Structure and Duties of Counties

Texas has 254 counties, which is more than any other state in the US. Regardless of population or land area, each county has the same government structure. Every county has a commissioners court, which is its most important governing structure. “In each precinct, voters elect one county commissioner and a county judge” (Gilmartin). The four commissioners are each elected from a commissioner’s precinct and a county judge is elected from the entire county. The commissioners court passes laws that governs the country, determines taxes, and passes the annual county budget. It may seem like the commissioners court has a

judicial function, but it mainly serves as a legislative body for the county. The Texas Constitution established a strong system of checks and balances by creating other elective offices in each county even though the commissioners court conducts the general business in the county. For example, the state constitution also lays out several positions including the county clerk, sheriff, county tax assessor-collector and county treasurer. The constitutional offices are elective and have terms of 4 years. All county elections are partisan, which means that the party affiliations of each candidate are listed on the ballot.

The Texas Constitution spells out the powers and responsibilities of counties. Counties were originally created to enforce the rulings of the state legislature, so they do not have the freedom to make their own laws. They are responsible for many things, including: “ roads and transportation infrastructure; law enforcement and jails; operation of the state court system; recording of deeds and vital records; elections and voter registration; emergency management and homeland security; registration of motor vehicles; and basic healthcare services for indigent residents” (Texas County Government). In many rural areas in Texas, the only type of government that people interact with is the county government. That is why county governments are referred to as the most important unit of grassroots government.

Powers and Duties of Cities

There are two types of cities in Texas: home rule and general law cities. In 1912, an amendment to the Texas Constitution gave some flexibility to cities by allowing some to become home rule cities. Home rule cities have

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populations greater than 5, 000 and they have to have an election to ratify a city charter. They have more power because they are able to pass any regulation or law unless it is prohibited by state law. On the other hand, general law cities are under the laws of the state legislature. Cities have more flexibility in their duties and powers than counties do because city governments are meant to develop more directly from citizen input. There are thirty-six functions that the law lists as governmental. They include: “ police and fire protection, health and sanitation services, street construction and design, transportation systems, establishment and maintenance of jails, and enforcement of land use restrictions under Chapter 229, Local Government Code” (Local Government in Texas). Three functions are listed as proprietary: the operation and maintenance of a public utility, amusements owned and operated by a city, and any activity that is abnormally dangerous or ultra-hazardous.

In addition, there are several different forms of city government. The oldest and most common form of city government is the mayor-council government. In this kind of government, the city council is the legislative body, while the mayor is the city’s chief executive officer. Under the weak-mayor plan, the city council holds more power than the mayor. Under the strong- mayor plan, the mayor is the city’s chief executive officer and has the primary responsibility for running the city’s government. Under the commission form of government, a city is governed by a commission that usually consists of three to nine elected officials, or commissioners. The commission acts as the city’s legislative body, passing laws for the community. The commission also acts as the city’s executive body, with

each commissioner heading up a city department and enforcing laws relating to that department. Under the council-manager plan, voters elect a city council to act as the city's lawmaking body. The council then appoints a city manager as the city's chief executive. The city manager appoints the heads of the city departments. These officials report directly to the city manager, who may also remove them from office.

Conclusion

In conclusion, counties have a greater advantage over cities because they have a greater range of powers. They are extensions of the state government and they are essential to the function of both administrative and fiscal federalism. County governments reflect the continuity and tradition of the state because they have been around since the creation of the Texas Republic. They are responsible for many of the functions that keep the state running, including infrastructure and security.

Texas is one of thirty-nine states to follow the so-called "Dillon's Rule" for at least some of its local governments. The rule makes it clear that municipalities are subordinate to state government. This applies specifically to cities because even home rule cities cannot pass bills that challenge the laws created by the Texas legislature. If the Texas government decided to take away the powers of the cities, they would not be able to do anything. This makes cities weaker than counties in Texas since the powers and responsibilities of counties are clearly outlined in the Texas Constitution.