

BILL ANALYSIS

Senate Research Center

S.B. 858
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Intergovernmental Relations
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As Filed

DIGEST

Currently, state law applies certain provisions to cities annexing areas outside of the city. Cities that have been annexed have expressed concern that some autonomy and identity may be lost in the annexation process. This bill provides a quality-of-service enforcement provision and allows an annexed city to maintain its autonomy by creating special municipal districts which can be contracted for service.

PURPOSE

As proposed, S.B. 858 provides a quality-of-service enforcement provision and allows a city to maintain its autonomy by creating special municipal districts which can be contracted for service.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the governing body of a municipality in SECTION 1, (Section 43.209, Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 43, Local Government Code, by adding Subchapters I and J, as follows:

SUBCHAPTER I
PROVISION OF MUNICIPAL SERVICES IN
AREAS ANNEXED BY CERTAIN
MUNICIPALITIES ON OR AFTER
DECEMBER 1, 1996

Section 43.204. DEFINITIONS. Defines "annexed area" and "municipality."

Section 43.205. PROVISION OF SERVICES TO ANNEXED AREA. Requires a municipality to provide services to an annexed area in accordance with the requirements of Section 43.056, Local Government Code. Prohibits a municipality from providing fewer services or a lower level of services in the area than were in existence in the area immediately preceding the date of the annexation.

Section 43.206. ENFORCEMENT. Authorizes a person residing in an annexed area to enforce the requirements of Section 2 of this subchapter by applying for a writ of mandamus. Requires the burden to be on the municipality in a mandamus proceeding, to show that the municipality has not provided fewer services or a lower level of services in the annexed area than were in existence preceding the annexation. Requires the municipality to pay the person's costs and reasonable attorney's fees, if the court issues the writ requested by a person residing in an annexed area. Requires a writ issued under this section to provide the municipality the option of disannexing the area within 30 days.

SUBCHAPTER J
CREATION OF SPECIAL MUNICIPAL
DISTRICTS IN AREAS

ANNEXED BY CERTAIN MUNICIPALITIES ON OR
AFTER DECEMBER 1, 1996

Section 43.207. DEFINITIONS. Defines "annexed area," "municipality," and "special municipal district."

Section 43.208. HEARING ON CREATION OF A SPECIAL MUNICIPAL DISTRICT. Authorizes the governing body of a municipality to call a public hearing on the question of establishing a special municipal district within an annexed area, under certain conditions. Requires the governing body to conduct the public hearing within 30 days after adoption of its own motion or determination of the validity of a petition. Requires the notice of hearing to be published in a newspaper of general circulation in the annexed area within 10 days before the hearing.

Section 43.209. SPECIAL MUNICIPAL DISTRICT ELECTION. Authorizes the governing body of a municipality to call an election to authorize the creation of the special municipal district and elect members of the district board, if the governing body adopts an ordinance finding that establishing the district would be in the public interest, following the public hearing. Sets forth conditions of the election. Requires the governing body to approve the ballot for election and to adopt rules and procedures for conducting the elections by ordinance.

Section 43.210. TERRITORY WITHIN SPECIAL MUNICIPAL DISTRICTS; NAME OF DISTRICT. Authorizes a municipal district to include any contiguous territory within the boundaries of an annexed area. Requires a municipal district to be designated by a name that is descriptive of the district.

Section 43.211. ARTICLES OF INCORPORATION AND BY-LAWS FOR DISTRICTS. Requires the governing body of the municipality to approve, by ordinance, the articles of incorporation and by-laws for each district established. Sets forth requirements for the by-laws of each district.

Section 43.212. MUNICIPAL SERVICES AGREEMENT WITH DISTRICT. Authorizes a municipality and a district to enter into a municipal services agreement under which the district agrees to provide certain services and to be compensated by the municipality for the actual cost of services. Provides that a municipality's service plan obligations under Section 43.056, Local Government Code, are deemed to be satisfied in full once the district assumes the provision of that category of service pursuant to a municipal services agreement (agreement). Prohibits an agreement from exceeding 15 years. Prohibits an agreement from requiring the municipality to pay a district any amount in excess of the district's actual costs to deliver services.

SECTION 2. Emergency clause.
Effective date: upon passage.