

BILL ANALYSIS

Senate Research Center
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S.J.R. 9
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

State and national budget cuts have required local communities to prioritize what citizens want from local governments, optimize services, and reassess cost sharing. Ideally, these changes should not hamper local governments from delivering quality services at a low cost. This is a difficult objective as budget cuts at the state or national level often results in decreased local services or increased local taxes. However, the El Paso metro area can achieve the required goals while avoiding the potential pitfalls through the consolidation of the City of El Paso and El Paso County.

Consolidation of the City of El Paso and El Paso County into the El Paso Metro Government will allow the government to increase efficiency, as government inefficiencies associated with duplicating city and county services will be eliminated. City-county consolidation will improve local government accountability because, as a consolidated entity, responsibility and blame cannot be disputed between the separate city and county governments. Further, city-county consolidation provides for enhanced planning capacity, as under a comprehensive planning system dealing with land development issues.

S.J.R. 9 proposes a constitutional amendment to consolidate the City of El Paso and El Paso County to form the El Paso Metro Government.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article III, Texas Constitution, by adding Section 64A, as follows:

Sec. 64A. (a) Establishes the El Paso Metro Government by consolidating certain functions, agencies, and entities of the City of El Paso and integrating them into El Paso County.

(b) Sets forth, as a result of Subsection (a), certain powers and duties of the El Paso Metro Government applying throughout the area of the metro government.

(c) Requires the El Paso Metro Government, on the date of the consolidation of the City of El Paso into El Paso County, to assume all the powers, duties, responsibilities, rights, privileges, assets, obligations, and liabilities of the county and the city.

(d) Provides that following consolidation of the City of El Paso into El Paso County, the Commissioners Court of El Paso County is abolished and all of its functions and agencies are transferred to the El Paso Metro Government, and the office of El Paso County Judge and the constitutional County Court of El Paso County are abolished. Provides that, except as provided by Subsection (n) of this section, the consolidation does not affect any other office of El Paso County, and those offices are continued as offices of the El Paso Metro Government.

(e) Provides that this section does not diminish the powers, duties, and functions of a municipality in El Paso County that is not consolidated into the El Paso Metro Government. Provides that the boundaries of a municipality in El Paso County that is not consolidated into the El Paso Metro Government are the boundaries of the municipality, exclusive of the municipality's extraterritorial jurisdiction, as the boundaries exist on the date of the consolidation of the City of El Paso into El Paso County and as the boundaries may be changed on or before the first anniversary of the date of the consolidation. Provides that a municipality in El Paso County that is not consolidated into the El Paso Metro Government keeps its area of extraterritorial jurisdiction until the first anniversary of the date of the consolidation of the City of El Paso and El Paso County. Provides that on the date of that first anniversary, that municipality ceases to have any area of extraterritorial jurisdiction.

(f) Sets forth the initial composition of the governing body of the El Paso Metro Government.

(g) Provides that the initial terms of the members of the governing body of the El Paso Metro Government expire on January 1 following the second anniversary date of the consolidation.

(h) Provides that the presiding officer is elected at large in El Paso County. Provides that the terms of the presiding officer and the other members of the governing body of the El Paso Metro Government are three years. Provides that, for constitutional and statutory purposes, the presiding officer of the El Paso Metro Government has the same authority to act as a county judge of a county and as a mayor of a municipality.

(i) Sets forth the composition of the governing body of the El Paso Metro Government after the initial terms of the members of the governing body of the El Paso Metro Government expire, unless the charter adopted under Subsection (k) provides differently.

(j) Requires the first group of members of the governing body of the El Paso Metro Government elected under Subsection (i), in order to stagger the terms of the members of the governing body, to draw lots to determine which three members shall serve one-year terms, which three members shall serve two-year terms, and which three members shall serve three-year terms.

(k) Entitles the governing body of the El Paso Metro Government, in the same manner as a home-rule municipality, to adopt a charter to govern the operation of the El Paso Metro Government. Specifies for which provisions that charter may provide.

(l) Requires the governing body of the El Paso Metro Government to establish distinct service districts in the area of the consolidated county government that provide for district taxes that are graduated by area and based on the level of services provided to the service district by the El Paso Metro Government. Provides that a state law that lists, defines, or distinguishes between the governmental and proprietary functions of a municipality applies to the El Paso Metro Government as if it were a municipality unless the law specifically addresses metro governments.

(m) Provides that a charter adopted under this section may also include certain provisions.

(n) Provides that the sheriff of El Paso County is the chief law enforcement office of the El Paso Metro Government. Provides that the sheriff and all other surviving offices of El Paso County and any applicable district offices stand in relation to the governing body of the El Paso Metro Government as they would otherwise stand in relation to a commissioners court for El Paso County.

(o) Provides that the creation of single-member districts under Subsection (i)(1) does not create precincts or increase the number of precincts created under Section 18, Article V, of this Constitution. Entitles the governing body of the El Paso Metro Government to divide the county into precincts under Section 18, Article V, of this Constitution for any purpose other than representation on the commissioners court of a county.

SECTION 2. Adds the following temporary provision to the Texas Constitution:

TEMPORARY PROVISION. (a) Provides that this temporary provision applies to the constitutional amendment proposed by the 79th Legislature, Regular Session, 2005, to create a consolidated El Paso Metro Government. Provides that this provision expires December 1, 2007.

(b) Provides that the constitutional amendment takes effect only if approved by a majority of the voters of El Paso County.

(c) Requires the commissioners court of El Paso County and the governing body of the City of El Paso, if the constitutional amendment is approved by the voters and will take effect, to promptly meet after the amendment is approved by the voters and jointly confer regarding the creation of the El Paso Metro Government. Requires the meeting to include planning for the consolidation of the city and county government services and methods for operating the services under the El Paso Metro Government. Provides that a primary consideration at the meeting is to ensure that both the Commissioners Court of El Paso County and the governing body of the City of El Paso plan for the smooth and efficient transfer of services to the governing body of the El Paso Metro Government and that the high level of quality and quantity of the government services, particularly services related to the public health, safety, and welfare, are continued. Entitles both governing bodies to draft for approval by the El Paso Metro Government any proposed charter to be adopted by the El Paso Metro Government. Entitles both governing bodies to jointly appoint advisory committees to assist the governing bodies in planning for the consolidation of the city and county government services and methods for operating the services under the new El Paso Metro Government and in preparing any proposed charter to be adopted by the El Paso Metro Government.

(d) Requires that, on the first uniform election date after the 180th day after the date of the election at which that constitutional amendment is approved by the voters, the presiding officer of the El Paso Metro Government be selected at an election jointly held by the Commissioners Court of El Paso County and the governing body of the City of El Paso.

(e) Requires that, on the 270th day after the date of the election at which that constitutional amendment is approved by the voters, the governing body of the El Paso Metro Government be seated, the City of El Paso is consolidated into the government of El Paso County, and the El Paso Metro Government is formed.

SECTION 3. Requires this proposed constitutional amendment be submitted to the voters at an election to be held November 8, 2005. Requires the ballot be printed to permit the voting for or against the proposition: "The constitutional amendment to create a consolidated El Paso Metro Government by consolidating El Paso County and the City of El Paso."