

# Texas Local Governance 101

Environmental Commission  
2023 Annual Retreat



**WATERSHED  
PROTECTION**



# Overview

- City government structures in Texas
  - Forms of local government
- Austin's city structure
  - District-based council
  - Departmental structure
- Environmental regulations in Texas
  - Federal vs. state vs. city/municipal
- Jurisdictions & annexation
  - Summary & where our regulations fit in



# City government structures in Texas

# General-law vs. Home-rule cities

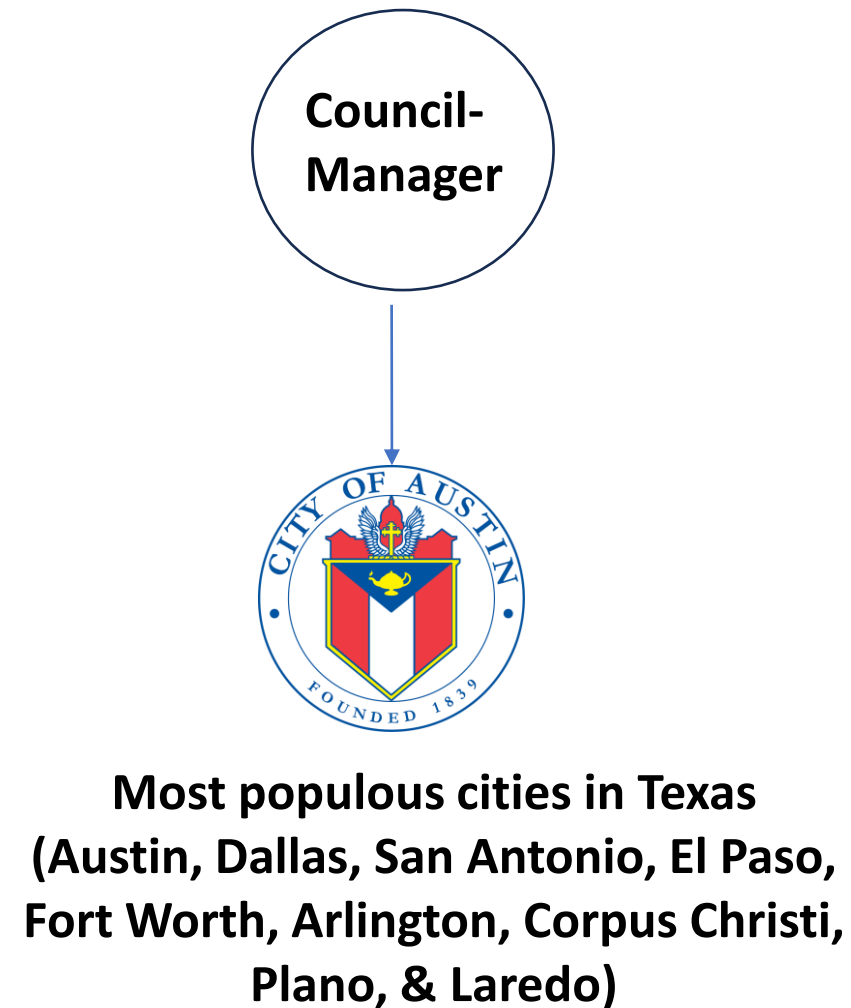
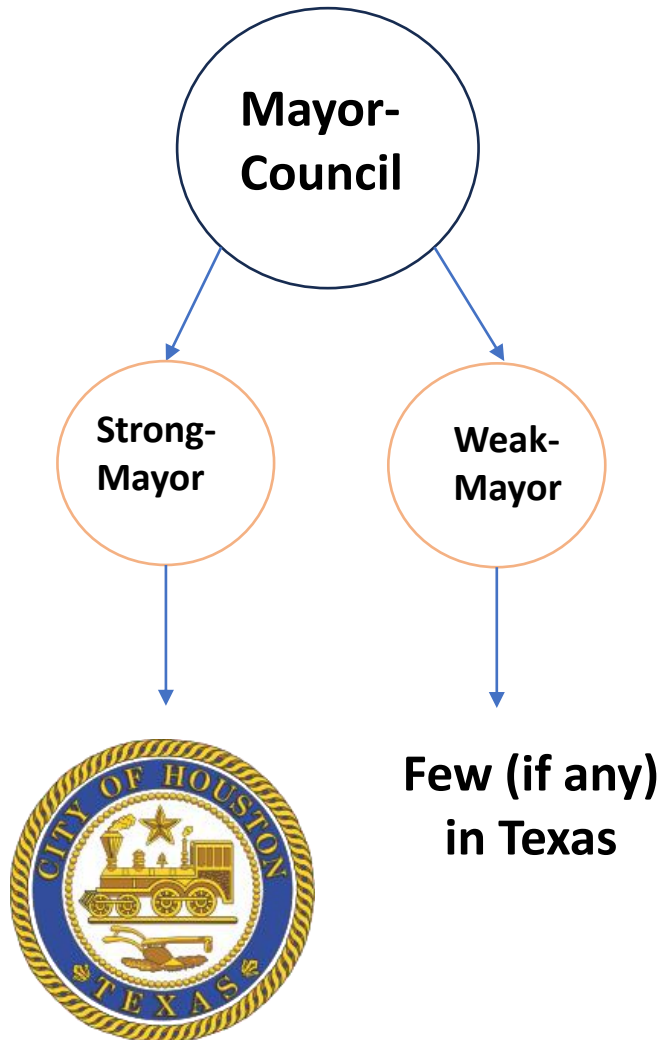
## General-law cities

- Population of 5,000 or less
- May only exercise the authority it has been given by state or federal law
- Have different options for their form of government, depending on population size and type (Types A, B, and C)

## Home-rule cities

- Cities with a population of more than 5,000 may become home-rule cities (**Austin**)
- May establish any law or ordinance it wants to unless it is expressly forbidden by state or federal law
- Operate under a City Charter, which provides the basic outline for the structure of city government and all city ordinances must be consistent with the Charter
- An ordinance cannot amend the Charter; the Charter can only be amended through local elections

# Forms of local government



# Types of Mayor-Council systems

## Strong mayor-council

- Mayor prepares the budget for council's consideration
- has power to appoint & remove most department heads
- has the right to veto any law that council passes
- doesn't have power to vote as part of city council
- No city manager (mayor takes much of this role)

## Weak mayor-council

- Mayor is not a chief executive in the true sense
- Powers are limited in appointments and removals, as well as veto, and there are a large number of elected officials and boards
- Many legal powers of the council prevent them from effectively supervising city administration
- Very few cities in Texas use weak-mayor form

<b>DUTIES, POWERS, &amp; RESPONSIBILITIES</b>	<b>MAYOR-COUNCIL (STRONG MAYOR) MUNICIPALITY</b>	<b>COUNCIL-MANAGER MUNICIPALITY</b>
<b>APPOINTMENT OF CITY'S CHIEF ADMINISTRATOR</b>	<b>Mayor</b>	<b>City Council</b>
<b>APPOINTMENT OF DEPARTMENT HEADS</b>	<b>Mayor (sometimes confirmed by Council)</b>	<b>City Manager (sometimes confirmed by Council)</b>
<b>APPOINTMENT OF ADVISORY BOARDS</b>	<b>Mayor (sometimes confirmed by Council)</b>	<b>City Council</b>
<b>PREPARE BUDGET</b>	<b>Mayor</b>	<b>City Manager</b>
<b>APPROVE BUDGET</b>	<b>City Council</b>	<b>City Council</b>
<b>PASSAGE OF ORDINANCES &amp; RESOLUTIONS</b>	<b>City Council</b>	<b>City Council</b>
<b>PURCHASING POWER</b>	<b>City Council</b>	<b>City Manager (with restrictions)</b>

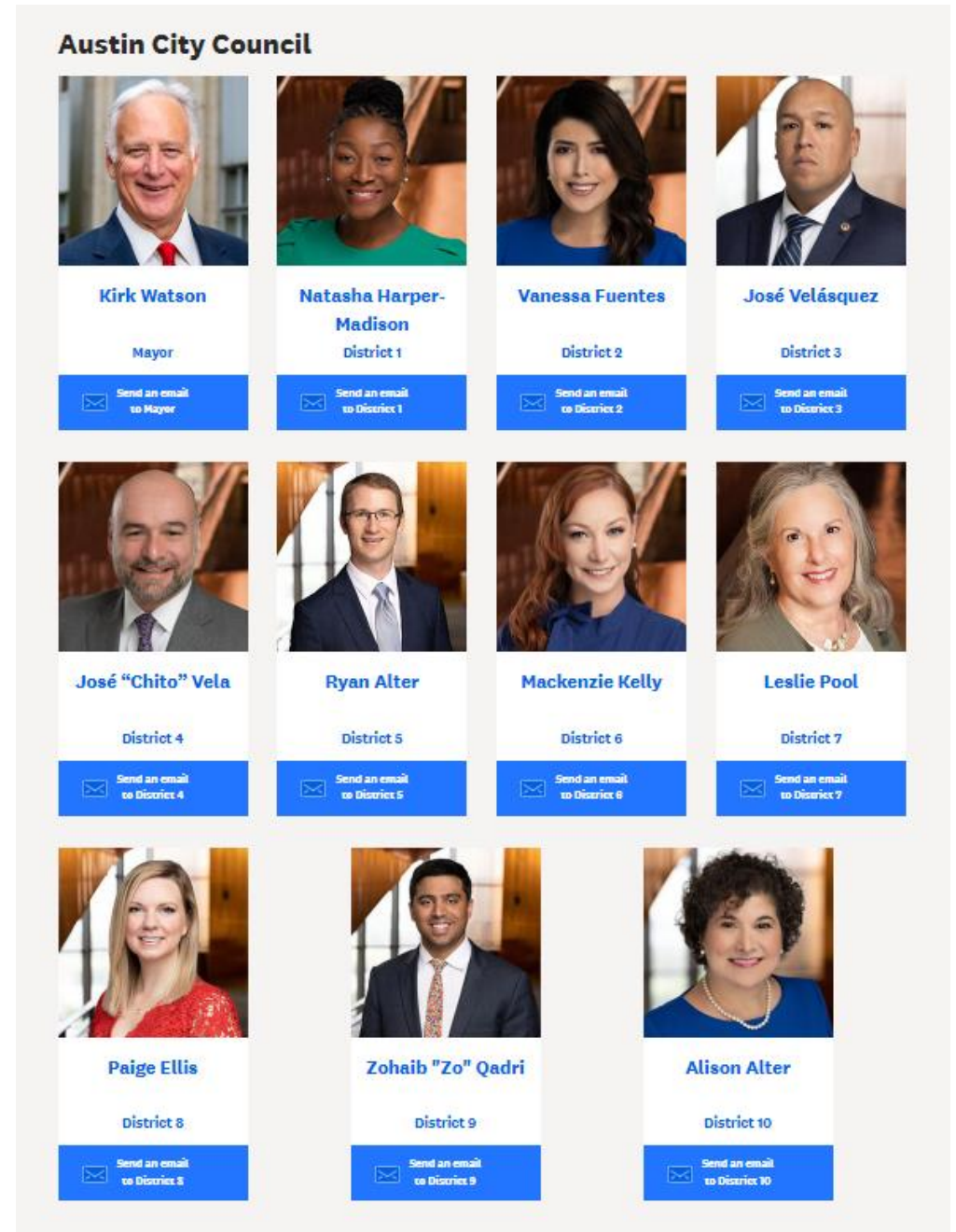
Source:  
ILRC, 2020

# Austin City Government



# 10-1 District-based system

- In 2012, Austin voters elected to establish a geographic district-based system composed of 10 council members (instead of 6) and a mayor called a “10-1” council structure
- The Mayor is elected at-large
- Each council member is elected by their respective district
- Terms for both mayor & council are 4 years

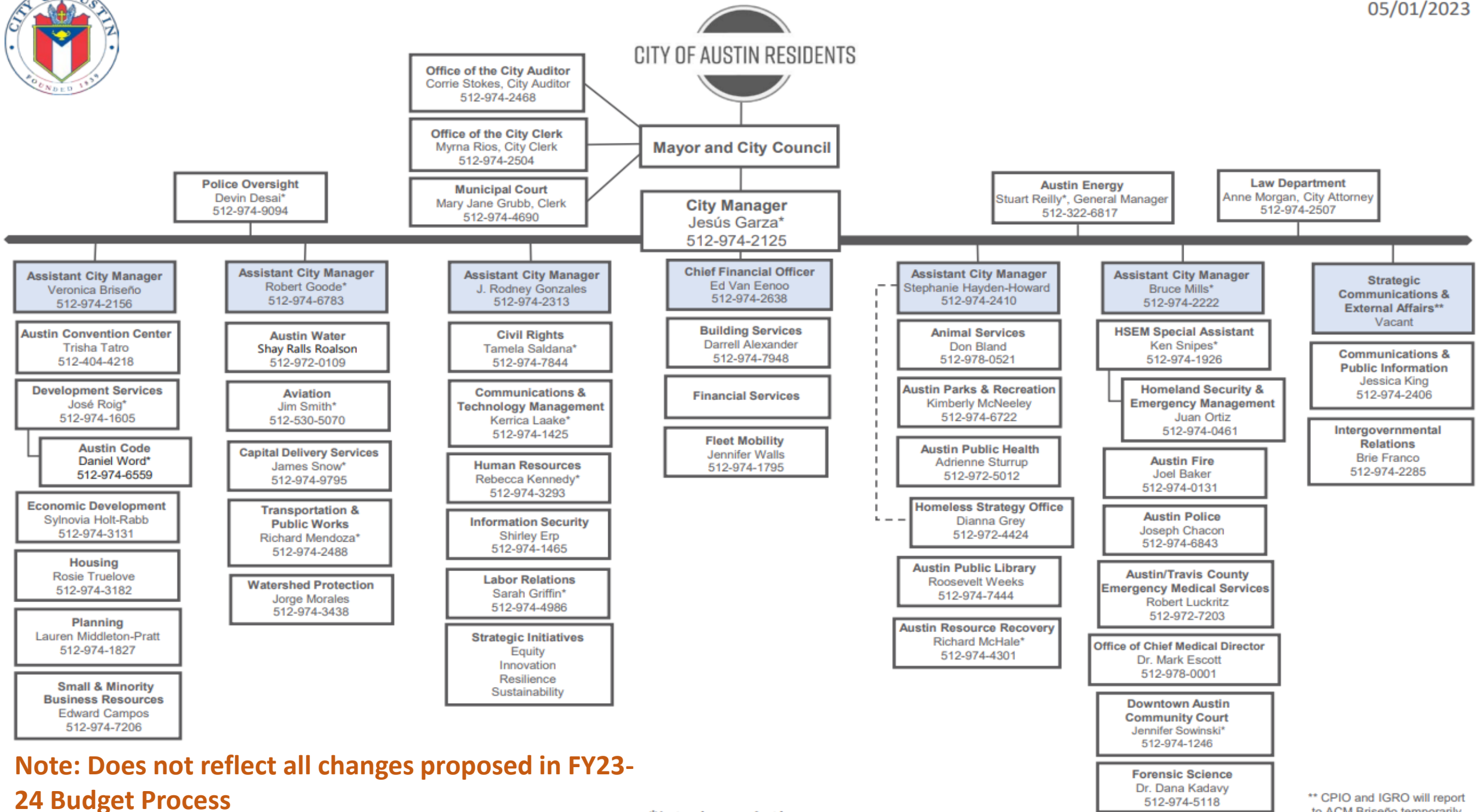


# City of Austin structure

- Over 40 departments & offices
- Most report to city manager
- Municipal Court, Municipal Court Judges, City Clerk, and City Auditor who report to the mayor and council
- The Austin City Council adopted a strategic direction (SD23) on March 8, 2018, guiding the City of Austin for the next three to five years. It outlined six priority strategic outcomes.
- Departments were organized into these outcomes according to the services they provide.
  - Safety
  - Health & Environment
  - Culture & Lifelong Learning
  - Government that Works for All
  - Mobility
  - Economic Opportunity & Affordability
- SD23 is no longer applicable and is currently being revised per CMO directive.

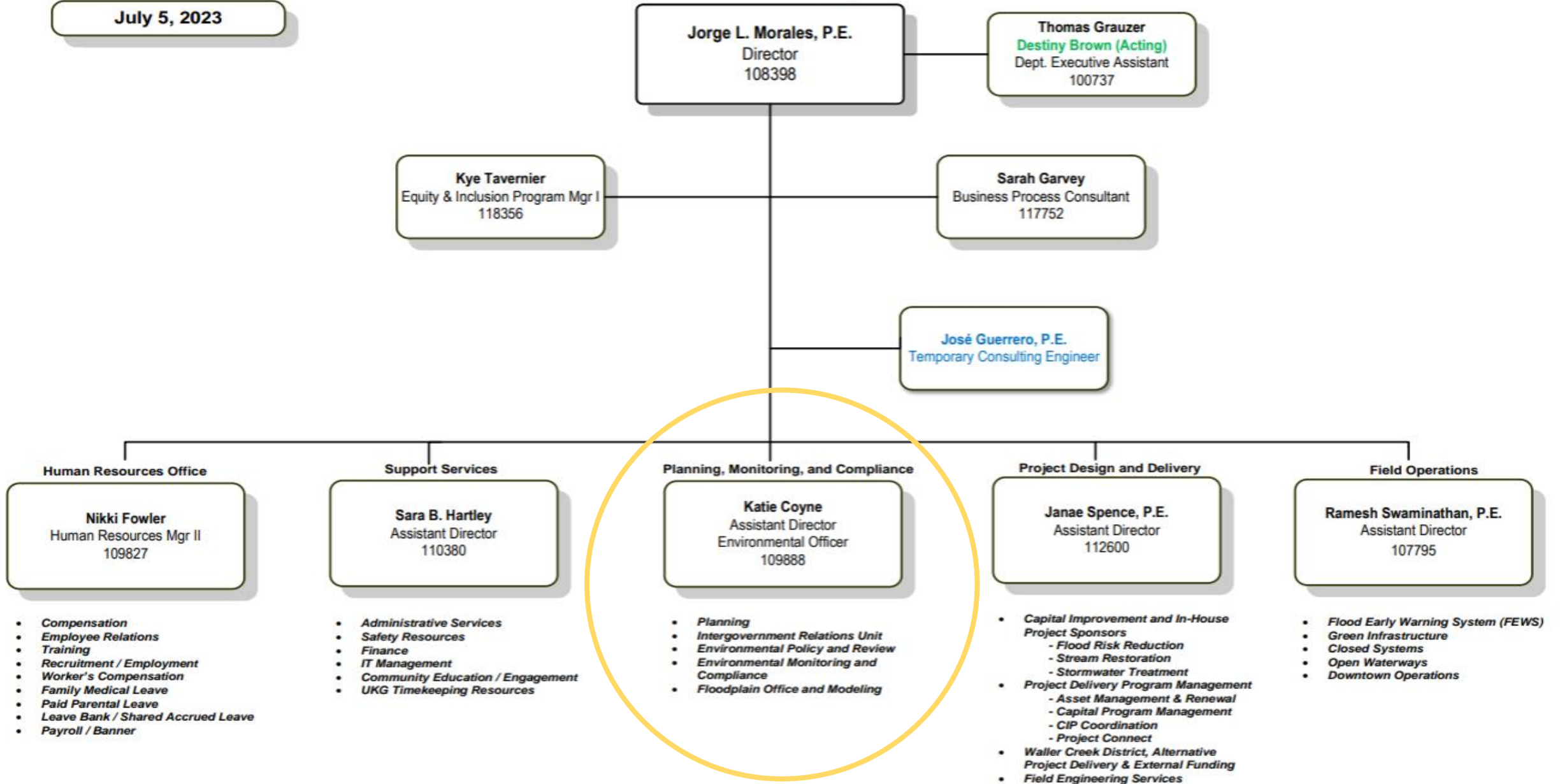






July 5, 2023

**WATERSHED PROTECTION DEPARTMENT**  
**Office of the Director (Page 1 of 2)**





# Environmental regulations in Texas



# Threatened & Endangered Species

- Protected under the U.S. Endangered Species Act (ESA) & managed by the U.S. Fish and Wildlife Service
- COA protects and enhances habitat for rare and endangered species as mitigation for incidental take covering species of concern and monitors the population size of threatened and endangered species
- COA has no jurisdictional authority to oversee ESA

# Air Quality

- The Clean Air Act establishes several permitting programs designed to carry out the goals of the act
  - Some are implemented by EPA's South Central Region (Region 6)
  - Most are carried out by Texas Commission on Environmental Quality (TCEQ)
  - Texas Clean Air Act (TCCA) gives Texas the sole authority to issue permits for air contaminants
  - Reserves the power for home rule cities to "enact and enforce an ordinance for the control and abatement of air pollution" as long as the ordinance is consistent with TCCA and TCEQ rules  
(Texas Health & Safety Code § 382.113)



*Photo by Michael Knox*

- Austin's Air Quality Program works closely with the Capital Area Council of Governments to raise awareness about air quality in our region
- The goal is for Central Texas to remain under federally-mandated ground-level ozone standard of 70 parts per billion.
- However, COA does not have the authority to regulate air quality.

# Hazardous Waste

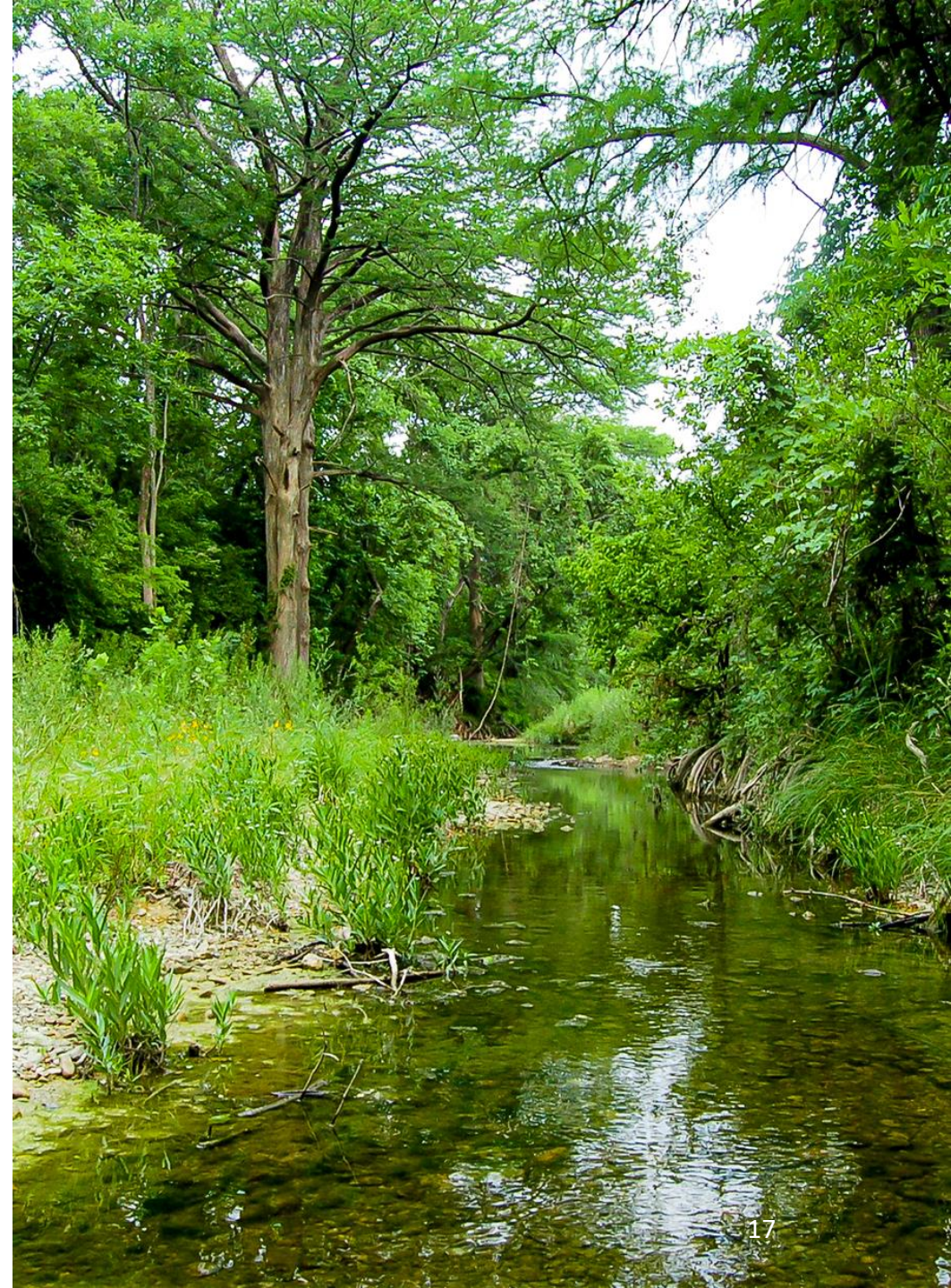
- The TCEQ requires permits, registrations, and reporting on municipal solid waste, industrial, & hazardous waste
- Austin Brownfields Revitalization Office in Austin Resource Recovery helps address environmental obstacles to property redevelopment
- Watershed Protection Department's Pollution Prevention & Reduction Program is to prevent or minimize water pollution within the City's jurisdiction (including the extraterritorial jurisdiction)
  - Investigate pollution & water quality complaints from residents through a 24-hour Pollution Hotline
  - Respond to request for assistance from other City Departments





# Water

- Clean Water Act – Federally mandated
- Programs are mandated to Texas Commission on Environmental Quality
- Home rule cities are required to regulate and protect water quality through our MS4 Permit & the Stormwater Management Program
- Regulations include:
  - creek buffer protection
  - critical environmental feature protection
  - impervious cover limits
  - erosion and sedimentation control plans,
  - water quality treatment
- Other
  - outreach & education
  - pollution prevention (spills inspections)







# Trees

- As a home-rule city, Austin can protect trees through local rules
- City Arborist Program administers the City of Austin's Tree Ordinance and issues permits to remove or impact regulated trees
- The City regulates three classifications of trees:
  - 8-18" diameter trees (n/a for single family)
  - 19"+ Protected trees
  - 24"+ Heritage trees (certain species)



# Levels of Tree Ordinance Protection

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## **8" and larger**

- Survey required on commercial site plan submittals



## **19" and larger are Protected Trees**

- All species are protected
- Tree permit required for removal or impacts (residential and public)



## **24" and larger may be Heritage Trees**

- Only specific species qualify
- Variance required for removal or impacts that exceed code requirements
- Variances can be administrative
- Greater penalties for unpermitted impacts



## **30" and larger Heritage Trees**

- Proposed variances must go through public process

# Jurisdictional areas & annexation



# Annexation

- The process by which cities extend their municipal services, regulations (including city ordinances & codes) voting privileges, & taxing authority to a new territory
- The City annexes areas in order to:
  - Apply zoning & development standards, including environmental protection
  - Creates efficiencies in service delivery, particularly for public safety services
  - Maximize the return on the City's investment in infrastructure & business incentives
  - Protect & expand the tax base
  - Provide municipal services beyond those available in rural areas
- Disannexation is the undoing of this process.

# Jurisdictional areas

## Full Purpose

- In areas annexed for full purpose, the City provides full municipal services, assesses taxes, and enforces City ordinances & regulations.
- Residents may vote in all City elections & run for office.

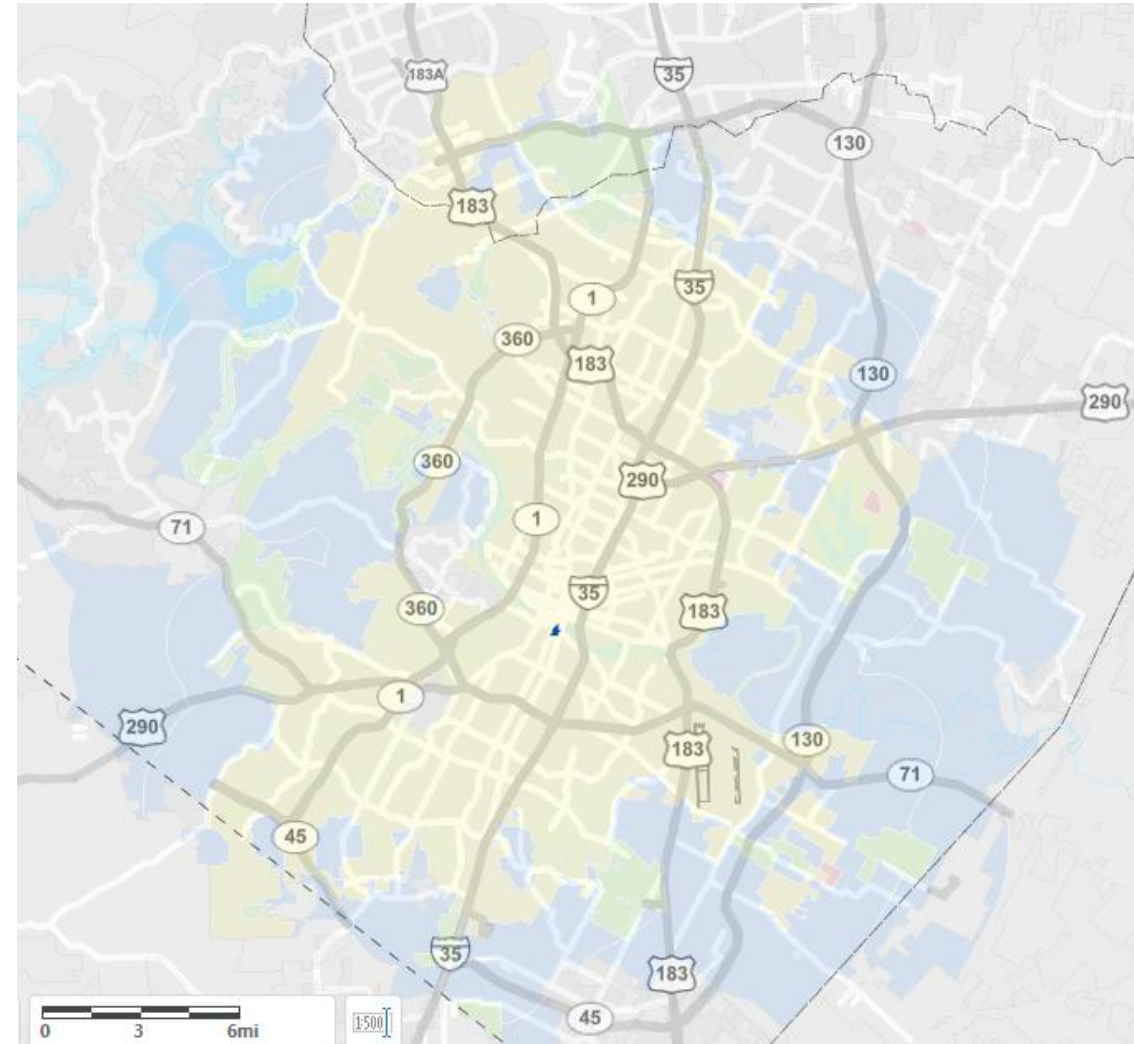
## Limited Purpose

- Limited purpose annexation extends the City's ordinances & regulations pertaining to land development & the environment, and in some cases, health & safety
- The city collects no taxes & does not provide municipal services such as police protection
- Residents may vote in city council & charter amendment elections
- They may not vote in bond elections/run for office.

# Jurisdictional areas

## Extraterritorial Jurisdiction (ETJ)

- The unincorporated land within 5 miles of Austin's full purpose city limit that is not within the city limits or ETJ of another city
- Enables the City to extend regulations to adjacent land where development can affect quality of life within the city.
- ETJ regulations help to ensure that subdivisions that may be annexed by Austin in the future meet minimum standards for development
- No City taxes are collected in the ETJ. Services such as public safety, road maintenance, and parks are provided by the County or special districts
- Residents in ETJ may vote on City referenda which impact ETJ residents
- Austin's ETJ currently extends into 4 counties: Williamson, Travis, Hays, and Bastrop.



# New ETJ regulations

- A new law passed in the 88<sup>th</sup> Regular Legislative session (SB 2038)
- Authorizes property owners in a city's ETJ to force a city to release the area from the ETJ by petition or election
- Property can be removed from a city's ETJ on a lot-by-lot basis
- Negatively impacts the City's ability to regulate environmental and water quality protection requirements, stormwater treatment, & regional planning efforts for long-term sustainable growth
- County regulations apply outside of ETJs and where no Inter-Local Agreement between counties & municipalities are in effect
- Travis County does currently have many similar environmental regulations as City of Austin.



# Questions?

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