

RESOLUTION 2015-3R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACINTO CITY, TEXAS, OPPOSING SENATE BILL 343 AND ANY OTHER LEGISLATION WHICH WOULD ERODE THE AUTHORITY OF A HOME RULE MUNICIPALITY; FINDING COMPLIANCE WITH THE OPEN MEETING LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, in 1868 a Federal Judge named Dillon issued a ruling that cities can do only what their State Government expressly authorizes them to do; and

WHEREAS, after that federal court decision, the people of Texas decided centralized government is not the way to go and in 1912 adopted a constitutional amendment affirming Texas' commitment to local decision making; and

WHEREAS, the Texas Constitution, in Article XI, Section 5, authorizes cities over 5,000 population to adopt by election a home rule charter, which charter grants the citizens of that city the power of self-government; and

WHEREAS, the City of Jacinto City adopted its Home Rule Charter in January 1981; and

WHEREAS, Senate Bill 343, filed by Senator Don Huffines during this the 84th Texas Legislative Session, would totally upend the relationship between Texas cities and state government by causing Texas to revert to the rule created in Dillon's 1868 federal court decision and would require City of Jacinto City voters and local elected officials to get the Texas state legislature's permission to enact any local ordinance.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
BY THE CITY OF JACINTO CITY:**

Section 1. The City Council of the City of Jacinto City strongly opposes Senate Bill 343 and any legislation that would erode the authority of a home rule municipality.

Section 2, The City Council of the City of Jacinto City officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this

meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and the posting thereof.

Section 3. This Resolution shall be effective upon its passage and approval.

PASSED AND APPROVED THIS 26TH DAY OF FEBRUARY, 2015

CITY OF JACINTO CITY

BY: _____
Ana Diaz, Mayor

ATTEST:

APPROVED:

Joyce Raines
City Secretary

Jim L. DeFoyd
City Attorney