

RESOLUTION NO. 15-10

A RESOLUTION OF THE COUNCIL OF THE CITY OF COMMERCE, OPPOSING SENATE BILL 343 AND ANY OTHER LEGISLATION WHICH WOULD ERODE THE AUTHORITY OF A HOME RULE MUNICIPALITY; GRANTING AUTHORITY TO THE CITY MANAGER TO EXECUTE ANY AND ALL OTHER INSTRUMENTS REQUISITE IN IMPLEMENTING SAID RESOLUTION, AND AUTHORIZING CITY SECRETARY TO AUTHENTICATE CITY MANAGER'S SIGNATURE TO ANY AND ALL OTHER INSTRUMENTS REQUISITE IN IMPLEMENTING SAID RESOLUTION.

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, authorized 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 commerce adopted its Home Rule Charter in 1954; 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 Commerce 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 THE CITY OF COMMERCE, TEXAS, THAT:

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

Section 2. The City Manager, City Attorney, City Secretary, Mayor and City Council are available to testify in Austin opposing Senate Bill 343 and any other legislation which would erode the authority of a Home Rule Municipality.

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Commerce, Texas, be authorized and he is hereby authorized to execute this Resolution;

BE IT FURTHER RESOLVED that the City Secretary be authorized and she is hereby authorized to attest to the signature of the Mayor to this Resolution;

BE IT FURTHER RESOLVED that the City Secretary be authorized and she is hereby authorized to attest to the signature of the City Manager to any and all instruments requisite to implementing this Resolution.

PASSED BY THE GOVERNING BODY of the City of Commerce, Texas, at a regular meeting of the City Council of the City of Commerce, Texas, on the 17th day of March 2015.

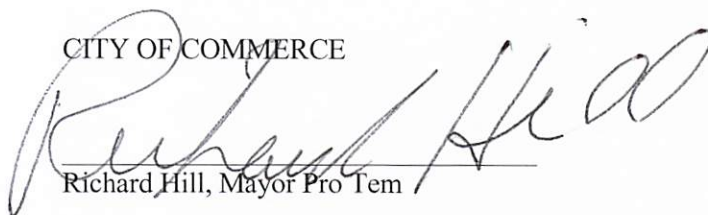
ATTEST:



Marty Cunningham, City Secretary

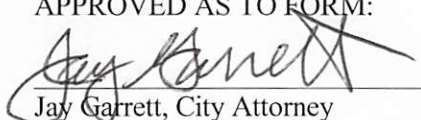
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CITY OF COMMERCE



Richard Hill, Mayor Pro Tem

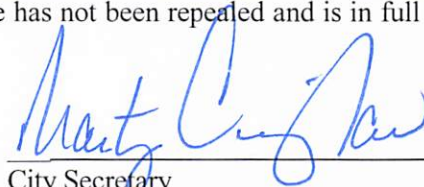
APPROVED AS TO FORM:



Jay Garrett, City Attorney

I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a resolution, and that the same has not been repealed and is in full force and effect.

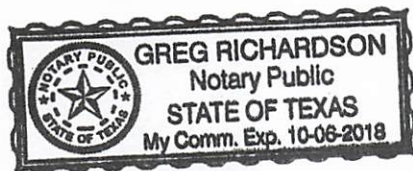
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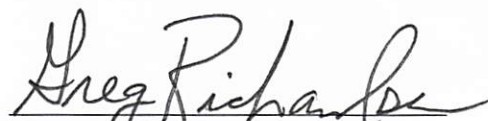


City Secretary
City of Commerce

Sworn and subscribed before me, on this the 18th day of March, 2015, to certify which witness my hand and seal of office.

(Seal)




Notary Public
State of Texas