

Original Work

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Local Control in Texas

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Original Work Proposal

Although different levels of government exist and operate distinctly, there is a lot of overlap between them. In politics today, that overlap in particular and the resultant overstepping that comes from it is a major source of governmental contention. Many politicians advocate for increased local control while at the state level plenty work against it. Because of the implications state policy has at every tier beneath it, the results of those high-up choices trickle down and affect citizens at local levels. As a citizen, it can be hard to see how so many separate decisions can affect your life in specific ways, so for my Original Work I want to research a variety of local control situations and how they impact city governments and the people who live within them. My proposal is to complete comprehensive research of different local control cases in Texas and then focus on a few specifically to analyze their resulting effects. The further synthezation of my research will be done by analyzing the effect local control has on a relevant city in particular, hopefully Frisco. With this work I'll have a much more thorough understanding of the difficulties local municipalities have with local control and deepen my understanding of the complexities of the subject too.

Both of my mentors spoke about this idea of "local control" being highly relevant to local government right now. Specifically in Frisco I imagine it has a lot of bearing on the town because of the many public-private partnerships that the city prioritizes, however after researching more about the nature of local control I'll be able to determine this more concretely. I want to understand how much the decisions of state governments really impact the work of city officials, because even during the interview process one of the questions I made sure to ask the people I spoke to was "how do other levels of government influence your work and how much intermixing is there?". By synthesizing the

information I am going to get from my research into a few specified situations, I'll be able to really consider the legislation in question too and what it means for cities individually.

I will need to be able to utilize higher-level thinking when analyzing the research I've completed in order to make informed opinions about what local control does and does not do to citizens themselves. By considering different factors in specific instances of local control, I'll realize what the trends are in these situations and how that particularly is reflected in the lives of citizens and the officials of the government. In other words, by considering multiple sides of the balance of local control, I hope to recognize how that impacts the positions of city council and city manager as well as the lives of residents. I will need to be able to use logic and my own nuanced understanding of the situations I consider to determine what I think is best for cities on a case-by-case basis, and pertaining to Frisco specifically, as then I could further deepen my knowledge by speaking to my mentors about how local control affects Frisco, not just general cities of Texas.

Through this Original Work project, I hope to bring some understanding to the complexity of local control, especially as it becomes an increasingly impactful debate among politicians. By the end I would like to have a full understanding of why local control is growing as a source of contention while realizing in a more specific focus how the decisions in local control jurisdiction relate to local governments and the citizens of their towns. With this work, I hope that I'll be able to create an encompassing study on how a variety of factors change the question of who has control over certain political matters and see how that relates to the city I'll be studying in for the rest of my year in ISM, Frisco.

Research and Notes

<https://www.dallasnews.com/news/courts/2018/06/22/texas-supreme-court-strikes-city-bag-bans-ruling-violate-state-law>

Texas Supreme Court strikes down city bag ban, ruling that they violate state law

The Texas Supreme Court ruled Friday that the city of Laredo cannot ban disposable plastic bags, a decision that essentially overturns bans in a handful of other Texas cities, including Austin.

In 2015, at least a dozen cities had bans on single-use plastic bags. Dallas had a 5-cent bag fee that the City Council overturned the same year. Council member Dwaine Caraway had attempted multiple times — in 2013 and in 2015 — to get an outright ban on plastic bags.

The court ruled unanimously that bag bans violate state law — specifically, the **Texas Solid Waste Disposal Act** — preventing local government from restricting the sale of certain packages or containers as a way to reduce trash. Though bags are not explicitly included in the state's trash law, the Supreme Court decided they fit the definition.

Chief Justice Nathan Hecht, who delivered the court's opinion, wrote that judges have "no dog in this fight" over local control. "We must take statutes as they are written, and the one before us is written quite clearly," the ruling said. "Its limitation on local control encompasses the ordinance."

Justice Eva Guzman agreed, but in her concurring opinion she stressed the need for legislative action. Loose plastics are "a scourge on the environment and an economic drain," she wrote, that harm the state's ranching, fishing and agricultural industries. "Standing idle in the face of an ongoing assault on our delicate ecosystem will not forestall a day of environmental reckoning — it will invite one," she wrote.

Environmental advocates argue that bag bans help protect wildlife and prevent littering. Environment Texas executive director Luke Metzger said the organization was disappointed by Friday's ruling. "Plastic pollution is harming wildlife, marring the beauty of our cities, and threatening our health, safety and economy," Metzger said in a news release. "Nothing we use for five minutes

should pollute our environment for hundreds of years. We call on major retailers, like H-E-B and Walmart, to continue observing the ban in these cities and ask the Legislature to remove the preemption statute."

Tamra Jones, H-E-B public affairs manager for the central Texas region, said the company is aware of the court's ruling. She did not say whether H-E-B stores in Austin would start to offer single-use plastic bags. "As with any policy change to our business, we will thoughtfully evaluate the issue to ensure we're making the best decisions for our customers and the communities we serve," she said.

Attorney General Ken Paxton, whose office filed amicus briefs in the Laredo case in favor of single-use plastic bags, commended the court for its decision. "This ruling sends the unambiguous message to all local jurisdictions in Texas that they do not get to simply ignore laws they don't agree with," Paxton said in a prepared statement. "Municipalities violate the law when they unlawfully pass the burden of solid waste management to citizens and retailers through illegal bag bans." He added that he hopes other cities will shut down their bag bans on their own. "Should they decline to do so, I expect the ruling will be used to invalidate any other illegal bag bans statewide," he said.

Notes:

- What does the state have to lose by letting cities decide this on their own? Do they have a stake in it through taxes or bag production or is it just a matter of precedent where they want to emphasize the Texas government should have final say?
- Look into the Texas Solid Waste Disposal Act and consider how this decision affects the citizens of Austin/Laredo

<https://www.dallasnews.com/news/texas-legislature/2018/12/11/prosper-republicans-bill-wouldlimit-power-texas-cities-remove-confederate-memorials>

Dallas mayor: Confederate monuments bill 'another example' of state interference in city affairs

A North Texas lawmaker wants cities to find another way to foot the bill for removing their Confederate monuments. Pat Fallon, a Prosper Republican who will be sworn into the Texas Senate in January, filed Senate Bill 226 on Friday. The legislation would prohibit the use of taxpayer money to remove, relocate or alter any statue, portrait, plaque, seal or symbol or to rename any building, bridge, park, area or street "that honors an event or person of historical significance."

While the bill would apply to nearly any historical marker, Fallon said he was spurred to file it after the city of Dallas removed a statue of Robert E. Lee from a park in Oak Lawn last year. The city also renamed Lee Park with its pre-1936 moniker: Oak Lawn Park. The changes, which were approved by the City Council, were estimated to cost at least \$450,000.

"It was an absolutely egregious waste of money," Fallon told *The Dallas Morning News* Tuesday. A Massachusetts native who grew up seeing monuments to the Union side of the Civil War, Fallon insisted he's not supporting the concepts espoused by the Confederacy by filing this bill and said he'd be in favor of adding context to memorials whose messages are "inconsistent with our values."

"That's the ugliest portion of American history. I don't want to wash it away," Fallon said. "Our young people are woefully, unfortunately, in many instances, unaware of our history and where we came from."

But the Rev. Michael Waters, a leading advocate for the removal of Confederate monuments, said bills like this allow mistruths about the Civil War to be propagated in the public mind. "There are so many who are unfortunately attempting to rewrite history," Waters, who founded the Joy Tabernacle African Methodist Episcopal Church in South Dallas, said Tuesday. "Instead of having the courage to bring down these monuments to white supremacy, lawmakers — some lawmakers — are willing to protect white supremacy at all costs."

City leaders and municipal organizations are already opposing the legislation, which they say would infringe on local control. Dallas Mayor Mike Rawlings called it "another example of state leaders interfering in local decision-making."

"Municipal leaders are best positioned to address these types of matters with the appropriate sensitivity and considerations," Rawlings told *The News*. "There cannot be one-size-fits-all solutions on complex local challenges."

Bennett Sandlin, who advocates for city and county leaders as the head of the Texas Municipal League, agreed: "Top-down control from the state is seldom the best way to go. Citizens elect their mayors and councils to enact policies they support."

Dallas still has statues of Confederate leaders standing in Pioneer Park Cemetery outside of the Kay Bailey Hutchison Convention Center. Advocates have pushed for the removal of those statues and the renaming of streets and schools named for Confederate leaders, the latter of which have already seen several changes.

Fallon's bill, in its current form, would also require voters to approve changes to historical monuments and school names that have been in place for 20 years or more. But he's planning to remove that portion of the legislation, Fallon said, and instead add in a provision that will ensure war memorials on state property — including the Capitol grounds — remain there in perpetuity. "If the monument is on public property that is not state-owned, tax dollars cannot be used to remove it," Fallon explained. "If it's on state property, then we're going to protect it."

The Capitol is currently home to several war memorials, including monuments honoring veterans of the Spanish-American War, World War I and II, the Korean War and the Vietnam War. There are three memorials erected in remembrance of Confederate brigades, leaders and soldiers.

Fallon said he does not intend his bill to have an effect on the Children of the Confederacy Creed plaque, a marker inside the State Capitol that claims slavery was not the underlying cause of the Civil War. Several state leaders, including Gov. Greg Abbott, now support the plaque's removal.

The State Preservation Board will meet on Jan. 11 to discuss the plaque's future.

Notes:

- Where does the jurisdiction come down on matters such as this one?

- Unlike the bag ban, no specific legislation was cited as to why the city does/does not have the right to decide this matter for themselves
- Need further background on the break between state and city governments in order to understand where this situation falls constitutionally
- Why is Fallon so invested in this legislation if so many think he's encroaching on local control? Is it out of consideration for what his constituents want, or does he really think the state government should have the ultimate judgement on this matter?

<https://www.texasobserver.org/texas-war-local-control/>

Texas's War on Local Control is Part of National Trend

Nearly 150 progressive officials gathered in Austin last weekend to build the fight against GOP-controlled state legislatures.

Local officials in Texas' big cities are awfully isolated these days. The Texas Legislature is attacking local control with the kind of zeal it usually reserves for criminals, and the governor has even refused to meet with some urban mayors. But the fight between red states and blue cities isn't unique to the Lone Star State.

Last weekend, elected officials from around the country converged in Austin to share war stories and plot resistance against hostile state governments. The convening was hosted by Local Progress, a network of progressive city and county leaders, and consisted of panels, strategy sessions and a march around the Capitol.

"Nearly 150 elected officials gathered to say that city officials will no longer put up with our work being erased by regressive state legislatures," said Austin City Council member Greg Casar outside the Capitol Friday.

At the conference, elected officials compared notes about how badly their states were steamrolling them. In one workshop, David Stout, an El Paso County Commissioner, said he felt the Lone Star State was at the forefront, but North Carolina and Florida representatives said they felt the same.

"Texas is getting up there, but state interference is increasingly a national phenomenon," said Ben Beach, legal director for the Partnership for Working Families. "Governor Abbott has shown, I think, a willingness to pursue some of the more extreme versions. ... But unfortunately, even if he succeeded, Texas would not be alone in adopting those more extreme measures."

The agenda of the special session of the Texas Legislature, now underway, includes a raft of legislation that would preempt cities and counties from establishing their own policies. The measures target everything from property taxes to bathrooms to trees.

The state's most infamous pre-emption measure is its "sanctuary cities" ban, set to go into effect September 1, but even that legislation isn't as unusual as Texans might think.

Three other states — Georgia, Indiana and Mississippi — all passed "sanctuary" legislation this year, and at least 21 bills were filed in states around the country, according to Michael Bare, a policy analyst with Grassroots Change, a nonprofit that tracks preemption legislation. They were part of at least 140 total preemption bills filed this year, Bare said.

"These laws, which are corporate-backed state power grabs, are happening in places all over the country," said Michael Alfano, campaign manager at the Campaign to Defend Local Solutions.

Pre-emption is a decades-old strategy, Alfano said, but state lawmakers have increasingly adopted it to push back against progressive local policies. Alfano and others at the conference said the approach has been manufactured by the American Legislative Exchange Council (ALEC), a powerful organization that works with corporations to shop legislation to conservative state legislators.

"States became one-stop shops," said Alfano. "They can come in at the state level and take power away from local officials." And with the GOP increasingly in control of state legislatures, the path for pre-emption is clearer than ever.

In Missouri and Iowa this year, governors signed laws that would undo minimum wage increases passed by cities, catapulting workers back into poverty. Last year, Ohio managed to pre-empt wage hikes before Cleveland could pass one, and Arizona signed a law to deprive cities of essential funding if they're found in conflict with any state laws.

“People don’t fully realize how much is at stake with pre-emption, and how much it affects their daily lives,” said Alfano, who noted the laws also affect environmental regulation, the predatory loan industry and broadband. Yet even as states win many battles over local control, the gathering remained hopeful.

Megan Green, a St. Louis alderwoman, told the Observer that a “save the raise” campaign is underway to preserve her city’s \$10 minimum wage. The campaign aims to pressure businesses into voluntarily keeping the wage, and to boycott those who don’t. And a county judge recently threw out Ohio’s minimum wage preemption on a technicality.

In Texas, the lawsuit against Senate Bill 4 continues to grow, with Cameron County voting to join last month and activists continuing to pressure Fort Worth officials. “We hope to see more of that, cities banding together to challenge state interference,” said Beach.

A federal judge is currently considering a motion to enjoin the law.

And even if SB 4 takes effect, Casar told the Observer city councils and police chiefs could still resist it during implementation.

“It’s going to be up to cities to implement this vague law in the end ... to interpret the gray areas,” he said.

Notes:

- Texas Senate Bill 4 is one about sanctuary cities, effectively banning them in the state of Texas
- This article seems to make a clear partisan distinction with local control, particularly that democratic urban areas support local control against a republican-dominated state legislature, but I thought it was less partisan than that
- How does minimum wage factor into local control, as was mentioned in the article?

- Minimum wage is determined at the federal level, state level, and in some cases city level-- is this a matter of local control or simply what city governments choose to set up?

<https://www.wfaa.com/article/news/politics/texting-and-driving-bans-test-limits-of-local-control-senator-says/284705170>

Texting and driving bans test limits of local control, senator says

A week after Hurst enacted a ban on texting and driving, State Sen. Konni Burton suggested the Tarrant County community and other cities with similar bans might be overreaching the limits of local control.

During an appearance on WFAA's Inside Texas Politics Sunday morning, Burton said the Hurst ordinance is overreaching. "We already have a reckless driving law on the books, first of all, so we've got it taken care of," she added. When asked whether texting and driving bans might be targeted by lawmakers when the state legislature reconvenes next session, Burton said "It could be." Hurst is now the ninth community in North Texas to ban texting and driving. Violators in Hurst will get a \$500 ticket.

The state legislature has debated making texting and driving illegal across Texas, but those bills have never gotten the support needed in Austin. "People often tell me that when we complain at the state level that the federal government is imposing on the state that we're being hypocritical if we say the state has a role over the city. The fact of the matter is we do," Burton told WFAA. "The federal government was derived from the states. We're basically equal. But the local subdivisions, including cities and schools, are political subdivisions of the state. So if cities are going to impose on liberties or those kinds of things we have every right to set law to stop them from doing that."

Lawmakers still have more than three months before they can officially begin filing bills. Burton said one example legislators might take up is the ride sharing requirements Austin enacted. Uber and Lyft left the city after voters decided to require background checks for drivers.

Notes:

- This article brings up a really interesting comparison between the federal-state relationship and consequent state-local pair-- this Senator makes the case that federal and state governments are essentially equal, but I would argue that isn't completely realistic

- This also shows how a decision of local control also affects business, with Uber and Lyft leaving as a result of local votes

<http://www.dailytexanonline.com/2017/09/25/local-control-debate-takes-stage-at-2017-texas-tribune-festival>

Local control debate takes stage at 2017 Texas Tribune Festival

Politicians rehashed the **sanctuary cities and Uber controversies**, reopening the debate about city and state control at this weekend's Texas Tribune Festival.

The divide between state politicians and Austin lawmakers became evident at two Saturday panels about local liberty and sanctuary cities policies, which have pushed to protect undocumented immigrants. Heated discussion about Senate Bill 4, the anti-sanctuary cities bill, brought up the question of **how law enforcement handles federal immigration in Texas**.

State Rep. Matt Schaefer, R-Tyler, one of the key sponsors of SB 4, said states should create policies that ensure local law enforcement cooperate with federal U.S. Immigration Customs and Enforcement agents. Confident that SB 4 will be upheld as constitutional by courts, Schaefer critiqued local officials in cities like Austin. "The movement for sanctuary cities is growing and growing, and we will say, 'No more,'" Schaefer said. "(Travis County Sheriff) Sally Hernandez supports protecting illegal criminals."

State Sen. Dawn Buckingham, R-Lakeway, said SB 4 gave local law enforcement "another tool" to protect communities.

Charles Wilkinson, a law enforcement lobbyist, said SB 4 places too much responsibility on local police departments, **which can be sued for holding immigrants in their jail cells for too long until federal immigration enforcement arrives**. State Rep. Ana Hernandez, D-Houston, added that a Dallas county jail currently faces a lawsuit for violating the due process rights of immigrants held in its jail cells who never got picked up by ICE.

Though panelists admitted various cities in Texas voiced opposition to SB 4, Schaefer and Buckingham continued defending the law.

At the festival's Local Liberty panel, the issue of local control came up with the recent implementation of legislation which overturned previous city regulations on ride-hailing services. State

Rep. Chris Paddie, R-Marshall, said state legislators should leave some decisions — like tax rates — to local governments.

However, Paddie said his job as a state representative is to reflect the interests of the state, not of local governments. Paddie said he supported the legislation allowing ride-hailing services Uber and Lyft to return to cities like Austin. “It was nothing against Austin or Dallas or a county judge or a mayor or anything like that ... it was about my people,” Paddie said. “My goal was to make sure the people that I represent have the same opportunities as people in other places, and that came about because of statewide regulations.”

State Sen. Don Huffines, R-Dallas, went head-to-head with Travis County Judge Sarah Eckhardt and defended state action in local policies. Huffines said cell phone use while driving is an example of an issue the state should decide, because differences in cell phone policies across the state would be confusing. “We do have an obligation to oversee what (local legislators) are doing,” Huffines said.

Eckhardt said state legislators don’t always listen to the desires of a local community, “When the Legislature spends (its) time putting forward weaponized legislation that actually doesn’t govern, it really messes up our world,” Eckhardt said.

State Rep. Gina Hinojosa, D-Austin, represents UT and the surrounding area in the Legislature. Hinojosa said local governments work more closely with communities than the state government does to keep them functioning. “It’s just a different world,” Hinojosa said. “When we’re sitting at the state level trying to create policy, I think it’s important that we remember that’s why local government knows best.”

Notes:

- This article really sparks my interest with the way it considers sanctuary cities in the broader scope of local control-- not necessarily extremely relevant to Frisco, TX, but has a lot of implications within the broader debate of Texan local control issues
 - Usually matters of sanctuary cities seem practically federal, but I wasn’t considering that with many communities, such as in Dallas, Austin, or El Paso, the topic is really central to their local governments

- Legislators reiterated in here the importance of state governments to protect local governments through state legislation-- whenever examples are given or quotes are taken from city officials themselves, though, they seem really opposed to states being too present in their affairs
- Could further consider how states making decisions about sanctuary cities affects the local law enforcement in the area, especially with some of the situations they described about suing for holding immigrants unlawfully or without their rights being fully available

<https://www.houstonchronicle.com/news/politics/texas/article/Texas-not-alone-in-its-efforts-to-limit-local-11240910.php>

Texas not alone in its efforts to limit local control

AUSTIN - In eight years as mayor of Amarillo, Republican Kel Seliger was always wary of big-footing from Austin and Washington, with mandates that would cost his constituents money and limit the ability of local officials to decide local issues. He was elected to the Texas Senate in 2003, joining state government as a staunch champion of local control.

Now, with a special legislative session scheduled to start in less than a month with about a dozen agenda items that could limit or strip local control on a variety of issues, the Republican Party, and its newfound zeal to overrule local governments, is becoming unrecognizable to many, including Seliger.

The controversial agenda was chosen by Texas' top Republican, Gov. Greg Abbott, who insists that state authority is needed to prevent the "California-zation" of Texas in which local officials are becoming their own version of Big Government.

The session promises to be the biggest showdown between state and local officials in years, as Abbott wants lawmakers to set spending caps on local governments, reform property taxes in a way that could force budget cuts, and limit the ability of cities to control annexation, tree-cutting, texting while driving, construction permits, bathroom access, even the collection of union dues in government paychecks.

"We used to be the party of small government. Now, we're looking like we're the party of big government, even though we deny it," said Seliger. "When the Democrats were in control in Austin, they were the big government. The only difference between then and now is they never denied it."

The state already is being sued by three of its largest cities over the so-called "sanctuary cities" law passed by the Legislature this year that will allow police to ask people their immigration status if

detained, even for a routine traffic stop, and threatens jail time for sheriffs and police chiefs who refuse to comply with federal requests to hold immigrants in the country illegally for deportation. Houston City Council this week voted to join the lawsuit.

"I haven't said very much up to this point in time, but it seems as though the governmental overreach in Austin is continuing to grow and grow and there comes a point when you have to say enough is enough," Mayor Sylvester Turner said. "I think people need to respect the will of people in different cities to vote on their mayors, to vote on their city council and allow the mayors and city council members to do their jobs as it relates to their respective cities."

Other states acting

Texas is not alone. Legislatures and leaders in more than two dozen other states are moving to limit the ability of local governments to set minimum wages, ban plastic grocery bags, enact anti-discrimination ordinances or levy additional taxes on their citizens.

"This is happening all over the country, and it's about which level of government has the power," said Peverill Squire, a political scientist and expert on state legislatures at the University of Missouri.

"What's happening is a significant trend ... It's probably going to take a generation to sort this out."

In Texas, the challenge to local control started in earnest in 2015, when Abbott and Republican leaders challenged a ban on fracking passed by the Denton city council, as well as city ordinances elsewhere banning plastic bags and short-term rentals.

Local restrictions on ride-sharing services such as Uber and Lyft sparked debate, too, but it was not until this year that lawmakers passed a law sweeping away local ordinances in Houston, Austin and other locales in favor of statewide rules.

"Pre-emption of cities, of local control on many issues, is like the Goldilocks rule: Federal control is big and bad. Local control is bad. State control is just right," said Bennett Sandlin, executive director of the

Texas Municipal League, an association that represents more than 1,100 cities. "From all appearances, respect for local control is officially a thing of the past in Texas."

For years, Washington was the overreaching oppressor decried by state officials. Two months after Republicans took the White House and both chambers of Congress, city and county officials in Texas say they found themselves in the crosshairs when the Legislature opened in January.

City ordinances targeted

Lawmakers filed numerous bills to block cities' authority to enact ordinances on ride-sharing, tree-trimming and business regulation, even to allow city elections to become partisan races after decades of nonpartisan contests.

Other bills proposed property-tax reform that local officials claimed could trigger budget cuts that would bring layoffs of police and firefighters, constrict funding for local schools and hamper local entities' ability to keep up with booming population growth in many urban areas.

Abbott cut off state grants to the Travis County Sheriff's Office and blasted the sheriff as "Sanctuary Sally" Hernandez for sometimes refusing to keep people in the country illegally behind bars until Immigration and Customs Enforcement authorities could take custody of them. He repeatedly complained that Austin and other local governments were "doing everything they can to overregulate."

"It used to be that local control was one of the most important points of discussion, but that appears to be different now," said Dale Craymer, president of the nonpartisan Texas Taxpayers and Research Association, an Austin-based organization that monitors tax and public policy issues.

"Part of that is that the state is different now. Fifty years ago Houston and Dallas might as well have been in different states, compared to what the rest of Texas was like. The distances between our cities has shrunk, and businesses operate now in many places in the state, not just one or two. **Businesses**

don't want a patchwork quilt of local regulations to deal with, so they want the state to have the same regulations statewide."

While state officials point to regulatory uniformity, political scientists insist that party politics also is a big part of it.

"Opposition by Republican states to the Obama administration's policies was seen by cities as an opportunity, because many of the mayors in large cities across the country were and are Democrats," said Mark Jones, a political scientist at Rice University. "Now that they no longer have an ally in Washington, Republican legislatures are seeing an opportunity to take power from local governments. It's never happened like this before, as stark as it is now."

Wages, guns, refugees

State officials in North Carolina, Missouri and Alabama have blocked cities from setting their own minimum-wage rates. Other states have overruled local restrictions on gun control, blocked multibillion-dollar transportation projects, even on such issues as allowing the resettlement of Syrian refugees.

In South Dakota, lawmakers overturned an ethics law voters had approved last November. Indiana legislators approved a law allowing the governor to appoint judges in Indianapolis, rather than have them elected by voters. Tennessee lawmakers passed a bill to make judicial races nonpartisan, much as the Texas Legislature approved a bill to do away with straight-ticket voting, despite opposition from local officials.

The push for more state control is not confined to GOP-dominated states. The Democratic-controlled California Legislature changed the redistricting process for seats on the Los Angeles County Board of Supervisors and may do the same thing for San Diego this year.

"It's all about power," said Brandon Rottinghaus, a University of Houston political scientist who has been watching the push against local control grow across the country. "It's discordant with the ethos of the Republican Party in the past that stressed local control, but that's when Democrats were in control. You also have to realize that much of the progressive legislation and programs are coming out of the cities, which are run by Democrats. Limiting local control allows the GOP to put limits on the abilities of local governments to innovate and keeps potential challengers at bay."

Notes:

- Really interesting contrast here where the Republican mentioned is a supporter of local control, where in other situations it seems that it's often Democrats working for less state imposition
 - Goes back to the small-government/big-government split between (usually) Republicans and Democrats, respectively
- Important to go back and learn more about the Denton fracking case because it seems like the source of the local control battle in Texas
- My ongoing question that I really need to further consider during the synthesis part of my work is what does the state have to gain from its imposition against local control? Especially thinks like the Austin tree-trimming issue, why does the state feel the need to have jurisdiction on this one situation? Is it about the precedent being set or again with partisan conflicts: a Republican-controlled state government trying to restrict Democrat-heavy cities like Austin?
- Business standardization between states seems like the best argument for less local control based on what research I've done so far
- This all connects back to what my mentors say about who's in power at the time-- it's really clear to me that it's not always one party that favors local control over the other but rather that both parties always favor power and will advocate for or against local control depending on which gets them the most jurisdiction

<https://www.keranews.org/post/texas-politics-brewing-battle-over-state-vs-local-control>

In Texas Politics, a Brewing Battle Over State Vs. Local Control

Across Texas, city officials are critical of the special session agenda set by Gov. Greg Abbott -- they say many of the items are basically an attempt by state lawmakers to influence what city leaders do at the local level. It's a battle of state versus local control.

Brandon Formby is a reporter with the Texas Tribune, who's been covering issues surrounding local control -- he talked with KERA's Eric Aasen.

The Texas Municipal League advocates for city governments -- the league calls the governor's priorities an all-out assault. Why?

City leaders are saying the state is increasingly meddling in matters that should be left up to local leaders and that in recent years state lawmakers are passing laws that increasingly regulate cities and counties -- everything from property taxes, ride-hailing regulations, transgender people's use of bathrooms, immigration, short-term home rentals.

Among the items on the special session agenda: Property tax reform. A proposal is in the works that would create rollback elections when a city or county wants to raise property taxes above a certain amount. What are municipal leaders saying about this?

They've been fighting it. They say such requirements would make it harder for them to balance city and county budgets. They said that could keep them from being unable to afford basic services that their constituents expect them to provide. The flipside of that is state leaders are saying if city and county leaders are spending money wisely, they shouldn't have problems balancing the books.

There's also something called municipal annexation reform. What is it?

This was a bill that looked like it would pass during the regular session, but it died in the Senate during a filibuster. One of the proposals is expected to be if a city wants to annex a neighborhood that's in an unincorporated area that they get approval from most of the homeowners in that area.

Trees are also an issue. How did trees become such a big deal?

The governor said it's a matter of property rights. That city tree ordinances interfere with homeowners' or landowners' ability to do what they want with their land. One of my colleagues at the Texas Tribune actually found out that Abbott had a run-in with Austin's tree ordinance. Before he sold his private residence in 2015. He had a pecan tree that was damaged during construction at his home and that the city of Austin required him to plant trees to replace it.

The governor says cities are over-regulating and that threatens the state's economy. What do cities have to say about that?

Their big question is if it's threatening the economy, why has the Texas economy been doing so well? City leaders point out that most of the state's jobs, most of the state's economy, is based in cities.

One theme we're seeing is this division between city officials and state leaders over the role of government and different levels of government.

Experts say as politics nationally become more divisive, that trickles down to the state and city levels. Cities are becoming more and more left-leaning but you're seeing statehouses become more and more right-leaning. When that happens during an environment where there's a lot of partisan divide, the statehouses are increasingly getting more involved in issues they think the cities are going too far on.

Notes:

- Interesting counterargument to the defense against local control in that if it would hurt the Texas economy, then why is the state prospering so much anyways?
- Also consider how in the above article it points out that this local control argument is a result of national politics in a lot of ways

<https://www.texastribune.org/2017/03/22/budget-priorities-local-control-and-school-choice/>

Podcast: Budget priorities, local control, and school choice

Notes:

- From 2017, so not that recent, but I'm hoping it will give me some clarity on local control in the House and as it pertains to state legislation
- Implications of a broad-based law against local control like they consider in this podcast
- What would happen if all this legislation was unraveled? Would they have to come in as a state government and replace all of this local legislation
 - Jefferson "as close to the people being governed"
- Hypocrisy for the state to be against federal institutions but they fight against local control
 - Local liberty -- Don Huffines, not local control, supports a more conservative platform even though it seems a little contradictory

<https://www.texastribune.org/2018/05/04/texas-workers-austin-city-council-sick-leave-ordinance/>

The next local control fight explained: Why Austin passed a citywide sick leave policy

Austin passed an ordinance in February requiring the city's employers to offer paid sick leave. The mandate has already drawn the ire of several Republicans, including Texas Attorney General Ken Paxton, who said only the state could implement such a law. So why did Austin pass it?

The short answer is because there's **no statewide policy mandating employers give their workers paid sick leave**, and roughly 40 percent of Texas workers lack sick time, according to a 2017 study by the Institute for Women's Policy Research. Low-income and part-time workers are far less likely to be covered. In the state's capital city alone, roughly 223,000 workers don't receive paid sick leave, the study says. Opponents of the policy dispute those Austin numbers, however, saying there's insufficient data to know the real picture.

There's also no state or federal law requiring employers to give their workers paid sick leave. The federal statute that does require employees get time off — albeit unpaid — is the **Family and Medical Leave Act**. According to the U.S. Department of Labor, FMLA requires employers give their workers up to 12 weeks of time off for “certain medical situations for either the employee or a member of the employee's immediate family.”

Here's what the Austin policy does: Each private employer in the city will be required to allow workers to accrue up to 64 hours, or eight work days, of paid sick leave per year. Small businesses with 15 or fewer employees can offer 48 hours, or six work days. The ordinance is scheduled to go into effect on Oct. 1, and will make Austin the first Texas city to have such a rule. Businesses with five or fewer employees won't be required to offer paid sick leave until October 2020.

Critics of the ordinance say **it's not the government's job to set private companies' employment policies** and that Austin's new rule will hurt fragile small businesses, especially restaurants and other businesses with large part-time staffs.

Skeeter Miller, a small business owner who's operated a barbecue restaurant in Austin for more than 43 years, testified against the ordinance before council members approved it in a 9-2 vote. He said he was concerned businesses like his weren't consulted before the ordinance was drafted. "I'm not against paid sick leave. I take care of my employees," Miller said. "The disappointing part is that the business community has not been a part of this."

The soon-to-be implemented rule has found itself in the Texas GOP's crosshairs. State Rep. Paul Workman, R-Austin, previously said he's talked to a number of lawmakers in both the House and the Senate who will support legislation overturning the ordinance in the 2019 legislative session.

On April 24, the Texas Public Policy Foundation, a conservative think tank, sued the city over the ordinance. And less than a week later, Paxton called the ordinance "unlawful." "The Austin City Council's disdain and blatant disregard for the rule of law is an attempt to unlawfully and inappropriately usurp the authority of the state lawmakers chosen by Texas voters and must be stopped," Paxton said, adding that the decision should be made by the state Legislature.

If you compare Austin to other places across the nation, it's in the minority. According to the National Conference of State Legislatures, only nine states and Washington, D.C., require paid sick leave as of October 2017. But other big cities have enacted ordinances similar to Austin's over the past several years, including Seattle, New York City, Jersey City and Portland, Oregon, among a few others.

But overall, paid sick leave is a relatively standard benefit, according to Ed Sills, a spokesman for Texas AFL-CIO. "There are advantages to having the policy," Sills said. "For one thing, most employers would probably agree it's not a great thing for someone with a contagious illness to come to work. But if there's no paid sick leave policy, people are forced to make a choice between either getting a paycheck or not getting a paycheck. And sometimes they're not in a position to make the latter choice."

Workers advocate groups have praised the sick leave ordinance. "The council members agreed the [the ordinance] was critical for the city's public health," said Bo Delp, policy director with the Workers

Defense Project. “If you’re a low-income worker in Austin or anywhere else in Texas ... you often don’t have a choice, so you have to go to work sick.”

The bottom line: The Austin City Council passed an ordinance requiring sick leave for private employees because there is no statewide policy on the issue. Proponents of the measure say it offers public health benefits, but opponents say the decision should be left to the Legislature.

Notes:

- If there’s no statewide legislation on it yet, it seems like less of an overstep for local governments to do something about it
- It does seem like a bit of an imposition for the local government to become so involved in private businesses, so maybe the state policy was simply to leave it untouched so as not to interfere with the free market too much?
- If other big cities have passed legislation similar to this, is there a corresponding hostility between their state governments and the cities too?
- Maybe the inactive nature of larger governments is also a contributing factor in that potentially something like this wouldn’t get done as smoothly if left to the state

<https://www.texastribune.org/2017/05/29/texas-gov-greg-abbott-signs-measure-creating-statewide-regulations-rid/>

Uber, Lyft return to Austin as Texas Governor Abbott signs ride-hailing measure into law

Texas Gov. Greg Abbott on Monday signed into law a measure creating a statewide regulatory framework for ride-hailing companies, overriding local measures that prompted businesses such as Uber and Lyft to leave Austin and other cities.

Uber and Lyft said they resumed operations in Austin on Monday. Lyft also said it would relaunch in Houston on Wednesday (Uber is already operating in Houston.)

"What today really is is a celebration of freedom and free enterprise," Abbott said during a signing ceremony. "This is freedom for every Texan — especially those who live in the Austin area — to be able to choose the provider of their choice as it concerns transportation."

House Bill 100 **undoes local rules that the two companies have argued are overly burdensome for their business models.** It requires ride-hailing companies to have a permit from the Texas Department of Licensing and Regulation and pay an annual fee of \$5,000 to operate throughout the state. It also calls for companies to perform local, state and national criminal background checks on drivers annually — but doesn't require drivers to be fingerprinted.

"Today's bill signing creates a ridesharing network in Texas that benefits consumers, expands transportation options, maximizes access to safe, affordable rides and creates expanded earning opportunities for Texans," Lyft spokeswoman Chelsea Harrison said. "Riders and drivers are the real winners today."

Lyft left Houston in November 2014 after a mandate went into effect requiring ride-hailing companies to perform fingerprint background checks on drivers.

After Austin implemented a fingerprinting rule, Uber and Lyft spent millions in a campaign last year to overturn it — an effort that **ultimately failed when voters rejected a ballot proposition on the issue.**

After the vote, both companies immediately suspended services in the city, and the resulting ride-hailing vacuum attracted several start-up ride-hailing apps to Austin that have said they comply with the city's rules.

During Monday's ceremony, Abbott called it "disappointing" that Austin "rejected and jettisoned that very freedom from the customers who wanted to have a choice in what transportation provider they could choose."

"Today is also a day of tremendous free enterprise," Abbott added.

Following the passage of the bill in both chambers, however, Austin Mayor Steve Adler issued a statement saying he was "disappointed" the Legislature voted to nullify regulations the city had implemented. "Our city should be proud of how we filled the gap created when Uber and Lyft left, and we now must hope that they return ready to compete in a way that reflects Austin's values," Adler wrote.

More than two-thirds of the members from each chamber supported the HB 100. That distinction matters because of a provision in the bill that allows it to go into effect immediately after the governor signs it instead of on Sept. 1.

The measure included a controversial amendment that defines "sex" as "the physical condition of being male or female." The amendment, proposed by state Reps. Tony Tinderholt, R-Arlington, and Briscoe Cain, R-Deer Park, comes amid a legislative session in which some GOP lawmakers have pushed for measures that would keep transgender Texans from using public bathrooms that match their gender identities. Uber and Lyft objected to the amendment, but did not withdraw their support of the measure. Several House Democrats took their names off the bill after the amendment passed.

Both the upper and lower chambers' bill sponsors have defended the amendment as "further defining something that's already defined."

Currently, 41 other states have adopted comprehensive ride-hailing laws similar to Texas' new law. The Florida Legislature also passed a statewide measure in mid-April.

Notes:

- I think the important part here is that it comes back to the voters, so if they truly think fingerprinting is in the best interest of their public safety, they should be allowed to mandate that
- Austin mayor even makes the argument that this hurts the market because now the companies that have filled the Uber vacuum won't be able to support themselves after Uber and Lyft return
- This one seems more like it does belong to the state, because 41 other states have encompassing regulations like Texas's new one

<http://www.kut.org/post/texas-lawmakers-may-alter-property-tax-collection-how-does-it-even-work>

Texas lawmakers may alter property tax collection. But how does it even work?

During a recent committee hearing on a property tax bill, a state lawmaker made an unusual comment: He praised Travis County.

“Travis County has the best record on reducing tax rate,” said state Sen. Paul Bettencourt (R-Houston), the author of Senate Bill 1. The bill, which has passed out of the full Senate and may soon head to the House for a vote, would restrict the amount of property taxes cities and counties can collect before triggering an election. “We’re actually trying to get everybody to act like Travis County,” he said at a Senate committee hearing Saturday.

And while Bettencourt didn’t include Austin in his praise, he was lauding a mechanism the city has also taken advantage of: lowering tax rates as additional property taxes – due to higher valuations and population growth – flood in. What does it all mean?

Cities and counties set a property tax rate each year, which is the amount of money the city collects per \$100 of total property values.

“Let’s say you have a 50-cent tax rate and you have a \$500,000 house; you would be paying \$1,000 a year in city [property] taxes,” said Bennett Sandlin, executive director of the Texas Municipal League, which opposes SB 1. “Now, let’s say the Austin economy was booming even faster than it is and, just hypothetically, your house goes up to a million dollars in value. If the city kept the same 50-cent rate, it would then be collecting twice as much taxes next year because the value doubled.”

In a city like Austin, which has experienced growth and rising property values, lowering the tax rate means that the city collects less per \$100 – but generally, more taxes overall. Last year, for example, the City Council voted to lower the tax rate by almost 2 cents compared to the year before. Yet, the average property tax bill still rose and the city collected more money in property taxes than it did the year before.

But there's a limit on that.

Currently, cities and counties can collect only 8 percent more in property taxes than they did the year before. (The rate to get to that additional 8 percent is called the rollback rate.) If the city wants to collect more than 8 percent, residents have the right to petition for a vote. SB 1 would limit the rollback rate to 4 percent and the election would be automatic.

According to Ed Van Eenoo, deputy chief financial officer with the City of Austin, there has never been an election over a rollback rate since the state instituted one in the late 1970s.

And while Van Eenoo says any lowering of the rollback rate by the state wouldn't affect the city's budget until FY 2019, staff have already discussed having to rethink the upcoming budget to prepare.

"We would then have to perhaps rethink what we're doing in FY18 to better position ourselves for lower revenues in the future," he said.

Notes:

- Some helpful terminology in here and a useful explanation of property taxes and how they can change-- maybe look into rollback rate more?

<https://www.texastribune.org/2017/07/21/bill-limiting-city-county-spending-fuels-war-over-local-control/>

Bill limiting city, county spending fuels war over local control

When state senators revive legislation on Saturday that could require voter approval of city and county property tax rates, lawmakers will also consider something that didn't come up during this year's regular legislative session: limiting how much money local governments spend.

Sen. Craig Estes' Senate Bill 18 would require cities and counties to get voter approval if they plan to spend a certain amount more than they did in a previous year. His bill ties such an election trigger to inflation and statewide population growth.

"You ask people about that and they generally think that's a good thing," the Wichita Falls Republican said Friday.

But local government officials and advocates for municipal government say the measure will hinder their ability to afford services that residents expect. They also say it will make it hard to keep up with population growth — especially in booming suburbs growing much faster than the state as a whole.

"We're planning our budgets multiple years in the future because we've got so many capital projects that we can't just look at budgets from year to year," said Frisco Mayor Jeff Cheney, whose North Texas city grew almost four times as fast as Texas did from 2015 to 2016.

Estes' bill, plus others aimed at giving voters more frequent say over their property tax rates, are on the docket for Senate committees this weekend. They fall in line with several items on Gov. Greg Abbott's special session call that seek to limit powers cities and counties have long exercised. Other bills being considered Saturday and Sunday would change how and when municipalities regulate land use and annex land outside their borders.

State leaders say they are trying to both respond to Texans' complaints about rising property tax bills and protect landowners' rights from local regulations. But local elected officials say lawmakers and top

state leaders are unfairly portraying cities and counties as irresponsible stewards of taxpayer money to score political points with voters ahead of next year's primaries.

Such tensions highlight a growing divide over how much say city and county officials should have over local matters. San Antonio Mayor Ron Nirenberg said the proposed spending cap is another example of lawmakers trying to control officials who are elected to represent Texans at the local level.

"It certainly flies in the face of the very important democratic principle that we've adhered to for centuries in self governance," Nirenberg said.

On Monday, Nirenberg and the mayors of the state's other 17 largest cities sent a letter to Abbott asking for a meeting to discuss the bevy of special session bills they said would hinder their ability to "serve as the economic engines of Texas."

Abbott began reaching out to the mayors Thursday to set up a meeting, said Bennett Sandlin, executive director of the Texas Municipal League. The chief of staff for El Paso Mayor Dee Margo said his office had been contacted in response to the letter. Staffers for other Texas mayors said late Thursday they had not been contacted yet.

"As far as we know, the governor's office started calling those mayors today and saying, 'Yeah, come on by next week,'" Sandlin said Thursday. "That's all we know."

While Republicans hold all statewide offices and both chambers of the Legislature — and many big city mayors and council members are Democrats — state GOP leaders looking to limit local officials' powers are getting pushback from both political parties.

Cheney, the Frisco mayor, is a Republican. So, too, is Fort Worth Mayor Betsy Price, who was among the mayors asking Abbott for a meeting. She said Estes' spending cap bill isn't necessary and could create unintended financial consequences that the state will simply leave the cities to address.

She said cities have de facto spending caps already, "in the form of your citizens who talk to you in terms of the services, what they want, what they don't want and what they're willing to pay for," Price said.

Sandlin, with the Municipal League, said voters already have a way to control local officials' spending: city council and county commissioners court elections. "It's got to be one of the most poorly conceived bills from a policy standpoint that I've ever seen," Sandlin said.

Estes couldn't point to any examples of cities or counties dramatically increasing their spending in recent years. He said his office is currently collecting data from local governments on it. And he said he's open to tweaking provisions in his bill as it moves through the Legislature.

But he shrugged off the notion that the state shouldn't be telling local governments what to do. He said counties are extensions of state government, and that cities "reside in the state." "I don't think that's really an issue, that we don't have any jurisdiction in what they're doing," he said. "We do."

Notes:

- Frisco is a suburb that experiences lots of population growth so it's interesting to consider how even though it is technically run by more Republicans, this Republican-driven legislation where voters have to approve government spending could hinder Frisco specifically
 - Also brings into question voter turnout-- local elections generally have very low turnout rates

<https://www.texastribune.org/2015/05/18/abbott-signs-denton-fracking-bill/>

Curbing local control, Abbott signs “Denton Fracking Bill”

Saying Texas needs to avoid a “patchwork of local regulations” that threaten oil and gas production, Gov. Greg Abbott on Monday signed legislation that would pre-empt local efforts to regulate a wide variety of drilling-related activities.

“This bill is so incredibly important,” the Republican said at a state Capitol ceremony. Flanked by the measure’s sponsors, he said House Bill 40 does a “profound job of protecting private property rights.”

Intended to clarify where local control ends and Texas law begins, the bill is the most prominent of the flurry of measures filed in response to Denton’s November vote to ban hydraulic fracturing within city limits.

The legislation has outraged officials in some towns that have sought to blunt the effects of drilling close to homes, schools and businesses. But in Austin, it sailed through the Republican-dominated Legislature.

The law – championed by Rep. Drew Darby, R-San Angelo – took effect immediately, because both chambers approved it by a more than two-thirds margin.

Energy companies and industry groups support the bill, whose preamble states that the act “expressly pre-empts regulation of oil and gas operations by municipalities and other political subdivisions.”

“House Bill 40 represents balanced legislation that will build upon a 100-year history of cooperation between Texans, their communities, and oil and natural gas operators,” Todd Staples, the former agriculture commissioner and current president of the Texas Oil and Gas Association, said in a statement Monday.

But environmentalists and some local officials worry that the legislation will erode authority cities have long tapped to ensure local health and safety.

“By advocating for and signing this bill, Gov. Abbott has succeeded in seizing power away from local governments working to protect us from the real dangers of dirty drilling,” Luke Metzger, director of Environment Texas, said in a statement.

Critics also claim the bill could add to confusion about what municipalities can regulate, partly because of the bill's broad definition of the “oil and gas operations” in which Texas law trumps local law.

Rep. Sylvester Turner, D-Houston, has called the bill “a gold mine for lawyers.” The Texas Municipal League, which counts 1,145 Texas cities among its members, was initially among the bill's fiercest critics — saying it could invalidate local drilling ordinances across Texas.

The league softened that message after Darby's committee added language listing areas cities could still regulate, including fire and emergency response, traffic, lights and noise – but only if such rules were “commercially reasonable.” The language also allows cities to enact some setbacks between drilling sites and certain buildings.

Darby also added what he calls a “safe harbor” provision, protecting cities from legal challenges if their ordinances have not triggered litigation in the past five years – another change that the Municipal League found more palatable.

Citing the negotiations that spurred those additions, Abbott said the law “strikes a meaningful balance” between private property and local control.

City officials, however, remain plenty upset.

In a recent letter to the bill's backers, 15 local elected officials called the proposal a “fundamentally flawed” effort that would jeopardize public health and safety in drilling communities.

Asked Monday whether the state was being hypocritical in limiting city power in an era where state officials routinely blast – and sue – the federal government over its uniform standards for various industries, Abbot said no.

“We have sued the federal government multiple times because of the heavy hand of regulation from the federal government – trying to run individuals’ lives, encroaching upon individual liberty,” he said. “At the same time, we are ensuring that people and officials at the local level are not going to be encroaching upon individual liberty or individual rights.”

HB 40 may not be the Legislature’s final response to Denton’s fracking ban. Earlier this month the House approved legislation – Rep. Jim Keffer’s HB 2595– that would bar local governments from putting measures on their ballots that would “restrict the right of any person to use or access the person’s private property” for economic gain.

Voter referendum was the weapon of choice for opponents of fracking in Denton, where 59 percent of voters there supported the ban. Supporters called it a last-ditch effort to address noise and toxic fumes that spew from wells just beyond their backyards, after loopholes and previous zoning decisions rendered changes to the city’s drilling ordinance unenforceable.

Opponents say the policy effectively halted all drilling inside Denton, keeping mineral owners from using their property. The Denton vote came as oil and gas companies face increased pushback in other cities where the industry’s footprint has spread – particularly in North Texas’ 5,000-square-mile Barnett Shale. In some cases, neighborhoods are expanding closer to longtime drilling sites.

Notes:

- Once again highlights some potential hypocrisy underlying these local control situations
- The public support of banning fracking seems to support the argument for local control

Local Control in Texas

Research Question: How does the debate for local control occur in Texas and where do prosperous cities, like Frisco, exist with these decisions?

Introduction

Since the beginning of American history, some iteration of struggle has existed between different tiers of the government. Among state and city governments, this grapple over jurisdiction with legislation has manifested itself in a variety of different cases, all under the umbrella of local control. In this essay I'm going to examine some of the most consequential local control debates within the state of Texas and explore both arguments for and against greater municipal power. Additionally, I will consider how Frisco, Texas specifically functions in the context of these state and local clashes.

Transportation and a Statewide Framework

A big assertion against local control comes in the defense that too much local control leads to excessive discrepancies within city policies, making life harder for the residents of those towns in a broader circumstance. Recently Austin started requiring drivers for companies Uber and Lyft to go through greater regulations than that of city taxi drivers, including fingerprint registration, among other rules. Then the state of Texas overturned that city decision and created encompassing state legislation on the standards of ride-hailing companies. Another transportation-related situation in the matter of local control is punishment as a result of texting and driving. Should cities be allowed to have their individual policies regarding punishment of texting and driving? State Texan leaders say no. A

certain level of consistency is needed for laws like these, Texas argues, to ensure some uniformity. Very few people can tell you exactly when they switch over into a new city when driving, and if you can get Uber everywhere in Texas except Austin, that presents a level of inconvenience that is easily solved with a state law. With these cases it's clear there is a case to be made for less local control, but that the justification for or against it should lie in a situational basis. If local control directly impedes the cohesion of life in Texas between cities, that's one of the things a state government exists for. Still, there are some conditions where the opposite is possibly a better alternative instead.

Businesses and the “Bathroom Bill”

During my research, the “Bathroom Bill” came up a lot, as yet another instance of Austin going head-to-head with state leadership. It's important to note that this is the most politically-charged situation of the three I'm examining in this paper and that in part may be why it's such a debate. The question is rather straightforward with Austin advocating for people who identify as men to use men's restrooms and people who identify as women to use women's restrooms, regardless of biological assignment of gender at birth. The state of Texas, however, believes that this is an overstepping of the Austin city government and isn't within the city's jurisdiction to decide. Although this is a hot issue nationally for the way it relates to bigger social questions, the reason I want to highlight it in this paper is to give an example of where local control could be a hindrance specifically to local businesses. If small businesses that exist in multiple cities have to constantly consider a variety of regulations and laws that aren't kept standard by the state, it could prevent businesses from succeeding. With Texas relying so heavily on its strong economy, consistency in these practices could be rather beneficial. Another situation where more state control helps the fluidity of business would be with

paid sick leave days mandated by city law, but not state, as was the case a few months ago in Austin. Of course there are likely exceptions to this and that's not to say all local control is bad for business, because (as seen with property taxes in in the next section) sometimes it's an argument for local control, but generally with free enterprise there's a clear reason for keeping heavy-handed government policies out of the economy.

Regulation of Property Taxes

As arguably the hardest part of my research to understand, the state's regulation of property taxes is one of the most critical cases when it comes to local control. The state government has passed bills to reform property taxes in Texas that city governments are particularly opposed to. Texas as a state doesn't take any state income tax, so generally property tax rates are higher. The state, in its pursuit to lower these property tax rates, wants to lower the rollback rate of cities. If a city collects more in property taxes than the rollback rate allows in any fiscal year, the voters of that city have a right to petition the tax. Because of this, a lower rollback rate would in turn lead to more local residents having a direct say in their taxes. At first I found the argument for local control to be confusing in the context of property tax, because it seems like the more direct influence voters of a city have on their tax would be a good thing, but for a few different reasons, the justification for local control here is not exclusively every local voter getting to decide, but rather local control meaning local officials fulfilling their elected-for positions to carry out city property tax rates. Not only is this (property tax, among other things) what local officials are chosen to do, but there are other factors that play into why a direct population vote would hurt a city's efficiency. For one, local voter turnout rates are historically very low, and when the fiscal year starts impacts this situation too. If a property tax rate took place, it

would be in the same months as major ballot votes (such as federal positions), muddying the ability of a city to put emphasis on the vote and educate the public about it. Additionally, among cities with fast-growing populations, like Frisco, sometimes the increase in money gained from city property tax rates doesn't reflect the population growth quickly enough to prevent a vote. In other words, if the rollback rate is surpassed, that doesn't necessarily account for new residents in an area where their relocation should justify more local funds. This instance, although a little more difficult to understand in its entirety particularly emphasizes the complexity of local control issues and why a lot of local officials continue to advocate for their right to be a voice of the people.

Is local control a partisan issue?

The foundations of a conservative ideology often lie in the principles of small government, especially through prioritizing keeping political control as close to the voters as possible. That's why during this study I grappled with how the Republican-dominated state government seemed to be advocating for larger government practices and more widespread regulation. The likely answer, however, is that local control is less of a partisan issue and more of power-ensuring issue. As with many of the above cases, the Republican state government is overturning city legislation from predominantly Democrat-held cities, like Austin and Dallas. Especially when it was pointed out that state legislators and officials have much to gain from changing Austin law because they reside in Austin, I realized that the stance taken by the state leaders of Texas is sometimes more a result of keeping the state broadly in their best interests, and can't even be considered a wholly Republican-vs-Democrat issue. As I'm going to expand on in the next section, for example, Frisco is very much in favor of local control, but for different reasons than bigger, left-leaning cities like Austin.

There are even further levels of complexity to consider when different ideals of a single party are at hand, which some believe is currently occurring with the Republican Party and the Tea Party. In essence, from an immediate look at the problem, the argument could be made that this is the Republican state government resisting legislation of Democrat city governments. But upon further consideration, there seems to be much more to the situation than party alone.

How does Frisco feel about local control?

There are many supporters of local control in Frisco for a variety of reasons. Frisco, as a city independent of other municipalities in the state of Texas, consistently performs extremely well in the economy, growth, and transparency. It is Triple-A (AAA) bond rated for being able to pay back debts and successfully fund services, a distinction only given to 1% of cities. It has one of the lowest tax rates in surrounding cities and believes it should be used as a model for successful city governments, rather than be stifled at the state level because of other Texan cities. A change to property taxes would make the yearly budget much harder to implement as two would have to be created based on whether or not voters approve the new tax changes, and generally has low voter turnout rates for local elections. This rationale, among other reasons, emphasizes why officials of Frisco support keeping local governments local. The U.S. Constitution allows voters to elect people to vote for them and that precedent should be maintained in a city as successful as Frisco.

Arguments Against Local Control: The States Give Power to Cities

Fluidity for the state between different cities seems to be one of the biggest reasons to support less local control. There is an ease that comes with state-wide instead of city-wide policies, and local

control threatens that. As seen with cases such as texting while driving and the ability of Uber and Lyft to perform without city-specific regulations, there are times when city governments overreach against their jurisdiction to create an overall more cumbersome experience between cities, muddying state processes. That is to say, states do have a certain degree of control and it's important in maintaining that control so not every city acts as its own completely separate entity.

Arguments for Local Control: The People Give Power to Cities

In contrast, however, local laws are what make cities unique. There is a reason people move to certain cities over other ones and it should be within the realm of city control to pass laws the residents of that town support which make their home more representative of what they desire. Cities that are existing successfully, accomplishing what the residents want, shouldn't be restricted by imposing laws passed by a state-government trying to resist a few cities controlled by the opposite party. Again I want to reiterate this doesn't seem to be an exclusively partisan issue, but, regardless of party control in a city's government, cities deserve some autonomy as that's what sets them apart from others.

Conclusion

With this project, I wanted to better understand local control and synthesize the information I learned about it. From here I would still like to gain more understanding of the cases for and against local control, especially from a state official's perspective. As my project has somewhat been influenced by elected officials of Frisco, I recognize some intrinsic bias that may have come through. Yet, I've learned a lot and am excited to continue viewing local government through this more involved lens.

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Original Work Set-Up and Completion Summary

Date/s: I worked on my Original Work throughout the second half of November and the first few weeks of December, up until the due date on December 14th.

Time/s: I worked studied the topic of my project in some capacity for a total of 14.5 hours over the course of the weeks I worked on the assignment. This includes drafting the project, all of the research that went into it, speaking with my mentors about it, and writing the final synthesis paper.

Materials: I completed this original work project entirely through online research and primary information from my mentors. In other words, my computer, a notebook for taking some notes, and various online Texas legislation and news websites were the exclusive “materials” I used.

Objective/Purpose: For my Original Work, I wanted to gain a deeper understanding of the concept and arguments in local control and research specific cases where local control is a big deal between the city and state governments in Texas. Additionally, I wanted to bring some part of my work back to Frisco to see how officials within an actual municipality feel about local control in relation to the different instances of the conflict I researched. In other words, I wanted to complete extensive research on this topic of local vs. state jurisdiction while being able to relate it back to Frisco specifically.

Description of Process: This year’s Original Work was really driven by my research. In comparison

to last year I completed a lot more research trying to learn about different cases where local control was cited as a major explanation to the state's overruling of a city law, especially because every article I read seemed to have a fluid connection to some other article relating to local control in another topic.

Because of this, my process was driven almost entirely by research. I spent hours drafting my proposal, began researching, developed a rough outline for my final synthesis paper to analyze some of the trends in local control I had witnessed through my research, and then writing the paper itself. Within these general phases, I also worked with my mentors to clarify aspects of local control I didn't completely comprehend and to gain a better understanding of how leaders of Frisco specifically feel about local control. I chose to address certain local control cases and certain broad local control questions within my final paper as well to guide my explanation of everything I learned.

Utilization of Higher-Level Thinking Skills: Going into the project I didn't think I would utilize higher-level thinking skills as much as I could of, but now looking back, I think the research paper I wrote was an incredible way for me to reflect and build on the research I did. By asking more nuanced questions within the paper like "Is local control a partisan issue?" I was able to go beyond the technical black and white facts of local control situations and use my own knowledge to infer and analyze based on what I know. This synthesis provided me with a deeper connection to the subject matter while also giving my paper more readability than a very cut-and-dry research paper. This is even why it feels unfair to call it simply a research paper, because while it was built from a foundation of research, I really synthesized and considered local control patterns in my paper.

Results: I honestly am very proud of the work that I did. Going into the project I wasn't sure how much substance there would be within the field of local control, but I can confidently say now that it was absolutely fascinating to read about the conflicts between state and city governments and then take that information to actual city officials who could help further my understanding of the situation. I learned that some situations (like texting and driving and ride hailing policies) seem to work better when left up to the state to decide regulations, while some (like property taxing) is best left to city governments to handle. As far as my paper, because of how I utilized synthesis so much (as mentioned above), I think my essay was a little more biased, but at the same time I don't think I was ever going for complete neutrality (because all the facts I built off of are still available online). Instead, I really tried to view this subject from my own eyes and reflect accordingly, which in reflection, I'm quite happy with how it turned out.

Conclusions/Interpretations: Overall, I'm still so interested in this concept of local control. One thing my mentors comment on frequently is that good legislation is determined by how it works in the hands of a different party. In other words, historically political parties in control switch back and forth and I hope to continue learning about how the state rules on city laws with potentially changing Texas politics affecting the local control situation in the future. I'm really surprised at this idea that there are conservative cities (like Frisco) that oppose state control in local situations, even with Republicans controlling the state. In a broader national context, it really points to an underlying shift in the Republican party and similar to how party control could change in Texas over the next few years, it will be fascinating to watch how differences within the Republican party could lead to more

fractioning at a city and state level.

Application/Meaning: For one aspect of my project, I hope that I've made some of these local control cases more accessible and understandable to the public. I sought out to write something readable as opposed to a really dense and objective look of local control. I hope some the meaning that comes out of this Original Work will be spreading the understanding of local control to anyone who hears about the work I completed. Another big application I'm looking forward to is personal further research on the subject. I would love, from here, to speak to more state officials and maybe go in even more depth with particular legislation and examining the actual bills themselves to delve into the intricacies of local control instead of just learning about and being able to recognize the broader instances, too.

Original Work Log

Date	Hours	Description of Work Completed
10/5/18	1	Developed my Original Work Proposal after thinking about the possibilities for the project after interviewing various local government professionals in the area.
11/13/18	0.5	Discussed my Original Work ideas with Will and Shona at a mentor visit. They gave me the idea to focus on the idea of local control as see how that affects city governments.
11/16/18	1	Rewrote my Original Work Proposal after finding a new focus for the project after speaking to Will and Shona.
11/25/18	2	Research on local control, particularly articles relating to the Dallas bag ban being overturned, sanctuary cities, texting and driving, and Confederate monument removal.
12/4/18	1.5	Completed more research specifically on the subjects of sanctuary cities in Texas, tree-trimming jurisdiction, and an Austin sick-leave policy. I also began a research paper outline.
12/6/18	1	Researched the way ride-sharing companies such as Uber and Lyft relate to local control. I also continued my research paper outline and started to study property tax in Texas with local and state regulations.
12/10/18	1.5	Completed more subject research and completed my research paper outline for the final paper.
12/12/18	3.5	Wrote my research paper compiling and synthesizing everything I've learned so far
12/13/18	0.5	Got to meet with my mentors to discuss some of the questions I've had related to local control and how it pertains specifically to Frisco
12/14/18	1	Finished creating a bibliography for all of the citations I used in my research and research paper. I also formatted everything in the project to polish the Original Work visually.
12/14/18	1	Completed Original Work Set-Up and Completion Summary and turned the entire project in.

Total: 14.5 hours