



HOME RULE CHARTER FREQUENTLY ASKED QUESTIONS

The following persons were selected to serve on the Home Rule Charter Commission and prepared the proposed Home Rule Charter:

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Following are frequently asked questions to help learn more about a proposed Home Rule Charter.

WHAT IS HOME RULE?

The Town of Northlake is currently a General Law City governed by the laws of the State of Texas. Because the Town has grown to over 5,000 in population, the Texas Constitution allows the Town to establish its own rules for municipal government by adopting a Home Rule Charter.

WHAT IS THE DIFFERENCE BETWEEN “GENERAL LAW” AND “HOME RULE”?

General Law - a city whose powers are limited by the specific authority granted by Texas statutes. General Law cities are restricted to doing what state statutes direct or permit them to do. A specific grant of authority or permission must be provided in the state statutes to initiate a particular action. If a General Law city is not granted the express or implied power by the State to initiate a particular action, none can be taken. General Law cities are generally smaller than and under 5,000 in population.

Home Rule - cities with a population over 5,000 in which the citizens have adopted a home



rule charter to define the structure, power, duties, and authority of their local government. The legal position of Home Rule cities is the reverse of General Law cities. Rather than looking to state statutes to determine what they may do, as General Law cities must do, Home Rule cities look to their local Charters to determine what they may do. A Home Rule city may generally take any action that is not prohibited by the Texas Constitution or statutes as long as the authority is granted in the Charter of the city. Home Rule cities have the full power of self-government and may take any action in the interest of the citizens' health, safety and welfare that is not contrary to the Texas and U.S. Constitutions or federal or state laws.

WHAT IS A CHARTER?

Home Rule cities must write and adopt a Charter. The Charter is akin to a municipal constitution that is written and adopted by an election of the citizens. The Charter defines and limits the powers, duties and responsibility of local government based on local preferences and desires. It defines the form of local government and establishes organizational provisions. The citizens determine the necessary controls over their city government such as elections, referendums, initiatives, and recall, and define the procedures to amend the Charter. Essentially, the Charter describes and defines local government based on local preferences and controls as opposed to general laws written by the Texas legislature.

HOW IS A HOME RULE CHARTER ADOPTED?

Chapter 9 of the Texas Local Government Code provides the procedure for adoption of a Home Rule Charter, which includes:

1. Selection of a Charter Commission;
2. The Charter Commission prepares the proposed Home Rule Charter and submits the proposed Charter to the Town Council for review;
3. The Town Council places the Charter on the ballot for the next uniform election date, which is May 1, 2021;
4. All registered voters of the Town receive a copy of the approved and proposed Charter by mail thirty days prior to the election; and
5. The citizens vote whether or not to adopt the proposed Charter in the election. Adoption of a Charter is by majority vote.

WHAT ARE SOME DISTINCTIONS BETWEEN A GENERAL



LAW CITY AND A HOME RULE CITY?

There are numerous distinctions between a Home Rule City and a General Law City. Following are a few distinctions that tend to receive the most attention amongst cities considering the transition:

- 1) Home Rule governance is synonymous with self-governance. The Charter is written by a commission of residents, adopted by the residents and defines the local government. The community prepares its Charter based on community norms, values, and priorities. Unlike the general laws of the State, which may address a multitude of conditions faced in many Texas communities, Home Rule Cities define for themselves how they want to be governed.
- 2) Home Rule communities have a variety of tools available to manage the affairs of city government. The Charter provides a local response to the form of government desired by residents; defines the structure of city government; establishes controls over city finances; and places limitations on the powers of city government.
- 3) Initiative, Referendum and Recall are three separate facets of direct democracy reserved for exclusive use by local voters that provide direct remedies in unusual situations. These powers are unique to Home Rule Cities and not available to voters at any other level of government in Texas.
 - a. An **initiative petition** asks the Town Council to act on a specific issue when it has not done so previously. If valid, the Council must adopt the petition or submit it to a vote of the people.
 - b. A **referendum petition** asks the Town Council to reverse an action already taken or proposed. The Council can rescind the ordinance that is the subject of thereferendum petition or submit it to a vote of the people.
 - c. A **recall petition** asks the Town Council to call an election for a vote to remove one or more Councilmembers and/or the Mayor from office. The targeted official may resign or stand for the recall election.
- 4) Once a Charter is adopted, the residents retain control over the Charter through the amendment process.

WHAT IS INCLUDED IN THE PROPOSED HOME RULE



CHARTER?

The Charter establishes various rights, responsibilities and privileges for the town government and its residents that are not superseded by State or Federal laws. To list a few:

- 1) Six Councilors, elected at-large by place, for up to three consecutive two-year terms;
- 2) Mayor, elected at-large, for up to four consecutive three-year terms;
- 3) Duties of the Mayor, Council and specific staff members;
- 4) Council-Manager form of government utilized;
- 5) Residents' right to initiative, recall and referendum;
- 6) Town's right to annex, tax and provide safety for its residents;
- 7) Creation of additional boards and commissions; and
- 8) Procedures and ethics.

WHAT WAS THE HOME RULE CHARTER CREATION PROCESS?

The Home Rule Charter Commission was made up of nineteen residents representing various neighborhoods throughout Northlake as well as Town Council appointees. The commission held six meetings. The Commission Chair also updated Town Council at each Council meeting on the progress of the Commission.

The current draft and proposed Home Rule Charter, along with an appendix of reference materials, is published on the Town's website. On recommendation of the Commission, the proposed Home Rule Charter was presented to the Town Council for placement on the ballot. Northlake Town Council per State law placed the Charter on the ballot for the May 1st election.