

Home Rule Charter Frequently Asked Questions

As the residents of Providence Village consider the election regarding the Home Rule Charter, questions arise about the meaning of becoming a Home Rule Town and some distinctions between General Law and Home Rule. The purpose of this Fact Sheet is to help answer some of the common questions raised by residents. The Town does not encourage you to vote in a particular way, but it does encourage you to cast your vote at the upcoming Home Rule Charter election.

What is Home Rule?

Texas towns operate under 2 different types of local government 1) General Law; and 2) Home Rule.

General Law – a town whose powers are limited by the specific authority granted by Texas statutes. They are restricted to doing what state statutes direct or permit them to do. A specific grant of authority or permission must be provided for in the statutes to initiate a particular action or it may not be taken. General Law towns are generally smaller and most often under 5,000 in population.

Home Rule - towns 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 towns is the reverse of general Law towns. Rather than looking to state statutes to determine what they may do, Home Rule towns look to their local Charters to determine what they may do. Thus, a Home Rule town may 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 town. Home Rule towns have the full power of self-government and may take any action in the interest of the citizens' health, safety and welfare which is not contrary to the Texas and U.S. Constitutions or federal or state laws.

What is a Town Charter?

Home Rule towns are required to write and adopt a Charter. The Charter, for all practical purposes, is a Municipal Constitution that is written and adopted by the citizens of the Home Rule town via an election. 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 town government such as elections, referendums, initiatives and recall, and definition of the procedures to amend the Charter. Essentially, the Town Charter describes and defines local government based on local preferences and controls as opposed to general laws which have been written by the Texas legislature.

What are some of the distinctions between a General Law Town and a Home Rule Town?

There are numerous distinctions between a Home Rule Town and a General Law Town, and the following are just a few of the distinctions that tend to receive the most attention amongst towns considering the transition:

- Home Rule is self-governance in its ultimate form. The Charter, which defines the local government, is written by citizens and adopted by citizens of the Home Rule community via the election process. The community prepares its Charter based on community norms, values and priorities. Unlike, the General Laws of the state, which must address a multitude of conditions faced in many Texas communities, Home Rule communities are able to define for themselves how they want to be governed.
- Home Rule communities have a variety of tools available to manage the affairs of town government. The Charter provides a local response to the form of government desired by citizens; defines the structure of town government; establishes controls over town finances; and limitations on the powers of town government.
- Initiative, Referendum, Recall are important tools which are reserved for use by local voters to remedy unusual situations. The proposed Providence Village Home Rule Charter permits local citizens to define under what circumstances and requirements a citizen or group of citizens may initiate legislative action, repeal laws and recall its elected officials.
- As communities grow, they must deal with ever increasing complex issues. They must have flexibility in addressing those issues. The Home Rule Charter provides the flexibility to address the complexity of local government. It is no coincidence that the vast majority of Texas cities that have reached the 5,000 population threshold have elected to pursue its own Home Rule Charter as opposed to continuing to remain a General Law city.
- Once a Charter has been adopted, the citizens retain control over the Charter through the amendment process. This insures the citizens are always in a position to determine the form, power and authority of their town government.

What are some of the reasons presented by other towns which have led to the adoption of a Home Rule Charter?

There are several reasons why other communities have adopted a Home Rule Charter. The following provides insight into some of the reasons presented by other communities in their adoption of a Home Rule Charter:

- It is a natural progression in the life of the community. In a sense, it is a graduation from a small city to a larger city which recognizes the issues are different and more complex than when the community was smaller.
- The Home Rule Charter permits the community to define for itself the nature and form of city government rather than the Legislature. Every Texas community has its own needs, issues, and concerns. The best place to have those needs addressed is by the local citizens.
- It helps the local community to promote itself as a well-managed and thoughtful community. This can be a significant benefit when dealing with a myriad of economic development and growth issues. Decision makers understand the importance of local self-governance and tend to respect communities who have undertaken a deliberate process of defining the role and responsibility of their local government.
- It removes the community from the whims of the Texas Legislature.

What are the requirements and process for adopting a Home Rule Charter?

In order for a community to qualify as a Home Rule town, it must establish through independent means that it has at least 5,000 inhabitants. The governing body makes the final determination of the number of inhabitants.

The Local Government Code Chapter 9 defines the process for adoption of a Home Rule Charter.

- The governing body may either a) place an item before the community as to whether a Charter Commission shall be formed; or b) the governing body or Mayor may appoint a Charter Commission to prepare and submit to voters a Charter. Sec 9.002 (d).
- The Charter Commission prepares a Charter and submits it to voters for approval or rejection. Sec 9.003 (a).
- Copies of Charter must be provided to each registered voter in the municipality at least 30 days prior to Charter election. (Sec 9.003 (b)).

How can you be involved in the Home Rule Charter process?

The Charter Commission and Town Hall will be conducting Town Hall meetings to answer questions about the Charter. These meetings are open to the public and are scheduled for Thursday, **April 16, 2015** at **7:00 p.m.** and Saturday, **April 25, 2015** at **1:00 p.m.** at Providence Elementary School located at 1000 F.M. 2931, Providence Village, Texas.

There will also be a public hearing during the Town Council meeting on April 13, 2015 at 7:00 p.m. to address questions. The Town also has published the Charter on its website, which you may view at any time and submit questions to the Charter Commission Chairperson at michaeljordan@pv-tx.com.