

Home Rule Charter FAQs (Frequent Asked Questions)

What is Home Rule municipality?

Texas cities are divided into three (3) categories: Special law municipalities, general law municipalities, and home rule municipalities.

Special law municipalities were generally created when the State was a Republic by a specific act of legislation to create that municipality.

General Law municipalities must follow specific state regulation and are restricted in making their rules.

Home Rule by Charter municipalities become an option when the population reaches 5,000 inhabitants. The City of Oak Point has reached that number. Home rule cities have full power of legislation and can enact any ordinance provided the ordinance does not conflict with state constitution, state law, or federal law. The city government is defined in a home-rule charter. To become a home rule city, a home-rule charter must be created and approved by the citizens at an election.

How was the proposed Home-Rule Charter created?

A Home Rule Charter Commission of 15 volunteer citizens was created in June 2021, as prescribed by State Law. They met publicly about once month for about 10 months, to create the document. The Commission reviewed charters from other cities and also used nationally-accepted charter templates, to create the proposed Home-Rule Charter. In May 2022 the finished document was presented to and accepted by the City Council and an election was ordered for the November 2022 general election.

Does a home-rule charter allow the City to define its own government?

A home-rule charter allows the city to define its own government procedures and ordinances. It describes the Councilpersons, Mayor, City Manager and City employees' roles and responsibilities. It also defines the citizen role in government with the addition of initiative, referendum and recall processes.

Do citizens get involved?

Yes, the citizens of the City of Oak Point will vote to approve or not approve the proposed Home-Rule Charter at the November 8, 2022, election.

What are the changes to the Council and Mayor?

The City will continue to be a City Manager type of government, where the City Council appoints a City Manager, who then manages the City. The City Council will be composed of 6 Councilpersons, who are elected at large and serve staggered 2-year terms, electing 3 Councilpersons per year. The Mayor will also be elected at large for a 2-year term and will vote the same as Councilpersons.

Can the City Council change the proposed Home-Rule Charter prior to the election?

No. State law provides that the home-rule charter prepared by the charter commission shall be submitted to the qualified voters of the municipality.

Can the City Council or others change an approved Home-Rule Charter?

No. The City Council nor any others cannot directly change the Home-Rule Charter. The City Council or a new Home-Rule Charter Commission could propose amendments to the Home-Rule Charter which would require subsequent voter approval. However, a charter may not be amended more often than once every two (2) years.

If passed at the election, what will happen in the period between a Home-Rule Charter election on November 8, 2022, and regular City Council election in May 2023?

The proposed Home-Rule Charter includes a transition path to regular elections and describes the effective dates and details of conversion to Home-Rule Charter control.

Will the citizens be able to review the proposed Home-Rule Charter?

Yes!! Every registered voter will be mailed a copy of the proposed Home-Rule Charter prior to the election. This is State mandated. Electronic copies will also be available on the City's website and paper copies will also be available at City Hall.

What if the proposed Home-Rule Charter is not approved at the election?

The City will continue to operate as a Type A general-law municipality and continue to be governed by Texas general law rules and restrictions.

Have more questions? Just ask and this FAQ will be updated to add the question and answers.