

Home Rule Charter Commission

On May 10, 2008, registered voters/citizens of Iowa Park elected the following individuals to serve on the Home Rule Charter Commission and prepare a draft of a government charter to be voted on at a later date. Commissioners elected were:

Dr. Erwin F. Soell	Lita Watson	Randy Catlin
Dolores Hamilton	Laverne Owens	April Johnson
Stephanie Wooten	Floyd Williams	Don Ehlert
Raymond Perry	Fred Simmons	Kathy Papp
Arlene Eaton	Glenn Durham	David White

Dr. Soell is serving as Commission Chair and former Mayor Randy Catlin serves as Vice-Chair of the Commission. The Commission is currently holding meetings bi-weekly in the conference room of the office of Economic Development located across from City Hall. Meeting notices are posted on the doors at the ED office and at City Hall a minimum of seventy-two hours in advance of any meeting.

The following Frequently Asked Questions (FAQ) have been prepared by the City and Commission to help citizens learn more about the proposed Home Rule Charter. More FAQ may be added as the Council accepts the Charter and citizens continue to ask questions to learn more about the proposed Charter before the election to adopt the Charter.

HOME RULE CHARTER FAQ FOR THE CITY OF IOWA PARK

What is a Home Rule? Home Rule is the privilege of citizens at the grassroots level to manage their own affairs with minimum interference from the State. Home Rule assumes that government problems should be solved at the lowest possible level, closest to the people.

The City of Iowa Park is currently governed under General Rule Law for the State of Texas. Because we are over 5,000 in population, we can establish our own rules for our city government by establish a Home Rule Charter.

What is the difference between “General Law” and “Home Rule”? There are two categories of cities in Texas: Home Rule and General Law.

General Law cities are cities with a population under 5,000 whose powers are limited; they operate only according to specific state statutes that define their powers and duties. They are restricted to doing those things that the State directs or permits them to do. If a General Law city has not been granted the express or implied power by the State to initiate a particular action, none can be taken.

Home Rule cities are cities with a population greater than 5,000 citizens in which citizens have adopted home rule charters. The legal position of home rule cities is the reverse of General Law cities; rather than looking to the State law to determine what they may do, as General Law cities must do, Home Rule cities look to the State constitution and statutes to determine what they may not do. When a proposed Home Rule city action is not prohibited by the State, the city can generally proceed.

How do you establish a Home Rule city? As outlined in Chapter 9 of the Local Government Code of Texas: i) an election is ordered by the City Council to get permission to draft a proposed Home Rule charter and elect a fifteen member Charter Commission, ii) the Charter Commission prepares the proposed Home Rule charter and submits said charter to the City Council for review, acceptance and approval and the Council calls for the proposed charter to be placed on the ballot for the next uniform election date, iii) all registered voters of the City receive a copy of the approved and proposed charter by mail thirty days prior to the election and iv) the citizens vote whether or not to adopt the proposed charter in the election selected by the Council.

What is covered by the Home Rule charter proposed for the City of Iowa Park? The charter will establish various rights, responsibilities and privileges for the city government and its citizens that are not superseded by State or Federal laws. To list just a few:

- i) number of council members, their terms and how they are elected,
- ii) duties of the Mayor, Council and specific staff members,
- iii) the type of government that will be utilized,
- iv) citizens' right to initiative, recall and/or referendum,
- v) City's right to annex, tax and provide safety for its citizens and
- vi) Procedures, ethics, elections, etc.

What forms of government can be considered in the City of Iowa Park Charter? The charter can adopt the council/manager form of government where daily administration of the City is directed by the City Manager. Other types of government could be the Mayor/Council form, which gives authority over daily administration duties to the Mayor and/or Council; there is also a Commission type of government, which allows Council members to serve as Department Heads/Advisors.

What rights can the charter provide for citizens? The State of Texas only allows the citizens of Home Rule cities the right to exercise the recall of Council members as well as the right of initiative and/or referendum. Recall is the method for citizens to vote to remove a member of the City Council, including the Mayor, from elected office. Initiative is a movement by the public, through a petition, that forces the Council to reconsider and cause a public vote on an issue that is upheld by the Council. A referendum is usually used in a similar vein to the initiative however; it deals with overturning a recently enacted piece of legislation of the Council.