

## **+FREQUENTLY ASKED QUESTIONS**

### **What kind of City is Fort Stockton now?**

- Fort Stockton is a “Type A General Law Municipality” under the Local Government Code. A General Law Municipality has those powers expressly conferred on them by the Legislature in the Texas Constitution and Statutes. A “Type A General Law Municipality” must have 600 or more inhabitants and meet the square mileage requirements of the Texas Local Government Code at the time of incorporation.

### **What is a “Home Rule Municipality”?**

- Under Home Rule, a local government has all powers except those prohibited by statute or constitutional provision. A city may adopt a Home Rule Charter, which changes the City’s authority under the law.

### **What is a Charter?**

- A charter is a fundamental governing document for a City in Texas. A Charter enables citizens of a city to define the basic organization, powers, duties, functions, and essential procedures of the local government.

### **What is a Home Rule Charter Commission?**

- The Home Rule Charter Commission was appointed by City Council and for the purpose of creating a proposed charter.

### **What is the Home Rule Charter Commission doing?**

- The Commission held several meetings and has finished creating the proposed charter. The Charter was presented to the City Council who ordered an election to be held for the purpose of the citizens of Fort Stockton to vote on the adoption of the proposed home rule charter.

### **What does this mean in terms of Our Municipal Authority?**

- Home Rule Municipalities have greater flexibility. This includes among other things: the number of seats on City Council and how they are elected; the apportionment of power between the mayor, the council, and the manager; the duties of administrative staff, including the City Manager and City Secretary and the ability for citizens to petition the government to initiate legislation, repeal adopted legislation and recall City Council members.

### **What aspects of City Government will be affected by the proposed charter, if adopted?**

- Changing to Home Rule will not impact your daily life, but does impact citizen control over municipal government. If adopted by the voters, the proposed charter would constitute the governing document of the City of Fort Stockton, and would govern the city operations, planning, ordinances, and finances. Making the change would assist the City with long-term planning and allow for greater flexibility in funding sources. The proposed charter would also contain limitations on the powers of the City and its elected and appointed officials.

### **If this charter is adopted, will it cause my property tax, sales tax, water and/or gas bills to increase?**

- No. Property and sales tax rates will continue to be determined, as they are now, under state law, by the appraisal district or the City, based on valuations and use. Under the new charter, the current process for contesting valuations or utility fees will remain in place.

### **What are some specific provisions for citizen powers of the proposed City of Fort Stockton Charter?**

- First, the proposed charter includes the power of **recall**. Under the terms of the charter, a petition requesting the removal of an elected official on the grounds of incompetency, misconduct, or malfeasance in office, signed by at least 10% of those registered to vote at the City's last general election, would initiate the recall process. If the officers whose removal is sought does not resign, then the City Council shall order an election and set the date for holding such recall election.
- Second, the proposed charter includes the power of citizens' **initiative**. Under the process in the charter, Registered voters of the City may initiate legislation by submitting a petition addressed to the City Council that requests the submission of a proposed ordinance to a vote of the registered voters of the City. Said petition must be signed by ten percent (10% of the voters registered to vote in the previous City's General Election. After the receipt thereof, City Council may then either take favorable action on the issue or submit the matter to a vote of the citizens at large.
- Third, the proposed charter includes the power of **referendum**. Under the terms of the charter, Registered voters of the City may require that any ordinance passed by the City Council and subject to the initiative process under this charter be submitted to the voters of the City for approval or disapproval, by submitting a petition for the purpose within sixty (60) days after final passage of said ordinance. The petition must be signed by at least 10% of those registered to vote at the City's last general election.

### **Will the proposed charter include significant changes to elected positions in the City?**

- Under Texas Law, the City Council and Mayor of a General Law City serve two-year terms. This has been the law governing Fort Stockton's elected positions. Under the terms of the proposed charter, the City Council and Mayor positions will transition to three-year terms.

### **Who can vote on the proposed charter?**

- The Registered Voters of Fort Stockton can vote on the proposed charter in the November 8, 2022 Special Election.

### **Why is this being proposed now?**

- Texas law requires that a Texas Municipality reach a population of 5,000 before it may begin the process of creating and placing the proposed charter on the ballot to be adopted. The City of Fort Stockton has exceeded a population 5,000.
- The City Council passed a Resolution on February 14, 2022 authorizing the appointment of a Charter Commission, composed of Fort Stockton residents to begin the process of creating the proposed charter with the assistance of a Consultant.
- Following the review of the proposed charter, City Council approved a Resolution calling a Special Election for November 8, 2022 for the registered voters of Fort Stockton to consider adopting the Proposed Charter.

### **If adopted, could the charter later be amended?**

- Yes. Upon receipt of a petition signed by at least five percent of the qualified voters, City Council may on its own motion submit any proposed amendment(s) to the voters in the manner prescribed by state law. The charter is not to be amended more often than every two years.