



City of Aubrey Home Rule Charter **Frequently Asked Questions (FAQs)**

The City of Aubrey commissioned the drafting of a Home Rule Charter in October 2021. If approved, the Home Rule Charter will give the citizens of Aubrey the privilege of managing their own governmental affairs at the grass roots level with minimal interference from the State. Home Rule assumes that government issues should be solved at the level closest to the people and that local self-government is the cornerstone of democratic government.

Fifteen (15) dedicated residents across the City of Aubrey, selected from a broad range of backgrounds which represent a diverse cross section of men and women, took up the challenge laid out by the Mayor and City Council to draft the City's first Home Rule Charter.

The Charter itself will serve in essence as the Constitution of the City if adopted by the voters in the November 8, 2022, special election. Below you will find Questions and Answers about the proposed Charter.

If you have questions about the proposed Home Rule Charter which are not addressed in this document, please send such questions to citysecretary@aubreytx.gov.

The Questions:

1) What is Home Rule?

Home Rule is the privilege citizens have at the grass roots level to manage their own governmental affairs with minimal interference from the State. Home Rule assumes that government issues should be solved at the level closest to the people. "Local self-government is the cornerstone of democratic government."

The City of Aubrey is currently a General Law City governed by the laws of the State of Texas. Because the City has grown to over 5,000 in population, the Texas Constitution allows the City to establish its own rules for municipal government by adopting a Home Rule Charter. The City would still be subject to statutory and Constitutional constraints, but the powers available to the City through the Charter would be greatly expanded up to the limits set in the Charter, not by State law.

2) What is a Home Rule Charter?

Home Rule cities 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 city via an election. The Charter defines, grants and limits the powers, duties and responsibilities of local government based on local preferences and desires. 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 City 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.

3) What is the Difference between Home Rule Cities and General Law Cities?

Home Rule cities operate in an inverse manner from General Law cities in that their power is derived expressly from the Charter, instead of State law. If a General Law city is not granted the express or implied power by the State to initiate a particular action, none may be taken.

Following are a few distinctions that tend to receive the most attention amongst cities considering transition to Home Rule:

A) Home Rule is self-governance in its ultimate form. The Charter is written by the citizens, adopted by the citizens 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.

B) 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 citizens; defines the structure of city government; establishes controls over city finances; and limitations on the powers of city government.

C) 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.

i) An initiative petition asks the City 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.

ii) A referendum petition asks the City Council to reverse an action already taken or proposed. The Council can rescind the ordinance that is the subject of the referendum petition or submit it to a vote of the people.

iii) A recall petition asks the City 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.

D) As communities grow, they must deal with increasingly complex issues and require flexibility in addressing those issues. The Home Rule Charter provides the flexibility to address the complexity of local government. The vast majority of Texas cities that have reached the 5,000 population threshold have elected to pursue their own Home Rule Charter rather than to remain a General Law city.

E) Once a Charter is adopted, the citizens retain control over the Charter through the amendment process. This ensures the citizens are always in a position to determine the form, power, and authority of their city government.

4) Who Decides?

The proposed Charter will be submitted to you, the registered voters of the City of Aubrey, for approval at a special election on the matter.

5) When is the Decision Made?

The Special Election will be held on November 8, 2022. Please use this link: _____ to find your preferred voting location and to view information relating to early voting.

6) Transition from Two (2) to Three (3) Year City Council Terms

The Charter Commission decided that the optimal term length for the Mayor and members of the Council is three (3) years. If the proposed Charter is adopted, the City Council must transition from two (2) year terms to three (3) year terms. The transition will be initiated by the Mayor and the City Council drawing lots to determine the length of their respective initial terms. The chart below depicts that transition. Group 1, consisting of the Mayor and Councilmembers for Places 3 and 4, will draw lots for two (2) two (2) year terms and one (1) three (3) year term. Councilmembers for Places 1, 2, and 5 will draw lots for two (2) three (3) year terms and one (1) two (2) year term. After the initial terms served under the Charter, the Mayor and all Councilmembers will be on three (3) year terms, with two Council seats up for election each year.

PROPOSED ELECTION CYCLE AND TERMS [Annual election for 2 places]

The charter amendment will include a change to allow 3-year terms for council. In order for all six council places to transition from 2-year terms to 3-year terms, all six council places will draw lots for transition cycle term lengths. It is recommended to have both groups draw prior to the 2023 election. After the initial transition cycle term, there will be an election every year for 2 council places.

NOVEMBER 2022 CHARTER ELECTION = FIRST 3 YEAR TRANSITION CYCLE MAY 2023

Draw Lots	Last Elected	Current Year Term Expires & First Election in 3 Year Transition Cycles	No. of Years in Transition Cycle Terms	Next Election Year	Second Election in 3 Year Transition on Cycles - Transition complete	Next Election	Next Election	Next Election	Next Election	Next Election	Next Election	Next Election	Next Election	Next Election	Next Election	Next Election
Group 1 Draw Drawn by Mayor, P3, P4	2021	2023	2 yr	2025	3 yr	2028	2031	2034	2037	2040	2043	2046	2049	2052	2055	2058
	2021	2023	2 yr	2025	3 yr	2028	2031	2034	2037	2040	2043	2046	2049	2052	2055	2058
	2021	2023	3 yr	2026	3 yr	2029	2032	2035	2038	2041	2044	2047	2050	2053	2056	2059
Group 2 Draw Drawn by P1, P2, P5	2022	2024	2 yr	2026	3yr	2029	2032	2035	2038	2041	2044	2047	2050	2053	2056	2059
	2022	2024	3 yr	2027	3 yr	2030	2033	2036	2039	2042	2045	2048	2051	2054	2057	2060
	2022	2024	3 yr	2027	3 yr	2030	2033	2036	2039	2042	2045	2048	2051	2054	2057	2060

Group 1 draw will include the Mayor, Place 3 and Place 4. Group 1 draw will consist of 3 lots that will include the following: 2-year term, 2-year term, and 3-year term.

Group 2 draw will include the Place 1, Place 2 and Place 5. Group 2 draw will consist of 3 lots that will include the following: 2-year term, 3-year term, and 3-year term.

7) What Stays the Same?

If the proposed Charter is adopted, the following will remain unchanged throughout the City: employees and volunteers of the City, current elected and appointed officials of the City, the City's authority to tax and to contract, the ad valorem tax rate, the Mayor still will not vote except in the instance of a tie, and the provision of current City services, like trash service, and City police, fire, and EMS services.

8) What Changes?

If the proposed Charter is adopted, the following will change throughout the City: the City Manager will be the “CEO” of the City instead of the Mayor, City Council term lengths will be three (3) years instead of two (2) years, the Mayor and City Council will have term limits of three (3) consecutive terms, or five (5) terms altogether, and citizens will have the power of recall, referendum, and initiative.

9) How can the Charter be Amended in the Future?

Like all government instruments, the Charter is a living, breathing document that can be modified to meet the needs of the times as they change. Under the proposed Charter, the City Council is required to appoint a Charter Review Commission at a minimum of every ten (10) years to ensure the document is keeping pace with the City and meeting the needs of the residents. Amendments to the Charter are presented for a decision of the registered voters of the City of Aubrey at an election. No amendments may be made to the Charter without first being approved by the voters of the City.