



Meeting Agenda
Special Meeting of the Home Rule Charter Commission and
the Oak Point City Council

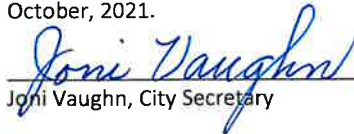
Oak Point City Hall
100 Naylor Road
Oak Point, Texas 75068

Wednesday, October 6, 2021
6:00 P.M.

1. Call to Order, Roll Call, and Determination of Quorum (Chair)
2. Invocation
3. Pledge of Allegiance
4. Consider and act to approve the minutes of the September 1, 2021 Joint Meeting of the Oak Point Home Rule Charter Commission and the Oak Point City Council.
5. Consider and act to approve FAQ sheet.
6. Consider and act to approve changes made to the Working Charter rev A from the September 1, 2021 meeting.
7. Discuss continuation of revisions to the Working Charter rev A.
8. Future Agenda Items.
9. Adjournment. (Chair)

CERTIFICATION:

I do hereby certify that the above notice of this public meeting was posted on the designated bulletin boards by 5:00 p.m. on the 1st day of October, 2021.



Joni Vaughn, City Secretary



This notice was removed at _____ a.m. / p.m. on the _____ day of _____, 2021.

Joni Vaughn, City Secretary



Meeting Minutes
Special Meeting of the Home Rule Charter Commission and
the Oak Point City Council

Oak Point City Hall
100 Naylor Road
Oak Point, Texas 75068

Wednesday, September 1, 2021
6:00 P.M.

1. Call to Order, Roll Call, and Determination of Quorum

Mayor Pro Tem Lusk called the meeting to order at 6:02 pm.

Paul Bastaich	HRCC	Present
Michael Betz	HRCC	Present
Jeff Emerson	HRCC	Present
Jason Hicks	HRCC	Absent
Don Lindemann	HRCC	Absent
Duane Olson	HRCC	Absent
Debbie Peterman	HRCC	Present
Jillian Richards	HRCC	Absent
Candy Risher	HRCC	Present
Richard Shine	HRCC	Present
Kevin Tam	HRCC	Present
Gregory Weiler	HRCC	Present
Dena Meek	Mayor	Present
John Lusk	Mayor Pro Tem/HRCC	Present
Scott Dufford	Deputy Mayor Pro Tem/HRCC	Present
Kirk Hawrysis	Council Member	Absent
Dave Klewicki	Council Member	Present
David McBeth	Council Member/HRCC	Present
Stephen Ashley	City Manager	
Joni Vaughn	City Secretary	

And with a quorum present the following items were addressed.

2. Administer Oath of Office to Home Rule Charter Commission members.

Commission members in attendance took the Oath of Office.

3. Invocation

Paul Bastaich gave the invocation.

4. Pledge of Allegiance

John Lusk led the pledges.

5. Consider and act to approve the minutes of the August 4, 2021 Joint Meeting of the Oak Point Home Rule Charter Commission and the Oak Point City Council.

Paul Bastaich made a motion to approve the minutes of the August 4, 2021 Joint Meeting of the Oak Point Home Rule Charter Commission; motion seconded by Candy Risher.

Motion Passed 11-0

6. Discuss HRCC presence on the city website.

Commission members discussed what content to put on the City's website and where on the City's website it should be located. Scott Dufford offered to write an FAQ sheet for the City's website.

7. Discuss, consider and act to approve a starting Charter template.

Commission members discussed what Charter templates they preferred.

Paul Bastaich made a motion to approve the Aubrey City Charter as a template for Oak Point's working Charter; motion seconded by Greg Weiler.

Motion Approved 11-0

Candy Risher volunteered to be the Commission's Secretary and log in the changes to the working Charter.

Mike Betz suggested that Candy make the notes and update the working Charter and then at the next meeting it comes back to the Commission for approval.

8. Discuss the TML Home Rule Charter Survey.

The Commission members briefly discussed the TML Home Rule Charter Survey.

9. Discuss, consider and act to fill/populate the Working Charter rev A.

The Commission members worked on crafting Articles 1.01 through 3.07.

10. Future Agenda Items.

Continue revisions to the working Charter

11. Adjournment.

Chairperson Lusk adjourned the meeting at 8:35 p.m.

John Lusk, HRCC Chairperson

ATTEST:

Joni Vaughn, City Secretary

Home Rule Charter FAQs

What is Home Rule?

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 the municipality. Home Rule municipalities become an option when the population reaches 5,000 inhabitants. Calculations show Oak Point having reached that number. For the most part, General Law cities follow state regulations, whereas Home Rule cities can create any ordinance that is not expressly forbidden by state law. To become a Home Rule city, a charter must be created and approved by citizens at an election.

What are the advantages?

While Texas legislation has strived to limit a municipality's ability to self-govern, Home Rule still offers many advantages, including setting up important governing principles such as Council/Manager, Mayor/Council, or Committee-style government, and the number of council members elected. Home Rule municipalities have full power of legislation.

What are the disadvantages?

A recent survey indicated that the effort it takes to form a committee, write a charter, and hold an election is what was indicated by the majority of the 5% of cities that don't apply as the main reason to remain General Law.

Do citizens get to approve?

Yes. Registered voters in the City of Oak Point will have the opportunity to vote on the proposed Home Rule Charter created by the Home Rule Charter Commission. Any future amendments proposed by the City Council would also have to be voted on.

How will things change?

The Home Rule Charter Commission is currently working on drafting a proposed charter. The Commission's desire is to retain the Council/Manager form of government. Council seats will remain at-large,

and a 6th council person may be added. The Commission is proposing council terms be 3 years, with no term limits, but with the possibility of recall elections available. Under consideration will be a mayor who is able to be a voting member of council, and the possibility of November elections rather than May elections. Annexation remains difficult under state law, so the City's extra-territorial jurisdiction control will not change.

If passed, what happens in the interim period?

Details like the change from 2-year terms to 3-year terms, when a 6th council member will be seated, etc, will be worked out in the charter.

Who is working on this charter?

A Home Rule Charter Commission of 15 volunteer citizens, as prescribed by state law, was appointed by the Council. Meetings are held on the third Wednesday of the month and are open to the public. If the Home Rule Charter Commission can complete the creation of a proposed charter by February, then the proposed charter will be on the May 2022 ballot. If not, a special election will be held in November 2022.

Will citizens be able to review the Charter?

By law, every registered voter will receive a copy of the proposed Home Rule Charter before the election. Also, the proposed charter will be available on the City's website, Facebook page, and copies will be available at City Hall. This is a very important step in Oak Point's future. City leaders want to ensure every Oak Point resident has the opportunity to understand and participate in this next step of becoming a Home Rule City.

Contact the City Staff or City Council for more information.

ARTICLE I
Form of Government and Boundaries

SECTION 1.01 Form of Government

The municipal government provided by this Charter, shall be known as the “Council-Manager Government”. Pursuant to its provisions, and subject only to the limitations imposed by the State Constitution, the statutes of this State, and by this Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as the “City Council”, which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who in turn, shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner not be prescribed, then in such manner as may be prescribed by ordinance, the State Constitution, or by the statutes of the State of Texas.

SECTION 1.02 The Boundaries

The citizens of the City and Denton County, Texas, residing within its corporate limits, as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate, in perpetuity, under the name of the “City of Oak Point” with such powers, privileges, rights, duties, authorities, and immunities, as are herein provided. The records of the City of Oak Point’s boundaries shall be kept on file with the City Secretary.

SECTION 1.03 Extension of Boundaries

The boundaries of the City may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, by the method hereinafter set forth:

- (1) The City Council shall have the power by ordinance to fix the boundary limits of the City of Oak Point and to provide for the alteration and extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, in any manner provided by law.
- (2) When any additional territory has been so annexed, same shall be a part of the City and the property situated therein shall bear taxes levied by the City, and the

citizens thereof shall be entitled to all the rights and privileges of the other citizens of said City and shall be bound by the acts, ordinances, resolutions, and regulations of the City. ~~No part of the City as presently established may be~~

~~disannexed. Disannexation language to be provided by Michael Betz and inserted here.~~

- ~~(3) The City Council shall have the power to disannex any territory of the City when and if sixty (60) percent of the inhabitants thereof qualified to vote for members of the City Council shall present a verified petition requesting that such territory be disannexed from the City and tender to the City Secretary with such petition a sum of money equivalent to that percentage of the then outstanding indebtedness of the City for bonds and warrants and a fair proportion of the then existing budget which the assessed value of all property within such territory on the tax rolls of the City next preceding the presentation of such petition bears to the total assessed value of all property on the said rolls. The City Council shall never, regardless of the facts and circumstances, be required to discontinue and territory as a part of the City except at its exclusive discretion expressed by ordinance.~~
- ~~(4) The City Council shall have the power to exchange an area within its boundary limits with another municipality.~~
- ~~(5) The City shall maintain an official map of its boundaries in accordance with State Law. The boundaries and limits of the City of Oak Point, until changed in the manner provided herein, shall be the same as have heretofore been established and as exist on the date of the adoption of this Charter.~~

ARTICLE II
Powers of the City

SECTION 2.01 General Powers of the City

The City shall have all powers and rights of self-government and home rule that exists now or may be granted to municipalities by the Constitution and laws of the State of Texas, unless such power or right is expressly prohibited or restricted by this Charter. The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive, and in addition to the powers enumerated herein, implied herein or appropriate to the exercise thereof, the City shall have and may exercise all other powers which under the Constitution and laws of the State of Texas it would be competent for this Charter specifically to enumerate.

SECTION 2.02 Public Improvements

The City shall have the power to, among other things, construct and maintain, within or without its corporate limits, public improvements as authorized by State statutes and such other public improvements as the City Council shall determine to serve a public purpose of the City, including but not limited to, constructing and maintaining streets, flood control and sanitary facilities, water and storm drainage facilities in, over, under or upon all public property or easements granted for that purpose and to levy assessments for the costs of such improvements. The City shall have the power to collect attorney's fees for the collection of paving assessment in foreclosure cases as allowed under state law. It shall have the power to cause liens to be established for the purpose of securing the payment of such levies and shall have the power to compel the use of such improvements by the citizens of the City. ~~Verbiage re: Condemnation to be provided by Michael Betz and inserted here.~~

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SECTION 2.03 Acquisition of Property and Eminent Domain

The City shall have the power to acquire by purchase, exchange or condemnation either private or public property located inside or outside of the corporate limits for public purpose or use. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution or laws of the state. The procedure to be followed in any condemnation proceeding hereunder and authorized herein shall be in accordance with the provisions of the state

law with reference to eminent domain. The City shall have the full right, power and authority to exercise the power of eminent domain when necessary to carry out any of the powers conferred upon it by this Charter, or by the Constitution or laws of the State of Texas. The power of eminent domain hereby conferred shall include the right of the City to take fee title and easement interest in the lands so condemned. [OPTIONAL DISCUSSION ITEM (Michael Betz) - Do we want a supermajority vote? If so we could add the following sentence: An affirmative 2/3 vote of the entire membership of Council shall be required to authorize the use of eminent domain.]

SECTION 2.043 Miscellaneous Powers

The City shall have the power to, among others, establish and maintain ordinances and regulations governing the use of lands within the City and to enforce by all lawful means these ordinances and regulations, within and without its corporate limits. The City shall have the power to authorize, regulate and inspect all construction and existing structures within or without its limits, consistent with state statutes, and to establish and enforce ordinances and regulations concerning their use, construction and reconstruction. The City shall have the power to contract and be contracted with, to buy, sell, lease, lease-purchase, mortgage and/or manage property, to acquire property by donation or condemnation, and to control such property as its interests require. The City shall have the power to license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade when authorized by state law. The City shall have all powers granted by any section of this Charter.

ARTICLE III
The City Council

SECTION 3.01 Composition

- (1) The "City Council" shall be composed of a "Mayor" and ~~five six (56)~~ "Council Members" elected under the ~~Place System, with there being Places 1, 2, 3, 4, and 5~~ ***General Law Plurality verbiage to be provided by Stephen Ashley and inserted here.*** The Mayor and each Council Member shall be elected at large, and unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years, and until their successor has been elected and duly qualified. All of the City Council holding office at the time of passage of any amendments to this Charter shall continue to hold their respective office until the respective term for which they were elected expires.
- (2) ***Stephen Ashley to provide a possible election schedule to be inserted here upon approval of the Home Rule Charter Commission *** Terms of the Council Members shall be staggered so that every year there shall be an election as follows:
 - (i) In the 2022 General election, voters will elect Council Members for Places 2 and 5 each for 3-year terms.
 - (ii) In the 2023 General election, voters will elect Council Members for Places 1 and 4 each for 3-year terms.
 - (iii) In the 2024 General election, voters will elect Council Member for Place 3, Place 6, and Mayor each for 3-year terms.
 - (iii) All subsequent regular City Council and Mayoral election will be for three year terms.

~~**SECTION 3.02 Limitations on Terms**~~

~~No person shall serve as Mayor for more than three (3) consecutive elected terms, and no person shall serve as Council Member for more than three (3) consecutive elected terms. No person shall serve as Council Member and Mayor (combined) for more than five (5) consecutive terms. No person shall serve in any elected position for more than fifteen (15) cumulative years.~~

~~For purposes of this Section 3.02 and computing the limitations on terms:~~

- ~~(1) — a Mayor or Council Member, who vacates, for any reason, City office before the end of the term for which he or she was elected, shall be considered to have completed that term.~~
- ~~(2) — an appointment or election to fulfill an unexpired Council Member term, or unexpired Mayor term if applicable, shall be computed as follows:
 - ~~(i) — if fifty percent (50%) or more of the term is remaining, it shall be included in the computation of term limits; or~~
 - ~~(ii) — if less than fifty percent (50%) of the term is remaining, it shall not be included in the computation of term limits.~~~~

~~Any Council Member or Mayor, who is ineligible to run for elected City office due to the limitations on terms as provided herein, shall remain ineligible to hold an elected City office for a period of eighteen (18) months following the expiration of the most recent term of City office for which he or she was elected.~~

~~To account for the transition to term limits and the extension of the terms, the term that each person on the City Council is currently filling, as of January 1, 2021, and all terms consecutively served prior to that current term shall count for purposes of determining whether three (3) consecutive terms have been served. By taking the number of consecutive years served and dividing by (3), (9) years would equal (3) consecutive terms. If the person is over 9 years, they will be deemed ineligible at the end of their current term and may not fill another position for eighteen (18) months.~~

~~All prior terms count towards fifteen (15) cumulative years limit.~~

SECTION 3.023 Qualifications of City Council

In addition to any other qualifications prescribed by law, the Mayor and each Council Member shall meet the qualifications set forth in Article V of this Charter while in office.

SECTION 3.034 Compensation

The City Council shall be entitled to reimbursement for actual expenses incurred in the performance of official duties with the approval of the City Council at a public meeting.

SECTION 3.045 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem

- (1) The Mayor shall attend and preside at meetings of the City Council. The Mayor shall participate in the discussion of all matters coming before the City Council ~~but~~ shall not have a vote on matters before the City Council, ~~but shall not make a motion or second a motion.~~ The Mayor shall have ~~a one-time~~ veto power over ordinances adopted by the City Council, ~~which can be overridden by a majority vote of the City Council, excluding the Mayor, at the next regular or special meeting.~~ The Mayor shall also represent the City in intergovernmental relationships, present an annual state of the City message, and perform other duties specified by the City Council and/or imposed by this Charter and by ordinances and resolutions passed in pursuance thereof. Additionally, the Mayor may sign, after authorization by the City Council, all contracts and conveyances made or entered into by the City and all bonds, warrants and any other obligation issued under the provisions of this Charter, in the manner prescribed in the ordinance or resolution authorizing the signing of any such obligation. The Mayor shall be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. ***Note: Stephen Ashley to provide additional detail here.***
- (2) The Mayor Pro-Tem shall be a Council Member elected by the City Council at the first regular meeting after each election of Council Members and/or Mayor or at the first regular meeting after any applicable run-off election, whichever is later. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor.

- (3) The Deputy Mayor Pro-Tem shall be a Council Member elected by the City Council at the first regular meeting after each election of Council Members and/or Mayor or at the first regular meeting after any applicable run-off election, whichever is later. The Deputy Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tem, and in this capacity shall have the rights conferred upon the Mayor.

SECTION 3.056 Vacancies, Forfeiture and Filling of Vacancies

- (1) The office of a Council Member or the Mayor shall become vacant upon his or her death, resignation, forfeiture of, or removal from office by any manner authorized by law.
- (2) If any member of the City Council is absent from three (3) consecutive regular meetings, or twenty-five percent (25%) of regularly scheduled meetings during the twelve-month (12-month) period immediately preceding and including the absence in question (the "12-month period"), without explanation acceptable to a majority of the remaining members of the City Council, his or her office shall be declared vacant at the next regular meeting of the City Council by resolution. ~~The 12-month period shall not begin until June 1, 2021.~~
- (3) Any person on the City Council who ceases to possess the required qualifications for office or who is convicted of a felony or of a misdemeanor involving moral turpitude or is convicted of violating any state laws regulating conflicts of interest of municipal officers shall forfeit his or her office. Every forfeiture shall be declared and enforced by the City Council. The City Council shall convene a public hearing before exercising its authority under this provision, and permit the Council to be heard regarding forfeiture of office, if requested.
- (4) If there is a vacancy in the office of Mayor, a new Mayor shall be elected by special election within one hundred twenty (120) days after such vacancy occurs, in accordance with the Texas Constitution and the Texas Election Code.
- (5) A vacancy in the office of a Council Member, shall be filled by majority action of the remaining council members within thirty (30) days after such vacancy occurs, or at the next election, whichever occurs first.

- (6) If the vacated office is that of Mayor Pro-Tem or Deputy Mayor Pro-Tem, the City Council shall elect a new Mayor Pro-Tem or Deputy Mayor Pro-Tem at the next regular meeting.
- (7) ~~Vacancies filled by majority action shall be for the remainder of the term, unless the appointment was during the first year of the 3-year term, in which they will have to stand for election at the next City election. Michael Betz to provide replacement text re: filling vacant terms.~~
Vacancies filled by majority action of the City Council more than one hundred twenty (120) days from the next City election shall have to stand for election at the next City election for the unexpired portion of the term of the vacated office. Vacancies filled within one hundred twenty (120) days of the next City election shall have to stand for the election for the unexpired term of the vacated office at the next City election following one hundred twenty (120) days.
- (8) Vacancies filled by special election shall be for the remainder of the term that was vacated.

SECTION 3.067 Powers of the City Council

All powers of the City and the determination of all matters of policy shall be vested in the City Council. Except where in conflict with and otherwise expressly provided by this Charter, the City Council shall have all powers authorized to be exercised by the Constitution and laws of the United States and the State of Texas and the acts amendatory thereof and supplementary thereto, now or hereafter enacted. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- ~~(1)~~ (1) Appoint and remove the City Manager;
- (2) ~~Appoint and remove the City Secretary;~~
- (32) Appoint and remove the Municipal Judge(s) of the Municipal court;
- (43) Appoint and remove the City Attorney;
- (54) Designate items to appear on a future agenda of a City Council meeting for consideration and/or discussion;
- (65) Establish administrative departments;

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- (76) Adopt the budget of the City;
- (87) Collectively inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;
- (98) Provide for a Planning & Zoning Commission, Board of Adjustments, and a Municipal Development District and other boards as deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance or by law;
- (409) Adopt and modify the official map of the City;
- (101) Adopt, modify and carry out plans in cooperation with the Planning & Zoning Commission for the planning, improvement and redevelopment of specific areas of the City;
- (112) Adopt, modify and carry out plans in cooperation with the Planning & Zoning Commission for the planning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or part by disaster;
- (123) Regulate, license and fix the charges or fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the City;
- (134) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dangerous structures of buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction;
- (145) Fix and regulate rates and charges of all public utilities and public services;
- (156) Adopt plats, unless the City Council votes to give this authority to the Planning & Zoning Commission or City staff.
- (167) Individually make inquiries of the City Manager regarding items and issues before the Council in preparation for council meetings.

END OF EDITS 1 October 2021

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