



## ACTION ITEM REPORT

**Item Title:** Consideration and ACTION to acknowledge the automatic resignation and hold over provision for Gabriela Fernandez, Council Member Place 3.

**Recommendation:**

On Wednesday, November 12, Gabriela Fernandez submitted her resignation on her position of Council Member Place 3 as required by law due to her filing for candidacy of another elected position. The requirement is an automatic resignation process called “resign-to-run”.

Article 16, Section 65, of the Texas Constitution (often called the “resign-to-run” provision) applies to cities with council terms of more than two years. In cities with terms of more than two years, a city official who has more than one year and 30 days remaining in the current term of office, and who announces a candidacy for another office automatically resigns from the first office. TEX. CONST. ART. 11, § 11; TEX. CONST. ART. 16, § 65.

Additionally, the Council Member is allowed by state law to continue to serve until their position is filled.

A city council member in Texas generally **holds over in office** and continues to perform their duties until their successor is duly qualified to take office. This "holdover" principle is established by Article XVI, Section 17 of the Texas Constitution, which states that all officers within the State shall continue to perform the duties of their offices until their successors are qualified.

I recommend approval.