

## Section 3.05. - Vacancies in Office.

- (a) The office of mayor or council member shall become vacant as provided in Section 3.10 or upon the death, resignation, removal from office of the incumbent, or, for individuals elected to office, failure to take the oath of office by the first regular city council meeting following the canvass of the election at which the individual receives a majority vote, or, for individuals appointed to office, by the first meeting following the individual's appointment.
- (b) A vacancy for an unexpired term that exceeds 12 months, that occurs when two places on council have been filled by appointment, or that occurs in the office of mayor, shall be filled by special election called for such purpose. The date for a special election to fill a vacancy shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as required by law; provided that, if a vacancy occurs and no such election date falls within 120 days after the date of the vacancy, the council shall, without regard to the specified uniform election dates, order such election to be held on a Saturday within 120 days from the date of the vacancy. No special election will be required if the vacated office has a term of 120 days or less remaining as of the date of the first council meeting held after the date of the vacancy.
- (c) If a vacancy occurs for an unexpired term of 12 months or less for a position other than the mayor when there are less than two place[s] on council filled by appointment, then the vacancy may be filled by either special election called for such purpose or by the majority of the remaining council members appointing a qualified person to fill the vacancy. Vacancies filled by appointment must be filled within 45 days from the date the vacancy occurs.
- (d) All appointees or persons elected to vacancies as provided in this section shall serve for the remainder of the unexpired term of the office so filled.

(Ordinance 326 adopted 8/15/07; Ordinance 426, prop. 3, adopted 2/24/15; Ord. No. 578, § 1, 8-5-2020, canvassed 11-16-2020)

**State Law reference**— Special election to fill vacancy generally, V.T.C.A., Election Code, sec. 201.051 et seq.