

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: February 7, 2022

#### Topic:

Accept Resignation of Councilmember Lori Klein Quinn, Position 5

#### Background:

Councilmember Klein Quinn has submitted an Application for Place on Ballot in the May 7, 2022 General Election, for the position of Mayor. As the unexpired portion of her current position exceeds one year and 30 days and we have three-year terms, Councilmember Klein Quinn is subject to the “resign-to-run” provision of the Texas Constitution, Article XI, Section 11(a)(b):

Sec. 11. TERM OF OFFICE EXCEEDING TWO YEARS IN HOME RULE AND GENERAL LAW CITIES; VACANCIES. (a) A Home Rule City may provide by charter or charter amendment, and a city, town or village operating under the general laws may provide by majority vote of the qualified voters voting at an election called for that purpose, for a longer term of office than two (2) years for its officers, either elective or appointive, or both, but not to exceed four (4) years; provided, however, that tenure under Civil Service shall not be affected hereby; ***provided, however, that such officers, elective or appointive, are subject to Section 65(b), Article XVI, of this Constitution, providing for automatic resignation in certain circumstances, in the same manner as a county or district officer to which that section applies (see below).***

- (b) ***A municipality so providing a term exceeding two (2) years but not exceeding four (4) years for any of its non-civil service officers must elect all of the members of its governing body by majority vote of the qualified voters in such municipality.***
- (c) *Any vacancy or vacancies occurring on such governing body shall not be filled by appointment but must be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur except that the municipality may provide by charter or charter amendment the procedure for filling a vacancy occurring on its governing body for an unexpired term of 12 months or less.*

Additionally, the Texas Constitution, Article 16, Section 65(b) states: ***(b) If any of the officers named herein shall announce their candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of this State or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one year and 30 days, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled.***

Council is asked to accept the automatic resignation of Councilmember Klein Quinn, which will allow Council to call a special election to fill the vacated position in conjunction with the May 7, 2022 General Election.

Councilmember Klein Quinn will continue to serve in Council Position 5, under the “hold over” provision of the Texas Constitution, Article 16, Section 17, until a successor is elected and qualified for office.

**Origination:** Doris Speer, City Secretary

**Recommendation:** Accept automatic resignation of Councilmember Lori Klein Quinn, Position 5.

**Party(ies) responsible for placing this item on agenda:** Doris Speer, City Secretary

Signed Doris Speer 2-2-2022 Approved by \_\_\_\_\_