Council Vacancy Ordinance

CITY OF CANEY CITY, TEXAS

ORDINANCE NO. 2026-04

AN ORDINANCE ESTABLISHING A STANDARDIZED PROCESS FOR FILLING VACANCIES ON THE CITY COUNCIL; PROVIDING FOR DECLARATION, PUBLIC NOTICE, APPLICATION, AND SELECTION PROCEDURES; REQUIRING SPECIAL ELECTIONS WHEN REQUIRED BY THE TEXAS CONSTITUTION; AND PROVIDING FOR ENFORCEMENT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Caney City, Texas, is a Type B general-law municipality, and Texas Local Government Code § 51.032 authorizes the City Council to adopt an ordinance, not inconsistent with state law, that the Council considers proper for the government of the municipal corporation; and

WHEREAS, Texas Local Government Code § 23.002 provides that the aldermen on the governing body shall fill a vacancy in a municipal office created by or under Chapter 23 unless an election to fill the vacancy is required by Article XI, Section 11, of the Texas Constitution, and that the vacant office shall be filled for the unexpired term only; and

WHEREAS, the City Council finds it necessary to establish a standardized, transparent process for declaring vacancies on the City Council and for the public notice, application, selection, and appointment procedures used to fill those vacancies, consistent with applicable law, including the Texas Open Meetings Act (TOMA), Texas Government Code Chapter 551;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CANEY CITY, TEXAS:

SECTION 1. PURPOSE AND GENERAL PROVISIONS

a. This ordinance applies to all City Council vacancies, whether resulting from resignation, death, removal, incapacity, or another disqualifying event, and requires equal participation by all Council Members.

b. Eligibility shall be reviewed case by case. Nothing in this ordinance creates nepotism or conflict-of-interest standards beyond those imposed by state law. For guidance, the Texas nepotism statutes (Texas Government Code Chapter 573) govern relationships between an official and a person the official appoints or employs; they do not prohibit related persons from serving together as elected members of the same governing body. Council Members shall comply with all applicable state nepotism and conflict-of-interest laws in connection with any appointment or employment decision.

c. A quorum consists of the Mayor and three Council Members, or four Council Members if the Mayor is absent (Texas Local Government Code § 23.028).

d. The Mayor shall break a tie vote on an appointment.

SECTION 2. DECLARATION OF VACANCY

a. The City Council shall declare a vacancy upon receipt of a written resignation, or upon the death, removal, incapacity, or other disqualifying event of a Council Member, including a felony conviction or failure to attend three consecutive regular meetings without excuse.

b. The declaration shall be placed as an agenda item at the next regular or special City Council meeting and shall be made in open session within 30 days of the event.

c. The City Secretary shall record the declaration of vacancy in the official meeting minutes.

SECTION 3. ETHICAL CONDUCT

a. All Council Members, including the Mayor, shall adhere to the highest ethical standards and to the City's adopted Code of Ethics and Conduct. So as not to favor or exclude any candidate, they shall refrain from coordinated efforts, private agreements, individualized recruitment for the specific vacancy, and assisting applicants with their applications.

b. General recruitment of interest in City Council service, not specific to the vacancy, may be conducted through the City's website or public notices.

c. A violation of ethical conduct shall be reported to the full City Council for disposition. The Council shall discuss appropriate next steps, which may include a determination that a referral to the City Attorney for review, or to the Texas Attorney General for a TOMA violation (Texas Government Code § 551.143), is warranted.

SECTION 4. PUBLIC NOTICE AND APPLICATION PERIOD

a. Within five business days after the vacancy is declared, the City Secretary shall notify the public and issue a public call for applications by posting notice on the City's website (cityofcaneycitytx.com) and by placing at least three community signs, one of which shall be placed in front of City Hall.

b. The application period shall be at least 20 calendar days from the date of public notice of the call for applications. The notice shall clearly state the application deadline and the requirements to hold office. An applicant must: (i) be at least 18 years of age; (ii) be a registered voter in Caney City; and (iii) have been a resident of Caney City for at least six months, as required by Texas Local Government Code § 23.024.

c. The application deadline shall fall on a business day when City Hall is open and the City Secretary is available to review applications for completeness and answer questions. Application deadlines shall not be extended unless approved by the Council.

d. Late applications shall not be accepted. If an application contains an administrative error (for example, a missing notarization), the City Secretary shall promptly notify the applicant, who shall have one business day to cure the error. The deficiency must be cured, or the applicant disqualified, before the list of qualified applicants is finalized and distributed under Section 6(a).

e. An applicant who wishes to withdraw must do so in writing, and the written withdrawal shall be delivered to the City Secretary. The City Secretary shall immediately provide the withdrawal to all Council Members.

SECTION 5. THE APPLICATION

a. Each application must: (i) be made on the completed and notarized official application form, which is distinct from general election forms and is available on the City's website and at City Hall, 15241 Barron Rd, Malakoff, TX 75148; (ii) include a statement of interest of no more than 500 words that expressly states the applicant's name, qualifications, residency, vision for the City, policy priorities, commitment to ethical governance, and reasons for wanting to serve on the Council; and (iii) be submitted in person, by email, or by a designated person to the City Secretary at City Hall during regular business hours.

b. The application form is attached as Exhibit A, Application for Appointment to City Council.

SECTION 6. REVIEW OF APPLICATIONS

a. The City Secretary shall screen applications for completeness and eligibility, compile a list of qualified applicants, and distribute that list to all Council Members simultaneously within three business days after the deadline.

b. Appointment is not mandatory. The City Council may decline to make an appointment and may extend the application period by repeating the notice and application procedures in Sections 2 and 4.

c. If two complete application and selection processes have concluded without an appointment, or if two application periods have passed with no qualified applicants, and the next City Council election is scheduled to occur within the next four regular meetings (held on the second Thursday of each month), the City Council may, by majority vote, decline to conduct further appointment processes and allow the vacancy to be filled at that election. The City Secretary shall notify the public of this decision.

d. Website posting. The City Secretary shall post the names of qualified applicants on the City's website at least three business days before the appointment meeting.

e. Appointment meeting. The City Council shall decide the appointment at a duly noticed special or regular meeting. Each applicant shall attend. Applicants may voluntarily speak for no more than two minutes each, and the Council may ask questions. Neither a presentation nor participation in questioning is required. Members of the public may comment, including on the applicants, during the meeting's public comment period, limited to three minutes per speaker. After the public comment period, the City Council shall deliberate in open session, and a majority vote of the quorum shall select the appointee.

f. Swearing in. The appointee shall be sworn in at the same meeting or at the next regular meeting. The City Secretary, acting as a notary public, may administer the oath of office.

SECTION 7. SPECIAL ELECTION TRIGGER

a. Because Caney City's Council terms do not exceed two years, a special election to fill a vacancy is not required by Article XI, Section 11, of the Texas Constitution. The City Council shall fill each vacancy by appointment under Texas Local Government Code § 23.002 for the unexpired term only.

b. If terms exceeding two years are ever adopted by voter-approved election, then, for any unexpired term exceeding 12 months, the City Council shall order a special election within 120 days after the vacancy occurs, or within 180 days if more than one year

remains, as required by Article XI, Section 11.

SECTION 8. POST-APPOINTMENT REQUIREMENTS

a. All documents, including applications and questionnaires, shall be retained in accordance with the Texas State Library and Archives Commission retention schedules and made available for public inspection under the Texas Public Information Act.

b. Disputes, including eligibility disputes, shall be resolved by a court of competent jurisdiction.

SECTION 9. SEVERABILITY

If any provision of this ordinance is held invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

SECTION 10. EFFECTIVE DATE

This ordinance takes effect upon passage.

PASSED AND APPROVED by the City Council of the City of Caney City, Texas, this 19 day of November, 2026.

APPROVED:



Mayor

ATTEST:



City Secretary