

CITY OF SANDY OAKS, TEXAS

RESOLUTION NO. 2022-148

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS FILLING THE VACANCY OF THE MAYOR (UNEXPIRED TERM) BY APPOINTMENT UNTIL THE NEXT REGULAR MUNICIPAL ELECTION.

WHEREAS, the City of Sandy Oaks, Texas ("City") is a Type A municipality with an Aldermanic form of government pursuant to Chapter 22 of the Local Government Code; and

WHEREAS, on February 10, 2022, Mayor Micki Ball submitted her written and signed resignation pursuant to section 201.001 of the Texas Election Code, which was received by the Mayor Pro Tem and City Secretary on February 11, 2022; and

WHEREAS, if an officer submits a resignation, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation is accepted by the appropriate authority or on the eighth day after the date of its receipt by the authority, whichever is earlier pursuant to section 201.023 of the Election Code; and

WHEREAS, pursuant to section 201.002 of the Election Code, unless otherwise provided by law, the authority to act on a public officer's resignation is the officer or body authorized to make an appointment or order a special election to fill a vacancy in the office, which is the City Council pursuant to such section and section 22.010 of the Local Government Code; and

WHEREAS, on February 17, 2022, the Council accepted the Mayor's resignation which created a vacancy in the position of Mayor; and

WHEREAS, section 22.010 of the Local Government Code provides if for any reason a single vacancy exists on the governing body of the municipality, a majority of the remaining members, excluding the mayor, may fill the vacancy by appointment unless an election to fill the vacancy is required by Article XI, Section 11, of the Texas Constitution; and

WHEREAS, the City Council finds an election to fill the vacancy is not required by Article XI, Section 11, of the Texas Constitution and desires to fill the vacancy in the position of the Mayor by appointment until the next regular municipal election;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS:


SECTION 1. FINDINGS OF FACT. The above recitals are hereby found to be true and correct legislative and factual findings of the City Council of the City and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. APPOINTMENT OF MAYOR. The City Council appoints Charles Fillinger to fill the office of Mayor (unexpired term) until the next regular municipal election pursuant to Local Government Code Section 22.010(b).

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately from and after the passage and approval of this Resolution.

PASSED AND APPROVED on this 17th day of February 2022.

CITY OF SANDY OAKS, TEXAS



Charles Fillinger, Mayor

ATTEST:



Charlotte Rabe, City Secretary