

## Proposed Changes to Fairview Town Charter

The Fairview Town Council is considering calling a special election to amend certain sections of the Town Home Rule Charter to be held in conjunction with the general election to elect Town officials in May 2022. The purpose of the special election would be to amend the Town Charter to change the term of office for an elected official in Fairview from two years to three years, and to reduce the maximum number of full consecutive terms that an office holder serves from three two-year terms to two three-year terms. The total maximum number of consecutive years that an elected official may serve in office is currently six years and if the amendments are adopted the number of consecutive years that an elected official may serve for full consecutive terms would be six years. Currently Seats 2,4, and 6 are elected in one year and the Mayor and Seats 1,3, and 5 are elected in the next year. If the amendments are adopted, the election of officers would remain staggered two years and the third year there would be no general election of officers. The proposed amendments also include provisions for the transition from the current two-year terms to the proposed three-year terms.

Below is a review of the proposed language for each Town Charter section that is proposed for amendment and a summary description of the proposed change.

### **SECTION 2.01 FORM OF GOVERNMENT**

Municipal government for the Town of Fairview shall be a “council-manager government.” Except as otherwise provided by this Charter and the Constitution and laws of the State of Texas, all powers conferred on the Town shall be exercised by a Town Council to be composed of a Mayor and six (6) Council Members in Seats 1, 2, 3, 4, 5 & 6 elected by qualified voters for a term of three (3) years.

***Summary description of Section 2.01 – this section now provides for the change to three-year terms.***

### **SECTION 3.03 LIMITATION ON SUCCESSIVE TERMS**

A. No person shall serve as Mayor for more than two (2) successive terms of office and no person shall serve as Council Member for more than two (2) successive terms of office. A term of office for an officeholder shall be for a period of three (3) full years beginning with officeholders elected in the May 2022 regular town election and all regular town elections thereafter.

***Summary description of Section 3.03 A. – this proposed amendment provides for the limitation of two successive terms and it provides that a term is defined as three (3) full years.***

B. For purposes of the limitation on successive terms, an officeholder of Seat number 2, 4, or 6 shall not be deemed to have served a first term unless such officeholder served for a full two-year period in such office before the May 2022 regular town election.

***Summary description of Section 3.03 B. – This proposed amendment addresses the transition of terms of office for current officeholders for the in Seats 2, 4, and 6. If those officeholders served only a partial term before the May 2022 election, they would be eligible to run for office in 2022 for a three-year term and in 2025 for a three-year term.***

C. For purposes of the limitation on successive terms, an officeholder of the office of Mayor or Seat number 1, 3, or 5 shall not be deemed to have served a first term unless such officeholder served for a full four-year period in such office before the May 2023 regular town election. If an officeholder of any such office served for a full four-year period in such office before the May 2023 regular town election, such officeholder shall be deemed to have served only one term of said office.

***Summary description of Section 3.03 C. – This subsection addresses the transition of terms of office for Mayor and the office holders in Seats 1, 3, and 5. Their current two-year terms would end in May 2023. If amended as proposed, such officeholder would be deemed to have served one term if they held office for four full years before the 2023 election, and would be eligible to run for office again in 2023. If amended as proposed, such officeholder that held office for less than four full years before the 2023 election would be eligible to run for office in 2023 and again in 2026.***

### **SECTION 3.05 VACANCIES IN THE TOWN COUNCIL; FILLING OF VACANCIES**

C. If for any reason a vacancy exists on the Town Council, the vacancy must be filled by majority vote of the qualified voters at a special election called for such purpose within 120 days after such vacancy occurs as required by article XI, section 11 of the Texas Constitution; provided, however, that the remaining members of the Council may opt to appoint a person—qualified for the position as described in this Charter and under State law—to fill any such vacancy occurring for an unexpired term of 12 months or less. Once appointed, the person shall serve until the position can be filled at the next regular town election.

***Summary description of Section 3.05 C. – this section provides for the method of filling a vacancy with the change to three-year terms.***

### **SECTION 11.01 TOWN ELECTIONS**

Terms of office shall be staggered. To establish the staggering of the terms of office, elections shall proceed as follows:

For the May 2022 regular town election each qualified voter shall be entitled to vote for the office of Council Member for Seats 2, 4 and 6 for a term of three years.

For the May 2023 regular town election each qualified voter shall be entitled to vote for the office of Council Member for Seats 1, 3 and 5 for a term of three years and the office of Mayor for a term of three years.

All subsequent regular town elections for the office of Mayor and Council Members shall be for a term of three years. Candidates for each seat, including the Mayor, shall be elected at large. If a candidate for Mayor or Council Member fails to receive a majority of the votes cast at the regular election, the Town Council shall order a run-off election to be held between the two (2) candidates receiving the most votes, to be held on a date as prescribed by the Texas Election Code.

***Summary description of Section 11.01 – this section provides for the transition from two-year terms to three-year terms by identifying the election of Seats 2, 4, and 6 officeholders in May of 2022 to three-***

***year terms, and the Mayor and Seats 3, 5, and 7 officeholders to three-year terms in May of 2023. There would be no general election for offices in 2024.***