

RESOLUTION NO. 2021-522

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS, DETERMINING THE PROCEDURE THROUGH WHICH THE APPOINTMENT TO FILL THE VACANCY OF THE DISTRICT NO. 1 SINGLE-MEMBER DISTRICT CITY COUNCIL SEAT SHALL OCCUR.

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WHEREAS, on May 24, 2021, the office of the District No. 1 single-member district seat on the City Council of the City of Fulshear, Texas (the "City Council"), became vacant due to the resignation of Mr. Zach Jones;

WHEREAS, on June 15, 2021, at a City Council Meeting noticed in accordance with the Texas Open Meetings Act, City Council discussed and directed action to address the vacancy of the District No. 1 single-member district seat on City Council (the "Vacant City Council Seat") through appointment by a majority;

WHEREAS, pursuant to Sec. 3-10 – "Vacancies." of the Charter of the City of Fulshear, Texas (the "Charter"), a majority of the remaining City Council members of the City Council of the City of Fulshear, Texas, may fill a vacancy on City Council by appointment; and

WHEREAS, pursuant to discussion had at the June 15, 2021 City Council Meeting, City Council wishes to prescribe a manner for the appointment of the Vacant City Council Seat on City Council;

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

Section 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. In accordance with Sec. 3-10 – "Vacancies." of the Charter, City Council has determined that the Vacant City Council Seat shall be filled by appointment in the manner prescribed by this Resolution.

Section 3. The City of Fulshear, Texas (the "City"), shall release, open, and make available to the public applications to fill the Vacant City Council Seat on July 7, 2021, at 8:00 a.m. A copy of the application to be released has been attached to this Resolution as Exhibit A.

Section 4. The City shall receive applications to fill the Vacant City Council Seat beginning at 8:00 a.m. on July 7, 2021 and ending at 5:00 p.m. on July 21, 2021. Applications can be submitted electronically to Kimberly Kopecky, the City Secretary for the City of Fulshear, Texas (the "City Secretary"), at kkopecky@fulsheartexas.gov or in person at 29255 F.M. 1093 Road, Unit 12B, Fulshear, Texas 77441. Any application received after 5:00 p.m. on July 21, 2021 shall not be reviewed or considered for the

Vacant City Council Seat. All applications received, and all information contained therein, shall be deemed public information for purposes of the Texas Public Information Act.

Section 5. In accordance with Sec. 3.01 – “Qualifications.” of the Charter, the individual appointed by City Council to fill the Vacant City Council Seat shall meet and maintain the following qualifications to be eligible for office:

- (a) Be a United States citizen;
- (b) Be twenty-one (21) years of age or older on the first day of appointment;
- (c) Have resided continuously in the corporate limits of the City for twelve (12) months on the first day of appointment;
- (d) Not be delinquent in paying any local, state, or federal taxes;
- (e) Not be indebted to the City; and
- (f) Satisfy any other eligibility requirements prescribed by the Charter or other law for the office for which they are a candidate.
 - (i) Pursuant to Sec. 3.03 – “Number, selection, and term of council members.” of the Charter, in order to be considered eligible for office, the individual appointed by City Council to fill the Vacant City Council Seat must reside in District No. 1 of the City of Fulshear, Texas.

Section 6. In accordance with Sec. 3.02 – “Judge of qualifications.” of the Charter, City Council shall serve as the final judge of the qualifications of its members and shall select from the applicants an individual to appoint to and fill the Vacant City Council Seat.

Section 7. In accordance with Sec. 3-10 – “Vacancies.” of the Charter, the individual appointed to fill the Vacant City Council Seat shall serve a partial term, serving until the regular election in 2023.

Section 8. In furtherance of the appointment of an individual to the Vacant City Council Seat, each member of City Council may submit up to three (3) interview questions to the City Secretary no later than 5:00 p.m. on July 20, 2021.

Section 9. The questions submitted by City Council shall be collected and organized by the City Secretary, with duplicative or similarly worded questions being reviewed and combined at the discretion of the Mayor, with input from staff and management of the City of Fulshear. From these submitted questions, the Mayor shall compile no more than six (6) interview questions (the “Interview Questions”).

Section 10. The City Secretary of the City of Fulshear, Texas, shall distribute the Interview Questions to all applicants by email correspondence no later than 5:00 p.m. on July 22, 2021. The City Secretary is hereby directed to retain a copy of the Interview Questions in accordance with the City's Code of Ordinances and publish the Interview Questions on the City's website no later than 5:00 p.m. on July 22, 2021.

Section 11. City Council shall hold in-person interviews, for all applicants, during either the Special Meeting of the City Council to be held on July 27, 2021 or the Special Meeting of the City Council on August 3, 2021. The interview period begins at 5:30 p.m. on the day upon which the interviews appear on the agenda for the Special Meeting of the City Council and ends upon the adjournment of the Special Meeting of the City Council that same day. The Mayor shall determine the date upon which interviews shall take place, with the City Secretary notifying applicants of such interview date by email correspondence as soon as practicable after a decision has been made. Applicants should plan to attend the entirety of the Special Meetings of the City Council on July 27, 2021 or August 3, 2021.

Section 12. The Mayor, with the assistance of the City Secretary, shall preside over the procedures contained within this Resolution. Interviews shall take place in accordance with the following procedures:

- (a) All interviews shall consist of a twelve-minute Question-and-Answer Period, a five-minute Follow-Up Period, and a three-minute Grace Period.
- (b) All interviews shall be no more than, but may be less than, twenty (20) minutes in length.
- (c) During the Question-and-Answer Period, the Mayor shall read the interview questions aloud, one at a time, and give the applicant time to respond. Depending on the length of the applicant's responses, either a portion of or all interview questions may be posed to the applicant; the number of questions posed depends on the length of the applicant's responses.
- (d) During the Follow-Up period, City Council members may ask subsequently related and relevant questions.
- (e) During the Grace Period, the applicant may complete the applicant's response to the question most recently posed. During the Grace Period, no additional questions may be asked by City Council.

Section 13. An applicant unavailable to appear to be interviewed at either the July 27, 2021, or the August 3, 2021, Special Meeting of the City Council shall be allowed to appear by video conference, so long as such indication has been made on the applicant's respective application. Applicants appearing by video conference shall be treated the same as if the applicant appeared for an in-person interview. The City Secretary shall provide to each applicant choosing to appear by video conference, by

email correspondence, a video conference link as soon as practicable after a decision as to on which the date the in-person interviews will be held has been made.

Section 14. In accordance with Sec. 3.10 – “Vacancies.” of the Charter, City Council may take action to appoint an applicant to fill the Vacant City Council Seat, by majority vote, during either the Special Meeting of the City Council to be held on July 27, 2021 or the Special Meeting of the City Council on August 3, 2021, whichever date the Mayor determines upon which interviews shall take place.

Section 15. If City Council fails to appoint or cannot reach a majority vote to fill the Vacant City Council Seat, a special election, in accordance with the laws of the State of Texas, shall be ordered to fill the Vacant City Council Seat.

Section 16. This Resolution shall take effect immediately upon passage and approval by the City Council.

Section 17. In the event any clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and City Council declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional whether there be one or more parts.

Section 18. All other resolutions or parts of resolutions inconsistent or in conflict are, to the extent of such inconsistency or conflict, hereby repealed.

PASSED, APPROVED, and ADOPTED on the 6th day of July, 2021.



ATTEST:



Aaron Groff, Mayor



Kimberly Kopecky, City Secretary