

April 24, 2018

City Council suspends three-year terms.

Due to a flaw in Lakeway's Home Rule Charter, the Lakeway City Council took action yesterday to suspend the city charter's provision for three-year terms for councilmembers.

An amendment to the charter in November 2014 specifies three-year terms for councilmembers. However, accommodations for majority elections, as required by the Texas Constitution for three-year terms, was not part of that amendment. Therefore, the Texas Secretary of State found the city's election of councilmembers by a plurality of votes to be unconstitutional.

When the city became aware of the situation last week, it began immediate action to correct it.

With the guidance of the Secretary of State's office and a bevy of attorneys, the City Council was able to find an acceptable solution. The council was able to suspend the three-year term provision in the charter and revert to two-year terms. This will allow the city to continue to elect councilmembers by a plurality vote until it can address the flaw in the charter. Therefore, the prevailing candidates in the current election will only serve two-year terms.

The action to suspend three-year terms also negates the need to call a special election to fill a vacancy on the council. When she filed to run for Mayor in the present election, current Councilmember Jean Hennagin was deemed to have resigned her council seat because of a stipulation in the Texas Constitution that applies only to three-year terms. By reverting to two-year terms, the stipulation no longer applies and a special election is not required.

Due to a provision in the Texas Constitution that restricts home rule charter amendments to no more often than every two years, if the current election results in a revision to the charter, the city cannot call a vote to address the flaw until November of 2020.

While the City Council regretted making the change, it believed action was required in order to bring the city's voting procedure into compliance with the Texas Constitution and election code.