



Prosper is a place where everyone matters.

AGENDA
Meeting of the Prosper Town Council
SPECIAL CALLED MEETING
TO CANVASS ELECTION
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Monday, May 19, 2014
6:00 p.m.

1. Call to Order/Roll Call.
2. Pledge of Allegiance and Pledge to the Texas Flag.
3. Consider and act upon an ordinance canvassing the returns and declaring the results of the May 10, 2014, General Election.
4. Administer Oaths of Office and Present Certificates of Election.
5. Adjourn.

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the inside window at the Town Hall of the Town of Prosper, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on May 16, 2014, at 6:00 p.m. and remained so posted at least 72 hours before said meeting was convened.

Robyn Battle, Town Secretary

Date Noticed Removed

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

NOTICE

Pursuant to Town of Prosper Ordinance No. 13-63, all speakers other than Town of Prosper staff are limited to three (3) minutes per person, per item, which may be extended for an additional two (2) minutes with approval of a majority vote of the Town Council.

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: The Prosper Town Council meetings are wheelchair accessible. For special services or assistance, please contact the Town Secretary's Office at (972) 569-1011 at least 48 hours prior to the meeting time.



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ADMINISTRATION

To: Mayor and Town Council
From: Robyn Battle, Town Secretary
Through: Harlan Jefferson, Town Manager
Re: Special Called Town Council Meeting – May 19, 2014

Agenda Item:

Consider and act upon an ordinance canvassing the returns and declaring the results of the May 10, 2014, General Election.

Description of Agenda Item:

The Town of Prosper held a General Election on May 10, 2014, in accordance with the Texas Election Code. The Collin County and Denton County Early Voting Ballot Boards reconvened on May 16th to count provisional ballots. The proposed ordinance includes the final totals of votes cast in the May 10th election.

The following are the results of the tabulation:

Council Place/Candidate	Collin County Election Totals	Denton County Election Totals	Combined Total	Percentage
<u>Town Council, Place 3</u>				
Curry Vogelsang Jr.	466	0	466	100%
<u>Town Council, Place 5</u>				
Danny Wilson	207	1	208	34.55%
Jon Kundak	91	0	91	15.12%
Brett Michael Davis	303	0	303	50.33%
Total Votes for Place 5:	601	1	602	100%

The Town Charter states that the candidate for elective office receiving a majority of the votes cast shall be declared the winner; therefore, as the Town Secretary of the Town of Prosper, I certify that the following persons were duly elected to the respective positions shown:

Town Council, Place 3	Curry Vogelsang Jr.
Town Council, Place 5	Brett Michael Davis

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., reviewed the attached Ordinance.

Attached Documents:

1. Ordinance
2. Collin County Canvass Reports
3. Denton County Canvass Reports

Town Staff Recommendation:

Town staff recommends that the Town Council adopt an ordinance canvassing the returns and declaring the results of the May 10, 2014, General Election, in accordance with state law and the Town of Prosper Charter.

Proposed Motion:

I make a motion to adopt an ordinance canvassing the returns and declaring the results of the May 10, 2014, General Election, in accordance with state law and the Town of Prosper Charter.

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 10, 2014, FOR THE PURPOSE OF ELECTING TOWN COUNCIL PLACE 3, AND TOWN COUNCIL PLACE 5; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas ("Town Council") duly authorized a General Election to be held within the Town of Prosper, Texas (the "Town"), on May 10, 2014, for the purpose of electing Town Council Place 3, and Town Council Place 5; and

WHEREAS, the Collin County Elections Administrator and the Denton County Elections Administrator that held said General Election have duly made the returns of the results thereof, and said returns have been duly delivered to this Town Council; and

WHEREAS, the Town Council finds and declares that the meeting at which this Ordinance is considered is open to the public as required by law, and that the public notice of the time, place and purpose of the meeting was given as required by Vernon's Ann. Texas Government Code, Section 551.041, as amended; and

WHEREAS, there were cast in said election ___ early votes, and ___ election day votes as shown in the election results heretofore attached as Exhibit "A," and made a part of this Ordinance, lawfully submitted to the Town Council of the Town of Prosper, Texas, and filed with the Town Secretary of said Town; and

WHEREAS, said General Election was duly and legally held in conformity with the election laws of the State of Texas, and the results of said election have been verified and returned by the proper judges and clerks.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS:

SECTION 1

Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

General Election Results. The official canvass of the returns of the General Election reflects that the following named persons received the number of votes set opposite their names in the respective positions to be filled:

TOWN COUNCIL, PLACE 3

<u>Candidate</u>	<u>Total Votes Received</u>
Curry Vogelsang	466

TOWN COUNCIL, PLACE 5

<u>Candidate</u>	<u>Total Votes Received</u>
Danny Wilson	208
Jon Kundak	91
Brett Michael Davis	303

The canvass of the returns of the General Election held on May 10, 2014, reflects that the following persons were duly elected to the respective positions shown:

Town Council, Place 3	Curry Vogelsang Jr.
Town Council, Place 5	Brett Michael Davis

SECTION 3

Savings/Repealing Clause. All provisions of any Ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said Ordinances shall remain in full force and effect.

SECTION 4

Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5

Effective Date. This Ordinance shall be effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS THE 19TH DAY OF MAY, 2014

APPROVED:

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

APPROVED AS TO FORM:

Terrence S. Welch, Town Attorney

Election Summary Report
 Collin County, TX
 General and Special Elections
 May 10, 2014

Date:05/16/14
 Time:15:35:03
 Page:1 of 1

Summary For Jurisdiction Wide, All Counters, Prosper City
 Early Voting and Election Day Combined Accumulated Totals

Registered Voters 236613 - Cards Cast 611 0.26%

Num. Report Precinct 105 - Num. Reporting 105 100.00%

Prosper Council Place 3		
	Total	
Number of Precincts	4	
Precincts Reporting	4	100.0 %
Vote For	1	
Times Counted	611/7480	8.2 %
Total Votes	466	
Times Blank Voted	145	
Times Over Voted	0	
Number Of Under Votes	0	
Curry Vogelsang Jr.	466	100.00%

Prosper Council Place 5		
	Total	
Number of Precincts	4	
Precincts Reporting	4	100.0 %
Vote For	1	
Times Counted	611/7480	8.2 %
Total Votes	601	
Times Blank Voted	10	
Times Over Voted	0	
Number Of Under Votes	0	
Danny Wilson	207	34.44%
Jon Kundak	91	15.14%
Brett Michael Davis	303	50.42%

Town of Prosper Canvass — Total Voters — Unofficial
DENTON COUNTY — 2014 May Joint Election — May 10, 2014

Total Number of Voters : 20,583 of 331,694 = 6.21%

Precincts Reporting 145 of 145 = 100.00%

Number of District Voters: 2 of 370 = 0.54%

District Precincts Reporting 1 of 1 = 100.00%

Prosper Town Council, Place 3

Precinct	Absentee Ballots Cast	Early Ballots Cast	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	Curry Vogelsang Jr.	Totals
1004	0	1	1	2	370	0.54%	0	0
Totals	0	1	1	2	370		0	0

**Town of Prosper Canvass — Total Voters — Unofficial
DENTON COUNTY — 2014 May Joint Election — May 10, 2014**

Total Number of Voters : 20,583 of 331,694 = 6.21%

Precincts Reporting 145 of 145 = 100.00%

Number of District Voters: 2 of 370 = 0.54%

District Precincts Reporting 1 of 1 = 100.00%

Prosper Town Council, Place 5

Precinct	Absentee Ballots Cast	Early Ballots Cast	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	Danny Wilson	Jon Kundak	Brett Michael Davis	Totals
1004	0	1	1	2	370	0.54%	1	0	0	1
Totals	0	1	1	2	370		1	0	0	1