



Prosper is a place where everyone matters.

MINUTES
Charter Review Commission
Prosper Municipal Chambers
108 W. Broadway
Prosper, TX 75078
Wednesday, July 13, 2016

1. Call to Order/Roll Call.

The meeting was called to order at 6:10 p.m.

Commission Members in Attendance:

Kenneth Dugger
Roger Thedford
Bill Beavers
Tom Aiken
Teague Griffin
Charles Cotten
Cameron Reeves
J.D. Sanders

Commission Members Absent:

Mike Goddard
Robert Griffis
Mike Korbuly (Alternate)

Staff Members Present:

Robyn Battle, Town Secretary/Public Information Officer
Terry Welch, Town Attorney

2. Approve Minutes from the June 22, 2016, Charter Review Commission Meeting.

Roger Thedford made a motion and Charles Cotten seconded the motion to approve the minutes from the June 22, 2016, Charter Review Commission meeting. The motion was approved.

3. Discuss proposed amendments to the Prosper Town Charter.

The Charter Review Commission discussed Articles 1-4 of the Prosper Town Charter.

Article 1

The Commission discussed the use of eminent domain, condemnation, and annexation procedures. Terry Welch, Town Attorney, explained the process for each. The Commission was satisfied that state law sufficiently addresses all three topics, and did not recommend any changes.

Town Secretary Robyn Battle has identified several grammatical errors in the text of the Charter and will make the appropriate corrections. Grammatical corrections will be addressed as one proposition on the Charter amendment ballot.

Article 2

The Charter Review Commission did not recommend any changes to Article 2.

The Commission skipped to Article 4 at this time.

Article 4

The Commission reviewed Section 4.03 regarding term limits for the Municipal Judge. The Municipal Judge currently has no term limits, and the Commission did not recommend any changes to this provision.

Regarding Section 4.05, the Commission discussed the Town's process for collecting taxes. Currently, the town contracts with Collin County to collect property taxes. No changes were recommended.

Article 3

The Commission discussed the advantaged and disadvantages of single-member districts, but did not recommend any changes to the current Charter provision.

The Commission reviewed Section 3.02 regarding term limits for the Town Council. Several members noted that a small, growing community should encourage qualified individuals to continue to serve on the Town Council if they choose to do so, and if the voters continue to reelect them. The Commission recommended revising the Town Charter to remove term limits for Town Council members by repealing Section 3.02 in its entirety.

In Section 3.04, the Commission recommended the following provision regarding compensation be revised to read as follows:

"The Town Council shall be entitled to reimbursement for actual reasonable expenses incurred in the performance of official duties." Examples of reimbursable expenses are mileage, meals, and other travel-related expenses. Ms. Battle will research the Town's current travel policies and forward to the Commission for review. The Commission may make additional revisions to this section to ensure that the Charter language remain consistent with current Town policy.

The Commission discussed whether Town Council members should be compensated on a monthly or per-meeting basis, but did not recommend changes to the current Charter.

A recent change in state law now allows municipalities more flexibility in filling a vacancy on the Town Council. The legislation permits municipalities to fill a vacancy by appointment, rather than special election, if the unexpired term is 12 months or less. The Commission approved the following revision:

In Section 3.06, "Vacancies, Forfeiture and Filling of Vacancies," repeal existing subsections (4), (5) and (6) and replace them with a new subsection (4) to read as follows:

"(4) A vacancy on the Town Council shall be filled by election in accordance with the Texas Constitution; however, a vacancy may be filled by appointment if the vacancy is created in an unexpired term having twelve (12) months or less remaining thereupon. The Mayor or Council Member thus elected or appointed shall serve for the unexpired portion of the term of the vacated position."

The Charter does not currently contain a specific provision for removing a Town Council from office due to a code of ethics violation; however, the Charter and state law both address consequences for felony and/or misdemeanor violations involving moral turpitude and conflict of interest. Mr. Welch reviewed the Charter provision for recall elections which may be conducted on grounds of incompetency, misconduct, or malfeasance in office. The Town's most

recent Code of Ethics ordinance was adopted in 2015. Mr. Welch did not recommend any additional changes related to code of ethics violations, and the Commission agreed.

The Commission recommended removing obsolete language in Section 3.06 (2). The new provision will read as follows:

"If any member of the Town Council is absent from three (3) consecutive regular meetings, or twenty-five percent (25%) of regularly scheduled meetings during the twelve-month (12-month) period immediately preceding and including the absence in question without explanation acceptable to a majority of the remaining members of the Town Council, his or her office shall be declared vacant at the next regular meeting of the Town Council by resolution.

The Commission discussed Section 3.07 (4) as it relates to the process by which items are placed on the Town Council agenda. The Commission may discuss this provision again at a future meeting.

The current Charter provides that if a Town Council member chooses to abstain from voting on any item where no conflict of interest exists, the person's vote is recorded as a negative vote. The Commission discussed whether to keep the provision as it is, or to allow Council members the option of abstaining. The Commission recommended the following revision:

In Section 3.12, repeal the provision that counts an abstention in voting as a negative vote. The new Section 3.12 would read as follows:

"Should any person on the Town Council choose to abstain from voting on any question before the Town Council, where no conflict of interest exists, the person's vote shall be recorded as an abstention in the official minutes of the meeting."

With no further comments on Articles 1-4 of the Charter, Kenneth Dugger asked the Commission to review Articles 5-9 for the next meeting to be held on July 27, 2016.

4. Adjourn.

The meeting was adjourned at 7:36 p.m. on Wednesday, July 13, 2016.

These minutes approved on the 27th day of July, 2016.

APPROVED:



Kenneth Dugger, Chairman

ATTEST:



Robyn Battle, Town Secretary