



Prosper is a place where everyone matters.

MINUTES
Charter Review Commission
Prosper Municipal Chambers
108 W. Broadway
Prosper, TX 75078
Wednesday, July 27, 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
Robert Griffis

Commission Members Absent:

Mike Korbuly

Staff Members Present:

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

2. Approve Minutes from the July 13, 2016, Charter Review Commission Meeting.

Roger Thedford made a motion and Teague Griffin seconded the motion to approve the minutes from the July 13, 2016, Charter Review Commission meeting. The motion was approved.

3. Discuss proposed amendments to the Prosper Town Charter.

The Charter Review Commission discussed Articles 5-9 of the Prosper Town Charter.

Article 5

Regarding Section 5.01 (2), Ms. Battle stated that the uniform election date in May has changed from the second Saturday in May to the first Saturday in May. In order to comply with state law, the Commission recommended changing the language in this provision to read as follows:

“(2) The regular Town election shall be held annually on the uniform election date in May or such other date as required by the Texas Election Code. The Town Council shall be responsible for specification of places for holding such elections.”

The Commission discussed several provisions in Section 5.01 related to notice and publication requirements, some of which are duplicative of the Texas Election Code. The Commission agreed to repeal Sections 5.01 (4), (5), and (6) entirely. Section 5.01 (1) already states that all

Town elections will be held in accordance with the Texas Election Code, which provides for notice and publication requirements.

The Commission discussed residency and voter registration requirements for Town Council candidates. Since the Town has very little land remaining to be annexed, the Commission recommended removing the provision that allows residents in "recently annexed territory" to file as a candidate for Town Council. They also agreed to extend the length of time a resident must be a registered voter prior to running for Council to twelve months. Sections 5.02 (2) (B) and (C) will be revised to reflect this change.

Section 5.02 (2) (D) related to payment of taxes or other liabilities will be repealed in its entirety at the suggestion of Town Attorney, Terry Welch, as it conflicts with state law.

A new section, 5.01 (2) (I) will be added that will automatically vacate the office of any person holding a position on a Town Board, Commission, or Committee, at the time the person files an application as a candidate for Town Council.

Regarding Section 5.03 (1), the commission discussed the provision regarding duplicate names on official ballots. The Commission recommended revised the language to read as follows:

"(1) The official ballot will be prepared in accordance with the Texas Election Code."

In Section 5.05 (1), the Commission recommended clarifying the time at which newly elected Town Council members are inducted into office. Ms. Battle and Mr. Welch will discuss appropriate language for the Commission to consider.

Article 6

The Charter Commission did not recommend any changes to Article 6.

Article 7

In Section 7.06, the Commission discussed and recommended removing the words "at least 10 days" from the provision. In effect, this would require the Town Council to adopt the budget at any time prior to the beginning of the next fiscal year.

The Commission discussed Sections 7.19, 7.20, and 7.21, but did not recommend any changes to these provisions.

Article 8

In Section 8.01 (2), the Commission recommended removing the words, "as approved by the Town Council." In effect, this would allow board, commission and committee members to be reimbursed for Town-related travel and related expenses, without Council approval. Expenses would need to be eligible in accordance with the Town's travel policy.

The Commission discussed Section 8.01 (3) as it relates to the Town Council receiving a written report of all board, commission, and committee meetings. Town staff is currently providing draft minutes to Council; however, in some cases, it is difficult to provide these to Council within the three-week deadline. The Commission recommended removing this requirement from the provision. Town staff may still provide draft minutes at the Town Council's request, but the Commission felt that this could be handled administratively by the Town Manager, and did not require a Charter provision. The Commission recommended revising the provision to read as follows:

"(3) All boards, commissions or committees of the Town shall keep and maintain minutes of any proceedings held."

Section 8.01 (5) contains a grammatical error. A comma will be added after the words "other members" and before the words "shall forfeit."

Article 9

The Commission discussed some comments that were submitted by Town staff related to the number of meetings required for the Planning & Zoning (P&Z) Commission, whether P&Z needs to have its own section in the Charter, and the number of members required to constitute a quorum. Mr. Welch stated that since P&Z Commissions are required by state law, it is appropriate for there to be a provision in the Charter for it. After discussion, the Commission recommended the provision in Section 9.03 (3) be revised to read as follows:

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

The Commission discussed Section 9.05 as it relates to the Board of Adjustment (BOA). The BOA is a separate entity from the Planning and Zoning Commission; therefore, the provisions for the BOA do not belong in Article 9, which specifically refers to the P&Z Commission. Additionally, the BOA is covered in detail in the Town's Zoning Ordinance. The Commission recommended repealing Section 9.05 in its entirety.

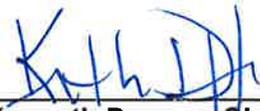
Kenneth Dugger asked the Commission to review Articles 10-15 in preparation for the next meeting to be held on Wednesday, August 10, 2016.

4. Adjourn.

The meeting was adjourned at 7:29 p.m. on Wednesday, July 27, 2016.

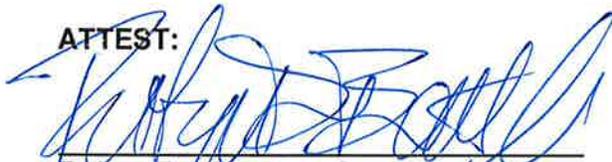
These minutes approved on the 10th day of August, 2016.

APPROVED:



Kenneth Dugger, Chairman

ATTEST:



Robyn Battle, Town Secretary