



*Prosper is a place where everyone matters.*

**AGENDA**  
**Meeting of the Prosper Town Council**  
**SPECIAL CALLED MEETING**  
**TO CANVASS ELECTION**  
Council Chambers  
200 S. Main Street, Prosper, Texas  
Monday, May 13, 2019  
**7:30 a.m.**

1. Call to Order/Roll Call.
2. Consider and act upon an ordinance canvassing the returns and declaring the results of the May 4, 2019, General Election, and ordering a Run-off Election to be held on June 8, 2019. **(RB)**
3. Discuss Town Council subcommittee membership. **(RB)**
4. Adjourn.

**CERTIFICATION**

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at Prosper Town Hall, located at 200 S. Main Street, Prosper, Texas 75078, a place convenient and readily accessible to the general public at all times, and said Notice was posted on May 9, 2019, by 5:00 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.



*Prosper is a place where everyone matters.*

**TOWN SECRETARY'S  
OFFICE**

**To: Mayor and Town Council**  
**From: Robyn Battle, Town Secretary**  
**Through: Harlan Jefferson, Town Manager**  
**Re: Special Called Town Council Meeting – May 13, 2019**

**Agenda Item:**

Consider and act upon an ordinance canvassing the returns and declaring the results of the May 4, 2019, General Election, and ordering a Run-off Election to be held on June 8, 2019. **(RB)**

**Description of Agenda Item:**

The Town of Prosper held a General Election on May 4, 2019, in accordance with the Texas Election Code. The Collin County and Denton County Early Voting Ballot Boards have reconvened and completed their count of provisional ballots. The proposed ordinance includes the final totals of votes cast in the May 4 election.

The following are the results of the tabulation:

	<b>Total Number of Absentee and Early Voting Votes:</b>	<b>Total Number of Votes on Saturday, May 4, 2019:</b>	<b>Total Number of Votes:</b>	<b>Percentage:</b>
<b><u>Mayor</u></b>				
<b>Ray Smith</b>	<b>1834</b>	<b>538</b>	<b>2372</b>	<b>100.00%</b>
	1834	538	2372	100.00%
<b><u>Town Council Place 1</u></b>				
Mike Korbuly	771	249	1020	43.37%
<b>Marcus E. Ray</b>	<b>1053</b>	<b>279</b>	<b>1332</b>	<b>56.63%</b>
	1824	528	2352	100.00%
<b><u>Town Council Place 4</u></b>				
<b>Steve Thomas</b>	<b>679</b>	<b>236</b>	<b>915</b>	<b>38.58%</b>
<b>Meigs Miller</b>	<b>680</b>	<b>190</b>	<b>870</b>	<b>36.68%</b>
Richard "Rick" McGrath	475	112	587	24.75%
	1834	538	2372	100.00%

There were no provisional ballots submitted for Place Mayor, Place 1, or Place 4 in Collin County or Denton County, so the unofficial tabulation that was submitted on election night remains unchanged.

Mayor Ray Smith ran unopposed in the General Election, therefore, he is automatically re-elected to the position of Mayor.

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 Marcus E. Ray has been duly elected to Town Council Place 1.

Because no candidate received at least 50% of the votes for Town Council Place 4, I recommend the Town Council call a runoff election between Steve Thomas and Meigs Miller, the two candidates who received the highest number of votes for Place 4.

**Legal Obligations and Review:**

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the standard ordinance as to form and legality.

**Attached Documents:**

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

**Town Staff Recommendation:**

Town staff recommends that the Town Council adopt an ordinance canvassing the returns and declaring the results of the May 4, 2019, General Election, and ordering a Run-off Election to be held on June 8, 2019.

**Proposed Motion:**

I make a motion to adopt an ordinance canvassing the returns and declaring the results of the May 4, 2019, General Election, and ordering a Run-off Election to be held on June 8, 2019.

**AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 4, 2019, FOR THE PURPOSE OF ELECTING MAYOR, TOWN COUNCIL PLACE 1, AND TOWN COUNCIL PLACE 4; ORDERING A RUN-OFF ELECTION TO BE HELD ON SATURDAY, JUNE 8, 2019; PROVIDING FOR THE DESIGNATION OF THE POLLING PLACE AND MANNER OF HOLDING SAID ELECTION; PROVIDING FOR THE DESIGNATION OF THE EARLY VOTING POLLING PLACE; PROVIDING FOR THE DESIGNATION OF THE EARLY VOTING CLERK; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING FOR THE APPOINTMENT OF ELECTION OFFICERS; 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"), issued an order on February 12, 2019, directing that a General Election be held on May 4, 2019, for the purpose of electing Mayor, Town Council Place 1, and Town Council Place 4; 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**, notice of the general election was properly given by the Town as required by law; and

**WHEREAS**, said election was duly and legally held on May 4, 2019, in the Town and in conformity with the election laws of the State of Texas, and the results of said election have been certified and returned by the proper judge and clerks thereof; and

**WHEREAS**, the Town Council has considered the returns of said election held on May 4, 2019.

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

**SECTION 1**

All of the above premises are hereby found to be true and correct factual and legislative determinations of the Town of Prosper and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2**

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:

	<b>Total Number of Absentee and Early Voting Votes:</b>	<b>Total Number of Votes on Saturday, May 4, 2019:</b>	<b>Total Number of Votes:</b>	<b>Percentage:</b>
<b><u>Mayor</u></b>				
<b>Ray Smith</b>	<b>1834</b>	<b>538</b>	<b>2372</b>	<b>100.00%</b>
	1834	538	2372	100.00%
<b><u>Town Council Place 1</u></b>				
Mike Korbuly	771	249	1020	43.37%
<b>Marcus E. Ray</b>	<b>1053</b>	<b>279</b>	<b>1332</b>	<b>56.63%</b>
	1824	528	2352	100.00%
<b><u>Town Council Place 4</u></b>				
<b>Steve Thomas</b>	<b>679</b>	<b>236</b>	<b>915</b>	<b>38.58%</b>
<b>Meigs Miller</b>	<b>680</b>	<b>190</b>	<b>870</b>	<b>36.68%</b>
Richard "Rick" McGrath	475	112	587	24.75%
	1834	538	2372	100.00%

The canvass of the returns of the General Election held on May 4, 2019, reflects that the following person was duly elected to the respective position shown:

**Mayor: Ray Smith**  
**Town Council Place 1: Marcus E. Ray**

**SECTION 3**

A Run-Off Election of the Town shall be held on June 8, 2019, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of electing Town Council Place 4.

The candidate receiving a majority of the votes cast shall be declared elected.

**SECTION 4**

Qualified voters of the following election precincts shall cast ballots for the Run-Off Election at the heretofore established and designated polling places, as follows:

**Town Precincts**  
 199, 178, 224, and 214  
 (Collin County)

**Polling Place**  
 Prosper Town Hall  
 200 S. Main Street  
 Prosper, Texas 75078

1044 (Denton County)

Prosper Fire Station No. 2  
 1140 S. Teel Parkway  
 Prosper, Texas 75078

Election polls shall be open from 7:00 a.m. until 7:00 p.m., on the date of the Run-Off Election, June 8, 2019.

#### **SECTION 5**

Early voting by personal appearance for Collin County residents shall be available at the Prosper Town Hall, 200 S. Main Street, Prosper, Texas 75078, from 8:00 a.m. to 5:00 p.m., Tuesday through Saturday, beginning on Tuesday, May 28, 2019, and continuing through Saturday, June 1, 2019, which is not a Sunday or any official state holiday, with extended voting hours being held on Thursday, May 31, from 8:00 a.m. to 7:00 p.m., and on Monday, June 3, and Tuesday, June 4, from 7:00 a.m. to 7:00 p.m.

Early voting by personal appearance for Denton County residents shall be available at the Prosper Fire Station No. 2, 1140, S. Teel Parkway, Prosper, Texas, 75078, from 8:00 a.m. to 5:00 p.m., Tuesday through Saturday, beginning on Tuesday, May 28, 2019, and continuing through Saturday, June 1, 2019, which is not a Sunday or any official state holiday, with extended voting hours being held on Monday, June 3, and Tuesday, June 4, from 7:00 a.m. to 7:00 p.m.

Applications for a ballot by mail shall be requested from and returned to the Collin County Elections Administration Office, Attn: Elections Administrator, 2010 Redbud Blvd, Suite 102, McKinney, Texas 75069, [election@collincountytx.gov](mailto:election@collincountytx.gov), or to the Denton County Elections Administration Office, Attn: Elections Administrator, 701 Kimberly Drive, Denton, Texas 76208, [elections@dentoncounty.com](mailto:elections@dentoncounty.com). Applications for a ballot by mail must be received no later than the close of business on May 28, 2019.

Town voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administrator or the Denton County Elections Administrator, which may be designated after May 13, 2019.

#### **SECTION 6**

Voting equipment that has been duly approved by the Secretary of State pursuant to the Texas Election Code shall be used in this Run-Off Election for early voting by personal appearance, Election Day voting, and early voting by mail.

#### **SECTION 7**

The Town Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with the conduct of this Run-Off Election. The Run-Off Election, including providing notice of the Run-Off Election, shall be conducted in accordance with the Texas Election Code and other applicable law, and all resident qualified and registered voters of the Town shall be eligible to vote at the Run-Off Election.

#### **SECTION 8**

The Election Officer shall arrange for the appointment, notifications, training and compensation of all election judges and alternate judges in accordance with the law. The presiding Judge shall appoint not less than two (2) nor more than nine (9) qualified elections clerks to serve and assist in the conduct of the election in accordance with the law.

**SECTION 9**

The Mayor and the Town Secretary of the Town, in consultation with the Town Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code and any other state or federal law in carrying out and conducting the Run-Off Election, whether or not expressly authorized herein.

**SECTION 10**

This ordinance and order for a Run-Off Election shall be effective from and after the passage of this ordinance.

**SECTION 11**

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 12**

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 is 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 13**

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 13TH DAY OF MAY, 2019.**

**APPROVED:**

\_\_\_\_\_  
**Ray Smith, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Robyn Battle, Town Secretary**

**APPROVED AS TO FORM:**

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**Terrence S. Welch, Town Attorney**



STATE OF TEXAS

§

CANVASS OF THE  
TOWN OF PROSPER  
ELECTION

COUNTY OF COLLIN

§

MAY 4, 2019

I, Bruce Sherbet, the undersigned Elections Administrator of Collin County, do hereby certify that I have made an actual check and comparison of all the ballots tabulated as voted with the Return Sheets, and the unused ballots as recorded on the Register of Official Ballots. I, therefore, make the following report of my findings from the May 4, 2019, Town of Prosper Election that was held in Collin County, Texas.

I hereby certify the results to be a full, true and correct tabulation, audit and count of the votes cast in the said election.

WITNESS, my hand on this the 10th day of May 2019.



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Bruce Sherbet  
Elections Administrator  
Collin County

Election Summary Report  
 Collin County, Texas  
 General and Special Elections  
 May 4, 2019

Date:05/10/19  
 Time:11:59:55  
 Page:1 of 1

Summary For Jurisdiction Wide, All Counters, Prosper Town  
 Early Voting and Election Day Combined Accumulated Totals.  
 47of 47 Vote Centers Reporting.

Registered Voters 573492 - Cards Cast 2349 0.41%

Num. Report Precinct 228 - Num. Reporting 228 100.00%

Prosper Council P1		Total	
Number of Precincts		5	
Precincts Reporting		5	100.0 %
Vote For		1	
Times Counted	2483/12561		19.8 %
Total Votes		2101	
Times Blank Voted		382	
Times Over Voted		0	
Number Of Under Votes		0	
Mike Korbuly		935	44.50%
<b>Marcus E. Ray</b>		1166	55.50%

Prosper Council P4		Total	
Number of Precincts		5	
Precincts Reporting		5	100.0 %
Vote For		1	
Times Counted	2483/12561		19.8 %
Total Votes		2136	
Times Blank Voted		347	
Times Over Voted		0	
Number Of Under Votes		0	
<b>Steve Thomas</b>		820	38.39%
Meigs Miller		798	37.36%
Richard McGrath		518	24.25%

2019 May General and Special Elections

Run Time 4:16 PM

5/4/2019

Run Date 05/08/2019

Page 1 of 3

Town of Prosper Mayor

Precinct	Ray Smith	Cast Votes	Undervotes	Overvotes	Absentee Voting Ballots Cast	Early Voting Ballots Cast	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
1044	251	251	53	0	2	236	66	304	2023	15.03 %
<b>Totals</b>	<b>251</b>	<b>251</b>	<b>53</b>	<b>0</b>	<b>2</b>	<b>236</b>	<b>66</b>	<b>304</b>	<b>2023</b>	<b>15.03 %</b>

2019 May General and Special Elections

Run Time 4:16 PM  
Run Date 05/08/2019

5/4/2019  
Page 2 of 3

Town of Prosper Town Council, Place 1

Precinct	Mike Korbuly	Marcus E. Ray	Cast Votes	Undervotes	Overvotes	Absentee Voting Ballots Cast	Early Voting Ballots Cast	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
1044	85	166	251	53	0	2	236	66	304	2023	15.03 %
<b>Totals</b>	<b>85</b>	<b>166</b>	<b>251</b>	<b>53</b>	<b>0</b>	<b>2</b>	<b>236</b>	<b>66</b>	<b>304</b>	<b>2023</b>	<b>15.03 %</b>

Run Time 4:16 PM

5/4/2019

Run Date 05/08/2019

Page 3 of 3

Town of Prosper Town Council, Place 4

Precinct	Steve Thomas	Meigs Miller	Richard "Rick" McGrath	Cast Votes	Undervotes	Overvotes	Absentee Voting Ballots Cast	Early Voting Ballots Cast	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
1044	95	72	69	236	68	0	2	236	66	304	2023	15.03 %
<b>Totals</b>	<b>95</b>	<b>72</b>	<b>69</b>	<b>236</b>	<b>68</b>	<b>0</b>	<b>2</b>	<b>236</b>	<b>66</b>	<b>304</b>	<b>2023</b>	<b>15.03 %</b>