

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING DIVISION 1, "GENERALLY," OF ARTICLE 1.04, "BOARDS, COMMISSIONS AND COMMITTEES," OF CHAPTER 1, "GENERAL PROVISIONS," OF THE TOWN'S CODE OF ORDINANCES BY PROVIDING FOR TERM LIMITS FOR MEMBERS OF TOWN BOARDS, COMMISSIONS AND COMMITTEES; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**WHEREAS**, the Town Charter, the Town's Code of Ordinance as well as certain provisions of state law allow for the appointment of residents and others to boards, commissions and committees established by the Town; and

**WEHREAS**, not unlike Town Councilmembers who are subject to Town Charter-imposed term limitations, it is the desire of the Prosper Town Council to provide for term limits for members appointed to Town boards, commissions and committees; and

**WHEREAS**, the Town Council believes that term limitations serve a valuable community and public interest and are therefore advisable.

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

### **SECTION 1**

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

### **SECTION 2**

From and after the effective date of this Ordinance, Division 1, "Generally," of Article 1.04, "Boards, Commissions and Committees," of Chapter 1, "General Provisions," of the Town of Prosper Code of Ordinances, is hereby amended to read as follows:

#### **"DIVISION 1. GENERALLY**

##### **Sec. 1.04.001 Term Limits for Members of Town Boards, Commissions and Committees.**

- (a) No person shall serve as a member of a Town board, commission or committee for more than three (3) consecutive appointive terms.
- (b) For purposes of this section and computing the limitations on terms:
  - (1) A Town board, commission or committee member, who vacates, for any reason, his or her office before the end of the term for which he or she was appointed, shall be considered to have completed that term.

(2) An appointment to fulfill an unexpired Town board, commission or committee term shall be computed as follows:

(i) if fifty percent (50%) or more of the term is remaining, it shall be included in the computation of term limits; or

(ii) if less than fifty percent (50%) of the term is remaining, it shall not be included in the computation of term limits.

(c) Any Town board, commission or committee member who is ineligible for appointment to the Town board, commission or committee to which he or she was appointed due to the limitations on terms as provided herein, shall remain ineligible to be appointed to that same Town board, commission or committee for a period of ten (10) months following the expiration of the most recent term of office for which he or she was appointed.

(d) To account for the transition to term limits, the term that each person on a Town board, commission or committee is filling as of September 30, 2022, and all terms consecutively served prior to that current term, shall not count for purposes of determining whether three (3) consecutive terms have been served.

#### **Sec. 1.04.002 Exclusions to Term Limitation Provisions**

(a) The provisions of Section 1.04.001 shall not apply to any Town board, commission or committee member who is a Town Council member, an elected county official or who is appointed pursuant to a state law mandating the appointment of individuals with certain statutorily defined qualifications for appointment.

(b) The provisions of Section 1.04.001 shall not apply to any person appointed to a Town *ad hoc* committee that has not been established by the Town Council as a standing Town board, commission or committee.

#### **Sec. 1.04.003—1.04.030      Reserved”**

### **SECTION 3**

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. The Town 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 4**

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, and any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 5**

This Ordinance shall become effective from and after its adoption and publication as required by law.

**DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 27TH DAY OF SEPTEMBER, 2022.**

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**David F. Bristol, Mayor**

**ATTEST:**

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**Michelle Lewis-Sirianni, Town Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Terrence S. Welch, Town Attorney**