

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING SECTION 1.02.061, "REGULAR MEETINGS," AND SUBSECTION (a) OF SECTION 1.02.162, "PUBLIC MEMBER REQUEST TO SPEAK AT PUBLIC HEARING," OF ARTICLE 1.02, "TOWN COUNCIL," OF CHAPTER 1, "GENERAL PROVISIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, RELATIVE TO THE STARTING TIME OF REGULAR TOWN COUNCIL MEETINGS AND AT PUBLIC HEARINGS ALLOWING ONE MEMBER OF THE PUBLIC TO SPEAK ON BEHALF OF MULTIPLE MEMBERS OF THE PUBLIC, WITH CERTAIN RESTRICTIONS, RESPECTIVELY; MAKING FINDINGS RELATED THERETO; PROVIDING REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about December 10, 2013, the Town Council of the Town of Prosper, Texas ("Town Council"), adopted Ordinance No. 13-63, which Ordinance provided, in part, for Rules of Order and Procedure ("Rules") for the Town Council; and

WHEREAS, the Town Council has determined that it would be beneficial to make the following minor amendments to the Rules to address the starting time for regular Town Council meetings as well as at public hearings allowing one member of the public to speak on behalf of multiple members of the public, with certain restrictions on such authority.

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

SECTION 1

The findings set forth above are hereby found to be true and correct and 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, existing Section 1.02.061, "Regular Meetings," of Article 1.02, "Town Council," of Chapter 1, "General Provisions," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended to read as follows:

"ARTICLE 1.02 TOWN COUNCIL

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Division 3. Town Council meetings

Sec. 1.02.061 Regular meetings

Regular meetings of the Town Council shall be held on the second and fourth Tuesdays of each month. The meetings will begin at **5:45 p.m.**, unless the time is otherwise modified by a posted agenda, and will be held at a location specified on the posted agenda. The start time of regular meetings may be changed by resolution of the Town Council.

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SECTION 3

From and after the effective date of this Ordinance, existing Subsection (a) of Section 1.02.162, "Public Member Request to Speak at Public Hearing," of Article 1.02, "Town Council," of Chapter 1, "General Provisions," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended to read as follows:

"ARTICLE 1.02 TOWN COUNCIL

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Division 6. Public hearings

Sec. 1.02.162 Public member request to speak at public hearing

(a) Any person wishing to speak at a Public Hearing scheduled on the agenda shall complete a Public Meeting Appearance Card prior to the matter being reached, and present it to the Town Secretary. Upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor. All persons wishing to speak on the matter shall be limited to three (3) minutes each, and there shall be a cumulative limit of sixty (60) minutes for all those speaking in favor of an item and a like limit for those speaking in opposition. **If multiple individuals wish to speak on a specific topic, they may yield their three (3) minutes to one individual appointed to speak on their behalf. The appointed individual shall be limited to a total of fifteen (15) minutes, regardless of the number of individuals they are representing. All individuals who choose to yield their time must be physically present at the meeting.** The time limit may be extended by a majority vote of the Town Council.

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SECTION 4

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 portion of conflicting ordinances shall remain in full force and effect.

SECTION 5

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. 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.

SECTION 6

This Ordinance shall take effect and be in full force from and after its passage, as provided by the Revised Civil Statutes of the State of Texas.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 25TH DAY OF JANUARY 2022.

Ray Smith, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney