

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING DIVISION 5, "RULES OF CONDUCT," OF ARTICLE 1.02, "TOWN COUNCIL," OF CHAPTER 1, "GENERAL PROVISIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY ADDING A NEW SECTION 1.02.129, "CODE OF CONDUCT FOR TOWN COUNCILMEMBERS"; AMENDING SUBSECTION (b), "CONDUCT OF MEMBERS," OF SECTION 1.04.003, "CODE OF CONDUCT FOR TOWN BOARD, COMMISSION AND COMMITTEE MEMBERS," OF DIVISION 1, "GENERALLY," OF ARTICLE 1.04, "BOARDS, COMMISSIONS AND COMMITTEES," OF CHAPTER 1, "GENERAL PROVISIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY CLARIFYING SAID CODE OF CONDUCT AND BRINGING IT INTO CONFORMITY WITH THE TOWN COUNCIL'S CODE OF CONDUCT; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Prosper, Texas ("Town"), previously has adopted a Code of Ethics for Town councilmembers as well as board, commission and committee members, among others; and

WHEREAS, the Code of Ethics generally requires that all public officials, officers and employees of the Town, and all members of Town-appointed boards, commissions and committees, be independent, impartial and responsible only to the people of the Town; and

WHEREAS, the Code of Ethics generally does not address meeting protocols related to behavior of Town Councilmembers and members of boards, commissions and committees, and it is the desire of the Town Council to do so; and

WHEREAS, on or about May 27, 2025, in Ordinance No. 2025-19, the Town Council adopted a Code of Conduct for all members of Town boards, commissions and committees; and

WHEREAS, the Town Council believes that a Code of Conduct is appropriate for members of the Town Council as well, and further, the Town Council desires to ensure that any Code of Conduct it adopts is congruent with the Code of Conduct for the members of Town boards, commissions and committees, thus providing clear guidance to all elected or appointed members who hold Town offices; and

WHEREAS, the Town Council has further determined that a uniform Code of Conduct is in the best interests of the Town and the members of the Town Council as well as the members of all Town boards, commissions and committees.

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 5, "Rules of Conduct," 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 by adding a new Section 1.02.129, "Code of Conduct for Town Councilmembers," to read as follows:

"ARTICLE 1.02 TOWN COUNCIL

* * *

§ 1.02.129. Code of Conduct for Town Councilmembers.

All Members of the Town Council:

- (1) shall treat Town residents, Town staff, members of the public, and one another with dignity and respect at all times;
- (2) shall not engage in any form of abuse, harassment, discrimination, intimidation, the use of indecent or insulting words or expressions toward another Town Councilmember, staff member or member of the public;
- (3) shall assist in preserving order and decorum and shall neither by conversation nor otherwise delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the Town Council;
- (4) shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and/or verbal abuse;
- (5) when desiring to question Town administrative staff, shall address questions to the Town Manager who shall be entitled either to answer the inquiries or to designate some member of Town staff for that purpose;
- (6) shall neither berate nor admonish Town staff members;
- (7) when recognized by the presiding officer, shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another Town Councilmember, or unless the speaker chooses to yield to questions from another Town Councilmember;
- (8) shall cease speaking immediately if called to order by the presiding officer and shall not continue speaking until the question of order is determined. If ruled to be in order, the Town Councilmember shall be permitted to proceed. If ruled not to be in order, the Town Councilmember shall remain silent or make additional remarks to comply with rules of the Town Council;
- (9) shall confine questions to the particular matters before the Town Council and in debate shall confine their remarks to the issues before the Town Council; and

- (10) may be subject to removal if they violate any federal or state law or Town ordinance.

§ 1.02.130 through § 1.02.160. (Reserved)."

SECTION 3

From and after the effective date of this Ordinance, Subsection (b), "Conduct of Members," of Section 1.04.003, "Code of Conduct for Town Board, Commission and Committee Members," of Division 1, "Generally," of Article 1.04, "Boards, Commissions and Committees," of Chapter 1, "General Provisions," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended to read as follows:

"ARTICLE 1.04 BOARDS, COMMISSIONS AND COMMITTEES

* * *

Sec. 1.04.003 Code of Conduct for Town Board, Commission and Committee Members.

* * *

(b) Conduct of Members. All Members:

- (1) shall treat Town residents, Town staff, members of the public, and one another with dignity and respect at all times;
- (2) shall not engage in any form of abuse, harassment, discrimination, intimidation, the use of indecent or insulting words or expressions toward another Member, staff member or member of the public;
- (3) shall assist in preserving order and decorum and shall neither by conversation nor otherwise delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the Town
- (4) shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and/or verbal abuse;
- (5) shall neither berate nor admonish Town staff members;
- (6) when recognized by the presiding officer, shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another Member, or unless the speaker chooses to yield to questions from another Member;
- (7) shall cease speaking immediately if called to order by the presiding officer and shall not continue speaking until the question of order is determined. If ruled to be in order, the Member shall be permitted to proceed. If ruled not to be in order, the

Member shall remain silent or make additional remarks to comply with rules of the Town;

- (8) shall confine questions to the particular matters before the body and in debate shall confine their remarks to the issues before the body; and
- (9) may be subject to removal if they violate any federal or state law or Town ordinance.”

SECTION 5

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

SECTION 6

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 of Prosper 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 7

This Ordinance shall become effective after its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 10TH DAY OF MARCH, 2026.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney