

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ADOPTING NEW PERSONNEL POLICIES REGARDING INJURY AND ILLNESS LEAVE AND MENTAL HEALTH LEAVE FOR CERTAIN PERSONNEL, AS REQUIRED BY RECENT LEGISLATION; MAKING FINDINGS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Regular Session of the 88th Texas Legislature adopted two (2) bills that impact certain existing Town personnel policies, as more fully described herein; and

**WHEREAS**, House Bill 471`provides, in part, that municipalities must provide paid illness and injury leave for first responders for any injury or illness related to a first responder's line of duty for up to one year; and

**WHEREAS**, House Bill 1486 provides, in part, that law enforcement agencies must develop and adopt a policy allowing the use of mental health leave by a full-time telecommunicator who experienced a traumatic event in the scope of that employment, similar to mental health leave previously provided to peace officers and which the Town has extended to fire personnel, as more fully described in the policy; and

**WHEREAS**, the Governor has signed both House Bill 471 and House Bill 1486; and

**WHEREAS**, the newly revised policies, attached hereto as Exhibit A and Exhibit B, respectively, are in full compliance with the foregoing legislation; and

**WHEREAS**, the Town Council hereby adopts the attached illness and injury leave and mental health leave policies for inclusion in the Town's Personnel Policies.

**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**

The Town Council hereby adopts the attached injury and illness leave and mental health leave policies for inclusion in the Town's Personnel Policies.

**SECTION 3**

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict.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 4**

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 5**

This Ordinance shall become effective after its passage.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS THE 22ND DAY OF AUGUST, 2023.**

**APPROVED:**

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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**

**EXHIBIT A**

**(Injury/Illness Leave Policy)**

**EXHIBIT B**

**(Mental Health Leave Policy)**