



**PROVIDENCE
VILLAGE ★ TX**

TOWN OF PROVIDENCE VILLAGE

2025-2026 HOME RULE CHARTER REVIEW

TOWN COUNCIL APPROVED AMENDMENTS & BALLOT PROPOSITIONS

FEBRUARY 3, 2026

AMENDMENTS & BALLOT PROPOSITIONS

The Town of Providence Village Charter Review Commission (the Commission) recommended an election be called to put forward changes to the Town Charter for the community's consideration. The council reviewed and provided comments and revisions to the proposed changes at meetings on January 20, 2026, and February 3, 2026. The final proposed amendments to the current charter are set forth below, with the deletions as strike-throughs and the additions underlined. Following each amended section or sections are the town attorney's commentary, discussion, and the approved ballot propositions. There are eight total propositions.

1. Term Limits

The first section proposed for amendment is Section 3.02, which currently and simply provides there are no term limits. The proposed amendment:

§ 3.02. Limitation on Terms.

~~This Charter does not restrict or place limitations on the number of terms any one person may serve.~~

- (A) A person who has served as a Council member, regardless of place, for three consecutive (3) terms shall not again be eligible to serve as a Council member until the third anniversary of the end of their third consecutive term. This shall not prevent a person from becoming a candidate for or serving as Mayor upon the expiration of the third term as a council member, unless the person has already served three (3) terms as Mayor.
- (B) A person who has served as Mayor for three consecutive (3) terms shall not again be eligible to serve as Mayor until the third anniversary of the end of their third consecutive term. This shall not prevent a person from becoming a candidate for or serving as a Council member upon expiration of the third term as Mayor, unless the person has already served three (3) terms as a Council member, regardless of place.
- (C) A person who has served as Mayor or Council member for six (6) consecutive terms shall not again be eligible to serve as Mayor or Council member until the third anniversary of the end of their third consecutive term.
- (D) As used in this section, "Council member" means Places 1 through 6 and does not include "Mayor." Any length of service within a three-year term that exceeds 540 days is a term served. A person vacating an office for any reason after serving any period shall be deemed a term served under this section. The term limits under this section shall only apply to terms which commence after May 2, 2026.
- (E) Any length of service as Mayor or Council member by an emergency appointment under Section 3.06(H) shall not count as a term or portion of a term under this section.

Discussion: Recognizing considerations which normally accompany debates on term limits (i.e., encouraging diverse participation in town government, fresh ideas, etc., versus recognizing the value in having experienced elected officials) the commission recommends these amendments to requires officials to step aside and take a hiatus or "break" for three years after three consecutive

terms as either a council member or mayor. There is an overall limit of six terms before a break is required when a person switches between council and mayoral positions. Changes made to the commission's recommendation make clear a person may apply for a place on the ballot before the third anniversary of the end of their last consecutive term.

Proposition Number 1:

Shall the Charter of the Town of Providence Village, Texas, be amended to provide term limits such that a person may not serve more than three consecutive terms as Mayor, three consecutive terms as a Council member, or six consecutive terms in either office, until the third anniversary of the end of their last term?

2. Town Council Regular Meeting Absences

The council proposes the following amendments to section 3.06:

§ 3.06. Vacancies, Forfeiture and Filling of Vacancies.

... [No amendments are intended to existing subsection (A).]

- (B) If any member of the Town Council is absent from three (3) consecutive regular meetings or twenty-five percent (25%) of regular meetings during the twelve-month (12-month) period immediately preceding and including the absence in question, without explanation acceptable to either the Mayor or a majority of the remaining members of the Town Council, his or her office shall be deemed and declared vacant by resolution at the next regular meeting of the Town Council. The Town Council shall convene a public hearing before exercising its authority under this provision, and permit the Council member to be heard regarding absences.

... [No amendments are intended to existing subsections (C)-(D).]

Discussion: The current charter only provides for removal of Town Council members if absent from three consecutive regular meetings if those absences are not excused. The amendment retains the current attendance requirement but adds a provision for potential removal if a Town Council member is absent without excuse from twenty-five percent of the Town's regular meetings during any twelve-month period. Assuming two regular meetings per month, this amounts to six unexcused absences during a twelve-month period.

Proposition Number 2:

Shall the Charter of the Town of Providence Village, Texas, be amended to provide a Town Council member is subject to removal if they are absent without excuse from twenty-five percent of regular meetings during any twelve-month period?

3. Procedures When Council Vacancies Occur

The council proposes additional amendments to section 3.06 concerning the filling of vacancies by appointment:

§ 3.06. Vacancies, Forfeiture and Filling of Vacancies. [*continued*]

. . . [*Proposed amendment to subsection (B) is set forth above; no amendments to other subsections (A), (C), and (D) are intended.*]

- (E) When permitted by law, wWithin thirty (30) days of a declared Council vacancy, excluding the office of Mayor, the remaining members of the Council shall, by majority action, appoint a qualified person to fill that vacancy for the remainder of that term, or until the next regular Town election, whichever occurs first. Any person appointed to a vacancy which occurs in the first year of a three-year term, shall have to stand for election at the next regular Town election to serve out the one-year remaining on that term.
- (F) An application for consideration of office by appointment will be subject to the same eligibility criteria as an application to appear on an election ballot. The period for acceptance of applications will be fourteen (14) days from the date the application period is opened. The application period shall be advertised via the Town's website, and may be advertised on available social media platforms. The applications will be distributed to and reviewed by Town council. The Town council will consider making an appointment to the vacant unexpired term at the next posted meeting that occurs after the end of the application period. The names of all eligible applicants must be stated on the posted meeting agenda required under Texas law.
- (~~F~~G) If a vacated position is that of Mayor Pro-Tem, the Deputy Mayor Pro-Tem shall become Mayor Pro-tem and the Town Council shall elect a new Deputy Mayor Pro-Tem at the next regular council meeting following the declared vacancy.
- (~~G~~H) Notwithstanding the requirement that a quorum of the Town Council consists of a majority of the full membership of the Council, if, at any time, the membership of the Town Council is reduced to less than a majority, the remaining members shall, by majority action, appoint additional members to raise the membership sufficient to constitute a quorum. These appointees shall serve until the positions can be filled at the next regular Town election. All vacancies filled by election shall be for the remainder of the unexpired term(s) of the office so filled.

Discussion: The commission has concerns about lack of public notice and candidate vetting when council vacancies can be filled by appointment. There is also a question about when appointments are allowed under the current version of Article 11, Section 11 of the Texas Constitution.

Proposition Number 3:

Shall the Charter of the Town of Providence Village, Texas, be amended to require public notice, candidate applications, and related procedures when the Town Council is allowed to fill a council vacancy by appointment under Texas law?

4. Council Conflicts of Interest

The commission proposes adding a new subsection (D) to section 3.08:

§ 3.08. Prohibitions.

. . . . [No changes are proposed for subsections (A) through (C).]

(D) No member of the Town Council shall hold any other public office or employment with the Town of Little Elm, the Town of Cross Roads, the City of Krugerville, or the City of Aubrey, nor shall they serve on the governing body for any property owners or homeowners association or organization which governs property wholly or partially located within the Town.

Discussion: The commission had concerns about the lack of clear charter rules prohibiting Town Council members from holding public office or employment with neighboring cities, or prohibiting them from serving on governing boards of local property or homeowners' associations.

Proposition Number 4:

Shall the Charter of the Town of Providence Village, Texas, be amended to prohibit Town Council members from holding office or employment with the Town of Little Elm, the Town of Cross Roads, the City of Krugerville, or the City of Aubrey, or serving on the governing body of any property owners or homeowners association or organization over property in the Town?

5. Signatures Required for Recall, Initiative, Referendum Petitions

The commission proposed changes to the signature requirements in the following sections:

§ 6.02. Petitions for Recall.

Before the question of recall of such officer shall be submitted to the qualified voters of the Town, a petition demanding such question to be so submitted shall first be filed with the person performing duties of Town Secretary, which said petition must be signed by twenty-five percent (25%) of the qualified voters in the Town ~~number of votes cast for the place or position held by that member of the Town Council in the last general municipal election, for that place or position.~~ Each signer of such recall petition shall be a qualified voter and personally sign his or her name thereto in ink or indelible pencil. For a petition signature to be valid it must comply with the requirements for a valid signature set forth in Chapter 277 of the Texas Election Code, as amended.

. . . .

§ 6.13. Initiative.

Following a review by the Town Attorney for enforceability and legality, qualified voters of the Town may initiate legislation by submitting a petition addressed to the Town Council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the Town. Said petition must be signed by a minimum of twenty-five percent (25%) of the number of qualified voters in the Town ~~east at the last regular Town election~~, and each copy of the petition

shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed, as provided in this Article, and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. Such petition shall be filed with the person performing the duties of Town Secretary. Within twenty-one (21) days after the filing of such petition, the person performing the duties of Town Secretary shall present said petition and proposed ordinance or resolution to the Town Council.

[No changes are intended to the second paragraph of Section 6.13.]

§ 6.14. Referendum.

Qualified voters of the Town may require that any ordinance or resolution, with the exception of ordinances or resolutions appropriating money, authorizing the issuance of public securities or levying taxes, passed by the Town Council be submitted to the voters of the Town for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution, or within thirty (30) days after its publication. Said petition must be signed by twenty-five percent (25%) of the number of qualified voters in the Town ~~east at the last regular Town election~~, and each copy of the petition shall have attached to it a copy of the proposed ordinance or resolution and shall be addressed, signed, and verified as required for recall petitions in this Article and shall be submitted to the person performing the duties of Town Secretary. Within twenty-one (21) days of the filing of such petition, the person performing the duties of Town Secretary shall present said petition to the Town Council. Thereupon the Town Council shall reconsider such ordinance or resolution at the next regular meeting of the Town Council. If the Town Council does not entirely repeal the same, shall submit it to popular vote as provided in Section 6.13 of this Charter. Pending the holding of such election, each ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof. Unless otherwise provided by law, any election for a referendum under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65th) day after the petition was presented to the Town Council.

Discussion: There are concerns about tying the number of signatures required to force elections under the charter to the turnout of the last election. The petitions allowed under the charter are: (1) petitions for initiative (where the petition proposes new ordinance or legislation); (2) petitions for referendum (where the petition proposed a repeal or modification of existing ordinance); and (3) recall petitions to remove Town Council members. *Note: The number of signatures required for petitions to amend the charter are set by state law.* The current charter allows initiative, referendum, and recall petitions to be supported a number of signatures equal to twenty-five percent of the number of voters in a prior election. The proposed amendment changes that number to twenty-five percent of the qualified voter of the Town.

Proposition Number 5:

Shall the Charter of the Town of Providence Village, Texas, be amended to require petitions for initiative, referendum, and recall, to be supported by a number of signatures equal to twenty-five percent of the qualified voters of the Town?

6. Require Committee of Resident Voters for Election Petitions

The commission proposes the following new section 6.23:

§ 6.23. Petitioners Committee.

Any ten (10) qualified voters in the Town may commence proceedings contemplated by this article by filing with the Town Secretary an affidavit stating that they will constitute the petitioners committee. The members of the committee will be responsible for preparing, printing, and circulating any petition under this article. The committee will file any petition in proper form and specify the address to which all notices to the committee are to be sent. The affidavit shall state in full the proposed initiative ordinance or cite the ordinance sought to be reconsidered, or in the case of recall, the identity of the official whose recall is being sought.

Discussion: This is a new section. There are concerns about groups of non-residents seeking to force elections for initiative, referendum, recall, or charter amendments under the present charter. The proposed amendment would require petition proceedings to be commenced by a committee of at least ten (10) qualified voters of the Town. As noted below, Section 15.02 will also be amended to make clear this change also applies to charter amendment petitions.

Proposition Number 6:

Shall the Charter of the Town of Providence Village, Texas, be amended to require petitions for initiative, referendum, recall, and charter amendment to be commenced by a committee of at least ten qualified voters of the Town?

7. Allowing Future Audits by Member of Same Accounting Firm

§ 7.17. Independent Audit.

At the close of each fiscal year, and at such other times as may be deemed necessary, the Town Council shall call for an independent audit to be made of all accounts of the Town by a certified public accountant. No more than five (5) consecutive annual audits shall be completed by the same accountant ~~or accounting firm~~. The certified public accountant selected shall have no personal interest, directly or indirectly, in the financial affairs of the Town or any of its officers. The report of audit, with the auditor’s recommendations will be made to the Town Council. Upon completion of the audit, the summary shall be published on the Town’s official website and copies of the audit placed on file in the office of the person performing the duties of Town Secretary, as a public record.

Discussion: The current charter requires annual fiscal audits consistent with state law. But the charter also provides no more than five consecutive annual audits can be conducted by the same accountant *or accounting firm*. While recognizing the need to promote accountability, the commission expressed concern this requirement is unnecessarily burdensome and there is a loss of institutional knowledge if accounting firms must be changed every five years. The amendment allows audits to remain with the same accounting firm after five consecutive years, though the accountant within the firm must change after five consecutive years.

Proposition Number 7:

Shall the Charter of the Town of Providence Village, Texas, be amended to allow annual fiscal audits be conducted by the same accounting firm more than five consecutive years so long as the accountant within the firm is changed?

8. Signatures Required to Support Petitions to Amend Charter

Changes to section 15.02 are proposed:

§ 15.02. Petition to Amend Charter.

Amendments to this Charter may be framed and submitted to the qualified voters of the Town in the manner provided by the Constitution and the laws of the State of Texas; including upon the Town Council’s own motion or upon petition by twenty-five percent (25%) of the qualified voters in the Town or the number of five hundred (500) qualified voters of the Town as provided by state law, whichever is less. Each signer of such petition to amend shall be a qualified voter and personally sign his or her name thereto in ink or indelible pencil. For a petition signature to be valid it must comply with the requirements for a valid signature set forth in Chapter 277 of the Texas Election Code, as amended. A petition to amend the charter is subject to the requirements of Section 6.23.

Discussion: State law sets the number of signatures required to support a petition to amend the charter at five percent of the qualified voters of the Town or 20,000, whichever is less. Tex. Loc. Gov’t Code § 9.004(a). Five percent of the qualified voters of the Town will likely always be less than 20,000, but the current charter lowers that threshold to only 500. The amendment deletes the five hundred signature threshold and effectively ties the signature requirement to five percent of the registered voters (which is current about 300 voters, but will likely increase).

The twenty-five percent threshold is added. While not consistent with current state law, the charter is amended to allow for future changes to state law, but it is clear the lower threshold will control.

The addition of the last sentence is explained in Part 6 above.

Proposition Number 8:

Shall the Charter of the Town of Providence Village, Texas, be amended to make the number of signatures required petition for a charter amendment be twenty-five percent (25%) of the qualified voters of the Town, or a number consistent with state law, whichever is less?