
City of Dripping Springs

Founders Day Governance Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, AMENDING CHAPTER 2, ARTICLE 2.04, DIVISION 4 OF THE CODE OF ORDINANCES; REVISING STANDARDS, STRUCTURE, AND PROCEDURES FOR THE FOUNDERS DAY COMMITTEE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALER; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the Founders Day Committee plays a vital role in organizing and promoting the annual Founders Day Festival which celebrates the City’s heritage and community spirit; and

WHEREAS, the City Council has determined that revisions to the Committee’s membership, responsibilities, procedures, and operations are necessary to reflect current practices and improve governance and efficiency; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 2, Article 2.04, Division 4 of the Code of Ordinances is amended to read in accordance with “**Exhibit A**”, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be added to Article 2.04 and any text that is struck through shall be removed.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication as provided for by law.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the ____ day of XXX, _____, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

by: _____
Bill Foulds, Jr., Mayor

ATTEST:

Diana Boone, City Secretary

City of Dripping Springs

CODE OF ORDINANCES

CHAPTER 2. ADMINISTRATION AND PERSONNEL

ARTICLE 2.04: BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 4. FOUNDERS DAY ~~COMMISSION~~ COMMITTEE

Sec. 2.04.091. ~~Creation~~ Title.

~~There is hereby created~~ This division shall be commonly cited as the "City of Dripping Springs Founders Day ~~Commission~~ Committee Ordinance".

Sec. 2.04.092. ~~Purpose~~

- (a) This article provides for the standards for the formation, function, and responsibilities of the Founders Day Committee.
- (b) The committee is formed to:
 - (1) Plan, promote, arrange and organize a safe and enjoyable Founders Day event, celebrating the rich history and community spirit of Dripping Springs;
 - (2) Support the fundraising efforts of the three sponsoring organizations; the Dripping Springs Lions Club, St. Martin de Porres Church, and the Dripping Springs Cookoff Club;
 - (3) Promote the community including local businesses, community groups, and artists participating in the Founders Day event;
 - (4) Minimize adverse impacts on downtown businesses and non-participating citizens;
 - (5) Manage the finances and fees related to the Founders Day event;

Sec. 2.04.093. Definitions.

~~The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:-~~

- (a) Rules of interpretation. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number

shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

(b) Specific definitions.

~~Commission~~ ~~Committee~~: The City of Dripping Springs Founders Day ~~Commission~~-Committee.

District: The Drippings Springs Independent School District.

ETJ: The extraterritorial jurisdiction of the City of Dripping Springs, Texas.-

Festival or Founders Day: The annual Founders Day celebration held in Dripping Springs, Texas.

Sec. 2.04.~~093~~-094. Membership; Meetings.

- (a) Number of Members. The ~~commission~~committee shall be composed of ~~14~~up to 15 members, including a chairperson, who are known to be interested in the annual Founders Day celebration and who have contributed to its success in previous years. The members shall include members of the organizations and at-large members. The Lions Club shall include three members as representatives of the carnival and the food vendors; the Dripping Springs Cook-Off Club shall include three members as representatives of the cooks participating in the cook-offs; and the St. Martin de Porres Church shall include three members as representatives of the arts and crafts vendors. The city council shall appoint ~~five~~up to six members to serve as at-large members for a two-year term. The ~~commission~~committee shall inform the city council in writing whenever a vacancy exists in an at-large or organization member position.
- (b) At the time new appointments for members who are organization representatives are needed, the city council or ~~commission~~committee shall request nominations from the organizations. Upon request, the Lions Club; the Cook-Off Club; and St. Martin de Porres Church shall provide nominee applications from each of their respective organizations to the ~~commission~~committee to serve as ~~commissioners~~-committee members. Each nominee application shall be reviewed by the ~~commission~~committee. The ~~commission~~committee shall make recommendations for each nominee to the city council. The city council shall select members from each organization's nominees to serve two-year terms after review of the ~~commission's~~committee's recommendations but can reject any or all applications. The city council can request additional nominee applications from the organizations if all vacancies are not filled by the organization's nominations.
- (c) At the time new appointments for at-large members are needed, the city council shall request nominations from the members of the ~~commission~~committee and the public for each vacancy. The city secretary shall post on the city website any time a vacancy occurs and shall forward any applications to the ~~commission~~committee. The ~~commission~~committee may also seek nominee applications and shall review each application for ~~commission~~committee membership from applications received by the ~~commission~~committee and applications received by the city secretary. The ~~commission~~committee shall forward all applications received with recommendations for each at-large nominee to city council. The city council shall select members from the at-large nominations to serve two-year terms after review of the ~~commission's~~committee's recommendations but can reject any or all recommendations or applications. The city

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- council can request additional nominee applications from the ~~commission~~committee and the public if all vacancies are not filled by the filed applications. Such nominations shall take into consideration all known parties interested in or participating in the Founders Day celebration at the time such nominations are made.
- (d) The city council shall annually appoint a ~~commissioner~~committee member, to serve as chairperson. The ~~commission~~committee may provide a recommendation to city council regarding the appointment of chairperson. The city council may appoint co-chairpersons if it deems it appropriate. The ~~commissioners~~committee members shall annually appoint a vice-chairperson and a secretary.
- (1) The secretary ~~hasis responsible for~~ the ~~following duty: Recording~~recording of minutes.-
- (2) The vice chairperson has the following duties: Coordinating of subcommittee chairs; reports and serves the chairperson; substitutes for the chairperson in the event of their absence.
- (3) The chairperson has the following duties: Conducts meetings; acts as liaison to the city council; presents yearly wrap-up report to the city council.
- (e) Terms of members. The ~~commissioners~~committee members shall serve staggered terms with the term of seven (7) members to expire on July 1st of each odd-numbered year, the term of seven (7) members to expire on July 1st of each even-numbered year, and the term of the chairperson to expire on July 1st of each year.
- (f) Member selection. The ~~commission~~committee shall recommend criteria for its members that shall be followed by its members and used to evaluate removal of its members. The ~~commission's~~committee's recommended criteria shall be sent to the city council for review. The city council shall review the ~~commission's~~committee's criteria recommendation and the city council shall approve criteria for the ~~commission's~~committee's members. The criteria approved by the city council shall be filed with the city secretary and provided to each member, nominee, and organization upon request.
- (g) Resignation; removal; vacancies. Members of the ~~commission~~committee may be removed from office by the city council at any time by a simple majority vote of the city council, either:
- (1) Upon its own motion; or
- (2) Upon recommendation of the Founders Day ~~Commission~~Committee chairperson and one other Founders Day ~~Commission~~Committee member.
- (h) Members of the ~~commission~~committee may be removed from office by a vote of a simple majority of the total members of the ~~commission~~committee if the ~~commission~~committee finds that the member is not compliant with the criteria for its members as adopted as described above. If a member is removed by the ~~commission~~committee, the ~~commission~~committee shall notify the city council of the removal and provide city council with a written statement with the reasoning for removal within ten days of the vote of removal. The removed member may appeal the removal to city council in writing within ten days of removal. The city council shall review the appeal within 30 days at a city council meeting. The city council shall consider the approved criteria, the written statement of the ~~commission~~committee, and any information provided by the removed member. The city council shall provide notice of the appeal to the chairperson of the ~~commission~~committee.

The city council's decision on removal is final. Vacancies created shall be filled as provided by this chapter.

- (i) A committee member may resign by notifying the city secretary in writing of their intent to resign. A failure to attend three or more sequential committee meetings without approval from the chairperson will constitute a de facto notification of intent to resign. Members appointed to fill a vacancy will complete the unexpired portion of the term.

~~Sec. 2.04.094. Organization and meetings.~~

- ~~(a) The commission shall meet for organization immediately after appointment of its members and shall adopt such rules as it deems best to govern its actions subject to the general laws of this state, this division and other city ordinances.~~
- (b) A quorum shall consist of a simple majority of the members, including the chairperson. The chairperson shall have a vote only in the case of a tie vote by the ~~commission~~committee members. If no quorum exists, the chairperson may cancel the meeting.
- (c) Meetings of the ~~commission~~committee shall be held as follows and may be rescheduled or cancelled by ~~vote of the Commission~~the chairperson or vice-chairperson upon notice to the committee members and city secretary:
- (1) January—May: Second and Fourth Monday of each month; and
 - (2) October—December: Second Monday of each month.
- (d) Meetings may also be called by the chairperson, at the request of two or more of the ~~commission's~~committee's members, or at the request of the council.
- (e) ~~Commission~~Committee members unable to attend any meeting shall notify the chairperson as soon as possible, in order to assure a quorum will be present. Any member of the ~~commission~~committee absent for three regular consecutive meetings or four regular meetings during the preceding twelve-month period of the ~~commission~~committee, without having obtained leave of absence at a regular meeting, unless prevented by sickness, shall be deemed to have vacated his or her office.
- (f) Meetings shall be generally open to the public ~~as required by the laws of the state and comply with the~~, but not subject to the Open Meetings Act as an advisory committee. All documents created by or on behalf of the Founders Day Committee shall be city documents which are subject to the city's records retention schedules and the Texas Public Information Act as set forth in chapter ~~551 of~~552 of the Texas Government Code, as amended. ~~The commission may vote to cancel or reschedule any meeting at an open meeting if deemed appropriate by the commission.~~

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Sec. 2.04.095. ~~Functions and duties~~ Authority and Responsibilities.

- (a) The ~~commission~~committee shall act in an advisory capacity to the city council to plan, promote, arrange and organize Founders Day while complying with all applicable regulations.
- (b) It shall be the duty of the ~~commission to make recommendations to~~committee, operating under the oversight of the city council, to manage planning and operation of the festival pertaining to:
 - (1) The ~~maximum~~ utilization of the city parks, streets, and rights-of-way, as well as private property to which a use agreement applies, within the designated boundaries of the Festival, to facilitate the safe and orderly operation of Founders Day;
 - (2) The proper and timely compliance with all applicable regulations, including but not limited to the regulations established by the state department of transportation, the county sheriff's department, and all city regulations;
 - (3) The coordination of Founders Day events with the District, the Dripping Springs Lions Club, the Dripping Springs Cookoff Club, St. Martin de Porres Church, city, ~~and~~ other local charitable entities, and vendors;
 - (4) ~~The establishment of a financial book and records which shall include a monthly report, the recommendation to city council or city administrator, as applicable, with respect to :~~
 - (i) an annual operating budget;
 - (ii) changes to the previous year's festival site footprint;
 - (iii) approval of the sale of alcohol;
 - (iv) road closures necessary for the festival;
 - (v) agreements governing the use of private property; and
 - (vi) any other special circumstance in respect of which the committee requires direction from the City.
 - (5) Solicit and a year-end fiscal statement as of July 1st; obtain sponsors for the festival, including establishing various sponsorship levels and incentives.
 - ~~(5)~~ The establishment of all fees and charges necessary to operate Founders Day;-
 - (7) Solicit and obtain bids or quotes for services for various vendors necessary for the operation of the festival.
 - ~~(6)~~ The preparation of all necessary applications for compliance with any necessary regulatory agencies, including but not limited to the state department of transportation, the county sheriff's department, and the city;
 - ~~(7)~~ The scheduling of events and entertainment associated with Founders Day; and
 - ~~(8)~~10 The improvement and safe operation of the Founders Day celebration.

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- (c) The ~~commission~~committee shall at all times seek to promote the close cooperation between the city, the district, the state department of transportation, the county sheriff's department and all private citizens, institutions and agencies interested in the planning, promotion, arranging, and organization of Founders Day activities to the end that Founders Day may be coordinated to secure the greatest public welfare.

Sec. 2.04.097. Support.

- (a) City staff will provide logistical support to the committee and its subcommittees, as defined by access to city facilities for purposes of public meetings, access to city resources for purposes of copies and communications, and a designated staff liaison to coordinate and direct such support.
- (b) City departments, including but not limited to the Emergency Management Department, Parks & Community Services Department, and Public Works Department will provide logistical and operations support during the festival in coordination with the committee.
- (c) The city website will provide a page via the staff liaison upon which the committee may post:
- (1) Meeting information;
 - (2) Agendas and minutes; and
 - (3) Resource materials, if any.

Secs. 2.04.~~096~~098—2.04.120. Reserved.