

## **ARTICLE 6.05. FARMERS MARKET ASSOCIATION**

### *DIVISION 1. GENERALLY*

#### **Sec. 6.05.001. Popular name.**

This article shall be commonly cited as the Farmers Market Association ordinance.

(Ordinance 1550.10, ex. A, § 1.1, adopted 6/9/09)

#### **Sec. 6.05.002. Purpose.**

The purpose of the Dripping Springs Farmers Market Association (the "association") is to support and coordinate the farmers market. The association's board of directors provides oversight of the market, and serves as an advisory body for the city council.

(Ordinance 1550.10, ex. A, § 1.2, adopted 6/9/09)

#### **Sec. 6.05.003. Mission of the market.**

The mission of the farmers market is to provide the city and the surrounding Central Texas region with locally grown foods and farm products in a direct farm-to consumer marketing venue that will serve diverse populations, preserve and promote regional agriculture and improve our quality of life.

- (1) The market creates a food secure community by improving access to local, healthy, affordable food for children and adults in Central Texas.
- (2) The market strives to achieve are increased education about and support of regional agriculture.

(Ordinance 1550.10, ex. A, § 1.3, adopted 6/9/09)

#### **Sec. 6.05.004. Definitions.**

(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.

Agricultural facilities: A farm, garden or greenhouse where produce is grown. Association: The Dripping Springs Farmers Market Association, as created herein. Board: The board of directors (i.e., governing body) of the Dripping Springs farmers market.

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City administrator: The employee appointed by the city council to serve as the chief administrative officer of the city.

City limits: The incorporated municipal boundary of the city.

Director: The city employee serving as director of parks, recreation and open space for the city, as designated by the city council.

ETJ: The extraterritorial jurisdiction of the city.

Market manager: The city employee designated by the city administrator to supervise the operations of the market.

(Ordinance 1550.10, ex. A, § 2, adopted 6/9/09)

### **Sec. 6.05.005. Association.**

- (a) Membership. Farmers, ranchers, and harvesters are eligible to be members of the association, as allowed by the rules and regulations for market operations.
- (b) Responsibilities, activities and benefits. All responsibilities, activities and benefits of association membership shall be as provided in the rules and regulations for market operations.

(Ordinance 1550.10, ex. A, § 4, adopted 6/9/09)

### **Sec. 6.05.006. Support for the association.**

- (a) City staff will provide logistical support to the board 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 market manager to serve as staff liaison to coordinate and direct such support. Market managers shall also perform the functions established in the rules and regulations for market operations, as may be amended.
- (b) One or more market managers shall be designated by the city administrator. A market manager shall be a city staff member (employee or contract professional services). In addition to any other means of compensation for other municipal duties, market managers shall be compensated monthly for services directly related to the market in the form of a commission on gross (or net) market sales. The amount of the commission shall be established by the city administrator. Market managers shall be assigned to work on market days in accordance with a schedule approved by the city administrator.
- (c) The city website will provide a page via the market manager upon which the association may post:
  - (1) Board meeting information;
  - (2) Board agendas and minutes; and
  - (3) Resource materials, if any.

(Ordinance 1550.10, ex. A, § 3.5, adopted 6/9/09)

### **Secs. 4.05.007—4.05.030. Reserved.**

## *DIVISION 2. BOARD OF DIRECTORS*

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**Sec. 6.05.031. Number.**

The board will have eight members.

(Ordinance 1550.10, ex. A, § 3.1.1, adopted 6/9/09)

**Sec. 6.05.032. Terms.**

Board members will serve two-year terms. There is no limit as to how many terms a member may serve. Original (first) board members shall draw lots to determine who will serve a one-year initial term. Members are volunteers.

(Ordinance 1550.10, ex. A, § 3.1.2, adopted 6/9/09)

**Sec. 6.05.033. Board member selection.**

- (a) Each year, city staff will prepare a slate of nominees for city council consideration.
- (b) Board members shall be appointed by majority vote of the city council.
- (c) Board members may be residents or business owners with agricultural facilities in the city limits or ETJ or within 150 miles of the city limits. At least two board members must be farmers who sell their own produce.
- (d) Although not strictly required, preference for board membership shall be given to persons who raise, grow or make food products, or artists who make crafts from agricultural products.
- (e) Board members are municipal officers, and as such must take the oath of office and abide by all applicable ethics rules.

(Ordinance 1550.10, ex. A, § 3.1.3, adopted 6/9/09)

**Sec. 6.05.034. Officers.**

The chairperson shall be appointed by the city council from among the membership. A vice-chairperson shall be selected by the board members. In the absence of the chairperson or vice-chairperson, the remaining board members may select a person among themselves to preside over a meeting.

(Ordinance 1550.10, ex. A, § 3.1.4, adopted 6/9/09)

**Sec. 6.05.035. Removal and vacancies.**

A board member may resign by providing the city secretary written intent to resign. A failure to attend three or more sequential, regular association meetings will constitute automatic notification of intent to resign. The city council may remove board members by majority vote, with or without cause. The city council may fill vacancies by majority vote. Board members appointed to fill a vacancy will complete the unexpired portion of the term.

(Ordinance 1550.10, ex. A, § 3.1.5, adopted 6/9/09)

**Sec. 6.05.036. Meetings.**

- (a) The board will meet monthly at city hall, as coordinated with and arranged by city staff. Agendas will be drafted by the board chairperson.

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- (b) Board-designated subcommittees may meet more often, as coordinated with and arranged by city staff. Agendas will be drafted by the subcommittee chairperson.
  - (c) A quorum of board members must be present for the board to conduct a meeting. A quorum shall be 51 percent of the number of members serving (i.e., vacancies shall not count when calculating a quorum). Abstentions shall not affect the establishment of a quorum.
  - (d) The board chairperson, or the chairperson's designee(s), will attend the first city council meeting of each month to update the council.
  - (e) Board meetings are subject to the Texas Open Meetings Act, Texas Government Code chapter 551.
- (Ordinance 1550.10, ex. A, § 3.1.6, adopted 6/9/09)

**Sec. 6.05.037. Authority.**

The association and its board of directors are advisory only. They have no authority to make decisions binding on the city. With the consent of the city administrator, the board may expend city funds in accordance with budget appropriations by the city council.

(Ordinance 1550.10, ex. A, § 3.2, adopted 6/9/09)

**Sec. 6.05.038. Responsibilities.**

- (a) The board shall make recommendations to the city council regarding market operations.
- (b) The board shall evaluate the market to identify means of making improvements.
- (c) The board shall conduct the market and implement all rules and procedures established by the board and by the city council. The board is obligated to assist city staff with the day-off operations of the market, in addition to preparations and post-event recovery of the site.

(Ordinance 1550.10, ex. A, § 3.3, adopted 6/9/09)

**Sec. 6.05.039. Duties.**

- (a) The board shall make recommendations to the city council regarding market operations.
- (b) The board shall evaluate the market to identify means of making improvements.
- (c) The board shall conduct the market and implement all rules and procedures established by the association and by the city council.
- (d) The board shall perform other duties as established in the rules and regulations for market operations, as enacted by the city council.
- (e) The board's work and work product will be subject to the Public Information Act, Texas Government Code chapter 552.

(Ordinance 1550.10, ex. A, § 3.4, adopted 6/9/09)