

CITY OF DRIPPING SPRINGS

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 6.05: FARMERS MARKET ASSOCIATION: CHANGING THE ASSOCIATION TO A COMMITTEE AND UPDATING THE ORDINANCE AS IT RELATES TO PROCEDURES AND FORMAT OF ORDINANCE; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; AMENDMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the duties and responsibilities of the Farmers Market Association has changed as the City and Farmers Market has grown; and

WHEREAS, the Farmers Market is supported by City staff; and

WHEREAS, the Farmers Market Association provides recommendations and support to the Farmers Market; and

WHEREAS, the City of Dripping Springs finds that it in the best interest of the community and the Farmers Market to make the changes to the ordinance.

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

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. AMENDMENT

Article 6.05 Farmers Market Association, Code of Ordinances, City of Dripping Springs, is hereby amended to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Language that is struck through is repealed, language

that is underlined is added.

3. REPEALER

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resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance, are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.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

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.

NOW THEREFORE, BE IT ORDAINED BY THE City Council of the City of Dripping Springs, Texas:

- CODE OF ORDINANCES
Chapter 6 - BUSINESS REGULATIONS
ARTICLE 6.05. FARMERS MARKET ASSOCIATION

PASSED & APPROVED this, the _____ day of _____ 2021, by a vote of _____ (*ayes*) to _____ (*nays*) to (*abstentions*)

CITY OF DRIPPING SPRINGS

By: _____

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

ATTACHMENT "A"

ARTICLE 6.05. FARMERS MARKET COMMITTEE~~ASSOCIATION~~

DIVISION 1. GENERALLY

Sec. 6.05.001. ~~Popular name.~~Title.

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

Sec. 6.05.002. Purpose.

The purpose of the Dripping Springs Farmers Market ~~Association~~ Committee (the "~~association~~committee") is to:

- (1) fulfill the Mission of the Market;
- (2) provides oversight of the Market in order to make recommendations related to the Market; and
- (3) serves as an advisory body for the city council.
and coordinate — The association's board of directors

Sec. 6.05.003. Mission of the market.

To provide a community gathering place where local food producers, artisans, and related community organizations educate and sell directly to consumers. 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.~~

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, ranch, 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.~~

Agricultural Producer: Producer who raises and grows food products.

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.

Committee: The farmers market committee created herein.

~~Director: The city employee serving as director of parks, recreation and open space and community services 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 and serves under the direction of the Parks and Community Services Director.

Market Participants: Participants in the Market include Vendors, Agents, and any other individual who has applied and received approval to participate in the Market.

Sec. 6.05.005. ~~Association Membership, Meetings~~

(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) Number of members. The committee shall have eight members.

(c) Terms of members. Committee members will serve two-year terms. Members may be reappointed with no limitation on the number of terms one member may serve.

(d) Member selection.

~~(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.~~

(1) Every year, city staff will prepare a slate of nominees for city council consideration.

(2) Committee members shall be appointed by majority vote of the city council.

(3) Committee members may be residents or business owners in the city limits or ETJ or within 150 miles of the city limits. At least two committee members must be Market Vendors of which one (1) shall be an agricultural producer.

(4) Although not strictly required, preference for committee membership shall be given to persons who raise, grow or make food products, or artists who make crafts from agricultural products.

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

(f) Member removal.

The city council may remove committee members by majority vote, with or without cause.

(g) Resignation; vacancies.

A committee member may resign by providing the city secretary written intent to resign. A failure to attend three or more sequential, regular committee meetings will constitute automatic notification of intent to resign. The committee may provide recommendations to the city council related to the removal or appointment of committee members. The city council may fill vacancies by majority vote. Committee members appointed to fill a vacancy will complete the unexpired portion of the term.

(h) Meetings.

(1) The committee will meet monthly, as coordinated with and arranged by city staff. Agendas will be drafted by the chair with the support of city staff.

(2) A quorum of four or more committee shall constitute a quorum. The chair shall count toward the establishment of a quorum. Abstentions shall not affect the establishment of a quorum. A quorum is required to take action as the Dripping Springs Farmers Market Committee.

Sec. 6.05.006. Authority.

The committee is advisory only. They have no authority to make decisions binding on the city. The authority of the committee will include:

(a) To make recommendations to the city council regarding market operations.

(b) To evaluate the market to identify means of making improvements.

(c) To make recommendations related to the drafting and implementation of all rules and procedures for the market to the city council.

(d) To assist city staff with the operations of the market, in addition to preparations and post-event recovery of the site.

(e) To make recommendations to city council regarding budget for the farmers market and expenditures related to appropriated funds.

(f) To perform other duties as established in the rules and regulations for market operations, as enacted by the city council.

(g) The committee's work and work product will be subject to the Public Information Act, Texas Government Code chapter 552.

Sec. 6.05.007. Support for the association.

(a) City staff ~~will~~ shall provide logistical support to the ~~board~~ 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 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 shall provide and support an online presence, including but not limited to information on the city website, assistance with an electronic newsletter, and social media for Farmers Market related information and activities and website will provide a page via the market manager upon which the ~~association~~ committee may request that the City post additional information related to committee meetings and Farmers Market information.:

~~(1) Board meeting information;~~

~~(2) Board agendas and minutes; and~~

~~(3) Resource materials, if any.~~

(d) City staff shall inform the Committee of changes to personnel, logistical support, and other matters related to the operation of the farmers market.

Sec. 6.05.031. Number.

~~The board~~ committee 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 Committee member selection.

~~(a) Each year, city staff will prepare a slate of nominees for city council consideration.~~

~~(b) Board Committee 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.~~
- ~~(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.~~

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)~~