

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2020-05

AN ORDINANCE AMENDING ARTICLE 2.04: BOARDS, COMMISSIONS, AND COMMITTEES; DIVISION 4: FOUNDERS DAY COMMISSION DRIPPING SPRINGS CODE OF ORDINANCES; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER, SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) seeks to provide for a commission that can manage and direct the Founders Day Festival; and

WHEREAS, the City Council finds that the attached amendments will assist the commission in being more efficient and effective in its management and direction of the Founders Day Festival; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation 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 Dripping Springs City Council:

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

Article 2.04: Boards, Commissions, and Committees; Division 4: Founders Day Commission of the City of Dripping Springs Code of Ordinances, are amended so to read in accordance with Attachment “A”, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated within Attachment “A”.

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All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.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

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.

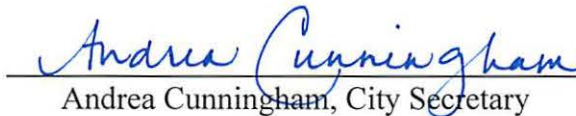
PASSED & APPROVED this, the 21st day of January 2020, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:



Todd Purcell, Mayor

ATTEST:



Andrea Cunningham, City Secretary



Chapter 2: Administration and Personnel

Article 2.04 Boards, Commissions and Committees

Division 4. Founders Day Commission

Sec. 2.04.091 Creation

There is hereby created the City of Dripping Springs Founders Day Commission.

Sec. 2.04.092 Definitions

Commission. The City of Dripping Springs Founders Day Commission.

District. The Drippings Springs Independent School District.

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

Sec. 2.04.093 Members

(a) The commission shall be composed of fourteen (14) 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 ~~represent~~ include members of the organizations and at-large members. The Lions Club shall include three (3) members as representatives of the carnival and the food vendors; the Dripping Springs Cook-Off Club shall include three (3) members as representatives of the cooks participating in the cook-offs; and the St. Martin de Porres Church shall include three (3) members as representatives of the arts and crafts vendors. The city council shall appoint five (5) members to serve as at-large members for a two-year term. The commission 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 shall request nominations from the organizations. Upon request, the Lions Club; the Cook-Off Club; and St. Martin de Porres Church shall provide ~~three (3)~~ nominees applications from each of their respective organizations to the commission to serve as commissioners. Each nominee application shall be reviewed by the commission. The commission 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 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~~made~~, the city council shall ~~fill vacancies by requesting~~ nominations from the members of the commission and the public

~~out going and current commissioners~~ 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. The commission may also seek nominee applications and shall review each application for commission membership from applications received by the commission and applications received by the city secretary. The commission 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 recommendations but can reject any or all recommendations or applications. The city council can request additional nominee applications from the commission 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. ~~Such nominations shall represent fairly the number of representatives from all interested parties and organizations at any given time.~~

(d) The city council shall annually appoint a commissioner; to serve as chairperson. The commission 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 shall annually appoint a vice-chairperson and a secretary.

(1) The secretary has the following duty: 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) The commissioners shall serve staggered terms with the term of seven (7) members to expire on ~~June~~ July 1 of each odd-numbered year, the term of seven (7) members to expire on ~~June~~ July 1 of each even-numbered year, and the term of the chairperson to expire on ~~June~~ July 1 of each year.

~~(f)-The commission shall recommend criteria for its members that shall be followed by its members and used to evaluate removal of its members. The commission's recommended criteria shall be sent to the city council for review. The city council shall review the commission's criteria recommendation and the city council shall approve criteria for the commission'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. —At the time new appointments are made, the city council shall fill vacancies by requesting nominations from the out going and current commissioners for each vacancy. 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. Such nominations shall represent fairly the number of representatives from all interested parties and organizations at any given time.~~

(g) Members of the commission 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 a simple majority of the Founders Day Commission Members; or~~

(~~3~~2) Upon recommendation of the Founders Day Commission chairperson and one other Founders Day Commission member.

(h) Members of the commission may be removed from office by a vote of a simple majority of the total members of the commission if the commission 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, the commission shall notify the city council of the removal and provide city council with a written statement with the reasoning for removal within ten (10) days of the vote of removal. The removed member may appeal the removal to city council in writing within ten (10) days of removal. The city council shall review the appeal within thirty (30) days at a city council meeting. The city council shall consider the approved criteria, the written statement of the commission, and any information provided by the removed member. The city council shall provide notice of the appeal to the chairperson of the commission. The city council's decision on removal is final. Vacancies created shall be filled as provided by this ordinance.

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 members.

(c) The meetings of the commission shall be held on a regular basis, but not less than once a month. Regardless of this requirement, the commission may vote to cancel or reschedule any meeting at an open meeting if deemed appropriate by the commission. Such meetings shall be open to the public as required by the laws of the state and comply with the Open Meetings Act as set forth in chapter 551 of the Texas Government Code, as amended.

(d) Meetings may also be called by the chairperson, at the request of two or more of the commission's members, or at the request of the council.

(e) Commission 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 absent for three regular consecutive meetings or four regular meetings during the preceding twelve-month period of the commission, without having obtained leave of absence at a regular meeting, unless prevented by sickness, shall be deemed to have vacated his or her office.

Sec. 2.04.095 Functions and duties

(a) The commission 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 the city council pertaining to:

(1) The maximum utilization of the city parks, streets, and rights-of-way 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, ~~and the county sheriff's department,~~ and all city regulations;

(3) The coordination of Founders Day events with the District, the Dripping Springs Lions Club, city, and other local charitable entities;

(4) The establishment of a financial book and records which shall include a monthly report, an annual operating budget, and a year-end fiscal statement as of ~~June~~ July 1;

(5) The establishment of all fees and charges necessary to operate Founders Day;

(6) The preparation of all necessary applications for compliance with any necessary regulatory agencies, including but not limited to the state department of transportation, ~~and the county sheriff's department,~~ and the city;

(7) The scheduling of events and entertainment associated with Founders Day; and

(8) The improvement and safe operation of the Founders Day celebration.

(c) The commission 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 ~~conduction~~ planning, promotion, arranging, and organization of Founders Day activities to the end that Founders Day may be coordinated to secure the greatest public welfare.

Secs. 2.04.096–2.04.120 Reserved