



FOUNDERS DAY COMMISSION REGULAR MEETING

City of Dripping Springs
Council Chambers, 511 Mercer St, Dripping Springs, TX
Monday, June 14, 2021 at 6:30 PM

Agenda

CALL TO ORDER AND ROLL CALL

Commission Members

Brenda Medcalf, Chair
Darrell Debish, Interim Vice Chair
Brian Daniel
Martin Garza
Sharon Goss
Clinton Holtzendorf
Michael Monaghan
Brad Thomas
Brian Varnell
Susan Warwick
Dee Marsh
Jeff Shindler

Staff, Consultants and Appointed/Elected Officials

Parks & Community Services Director Kelly Schmidt
Parks & Community Services Coordinator Melanie Blakely
Communications Director Lisa Sullivan

PRESENTATION OF CITIZENS

A member of the public who desires to address the Commission regarding any item on an agenda for an open meeting may do so at presentation of citizens before an item or at a public hearing for an item during the Commission's consideration of that item. Citizens wishing to discuss matters not contained within the current agenda may do so, but only during the time allotted for presentation of citizens. Speakers are allowed two (2) minutes to speak during presentation of citizens or during each public hearing. Speakers may not cede or pool time. Members of the public requiring assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the Board. It is the request of the Board that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold their comments until the item(s) are presented for consideration. Speaker are encouraged to sign in. Anyone may request a copy of the City's policy on presentation of citizens for the City Secretary. By law no action may be taken during Presentation of Citizens.

MINUTES

- 1. Discuss and consider approval the minutes of May 10, 2021 Founders Day Commission regular meeting minutes and the May 24, 2021 special meeting minutes.**

BUSINESS

- 2. Discuss and consider possible action regarding Donations related to Founders Day Participants.**
- 3. Discuss and consider possible action related to the Founders Day Event website.** *Communications Director, Lisa Sullivan*

STANDING COMMITTEE REPORTS

The following reports relate to the administration and planning of the Founders Day Festival. The Commission may provide staff direction; however, no action may be taken.

- 4. Arts & Crafts Committee**
Commissioner Monaghan
- 5. Carnival & Food Committee**
Commissioners Goss and Warwick
- 6. Entertainment Committee**
Commissioners Thomas and Daniel
- 7. Parade Committee**
Commissioners Medcalf and Holtzendorf
- 8. Publicity Committee**
Commissioners Medcalf, Adams, Holtzendorf, Daniel, and Lisa Sullivan
- 9. Sanitation Committee**
Commissioner Garza
- 10. Security Committee**
Commissioners Medcalf and Debish
- 11. Site Plan Committee**
Commissioners Monaghan and Medcalf
- 12. Sponsorship & Underwriting Committee**
Commissioners Adams, Debish, Daniel and Marsh, and Melanie Blakely
- 13. Traffic & Parking Committee**
Commissioners Medcalf and Debish
- 14. Volunteer Committee**
PCS Coordinator, Melanie Blakely

UPCOMING MEETINGS

Founders Day Commission Meetings

July 12, 2021 at 6:30 p.m.

August 9, 2021 at 6:30 p.m.

September 13, 2021 at 6:30 p.m.

City Council Meetings

June 15, 2021 at 6:00 p.m.

July 6, 2021 at 6:00 p.m.

July 20, 2021 at 6:00 p.m.

ADJOURN

TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION & POSTING OF MEETING

All agenda items listed above are eligible for discussion and action unless otherwise specifically noted. This notice of meeting is posted in accordance with Chapter 551, Government Code, Vernon's Texas Codes. Annotated. In addition, the Commission may consider a vote to excuse the absence of any Commissioner for absence from this meeting.

*I certify that this notice of meeting was posted at the City of Dripping Springs City Hall and website, www.cityofdrippingsprings.com, on **June 11, 2021 at 1:30 p.m.***

City Secretary

This facility is wheelchair accessible. Accessible parking spaces are available. Requests for auxiliary aids and services must be made 48 hours prior to this meeting by calling (512) 858-4725.



FOUNDERS DAY COMMISSION SPECIAL MEETING
City of Dripping Springs
Council Chambers, 511 Mercer St, Dripping Springs, TX
Monday, May 24, 2021 at 6:30 PM

MINUTES

MEETING SPECIFIC VIDEOCONFERENCE INFORMATION

Join Zoom Meeting

<https://us02web.zoom.us/j/83514909576?pwd=RzFuYUhwcmZkZWVgVVEg5R2NDStmw5dz09>

Meeting ID: 835 1490 9576

Passcode: 390884

Dial Toll Free:

877 853 5257 US Toll-free

888 475 4499 US Toll-free

Find your local number: <https://us02web.zoom.us/j/83514909576>

Join by Skype for Business: <https://us02web.zoom.us/j/83514909576>

CALL TO ORDER AND ROLL CALL

Commission Members present

- Brenda Medcalf, Chair
- Jake Adams, Vice Chair
- Darrell Debish
- Brian Daniel
- Sharon Goss
- Clinton Holtzendorf
- Michael Monaghan
- Susan Warwick
- Dee Marsh

Commission Members absent

- Martin Garza
- Brad Thomas
- Brian Varnell
- Jeff Shindler

Staff, Consultants & Appointed/Elected Officials

- Parks & Community Services Director Kelly Schmidt
- Community Services Coordinator Melanie Blakely

With a quorum of the Commission present, Chair Medcalf called the meeting to order at 6:30 pm.

A motion was made by Commissioner Debish to excuse tonight's absence of Commissioners Garza, Thomas, Varnell and Shindler. Commissioner Daniel seconded the motion which carried unanimously 8 to 0.

PRESENTATION OF CITIZENS

A member of the public who desires to address the Commission regarding any item on an agenda for an open meeting may do so at presentation of citizens before an item or at a public hearing for an item during the Commission's consideration of that item. Citizens wishing to discuss matters not contained within the current agenda may do so, but only during the time allotted for presentation of citizens. Speakers are allowed two (2) minutes to speak during presentation of citizens or during each public hearing. Speakers may not cede or pool time. Members of the public requiring assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the Board. It is the request of the Board that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold their comments until the item(s) are presented for consideration. Speaker are encouraged to sign in. Anyone may request a copy of the City's policy on presentation of citizens for the City Secretary. By law no action may be taken during Presentation of Citizens.

No citizens addressed the Commission

BUSINESS

1. Discuss and consider approval of the Founders Day Commission Fiscal Year 2022 Budget recommendation.

A motion was made by Commissioner Daniel to approve the Founders Day Commission Fiscal Year 2022 Budget as written. Commissioner Debish seconded the motion which carried unanimously 8 to 0.

Melanie Blakely will find out the exact amount of funds that are carried over from previous Founders Days. After determining this amount the Founders Day Commission may have to amend this budget.

A motion was made by Commissioner Debish to excuse tonight's absence of Commissioners Garza, Thomas, Varnell and Shindler. Commissioner Daniel seconded the motion which carried unanimously 8 to 0.

The next scheduled meeting of the Founders Day Commission will be at City Hall on Monday June 14, 2021 at 6:30 pm

ADJOURN

A motion was made by Commissioner Daniel to adjourn the meeting. Commissioner Debish seconded the motion which carried unanimously 8 to 0.

This regular meeting of the Founders Day Commission was adjourned at 7:23 pm.

Susan Warwick, Secretary
Founders Day Commission



City of Dripping Springs

Post Office Box 384
511 Mercer Street
Dripping Springs, Texas 78620

Agenda Item Report from: Laura Mueller – City Attorney

Council Meeting Date:	June 14, 2021
Agenda Item Wording:	Report on Founders Day Donations.
Agenda Item Requestor:	Laura Mueller, City Attorney

Summary/Background:

Founders Day Festival serves as a fundraising opportunity for the contributing non-profit organizations: The Cook-Off Club, Dripping Springs Lions Club, and St. Marin De Porres. The 2021 celebration has been cancelled leaving said organizations without the opportunity to raise money for the fiscal year. These organizations regularly serve the public, and therefore are requesting a \$4000 donation for each organization from the surplus funds from Founders Day.

A City can donate funds to a private entity if the expenditure of city funds services a valid municipal, public purpose. A gratuitous donation or gift by a city is prohibited by the Texas Constitution, art. III, §52, and art. XI, §3, which prohibits a city from donating funds to a private party for private purposes.

If the city decides that this grant of funds directly accomplishes a valid public purpose, the grant can be given to a private entity. The test established by the attorney general opinions is that the donation must go to a legitimate municipal purpose, the city must receive adequate consideration for its donation, and the arrangement must have sufficient controls to guarantee that city money is being used for a municipal public purpose. The general operation of a charitable operation is insufficient to meet this requirement.

The proposed agreement requires that the grantee provide both the public purpose for which the funds will be used and an accounting of how the money is spent.

Action

The Founders Day Commission supported donations to each of these groups. After this vote, the City Attorney requested additional information for the Donation Agreements so that this issue could be taken to City Council. The information related the public purpose of the donation and the contact information for those with authority from each group is needed. Then these donation agreements can be completed and provided to City Council at a future meeting. City Council will also need to look at a budget amendment if these items are approved.

Commission Recommendations:	Founders Day voted to approve the donations.
Actions by Other Jurisdictions/Entities:	N/A
Previous Action:	Founders Day voted to approve the donations.
Recommended P&Z Action:	Staff requests the information to complete the donation agreements so these can be brought to City Council.
Alternatives/Options:	N/A
Attachments:	Staff Report. Donation Agreement.
Related Documents at City Hall:	N/A
Public Notice Process:	N/A
Public Comments:	N/A
Next Step/Schedule:	Once approved, the donation agreements will be completed and the items taken to City Council for action.

DONATION AGREEMENT

This Agreement made and entered into this, the _____ of _____ 2021, and between the **City of Dripping Springs**, Texas a general-law municipality located in Hays County, Texas (“City”), and _____, (“Entity”) is understood and agreed to be as set forth herein.

RECITALS:

WHEREAS, the City of Dripping Springs finds that it is in the best interest of the City and its residents to provide a grant of funds to _____; and

WHEREAS, the Entity hereby agrees to use the funds for a valid municipal, public purpose including _____; and

WHEREAS, Article XVI, Section 50 and Article III, Section 52 allow a city to use its funds for a valid, public purpose; and

WHEREAS, the City Council approved the expenditure of the grant funds in the Fiscal Year 2021 Budget through the approval of a Budget Amendment on _____, 2021; and

WHEREAS, the City Council awarded and approved the grant of these funds at a properly-conducted public meeting held on _____, 2021.

NOW, THEREFORE, BE IT MUTUALLY AGREED AS FOLLOWS:

1. PARTIES

The parties to this Agreement shall be the City of Dripping Springs (City), and the _____, a nonprofit corporation organized under the laws of the State of Texas.

2. FINDINGS

The parties hereby agree that the purposes described in the Recipient's funding application (“Exhibit “A”) promotes a valid municipal, public purpose.

3. GRANT

The City hereby agrees to transfer as a grant a portion of the Fiscal Year 2021 Founders Day Commission funds to _____ for [uses applied for] in an amount Four Thousand Dollars (\$4,000). The grant shall be payable in one lump sum payment no later than 30 days after the date this Agreement is signed by both parties.

4. SERVICES

In exchange for the grant described above, the Entity hereby agrees to utilize the grant funds in

the amount of Four Thousand Dollars (\$4,000) for the purposes as described in Exhibit A and below, which are valid municipal, public purposes.

[How the entity is going to use the grant money]

5. REQUIREMENTS

- 5.1 Recipient must ensure that all grant funds are tracked and used for the purposes described above.
- 5.2 Recipient shall return all funds not used for the purposes described above.

6. DURATION

This Agreement commences on , 2021 and ends on December 31, 2021. Recipient must expend the grant funds during the term of this Agreement or remit the remaining balance back to the City.

7. TERMINATION

This Agreement may be terminated by either party prior to performance with or without cause upon written notification to the other party. After the Recipient has commenced performance of the obligations provided for in this Agreement, the City may terminate the Agreement only in instances of breach by the Recipient, at which time the Recipient shall reimburse to the City the amount of the grant not yet expended. If the Recipient terminates this Agreement after having received funds from the City, the Recipient shall reimburse the City the complete amount of the grant provided for herein.

8. ACCOUNTING

Prior to the expiration of this Agreement, an agent of the Recipient will submit a Post Grant Report describing the status of the projects and explaining how the grant funds were used. The report shall include expenditures covered by the funds provided by this Agreement. Following submission of the Post Grant Report, an agent of the Recipient may be required to attend a Founders Day Commission Meeting and/or a City Council meeting to personally account for the expenditures made in accordance with this Agreement, if requested to do so by the City Administrator.

9. CONTACTS

For purposes of this Agreement, communications may be sent as follows:

To the City:
City of Dripping Springs
Attn: Michelle Fischer
PO Box 384

To the Recipient:

Attn:

Dripping Springs, TX 78620

10. INDEMNIFICATION

The Recipient hereby releases, indemnifies, and holds the City, its employees and agents, harmless for any damages, injuries, or other claims resulting from Recipient’s actions or inactions, or the conduct of Recipient’s agents, employees, or contractors.

11. INCLUSIVENESS

This document represents the entire understanding between the parties. This Agreement may only be amended in writing with the mutual consent of the parties.

12. SEVERABILITY

If any sentence, clause or portion of this Agreement is deemed unenforceable by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect.

WHEREFORE PREMISES AND CONSIDERATION ACCEPTED, AND HEREBY AGREED:

CITY OF DRIPPING SPRINGS:

ENTITY:

Bill Foulds, Jr., Mayor

Date

Date

ATTEST:

ATTEST:

Andrea Cunningham, City Secretary

Signature

Printed Name and Title

Attachment “A”
Grant Fund Applications