Statement on the KXAN Story

DRIPPING SPRINGS, TEXAS – February 27, 2019 – The City has finished its review of the article and news broadcast released by Jody Barr from KXAN on February 26, 2019. We have concluded that the City Council and the TIRZ Board have complied with all Conflicts of Interest requirements under state law. The following are points of information that the City of Dripping Springs would have shared with KXAN had the station contacted the City Staff or TIRZ Board with its questions. As the information relates to the TIRZ Town Center Project and the City’s involvement in the Project:

(1) The TIRZ Town Center Project is still in the feasibility process. No conclusion has been reached as to what, if, and when anything will be constructed, and thus the cost of the TIRZ Town Center Project cannot be determined at this time.

(2) Conflicts of Interest Affidavits for city councilmembers are filed the first time a councilmember recognizes that there may be a conflict. Councilmember Kroll filed this affidavit when the Heritage project arose. He did not participate in discussions of the project after submitting his affidavit to the City. He complied with all requirements when he filed the affidavit and abstained from participation in any issue related to the Heritage property.

(3) Under state law, TIRZ Board members are not “public officials” who are subject to Chapter 171 of the Local Government Code. Chapter 171 regulates conflicts of interest affidavits for public officials when they have an interest in a business or real property. Also, the TIRZ Board is an advisory board whose decisions are all reviewed by the City Council.

(4) Councilmember Kroll is not a member of the TIRZ Board but is instead one of two councilmember liaisons to the Board.

(5) State nepotism law has not been violated. No law prohibits a City Councilmember from voting on the appointment of a family member to an unpaid, volunteer position with a City Board.
(6) Funding for the TIRZ comes from a portion of tax revenue based on the existing property tax collections in a specific geographic area. Those funds are set aside for certain projects that benefit the City and the property in the zone itself. It is not a new or additional tax and the TIRZ Board has no authority to levy or increase taxes.

(7) No TIRZ funds are being used---or are planned to be used---on the property known as Heritage.

(8) The City and the School District own the properties on which the Town Center is proposed, and the location has been a part of policy guidance for more than five years. The Town Center Project also appeared in the Sustainable Places Project adopted in 2013. The property is located at the heart of Dripping Springs, an ideal location for a Town Center and making it benefit all areas of the City.

(9) The City offered assistance to Mr. Barr to discuss the TIRZ Town Center project, but Mr. Barr did not meet with City Staff. Mr. Barr only contacted the City for Public Information Act records. The City released all records that could be released under state law. Release of the closed session minutes would be a criminal violation of the Open Meetings Act. Staff is still available to talk to anyone, including Mr. Barr, who has questions or concerns.

The City of Dripping Springs is fortunate to have active and engaged citizens, some who have lived in our community for generations and have a vested interest in our future, serving in city government. TIRZ and City Council meetings are open to the public and the City encourages attendance at these meetings for anyone who has an interest in the projects or the process.

Please contact Michelle Fischer, City Administrator, if you have additional questions or concerns. She can be reached at mfischer@cityofdrippingsprings.com or 512-858-4725.

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