

**ORDINANCE NO. 2023-**

**AN ORDINANCE AMENDING THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 130 UTILITIES, SPECIFICALLY SECTION 130-26 – COMPOSITION AND TERM OF OFFICE, TO ALIGN APPOINTMENTS TO THE NBU BOARD OF TRUSTEES WITH CHAPTER 2-56 THAT PROVIDES SUCH APPOINTMENTS SHALL BE IN NOVEMBER WITH TERMS BEGINNING DECEMBER 1<sup>ST</sup>; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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**WHEREAS**, On August 23, 2021, Council voted to amend New Braunfels Code of Ordinances, Chapter 2, Section 2-56 in order to align all terms for city board and commissions to begin on either December 1<sup>st</sup> or June 1<sup>st</sup>; with respective appointments occurring either November or May, as applicable; and

**WHEREAS**, the proposed ordinance amendment will bring into conformity the appointment and commencement date for term limits of the NBU Board of Trustees with those changes previously approved by City Council on August 23, 2021, in which all city board and commission appointments occur in November or May with terms commencing either on December 1<sup>st</sup> or June 1<sup>st</sup>, unless otherwise provided by law.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

**SECTION 1**

**THAT** section 130-26 of New Braunfels City Code pertaining to composition and terms of office are hereby amended as follows with new language indicated by underlined font and discarded language stricken through:

**Sec. 130-26. Composition and term of office.**

- (a) Pursuant to authority contained in V.T.C.A., Government Code, § 1502.070, and by the Charter of the city, the complete management and control of the city's waterworks, sanitary sewer and electric light systems shall be through a board of trustees, to consist of five citizens, one of whom shall be the mayor, permanently residing in New Braunfels, Comal County, Texas, to be known as the board of trustees of the New Braunfels Waterworks, Sanitary Sewer and Electric Light Systems, and referred to as the board of trustees, New Braunfels Utilities, in which name such board of trustees shall act and transact business, and referred to in this chapter as the "board of trustees" or "board."
- (b) All members of the board of trustees, except the mayor, shall be appointed by the city council to serve for five-year terms of office; with such term of office to commence on December 1; provided that vacancies in office for any reason other than the expiration of a trustee's term of office shall be filled only for the unexpired term of the office vacant.

- (c) Any member of the board of trustees whose term of office has expired shall continue to serve as a member of the board until their successor in office has been appointed. Appointments to the board of trustees resulting from the expiration of a member's term of office shall be made by the city council in November each year in which the term of office to be filled shall expire, or as soon as possible thereafter. All vacancies in membership on the board of trustees, other than the mayor, whether occasioned by failure or refusal of any person named to such board to accept appointment, or by expiration of the term of office or otherwise, shall be filled by the majority vote of the city council. No person who is related within the second degree of consanguinity or affinity to any member of the city council shall be eligible to membership on the board. No person who is employed by or serves as a board member for a utility, a governmental body other than the city council, or an agency that regulates NBU shall be eligible to serve on the NBU board of trustees. The term "employed" includes part-time and full-time employees, as well as someone who serves under contract as an attorney, consultant, engineer, manager, architect, or in some other professional capacity for the utility.

## **SECTION 2**

**THAT** 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 only, with the balance of such ordinances being saved from repeal. The provisions of this ordinance shall be and remain controlling as to the matters regulated herein.

## **SECTION 3**

**THAT** if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force.

## **SECTION 4**

**THIS** ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

**PASSED AND APPROVED:** First reading this 13<sup>th</sup> day of November 2023.

**PASSED AND APPROVED:** Second reading this \_\_\_\_\_ day of November 2023.

**CITY OF NEW BRAUNFELS**

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**NEAL LINNARTZ, Mayor**

**ATTEST:**

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**GAYLE WILKINSON, City Secretary**

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO, City Attorney**