

ORDINANCE NO. 2019-

AMENDING THE CITY OF NEW BRAUNFELS, TEXAS, CODE OF ORDINANCES CHAPTER 130-26; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the current criteria to sit on the NBU Board of Trustees allows a trustee to be an employee or board member of another utility in the area; and

WHEREAS, this presents a conflict of interests and loyalties that needs to be remedied; and

WHEREAS, this amendment will disqualify an applicant who is employed by or serves as a board member for a utility, another governmental body, or agency that regulates NBU, thereby resolving this conflict.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, THAT:

Section 1

The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2

That Chapter 130-26 (c) is amended to read as follows:

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 November 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 at its first regular meeting in October 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 New Braunfels 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 3. Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 4. Repealer

All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect and all ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

Section 5. Effective Date

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, filing with the City Secretary's Office.

PASSED AND APPROVED: First reading this _____ day of _____, 2019

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CITY OF NEW BRAUNFELS, TEXAS

By: _____

Barron Casteel, Mayor

ATTEST:

Patrick D. Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney