

## ***DIVISION 10. UTILITY COMMISSION***

### **Sec. 2.04.281. Title.**

This division shall be commonly cited as the "utility commission ordinance."

### **Sec. 2.04.282. Purpose.**

This division provides standards for the formation, function, and responsibilities of a commission tasked with representing various citizen groups and their interests as part of the city council's greater discussion of transportation, planning, and improvements. The commission is formed to:

- (1) Assist the city in its wastewater plant operations and reuse plans, including expansion.
- (2) Assist the city in achieving its goal of 100 percent beneficial reuse.
- (3) Assist the city in achieving its goal of not discharging effluent at any time.
- (4) Assist the city with procedures and policies related to retail water services provided by the city.

### **Sec. 2.04.283. Scope.**

This commission shall have duties that apply to all property within the incorporated municipal boundaries (i.e., city limits) and the extraterritorial jurisdiction (ETJ).

### **Sec. 2.04.284. Definitions.**

- (a) Rules of interpretation. Words and phrases used in this division shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.
- (b) Specific definitions.  
Commission: The utility commission created herein.

### **Sec. 2.04.285. Membership; meetings.**

- (a) Number of members.
  - (1) The commission will have a minimum of five voting members, two of which will be reserved for members nominated by Hays Trinity Groundwater Conservation District ("HTGCD") for appointment by the city council with the city having full discretion as to the final appointments. At least two of the voting members must be residents of the city (meaning that their full-time residence is within the city

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- limits). The remaining seats will have representation by individuals with interests within the city limits and the ETJ.
- (2) If a nominee of HTGCD is rejected for appointment by the city, HTGCD will make alternate nomination(s) until two HTGCD nominees are accepted and appointed by the city.
  - (3) The commission will also have one or two nonvoting members, who may be a member of the council or a city employee from within public works, or both.
  - (4) The commission may add nonvoting members on an as-needed basis as approved by a majority of the commission and the city council.
- (b) Terms of members. All appointments to the commission shall serve a term of office of two years, except as noted below. Expiration of terms shall be staggered so that an overlapping occurs (in the first one-year period, the terms of two members shall expire during that year, and the term of three members shall expire in the second year). Members may be reappointed with no limitation on the number of terms one member may serve.
- (c) Member selection.
- (1) Every year, city staff will prepare a slate of nominees for city council consideration including any nominees from the HTGCD. Potential nominees may express interest in the commission by contacting the city secretary in writing.
  - (2) The city council will approve, reject, or modify the list.
  - (3) The city council shall appoint a chair among the members. The chair shall serve a term concurrent with the members two-year term. The commission may select a vice chair from the remaining members.
- (d) Member removal. Members of the commission may be removed from office by the city council at any time by a simple majority vote of the full city council (three out of five), either:
- (1) Upon its own motion;
  - (2) Upon recommendation of a simple majority (three out of five) of the commission.
- (e) Resignation; vacancies. A commission member may resign by notifying the city secretary in writing of the member's intent to resign. A failure to attend three or more sequential commission meetings without approval from the chair will constitute a de facto notification of intent to resign. Any vacancy shall be filled by the city council upon staff recommendation except that a member originally nominated by the Hays Trinity Groundwater Conservation District who resigns, is removed, or where the position otherwise becomes vacant shall be replaced by a nomination from the HTGCD. All appointments shall be subject to approval by city council.
- (f) Meetings.
- (1) The commission will meet the third Thursday of each month at 4:00 p.m. Agendas will be drafted by the commission chair, under the advisement of commission members and assisted by city staff.
  - (2) Commission will have the authority to schedule additional meetings at any time by the chair's recommendation.
  - (3) The commission will make a report to the city council at the first meeting of each month to update the council on projects and progress.
  - (4) The commission's meetings are subject to the Open Meetings Act.
- (Ord. No. 2024-03, § 2, 1-16-2024)

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**Sec. 2.04.286. Authority.**

- (a) The authority of the commission will include at least the following:
  - (1) To oversee utilities provided by the city, including wastewater.
  - (2) To review the city's wastewater reuse plans and operations systems.
  - (3) To review data related to wastewater operations, including total volume of effluent leaving the wastewater plant, storage levels of tanks or ponds over which the city has complete operational control, volume of effluent provided to each customer, and volume and date of discharge, if any.
  - (4) To recommend modification of storage/acreage and reuse customers and of storage and irrigable area needed for remaining gallons of effluent to be utilized in a reuse system without need for discharge.
  - (5) To recommend corrective measures related to reuse or operations systems.
  - (6) To recommend additional or modified wastewater treatment methods and systems.
  - (7) To assist in review of third-party complaints regarding the city's wastewater plant, operations, or reuse systems and provide comments to city staff.
  - (8) To assist in review of public comments regarding the city's wastewater plant and provide comments to city staff and city council.
  - (9) To review noncity party recommendations regarding the city's wastewater plant, operations, or reuse systems, including any:
    - (A) Recommendations for model contracts for operations of treatment facility and reuse systems that may be submitted by the settling parties; or
    - (B) Recommendations for a class A operator.
  - (10) Any recommendations made by the commission must include financial information identifying the anticipated cost of implementing the recommendations.
- (b) The commission shall not have authority to replace or supersede commitments to irrigable area and storage as agreed under "acreage/storage" as agreed to in the agreement regarding the city's application no. WQ001448803 for a TPDES permit entered into on or about July 3, 2018.
- (c) The commission shall not have the authority to review, comment on, approve, or disapprove utility agreements or contracts that are negotiated between the city and third parties.

**Sec. 2.04.287. Support.**

- (a) City staff and the city engineer shall provide logistical support to the commission, as defined by access to city facilities for purposes of public meetings, access to city resources for purposes of copies and communications, and a designated staff liaison to coordinate and direct such support.
- (b) The city staff will post agendas and information requested by the commission, will take minutes at each meeting, and provide other requested support.

(Ordinance 2018-32, adopted 12/11/18)