

ORDINANCE NO. 2023-\_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 130, ARTICLE III, SECTIONS 130-56, 130-57, AND 130-58 CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS ADJUSTING ELECTRIC RATES AND CHARGES FOR FISCAL YEAR 2024; PROVIDING FOR ADJUSTMENTS OF ELECTRIC RATES AND CHARGES FOR FISCAL YEAR 2025; RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of New Braunfels, Texas (the “City”), owns and operates by and through New Braunfels Utilities its own electric system in accordance with the laws of the State of Texas and the charter of said City; and

**WHEREAS**, the Council of the City of New Braunfels has heretofore established an ordinance providing for assessment and collection of electric rates and which ordinance has been codified as Chapter 130, Article III, Code of Ordinances of the City; and

**WHEREAS**, Sections 130-56, 130-57, and 130-58 of the Code of Ordinances of the City require an update when rates are changed; and

**WHEREAS**, the New Braunfels Utilities Board of Trustees recommended new electric rates and charges for fiscal year 2024 and fiscal year 2025 at a meeting held on March 30, 2023; and

**WHEREAS**, in order to change the electric rates, it is now necessary and advisable that Sections 130-56, 130-57, and 130-58, Article III, Code of Ordinances, as heretofore established by ordinance, be amended; and

**WHEREAS**, the City Council of the City retains the power to consider an additional adjustment of NBU’s rates at any time.

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

## **SECTION 1.**

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

## **SECTION 2.**

**THAT**, Sections 130-56, 130-57, and 130-58, Chapter 130, Article III, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and hereby are amended to, among other things, (i) adjust electric rates and charges beginning August 1, 2023, and (ii) adjust the electric rates and charges in effect on July 31, 2024, beginning August 1, 2024, excluding those covered by contract, with no further action by the City Council of New Braunfels, Texas or by New Braunfels Utilities.

## **SECTION 3.**

**THAT**, Sections 130-56, 130-57, and 130-58, Chapter 130, Article III, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and hereby are amended as set forth in attached Exhibit A with deleted language signified by strikethrough font and new language signified by underlined font.

## **SECTION 4.**

**THAT**, this ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to electric rates, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

## **SECTION 5.**

**THAT**, if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

## **SECTION 6.**

**THAT**, this ordinance shall be effective on August 1, 2023.

**SECTION 7.**

**PASSED AND APPROVED:** First Reading this 3rd day of April, 2023.

**PASSED AND APPROVED:** Second Reading this 10th day of April, 2023.

**CITY OF NEW BRAUNFELS**

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**RUSTY BROCKMAN, Mayor**

**ATTEST:**

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**GAYLE WILKINSON, City Secretary**

**APPROVED AS TO FORM:**

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**VALERIA ACEVEDO, City Attorney**