

R-2023-167

A RESOLUTION BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES APPROVING PROPOSED AMENDMENTS TO CHAPTER 130, ARTICLE IV, SECTION 130-167 OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS RELATING TO WATER RATES (I) REMOVING THE OFF PEAK AND PEAK SEASON MONTHLY CHARGE DISTINCTIONS; (II) ADJUSTING VOLUME CHARGES; (III) MODIFYING SERVICE RATE CLASSIFICATIONS; (IV) ADJUSTING WATER RATES AND CHARGES FOR FISCAL YEAR 2024; (V) PROVIDING FOR ADJUSTMENTS OF WATER RATES AND CHARGES FOR FISCAL YEAR 2025; (VI) RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO; AND (VII) AUTHORIZING PRESENTATION OF SAME TO THE CITY COUNCIL OF NEW BRAUNFELS FOR ITS CONSIDERATION AND PASSAGE

WHEREAS, the City Council of the City of New Braunfels (the “City Council”) has established an ordinance containing the rules, regulations, and policies and rate provisions affecting the New Braunfels Utilities water system and its furnishing of services, fixing rates, deposits and providing for collection procedures and for the operations of said system, and said ordinances have been codified in Chapter 130, Article IV, Code of Ordinances of the City;

WHEREAS, the Board of Trustees of New Braunfels Utilities is of the opinion that it is now necessary and advisable that Chapter 130, Article IV, Section 130-167 of the Code of Ordinances relating to water rates and charges be amended for fiscal year 2024 and fiscal year 2025; and

WHEREAS, the Board of Trustees has reviewed the proposed amendments and is of the opinion that the same should be approved and submitted to the City Council for its consideration and passage.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES THAT:

SECTION 1. The Board of Trustees hereby approves the proposed amendments to Chapter 130, Article IV, Section 130-167 of the Code of Ordinances of the City of New Braunfels relating to water rates as set forth in attached Exhibit A to, among other things, (i) remove the off peak and peak season monthly charge distinctions; (ii) adjust volume charges; (iii) modify service rate classifications; (iv) adjust water rates and charges beginning August 1, 2023, as specified therein; and (v) adjust water rates and charges in effect on July 31, 2024, beginning August 1, 2024, as specified therein, excluding those covered by contract, with no further action by the City Council of New Braunfels, Texas or by New Braunfels Utilities.

SECTION 2. The Board of Trustees hereby recommends approval of such amendments to the City Council and authorizes and directs the Chief Executive Officer of New Braunfels Utilities to present the proposed ordinance amendments in ordinance form to the City Council for its consideration and passage as provided by law.

SECTION 3. The recitals contained in the preamble hereof are found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Board of Trustees.

SECTION 4. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board of Trustees hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

SECTION 8. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED, AND ADOPTED, this the 30th day of March, 2023.

Dr. Judith Dykes-Hoffmann
President, Board of Trustees
New Braunfels Utilities

ATTEST:

Ian Taylor
Secretary to the Board
New Braunfels Utilities

Exhibit A