

ORDINANCE NO. 2021-_____

AN ORDINANCE AMENDING CHAPTER 130, ARTICLE II, SECTION 130-30, CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS PROVIDING THE RIGHT TO NEW BRAUNFELS UTILITIES BOARD OF TRUSTEES MEMBERS TO WAIVE ANNUAL COMPENSATION AND TO REVOKE SUCH WAIVER AND REINSTATE ANNUAL COMPENSATION AT ANY TIME; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council has established an ordinance providing for the complete management and control of New Braunfels Utilities through a board of trustees, which ordinance has been codified as Chapter 130, Article II of the Code of Ordinances of the City; and

WHEREAS, the City Council has also established an ordinance providing for the compensation of the board of trustees, which ordinance has been codified as Chapter 130, Article II, Section 130-30, Code of Ordinances of the City; and

WHEREAS, Section 130-30 of the Code of Ordinances of the City does not currently allow members of the board of trustees to waive their annual compensation; and

WHEREAS, pursuant to a resolution adopted on May 25, 2021, the New Braunfels Utilities Board of Trustees recommends that the board compensation be modified to allow board members to waive their annual compensation; and

WHEREAS, in order to change the board member compensation, it is now necessary and advisable that Section 130-30, Chapter 130, Article II of the Code of Ordinances as heretofore established by ordinance, be amended; and

WHEREAS, the City Council retains the power to consider a modification to the board member compensation 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, Section 130-30, Chapter 130, Article II of the Code of Ordinances, City of New Braunfels, Texas, as heretofore established by ordinance, be and hereby is amended to allow a member of the board of trustees of New Braunfels Utilities the right to (i) waive his or her annual compensation at any time by providing written notice of such waiver to the CEO and (ii) revoke such waiver and reinstate his or her annual compensation at any time by providing written notice of such reinstatement to the CEO.

SECTION 3.

THAT, Section 130-30, Chapter 130, Article II of the Code of Ordinances, City of New Braunfels, Texas, is hereby amended in the following section with new language signified by underlined font below:

Sec. 130-30. Compensation of members; exception.

The members of the board of trustees, excluding the mayor, shall receive an annual compensation of not less than \$1,200.00, and such compensation may be increased from time to time by the city council as it is deemed advisable, subject to the limitations set out in the Charter of the city. A member of the board of trustees may waive receipt of this compensation by providing written notice of such waiver to the CEO. If a member of the board of trustees chooses to waive his or her annual compensation, the member may revoke the waiver and reinstate the member's annual compensation at any time by providing written notice of such reinstatement to the CEO. After revocation of the waiver, a member is entitled to a prorated amount of the compensation for the remainder of the fiscal year.

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 board member compensation, 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 _____, 2021.

SECTION 7.

PASSED AND APPROVED: First Reading this _____ day of _____, 2021.

PASSED AND APPROVED: Second Reading this _____ day of _____, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA ACEVEDO, City Attorney