

A RESOLUTION BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES (I) APPROVING A PROPOSED AMENDMENT TO CHAPTER 130, ARTICLE II, SECTION 130-30, CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS (I) PROVIDING THE RIGHT TO BOARD MEMBERS TO WAIVE ANNUAL COMPENSATION AND TO REVOKE SUCH WAIVER AND REINSTATE ANNUAL COMPENSATION AT ANY TIME AND (II) 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 designating the complete management and control of New Braunfels Utilities (“NBU”) to a Board of Trustees to manage its electric, water, and wastewater systems;

WHEREAS, Chapter 130, Article II, Section 130-30 of the City’s Code of Ordinances provides that NBU board members, excluding the mayor, shall receive an annual compensation of not less than \$1,200;

WHEREAS, the Board of Trustees of NBU is of the opinion that it is now necessary and advisable that Chapter 130, Article II, Section 130-30 of the Code of Ordinances relating to board member compensation be amended; and

WHEREAS, the Board of Trustees has reviewed the proposed amendment 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 amendment to Chapter 130, Article II, Section 130-30 of the City’s Code of Ordinances as set forth in attached Exhibit A to allow a member of the Board of Trustees 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 annual compensation at any time by providing written notice of such reinstatement to the CEO.

SECTION 2. The Board of Trustees hereby recommends approval of such amendment to the City Council and authorizes and directs the CEO of NBU to present the proposed ordinance amendment 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 25th day of May, 2021.

John A. Harrell
President, Board of Trustees
New Braunfels Utilities

ATTEST:

Ian Taylor
Secretary to the Board
New Braunfels Utilities

R2021-146

Exhibit A