

R-2023-180

A RESOLUTION BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES (“NBU”) APPROVING REVISIONS TO THE RECORDS AND INFORMATION MANAGEMENT POLICY, APPOINTING THE NBU RECORDS MANAGER AS THE RECORDS MANAGEMENT OFFICER PURSUANT TO THE LOCAL GOVERNMENT RECORDS ACT, AND APPROVING OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, NBU is a Texas municipally owned utility that provides water, wastewater, and electricity to ratepayers in its service area;

WHEREAS, Section 203.026 of the Texas Local Government Code provides that each local government must establish by resolution an active and continuing records management program to be administered by a records management officer (the “RMO”);

WHEREAS, on May 27, 1998, the NBU Board of Trustees adopted New Braunfels Utilities Records Management Program by Resolution;

WHEREAS, on July 31, 2008, the NBU Board of Trustees adopted the Records Management Program Policy and Procedures and named the NBU Chief Financial Officer as the RMO (the “Original Policy”);

WHEREAS, the Board subsequently adopted revisions to the Original Policy on December 9, 2021, and renamed the Original Policy as the Records and Information Management Policy (the “Revised Policy” and, together with the Original Policy, the “Policy”);

WHEREAS, NBU has recently restructured the department responsible for records and information management;

WHEREAS, NBU staff reviewed the Policy and recommends changes to the Policy, attached hereto as Exhibit A, to reflect the departmental changes, including appointing the Records Manager as the RMO; and

WHEREAS, the Records Information Management Committee of the NBU Board of Trustees reviewed the proposed changes and determined that the changes to the Policy are prudent and reflect the departmental changes.

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

SECTION 1. The Board of Trustees hereby approves the Policy, attached hereto as Exhibit A, and appoints the NBU Records Manager as the RMO.

SECTION 2. 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 3. 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resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 5. 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 6. 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 7. 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 14th day of December, 2023.

Wayne Peters
President, Board of Trustees
New Braunfels Utilities

ATTEST:

Ryan Kelso
Secretary, Board of Trustees
New Braunfels Utilities