

ORDINANCE NO. 2012-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AMENDING CHAPTER 2, ARTICLE 3, BOARDS, COMMITTEES AND COMMISSIONS, OF THE SAN MARCOS CITY CODE BY ESTABLISHING A CITIZENS UTILITY ADVISORY BOARD; PROVIDING FOR THE COMPOSITION AND FUNCTIONS OF THE BOARD; INCLUDING PROCEDURAL PROVISIONS AND PROVIDING AN EFFECTIVE DATE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** Chapter 2, Article 3, Boards, Committees, and Commissions, of the San Marcos City Code is hereby amended by adopting a new Division 11 (previously reserved for future codification) establishing a Citizens Utility Advisory Board to read as follows:

**DIVISION 11. CITIZENS UTILITY ADVISORY BOARD**

**Sec. 2.271. Created; Composition.**

There is hereby created the City of San Marcos Citizen Utility Advisory Board, hereinafter referred to as the "Board." The Board will be comprised of five voting members. The council shall appoint one citizen at large. When considering appointments to the remaining four positions on the Board, Council shall endeavor to appoint individuals meeting the following qualifications: two members with experience as a licensed professional engineer or experience in the operation and management of public utility systems and two members with education and experience in finance or accounting. All voting members must be customers of the city's water, wastewater, or electric utility systems and must reside within the city limits. The city council may remove and replace members of the Board at any time. **The Mayor of the City of San Marcos will be a non-voting, ex officio member of the Board.**

**Sec. 2.272. Term of office.** The term of office for members shall be two years, with all members initially appointed for two full years. The second appointments shall be staggered, so that two members shall be appointed for two-year terms, and the remaining three members appointed for one-year terms. Thereafter, all terms shall be for two years.

**Sec. 2.273. Purpose.** The Board is empowered to review the financial performance and resources of the City of San Marcos Electric, Water and Wastewater Utility Systems for purposes of providing advice to the Council concerning the business aspects of such financial performance and resources including rate levels and fees and to report, by official vote, their recommendations to the City Council. The Board may also include recommendations regarding the operating budgets and capital improvements plans for these utility systems and future water sources.

**Sec. 2.274. Rights and duties.** The Board is responsible to and shall act solely as an advisory body to the Council and shall exercise only those functions as defined in this Division. The Board and its members have no authority to expend funds, make obligations on behalf of the city or to give instructions to city staff.

**Sec. 2.275. Compensation.** All members of the Board shall serve without compensation, but may be reimbursed for all expenses reasonably incurred by them in the performance of their duties as members of such Board, when authorized in advance by the City Council.

**Sec. 2.276. Organization.** The Mayor or the Mayor's designee shall function as the chair of the Board, and the Board shall select from among its members a vice chair and secretary. The Board shall adopt such rules and regulations, subject to Council approval, as it may deem proper for the governance of its proceedings. Such rules and regulations shall be consistent with the ordinances of the City. The secretary shall keep a record of all transactions of the board. The City Manager shall assign appropriate staff to provide the board with information and support assistance, and any resources as directed by Council necessary for the performance of its functions.

**Sec. 2.277. Meetings.** The Board will meet quarterly to perform the duties herein prescribed and will have the authority to schedule special meetings if required to fulfill the board's obligations or to meet deadlines set by the city council.

**Sec. 2.278. Bylaws and Open Meetings Act Compliance.** The board may adopt bylaws, subject to review and approval by City Council, in conformity with this Chapter and with any applicable federal and state laws. The Board shall comply with the provisions of the Texas Open Meetings Act.

**SECTION 2.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 3.** All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 4.** This Ordinance will take effect immediately following its adoption on second reading.

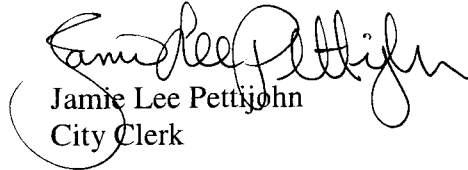
PASSED on first reading on the 15<sup>th</sup> day of May 2012.

PASSED, APPROVED AND ADOPTED on the 5<sup>th</sup> day of June 2012.



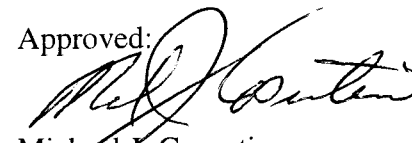
Daniel Guerrero  
Mayor

Attest:



Jamie Lee Pettijohn  
City Clerk

Approved:



Michael J. Cosentino  
City Attorney