

## ORDINANCE NO. 2019-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 2, ARTICLE 3, DIVISION 11 CITIZENS UTILITY ADVISORY BOARD OF THE SAN MARCOS CITY CODE BY; AMENDING SECTION 2.271 – COMPOSITION, SECTION 2.272 – TERMS OF OFFICE, SECTION 2.276 – ORGANIZATION, AND SECTION 2.278. - BYLAWS AND OPEN MEETINGS ACT COMPLIANCE; INCLUDING PROCEDURAL PROVISIONS AND PROVIDING AN EFFECTIVE DATE.

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

**SECTION 1.** Sections 2.271, 2.272, 2.276 and 2.278 of the San Marcos City Code pertaining to the Citizens Utility Advisory Board are hereby amended to read as follows (Added text is indicated by underlining. Deleted text is indicated by ~~strike throughs~~):

### **Sec. 2.271. 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~~ two citizens at large. When considering appointments to the remaining ~~four~~ three 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 or education and experience in finance or accounting. These qualifications are encouraged, but not required. 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~~ A member of city council 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. Members are appointed to three-year staggered terms.~~

### **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 elect~~

a chair, and vice-chair from among its members at its first meeting each year after the appointment of members. 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~~ staff liaison 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. 2.278. Bylaws and Open Meetings Act Compliance.**

The board ~~may~~ will adopt and adhere to a standard set of bylaws, subject to review and approval by city council that are approved by the city council as required in Section 2.073 of this code, 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 resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

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

**PASSED AND APPROVED** on first reading on February 19, 2019.

**PASSED, APPROVED AND ADOPTED** on second reading on March 5, 2019.

Jane Hughson  
Mayor

Attest:

Jamie Lee Case  
City Clerk

Approved:

Michael J. Cosentino  
City Attorney