



**NOTICE OF OPEN MEETING**  
**BOARD OF TRUSTEES**  
NBU Board Room, 263 Main Plaza, New Braunfels, Texas 78130  
March 30, 2023, at 1:00 PM  
[www.nbutexas.com](http://www.nbutexas.com)

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## **AGENDA**

### **PLEDGE OF ALLEGIANCE AND INVOCATION**

Board Vice President Wayne Peters

### **PUBLIC COMMENT**

### **PRESENTATION ITEMS**

1. Presentation to Communities in Schools (CIS)

### **ITEMS FROM THE CHAIR**

1. Report from the Investment Committee

### **ITEMS FROM STAFF**

1. CEO's Update
  - a. Headwaters at the Comal Ground Breaking
  - b. Wyland National Mayor's Challenge for Water Conservation
  - c. 2023 Customer Satisfaction Survey
  - d. Rate Advisory Committee Roadshow Presentations
  - e. Other Items Permitted Under Section 551.415 of the Texas Government Code
2. Financial Update and Report
3. Annual Water Supply Fee Report
4. Monthly Update on Customer Accounts
5. Power Supply Update Including Changes to the Power Stabilization Fund
6. Quarterly Capital Update

### **CONSENT ITEMS FOR ACTION**

1. Approve Minutes of the NBU Regular Board Meeting of February 23, 2023
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2. Approve a Public Calamity Declaration Relating to Supply Chain Disruptions Resulting from the Covid-19 Pandemic for Purchases over \$250,000
3. Approve the Public Calamity Exemption Log from January 15, 2023, through February 15, 2023
4. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2022, through February 15, 2023
5. Approve the Change Order Log from January 15, 2023, through February 15, 2023
6. Approve the Electric Line of Business Alternative Procurements from January 15, 2023, through February 15, 2023
7. Approve Previously Unreported Alternative Procurements for the Electric Line of Business
8. Approve 2022 Third Quarter Charge-Off Accounts
9. Authorize Proposed Changes to the New Braunfels Utilities Financial Policy
10. Authorize CEO or His Designee to Adopt Resolution #2023-165 Authorizing Proposed Changes to the New Braunfels Utilities Investment Policy
11. Authorize CEO or His Designee to Make Available the Standard Agreement for Negotiation and Execution of Agreements for Interconnection and Parallel Operation of Distributed Generation as Required by Senate Bill 398
12. Authorize CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Freese and Nichols, Inc. for the Senate Bill 3 Emergency Preparedness Plan Generators Phase 1 Project
13. Authorize CEO or His Designee to Approve Additional Construction Contract Contingency with Harper Brothers Construction, LLC in the Amount of \$350,000 for the Construction of the FM 306 Pump Station Expansion and Discharge Line Project
14. Authorize CEO or His Designee to Negotiate and Execute a Construction Contract with MGC Contractors, Inc. for the Construction of the Sam C. McKenzie Water Reclamation Facility Headworks Conveyor and Discharge Outfall Replacement Project
15. Approve Resolution Amending Authorized Representatives for the Texas Local Government Investment Pool and Authorize President and CEO/Secretary to Execute Documentation in Connection Therewith
16. Authorize CEO or His Designee to Negotiate and Execute a Services and Goods Agreement with WW Peerless, LLC DBA Peerless Equipment for Water Well Pump Diagnostic, Repair, and Replacement Services
17. Authorize CEO or His Designee to Negotiate and Execute a Services and Goods Agreement with Weisinger Incorporated for Water Well Pump Diagnostic, Repair, and Replacement Services

18. Authorize CEO or His Designee to Negotiate and Execute a Services and Goods Agreement with Austin Armature Works, LP for Water and Wastewater Systems Pump and Motor Repair, Maintenance, and Replacement Services
19. Authorize CEO or His Designee to Negotiate and Execute a Services and Goods Agreement with Lonestar Armature, LLC for Water and Wastewater Systems Pump and Motor Repair, Maintenance, and Replacement Services
20. Authorize CEO or His Designee to Negotiate and Execute a Master Support and Maintenance Agreement for the Northstar Customer Information System with Harris Computer Corporation
21. Authorize CEO or His Designee to Approve Resolution #2023-166 to Accept Restricted Prior Service Credits from Other Public Employers to Satisfy Length of Service Requirements for Texas Municipal Retirement System (TMRS) Retirement Eligibility

## **ACTION ITEMS**

1. Discuss and Consider Approval of the Fiscal Year 2024 Budget and Five-Year Operating Plan
2. Discuss and Consider Receiving the Electric, Water, and Wastewater Utility Revenues, Revenue Requirements, Cost of Service, and Rates Report, Including Rate Advisory Committee Feedback, from Freese & Nichols, Inc., NewGen Strategies & Solutions, LLC
3. Discuss and Consider Adopting Resolution #2023-167 by the Board of Trustees of New Braunfels Utilities Approving Proposed Amendments to Chapter 130, Article IV, Section 130-167 of the Code of Ordinances of the City of New Braunfels Relating to Water Rates (i) Removing the Off Peak and Peak Season Monthly Charge Distinctions; (ii) Adjusting Volume Charges; (iii) Modifying Service Rate Classifications; (iv) Adjusting Water Rates and Charges for Fiscal Year 2024; (v) Providing for Adjustments of Water Rates and Charges for Fiscal Year 2025; (vi) Resolving Other Matters Incident and Related Thereto; and (vii) Authorizing Presentation of Same to the City Council of New Braunfels for its Consideration and Passage
4. Discuss and Consider Adopting Resolution #2023-168 by the Board of Trustees of New Braunfels Utilities Approving Proposed Amendments to Chapter 130, Article V, Section 130-257 of the Code of Ordinances of the City of New Braunfels (i) Adjusting Sewer Rates and Charges for Fiscal Year 2024; (ii) Providing for Adjustments of Sewer Rates and Charges for Fiscal Year 2025; (iii) Resolving Other Matters Incident and Related Thereto; and (iv) Authorizing Presentation Of Same To The City Council Of New Braunfels For Its Consideration And Passage
5. Discuss and Consider Adopting Resolution #2023-169 by the Board of Trustees of New Braunfels Utilities Approving Proposed Amendments to Chapter 130, Article III, Sections 130-56, 130-57, and 130-58 of the Code of Ordinances of the City of New Braunfels (i) Adjusting Electric Rates and Charges for Fiscal Year 2024; (ii) Providing for Adjustments of Electric Rates and Charges for Fiscal Year 2025; (iii) Resolving Other Matters Incident and Related Thereto; and (iv) Authorizing Presentation of Same to The City Council of New Braunfels for its Consideration and Passage

6. Discuss and Consider Adopting Resolution #2023-170 by the Board of Trustees of New Braunfels Utilities Approving Proposed Amendments to Chapter 130, Article IV, Section 130-228, Code of Ordinances of the City of New Braunfels, Texas Relating to Drought Management Plan, and Authorizing the Presentation of Same to the New Braunfels City Council for Consideration and Passage

## **EXECUTIVE SESSION**

The Board of Trustees may recess into Executive Session for any purpose permitted by the Texas Open Meetings Act, including but not limited to:

1. Power Supply Resources – Competitive Matters  
(Section 551.086 – Texas Government Code)
  - a. Power Supply Update
  - b. Consider a Contract Related to Risk Management Strategies
2. Consultation with Attorney Regarding Pending or Contemplated Litigation, Settlement Offer, or Other Matters Protected by Attorney Client Privilege; Power Supply Resources – Competitive Matters  
(Section 551.071 – Texas Government Code; Section 551.086 – Texas Government Code)
  - a. Consider Matters Associated with Pricing Information, Risk Management, Claims Notices, Contracts Relating to, and Actions Taken by ERCOT in Response to the February 2021 Winter Storm
3. Consultation with Attorney Regarding Matters Protected by Attorney Client Privilege  
(Section 551.071 - Texas Government Code)
  - a. Discuss Legal Implications of *The City of San Antonio, by and through the San Antonio Water System v. Campbellton Road, LTD.*, 647 S.W.3d 751 (Tex. App.— San Antonio January 26, 2022, pet. filed).
  - b. Utility Construction Cost Sharing Agreement Between Southstar at Mayfair LLC, Together with Certain Affiliates, and New Braunfels Utilities

The Board of Trustees upon reconvening in Open Session will discuss and consider any action if necessary regarding closed session items.

## **RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE**

## **ADJOURN**

If you require assistance in participating at a public meeting due to a disability as defined under the Americans with Disabilities Act, reasonable assistance, adaptations or accommodations will be provided upon request. Please contact the Board's Executive Assistant at least three (3) days prior to the scheduled meeting date, at (830) 629-8400, or NBU Main Office at 263 Main Plaza, New Braunfels, Texas, for additional information.

**CERTIFICATE OF POSTING**

I, Ian Taylor, Secretary to the Board of Trustees, do hereby certify that this Notice of Meeting was posted at the City of New Braunfels City Hall, 550 Landa Street, New Braunfels, Texas, and New Braunfels Utilities Main Office, 263 Main Plaza, New Braunfels, Texas, on the **24th day of March, 2023**, and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.



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Ian Taylor, Chief Executive Officer  
Secretary to the Board of Trustees