

## ACTION FORM BRYAN CITY COUNCIL

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|--|---|---|---|
| <b>DATE OF COUNCIL MEETING:</b> February 10, 2015  |   | <b>DATE SUBMITTED:</b> February 2, 2015         |   |
| <b>DEPARTMENT OF ORIGIN:</b> Water Services  |   | <b>SUBMITTED BY:</b> J. Barfknecht              |   |
| <b>MEETING TYPE:</b>   | <b>CLASSIFICATION:</b>                      | <b>ORDINANCE:</b>                               | <b>STRATEGIC INITIATIVE:</b>                        |
| <input type="checkbox"/> BCD   | <input type="checkbox"/> PUBLIC HEARING     | <input checked="" type="checkbox"/> 1ST READING | <input type="checkbox"/> PUBLIC SAFETY              |
| <input type="checkbox"/> SPECIAL   | <input type="checkbox"/> CONSENT            | <input type="checkbox"/> 2ND READING            | <input type="checkbox"/> SERVICE                    |
| <input checked="" type="checkbox"/> REGULAR  | <input type="checkbox"/> STATUTORY          |   | <input type="checkbox"/> ECONOMIC DEVELOP.          |
| <input type="checkbox"/> WORKSHOP  | <input checked="" type="checkbox"/> REGULAR |   | <input checked="" type="checkbox"/> INFRASTRUCTURE  |
|  |   |   | <input checked="" type="checkbox"/> QUALITY OF LIFE |
| <b>AGENDA ITEM DESCRIPTION:</b> Consideration of an ordinance amending Chapter 2, "Administration", Article II, "City Council" by adding Section 2-36 "Standing Council Committees", subsection (1) creating a standing Council Water Committee to act in an advisory capacity to the full City Council on water/wastewater utility matters, and providing for the duties and responsibilities of the Committee, rules of procedure, reporting, posting and meeting requirements and appointment and composition of members.   |   |   |   |
| <b>SUMMARY STATEMENT:</b> On January 27, 2015, the Bryan City Council voted unanimously to direct the City staff to come back with an ordinance for consideration that would create a standing Council Water Committee that would act in an advisory capacity to the City Council and would study water and wastewater utility matters at the direction of the City Council, but that could bring forward issues to the City Council itself for Council assignment consideration.  |   |   |   |
| <b>STAFF ANALYSIS AND RECOMMENDATION:</b>  |   |   |   |
| <b>OPTIONS (In Suggested Order of Staff Preference):</b>   |   |   |   |
| <ol style="list-style-type: none"> <li>1. Approve the proposed ordinance creating a standing council committee to act in an advisory capacity to the full City Council on water and wastewater utility issues, to be called the "Council Water Committee".</li> <li>2. Approve the proposed ordinance creating a standing Council Water Committee with modifications, which may require consideration at a future city council meeting.</li> <li>3. Do not approve the ordinance and provide further direction to staff.</li> <li>4. Do not approve the ordinance and reject further consideration of a standing Council Water Committee.</li> </ol> |   |   |   |
| <b>ATTACHMENTS:</b> Proposed Ordinance   |   |   |   |
| <b>FUNDING SOURCE:</b>   |   |   |   |
| <b>APPROVALS:</b>  |   |   |   |
| <b>APPROVED FOR SUBMITTAL: CITY MANAGER</b>  |   |   |   |
| <b>APPROVED FOR SUBMITTAL: CITY ATTORNEY</b>   |   |   |   |

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF BRYAN AMENDING CHAPTER 2, “ADMINISTRATION”, ARTICLE II, “CITY COUNCIL”, BY ADDING SECTION 2-36, “STANDING COUNCIL COMMITTEES”, SUBSECTION (1) “COUNCIL WATER COMMITTEE”; CREATING A STANDING COUNCIL COMMITTEE TO ACT IN AN ADVISORY CAPACITY TO THE FULL CITY COUNCIL ON WATER AND WASTEWATER UTILITY MATTERS, TO BE CALLED THE “COUNCIL WATER COMMITTEE”, PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THE COMMITTEE, RULES OF PROCEDURE, REPORTING, POSTING REQUIREMENTS AND APPOINTMENT OF MEMBERS; AND DETERMINING THAT THE MEETINGS AT WHICH THIS ORDINANCE WAS PASSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has determined that it would be beneficial to have in place for the foreseeable future a committee of the City Council to act in an advisory capacity to the full City Council on matters impacting the City’s water and wastewater utility; and

**WHEREAS**, the City Council desires to create a standing committee of the City Council and to appoint three of its members to serve on the standing committee to assist City Council in reviewing matters impacting the City’s water and wastewater utility and providing recommendations to the full City Council;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS THAT:**

1.

Article II. City Council, shall be amended by adding Section 2-36, “Standing Council Committees” as follows:

*Section 2-36 Standing Council Committees.*

*(1) Council Water Committee. The City Council hereby creates a standing committee of the City Council to act in an advisory capacity to the full City Council on water and wastewater utility matters, to be called the Council Water Committee.*

*(A) The Council Water Committee shall undertake the study or review of matters impacting the City’s water and wastewater utility at the direction of the full City Council, but may bring forward water and wastewater issues to the City Council for assignment consideration to include such matters as:*

- (i) water and wastewater rate review;*
- (ii) water and wastewater maintenance and operations;*
- (iii) water production and water supplies;*
- (iv) water conservation;*
- (v) water and wastewater infrastructure;*
- (vi) water and wastewater Certificates of Convenience and Necessity;*
- (vii) wastewater return flows;*
- (viii) water and wastewater related ordinances;*
- (ix) water and wastewater contracts; and*

- (x) *any other issues related to water and wastewater.*
- (B) *Composition. Three members of the City Council shall be appointed by the City Council to the Council Water Committee to serve until their successor is appointed.*
- (C) *Appointment. Following the initial appointment, three members of the City Council shall be appointed annually to serve on the Water Committee by vote of the City Council in the month of January. All members of the Water Committee shall serve at the will and pleasure of the City Council. Should a vacancy arise for any reason during the one-year term, including the removal of a committee member by the City Council, the City Council shall appoint a new committee member as soon as practicable at a regular City Council meeting.*
- (D) *Committee Meetings. The Council Water Committee shall meet quarterly and may also meet periodically, as necessary, when directed by the City Council to study or review particular water or wastewater utility matters. The Committee will meet at a day and time agreed upon by the members of the Committee and the Public Works Director shall be responsible for the preparation of all meeting agendas. All meetings of the Committee shall be posted in the same manner as is required for meetings of the governing body under the Texas Open Meetings Act. The subject matter of meetings of the Council Water Committee will be promptly reported to the full City Council during a regular meeting of the City Council. The Council Water Committee shall not meet in closed session, unless expressly authorized by the City Attorney. The Committee shall follow Robert's Rules of Order Newly Revised in conducting its meetings. Minutes of the meetings will be taken by City staff.*
- (E) *Staff Attendance at Committee Meetings. The Public Works Director shall serve as a staff liaison to the Council Water Committee. The Public Works Director or his/her designee and the City Attorney or an Assistant City Attorney shall attend all meetings of the Council Water Committee.*

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

3.

The Bryan City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

4.

If any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001, et seq., of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given, pursuant to all applicable law.

It is the intention of the City Council that this ordinance shall become a part of the Bryan City Code and it may be renumbered and codified therein accordingly.

**PRESENTED AND GIVEN** first reading the 10<sup>th</sup> day of February, 2015, at a regular meeting of the City Council of the City of Bryan, Texas, and given second reading, **PASSED AND APPROVED** on the 24<sup>th</sup> day of February, 2015 by a vote of \_\_\_\_ ayes and \_\_\_\_ noes at a regular meeting of the City Council of the City of Bryan, Texas,

**ATTEST:**

**CITY OF BRYAN:**

\_\_\_\_\_  
Mary Lynne Stratta, City Secretary

\_\_\_\_\_  
Jason P. Bienski, Mayor

**APPROVED AS TO FORM:**

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Janis K. Hampton, City Attorney