



NOTICE OF OPEN MEETING
APRIL BOARD OF TRUSTEES
NBU Board Room, 263 Main Plaza, New Braunfels, Texas 78130
April 30, 2026, at 1:00 PM
www.nbutexas.com

AGENDA

OPEN SESSION (3 HR)

CLOSED SESSION (55 MIN + 5 MIN Recess)

TOTAL (4 HR)

CALL TO ORDER 1:00 pm

PLEDGE OF ALLEGIANCE AND INVOCATION (2 MINS) 1:00 pm

Board President Wayne Peters

NBU EMPLOYEE RECOGNITIONS (8 MINS) 1:02 pm

1. Retirement Recognition of Todd Kelley – **RYAN KELSO (8 MINS) 1:02 pm**

PUBLIC COMMENT (5 MINS) 1:10 pm

ITEMS FROM THE CHAIR (10 MINS) 1:15 pm

1. Update from the Investment Committee – **STUART BLYTHIN (5 MINS) 1:15 pm**
2. Update from the Security Committee – **JUDY/WAYNE (5 MINS) 1:20 pm**
3. Any Other Items Permitted Under Section 551.0415 of the Texas Government Code

ITEMS FROM STAFF (40 MIN) 1:25 pm

1. CEO's Update – **RYAN KELSO (5 MINS) 1:25 pm**
 - a. Leadership Announcement of Position Changes: Interim Director of Financial Services, Kimberly DaCosta
 - b. NBU Receives American Public Power Association Diamond Safety Award
 - c. NBU Community Engagement Team Participates in Community Career Days at Local Elementary Schools, High Schools, Texas State University, and Local Community Expositions
 - d. Headwaters at the Comal Hosts Activities on Connecting the Community to Nature and Showcasing the Significance of the Comal Springs
 - e. Official Launch of 2026 KinderKraft Program in Partnership with Communities in Schools
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- f. NBU Hosts Trinity Wells Tour for the Enclave at WestPointe Village Homeowners Association
 - g. NBU Conservation Team Participates in City of New Braunfels Thru the Chute Event
 - h. Headwaters at the Comal Hosts Earth Day Event
 - i. CEO Roadshow: New Braunfels Councilmember District 3 Forum
 - j. CEO Roadshow: Comal County Commissioners' Court Water Workshop
 - k. Any Other Items Permitted Under Section 551.0415 of the Texas Government Code
2. Financial Update and Report – **KIMBERLY DaCOSTA (10 MINS) 1:30 pm**
 3. Quarterly Capital Update – Fiscal Year 2026 Second Quarter – **JACOB TSCHOEPE (15 MINS) 1:40 pm**
 4. Monthly NBU Headquarters Progress Update – **JACOB TSCHOEPE (10 MINS) 1:55 pm**

CONSENT ITEMS FOR ACTION – WAYNE PETERS (5 MINS) 2:05 pm

1. Approve Minutes of the NBU Regular Board Meeting of March 26, 2026
2. Approve the Change Order Log from February 15, 2026, through March 15, 2026
3. Approve the Electric Line of Business Alternative Procurements from February 15, 2026, through March 15, 2026
4. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2025, through March 15, 2026
5. Authorize the CEO or His Designee to Negotiate and Execute a Construction Contract with Capital Excavation Company for the Construction of the Western Downtown to Morningside Pressure Zone Conversion Project

ACTION ITEMS (1 HR 20 MIN) 2:10 pm

1. Provide an Update on the Certificate of Convenience and Necessity Project and Discuss and Consider Adoption of Resolution #2026-207 Authorizing the CEO or His Designee to Submit an Application to the Public Utility Commission of Texas to Decertify From Its Water Certificate of Convenience and Necessity the Following Tracts of Real Property in Comal County, Texas (I) an Approximately 1.58 Acre Tract Generally Located Immediately West of the Intersection of FM 306 and Hoffman Lane, (II) an Approximately 0.62 Acre Tract Generally Located on the West Side of FM 306 Approximately 0.3 Miles South of the Intersection of Hoffman Lane and FM 306, and (III) an Approximately 97.68 Acre Tract Generally Located East of Shady Hollow and Northeast of Cambridge Drive (Comal Appraisal District Parcel No. 73415), and Other Matters in Connection Therewith – **MIKE SHORT (15 MINS) 2:10 pm**

2. Discuss and Consider Adoption of Resolution #2026-208 Declaring as Surplus a 1.043 Acre Tract of Land Located at 156 Texas Avenue, New Braunfels, Texas, 78130, Comal County Property ID No. 151576; Authorizing the Sale of Said Property in Accordance with State Law; and Authorizing Other Matters in Connection Therewith – **MIKE SHORT (15 MINS) 2:25 pm**
3. Discuss and Consider Adoption of Resolution #2026-210 Relating to the Issuance of “City of New Braunfels, Texas, Utility System Revenue and Refunding Bonds, Series 2026,” and Resolving Other Matters Incident and Related Thereto – **JESSICA WILLIAMS (10 MINS) 2:40 pm**
4. Discuss and Consider Adoption of Resolution #2026-211 Relating to the Issuance of “City of New Braunfels, Texas, Utility System Revenue Bonds, Taxable Series 2026A (Texas Water Development Board - Drinking Water State Revolving Fund Lead Service Line Replacement Program),” and Resolving Other Matters Incident and Related Thereto – **JESSICA WILLIAMS (10 MINS) 2:50 pm**
5. Discuss and Consider Adoption of Resolution #2026-212 Relating to the Principal Forgiveness Agreement with the Texas Water Development Board in the Amount of \$510,000 and Resolving Other Matters Incident and Related Thereto – **JESSICA WILLIAMS (10 MINS) 3:00 pm**
6. Discuss and Consider Adoption of Resolution #2026-213 Relating to the Issuance of “City of New Braunfels, Texas, Utility System Revenue Commercial Paper Notes, Series 2026A and Series 2026B” and Resolving Other Matters Incident and Related Thereto – **JESSICA WILLIAMS (10 MINS) 3:10 pm**
7. Discuss and Consider Adoption of Resolution #2026-214 Recommending and Requesting that the New Braunfels City Council Take Certain Actions with Respect to an Application to the Texas Water Development Board’s Water Supply and Infrastructure Grant Program and Resolving Other Matters Incident and Related Thereto – **JESSICA WILLIAMS (10 MINS) 3:20 pm**

PRESENTATION ITEMS (30 MIN) 3:30 pm

1. Presentation and Update on the NBU Billing Assistance Program – **ANDREW CUMMINGS (15 MINS) 3:30 pm**
2. Presentation and Update on the NBU Customer Round Up Program – **ANDREW CUMMINGS (15 MINS) 3:45 pm**

EXECUTIVE SESSION (55 MIN + 5 MIN RECESS) 4:00 pm

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) **(10 MINS) 4:05 pm**

2. Consultation with Attorney Regarding Pending or Contemplated Litigation, Settlement Offers, and/or Other Matters Protected by Attorney-Client Privilege (Section 551.071 – Texas Government Code) pertaining to the following: **(30 MINS) 4:15 pm**
 - a. Discuss *MMF NBTX LAND, LLC v. City of New Braunfels, New Braunfels Utilities, and Ryan Kelso, in his official capacity as Chief Executive Officer of New Braunfels Utilities*, Cause No. C2025-1252D (433rd District Court, Comal County, Texas) **(10 MINS) 4:15 pm**
 - b. Discuss *New Braunfels Utilities v. TRC Engineers, Inc.*, Cause No. C2024-1980D (433rd District Court, Comal County, Texas) **(20 MINS) 4:25 pm**
3. Consultation with Attorney Regarding Pending or Contemplated Litigation, Settlement Offers, and/or Matters Protected by Attorney-Client Privilege (Section 551.071 – Texas Government Code); Real Property (Section 551.072 – Texas Government Code) **(15 MINS) 4:45 pm**

Discuss Legal Matters Relating to Potential Eminent Domain Action to Secure the Following Easements for the Western Downtown to Morningside Pressure Zone Conversion Project:

- a. a 0.005 Acre (220 sq. ft) Permanent Utility Easement and a 0.042 Acre (1,821 sq. ft) Temporary Construction Easement out of Lot 13, Pleasant View Subdivision in Comal County, Texas, according to the plat thereof recorded in Volume 4, Page 54, of the Map and Plat Records of Comal County, Texas, as conveyed to Leonardo Hernandez III, Herman G. Hernandez, Yvette Hernandez Rodriguez, Yvonne Hernandez Garcia, and Michael R. Hernandez by Gift Deed recorded in Document No. 201706012849, Official Public Records, Comal County, Texas, as it may have been modified by Affidavit of Correction Concerning Instrument recorded in Document No. 202006016641, Official Public Records, Comal County Texas, also known as Comal County Parcel No. 44948

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

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

ADJOURN 5:00 pm

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 Relations Coordinator at least three (3) days prior to the scheduled meeting date at (830) 629-8400 or the NBU Main Office at 263 Main Plaza, New Braunfels, Texas, for additional information.

CERTIFICATE OF POSTING

I, Ryan Kelso, Secretary to the Board of Trustees, do hereby certify that this Notice of Meeting was posted on a bulletin board at a place convenient to the public at the City of New Braunfels City Hall, 550 Landa Street, New Braunfels, Texas; the New Braunfels Utilities Main Office, 263 Main Plaza, New Braunfels, Texas; and the New Braunfels Utilities Customer Solutions Center, 1488 South Seguin Avenue, New Braunfels, Texas, on the **24th day of April 2026**, and remained posted continuously for at least three business days before the scheduled date of the meeting.



Ryan Kelso, Chief Executive Officer
Secretary to the Board of Trustees