AMENDMENT TO ORDINANCE NO. 35,521

CITY HALL: August 6, 2026

BY: COUNCILMEMBERS MCCARRON, HUGHES, MORRELL AND WILLARD

BRIEF DESCRIPTION:

An amendment (i) to clarify that membership of the board of directors is subject to City Council approval; (ii) to clarify that ex officio members of the board of directors may designate representatives to serve on the board; (iii) to clarify board membership terms; (iv) to clarify the scope of the Council's powers under applicable law; (v) to make the exercise of approval powers mandatory in certain cases; (vi) to clarify that board approval is not required when the Council exercises its approval powers; (vii) to clarify that the council shall approve any employment contracts governing the SWBNO executive director and general superintendent; (viii) to establish a mechanism for waiver or adjustment of approval requirements in cases where the requirement would impair a board obligation or conflict with state law; (ix) and to provide otherwise with respect thereto.

AMENDMENT:

1. In Section 1, on page 3, line 40, delete the comma after "Sec" and insert a period in lieu thereof.

2. In Section 1, on page 3, line 50, delete the period after "5-301" and insert the following in lieu thereof:

> , subject to confirmation by the council. Any ex officio member of the board may designate a representative to attend and participate in any meeting of the board or its committees. A designee shall have all rights and powers granted to the ex officio member, including the right to vote and to be counted for purposes of a quorum.

3. In Section 1, on page 4, line 53, delete the text after the word "years" and insert a period in lieu thereof.

4. In Section 1, on page 4, line 54, delete "by the council."

5. In Section 1, on page 4, line 65, delete all text beginning with the word "Pursuant" and insert the following in lieu thereof:

> In accordance with its authority to regulate and oversee SWBNO and its board of directors, including the power to mandate council approval of certain SWBNO matters, the city council shall approve the following in lieu of the board:

6. In Section 1, on page 4, delete lines 66-69.

7. In Section 1, on page 4, line 77, delete the period at the end of the sentence and insert the following in lieu thereof:

> , including any employment agreement between SWBNO and its executive director or general superintendent and any amendment or extension thereof.

8. In Section 1, on page 4, line 79, insert the following at the end of line:

> If a council approval requirement imposed herein could impair an existing obligation of the board or conflict with applicable state law in a particular case or instance, the council may, by motion, waive the provisions of this section as necessary to avoid the impairment or conflict.

THE FOREGOING AMENDMENT WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS:

NAYS:

ABSENT:

RECUSED:

AND THE AMENDMENT WAS ADOPTED.

ENGROSSED VERSION:

The following engrossed version shows how the proposed amendment would modify Ordinance No. 35,521, as originally introduced. Additions are **underlined**. Deletions are shown as ~~strikethroughs~~.

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Sec~~.~~ 159-3. - Board of Directors.

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(b) Composition. The board of directors for SWBNO shall be composed as set forth in Home Rule Charter Section 5-301~~.~~**, subject to confirmation by the council. Any ex officio member of the board may designate a representative to attend and participate in any meeting of the board or its committees. A designee shall have all rights and powers granted to the ex officio member, including the right to vote and to be counted for purposes of a quorum.**

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(d) Term. The term for the directors shall be four years**.** ~~beginning from the date of confirmation by the council.~~ A director appointed to fill a vacancy on the board shall serve for the remainder of the unexpired term. The term limit for a director shall be two full consecutive terms. However, a director appointed to fill a vacancy shall be permitted to serve the remainder of the initial term and two full consecutive terms.

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Sec. 159-5. - Regulation by the City Council. ~~Pursuant to the Home Rule Charter and state law, the council has the power to exercise regulatory authority and oversight over SWBNO and its board of directors. The council's authority includes but is not limited to the power to exercise regulatory authority and oversight over SWBNO and the board of directors. Further, the city council may at its discretion require approval of the following:~~ **In accordance with its authority to regulate and oversee SWBNO and its board of directors, including the power to mandate council approval of certain SWBNO matters, the city council shall approve the following in lieu of the board:**

(a) billing policies and procedures;

(b) rates, fees, and charges imposed by SWBNO;

(c) debt issuance, borrowing, and financial obligations;

(d) finance, operations, and governance policies, including review and approval of operating budgets, capital budgets, and the capital improvement plan;

(e) professional service agreements for consulting services including those related to government relations, legal services, and lobbying; and

(f) confirmation of the executive director and general superintendent~~.~~**, including any employment agreement between SWBNO and its executive director or general superintendent, together with any amendment or extension thereof.**

The council may direct representatives of SWBNO or the board of directors to appear at any meeting of the council or council committee. **If a council approval requirement imposed herein could impair an existing obligation of the board or conflict with applicable state law in a particular case or instance, the council may, by motion, waive the provisions of this section as necessary to avoid the impairment or conflict.**

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