

City of San Antonio



AGENDA

Charter Review Commission

Monday, May 20, 2024

5:30 PM

**Central Library, 600
Soledad, Auditorium**

A full list of Charter Review Commission meeting dates, times and locations can be found at <https://SASpeakUp.com/CharterReviewCommission>.

The Charter Review Commission will meet at Central Library, 600 Soledad, Auditorium beginning at 5:30 PM. Once a quorum is established, the Charter Review Commission will take up the following items no sooner than the designated times.

Approval of Minutes

1. Approval of the minutes from the Charter Review Commission meetings on May 6, 2024, and May 9, 2024.
2. Authorizing the co-chairs to approve remaining 2024 Charter Review Commission meeting minutes.

Briefing on the following items:

3. Discussion of public comment heard during the 2024 Charter review process.

ADJOURNMENT

At any time during the meeting, the Charter Review Commission may meet in executive session for consultation with the City Attorney's Office concerning attorney client matters under Chapter 551 of the Texas Government Code.

ACCESS STATEMENT

If you have difficulty understanding English or have a disability, free language assistance or other aids and services are available upon request. Please call: 210-207-7068 or

**iliana.castillodaily@sanantonio.gov. For individuals with hearing loss contact Relay Texas
711. Providing at least 72 hours' notice will help ensure availability.**

For additional information on the Charter Review Commission, please visit

<https://www.sa.gov/Directory/Departments/CAO/City-Charter/Charter-Review-Commission>

Posted
on: 05/17/2024 11:42 AM

**State of Texas
County of Bexar
City of San Antonio**



Meeting Minutes
Charter Review Commission
Central Library
600 Soledad
San Antonio, Texas 78205

Commission Commissioners

Bonnie Prosser Elder, Co-Chair | David Zammiello, Co-Chair Elva Pai
Adams | Josh Baugh | Luisa Casso | Mike Frisbie
Pat Frost | Frank Garza | Martha Martinez-Flores Naomi
Miller | Bobby Perez | Shelley Potter Dwayne Robinson |
Rogelio Saenz | Maria Salazar

Monday, May 6, 2024

5:30PM

Central Library

The Charter Review Commission convened a regular meeting at Central Library, 600 Soledad, Auditorium at 5:32 PM. City Clerk Debbie Racca-Sittre took the Roll Call noting a quorum with the following Commissioners present:

PRESENT: 13 – Prosser Elder, Zammiello, Baugh, Casso, Garza, Frisbie, Frost, Miller, Perez, Potter, Robinson, Saenz, Salazar

ABSENT: 2 - Adams, Martinez-Flores

Approval of Minutes

1. Approval of the minutes from the April 25, 2024 Charter Review Commission meeting.

Commissioner Robinson moved to Approve the minutes of the April 25, 2024 Charter Review Commission meeting. Commissioner Potter seconded the motion. The motion carried by the following vote:

Aye: Prosser Elder, Zammiello, Baugh, Garza, Frost, Miller, Perez, Potter, Robinson, Saenz, Salazar

Absent: Adams, Casso, Frisbie, Martinez-Flores

Briefing on the following items:

2. Briefing and discussion of the final recommendations from all Subcommittees in response to the Commission's charge.
 - a. Special Meetings (City Charter, Article II, Section 11)
 - b. Ethics Officer and Other Ethics Revisions
 - c. City Council Commissioner Compensation and Term Length
 - d. City Manager Tenure and Compensation
 - e. Council Districts and Redistricting
 - f. Language Modernization

Co-Chair Zammiello opened the meeting by confirming that the full Charter Review Commission (CRC) would provide feedback on all charges and recommendations. He reviewed the guiding principles which included: 1) Answering the charge, 2) Focusing on the future, 3) Assuming a clean canvas, 4) Doing the homework through the Subcommittees, 5) Applying an analytical and data driven process, 6) Seeking best practices, 7) Sharing experience and expertise, and 8) Ensuring the process was transparent and everyone was heard.

Co-Chair Prosser Elder noted that four of the guiding principles were about the work (numbers 4, 5, 6, and 7) adding that everyone should be proud of the work and she recognized the assistance from the staff.

SPECIAL MEETINGS (CITY CHARTER, ARTICLE II, SECTION 11)

Co-Chair Zammiello introduced the first Item which was to revisit the work of the Language Modernization Subcommittee related to Special Meetings (City Charter, Article II, Section 11)

Language Modernization Subcommittee Chair Maria Salazar acknowledged that the Mayor's second charge requested the CRC to evaluate language that provided for special meetings of the City Council, and how those meetings should differ in purpose, use, and timing from the current policymaking process through Council Consideration Requests (CCR).

Salazar reported that according to the City Charter, Article II, Section 11, a special meeting could be called if three Councilmembers requested it in writing, however, special meetings at written request was rarely used (perhaps three times in past 15 years). She stated that special meetings other than Wednesdays and Thursdays set by the City Manager with Office of the City Attorney assistance were not uncommon and the standard means to place items on an agenda was through CCRs which required five Councilmember signatures. She indicated that an Ordinance was recently passed to expedite the CCR process which included referral to Council Committees, then to the City Council. Salazar added that by State Law, emergency meetings could be called if there was an imminent threat to health, safety, or welfare, provided there was a one hour notice to the public.

The Subcommittee recommended striking calling of a meeting by the City Clerk, as the City Manager's

Office (CMO) and the City Attorney's Office now managed council agendas. Commissioner Salazar stated that the provision as otherwise written served a public purpose in addition to other ways City Council could have Items brought before it for discussion.

Commissioner Garza explained that it was more difficult to set an agenda than to call a meeting and noted that the change was simply a cleanup noting that San Antonio was unique in that CMO prepared the agenda and in every other city he knew of the City Clerk scheduled the agenda. He offered that this was not a substantial change.

Commissioner Robinson stated that he was more concerned with setting the agenda than calling a meeting. Commissioner Baugh suggested that this tactic might be used when only three Councilmembers could not get the other two signatures for a CCR. Commissioner Garza explained that the current City Charter allowed three Councilmembers to call a special meeting, but recently there had been a 3-signature meeting memo drafted and one of the signatories withdrew their signature. Garza stated that to require five signatures, would be a substantive change that would require a separate discussion and ballot item. Commissioner Salazar stated that the Subcommittee also looked at how other cities defined special meetings and very few had such a provision but if they did, the Item was limited to being related to city business. She noted that given this was used so seldom, the Subcommittee did not recommend a substantial change. Interim Assistant City Manager, John Peterek, stated that the City Council was aware of the provision, but it was seldom used.

Commissioner Frost asked if the Subcommittee looked at different purposes for the calling of a special meeting. Commissioner Salazar stated that the Subcommittee found limited information about the purpose in the research. Commissioner Garza stated that they looked at whether it should be tied to a municipal question and the Subcommittee rejected that because it was a larger scope than the Subcommittee's Language Modernization. Commissioner Garza did not recommend adding the term municipal question due to definition in the City Code as well as public opposition. Co-Chair Prosser Elder commented that a special meeting could be defined as anything other than a regular meeting.

Commissioner Potter stated that the Subcommittee's charge was limited to Language Modernization and the charge exceeded the Subcommittee's purview. Commissioner Frost recommended limitation to municipal questions. Commissioner Baugh expressed concern that defining the term "Municipal interest" could be problematic and requested a definition of emergency. Co-Chair Prosser Elder stated that an emergency had a definition. Interim Assistant City Manager Peterek stated that the 3-signature process was not necessary to call a Special meeting if it was an emergency. Commissioner Saenz stated that the Subcommittee noted that the process had not been abused and was not overly burdensome as well as public opposition. Commissioner Baugh cautioned that just because it had not been used much in the last 15 years, we might be moving into different political times that might be more frequent in the future.

Commissioner Garza stated that this was not circumventing the CCR process because the City Charter controlled the CCR Ordinance which was a policy that the City Council could change at any time. He further disagreed that this would be abused as a weapon to call constant meetings. Commissioner Baugh clarified that the City had operated using a CCR process for policy which required five signatures simply to go to a City Council Committee rather than three signatures and expressed concern having just three signatures to move a discussion directly to the full City Council A Session and felt there was a

disparity between the two processes.

Commissioner Perez agreed with the Subcommittee's recommendation not to substantially change the number of signatures for a special called meeting noting that it would take six votes to approve anything so if there were only three signatures for a meeting, the meeting would not result in any policy without more support. He noted that the issue was that CCRs took too long to make it through the process. Co-Chair Prosser Elder clarified that the CCR process was established by Ordinance and every Councilmember knew about the 3-signature memo process to call a special meeting by City Charter.

Co-Chair Zammiello clarified that this issue would be taken separately from Language Modernization. Co-Chair Prosser Elder suggested that the Item was taken separately because it was a substantive policy change. Commissioner Frisbie suggested that the Subcommittee's recommendation was not a substantial change so why change it at all. Commissioner Garza stated that in San Antonio, the City Manager prepared the agenda not the City Clerk but in other cities the City Clerk did so this was simply a minor change to match practice. Co-Chair Zammiello stated that even though the recommended change was simply modernization of the language, the charge to look at the purpose, use, and timing for calling special meetings was a separate charge and would need to be discussed by the Commission and ultimately, the City Council as a separate issue. Co-Chair Prosser Elder suggested that the Subcommittee's recommended verbiage change should be included in the Language Modernization proposition. Commissioner Salazar agreed, stating that the Subcommittee saw it as an outdated process and removing the City Clerk as the preparer of the agenda was simply updating to reflect practice.

CITY MANAGER TENURE AND COMPENSATION

Co-Chair Prosser Elder provided an overview of the City Manager Tenure and Compensation Subcommittee's recommendation which was to remove the tenure and compensation cap on the City Manager tenure and provided City Council the authority and discretion to hire, manage, and determine the length of service of the City Manager. Specifically, the Subcommittee recommended removing language capping compensation and inserting: "in setting the City Manager's compensation the City Council shall take into consideration market and competitive indicators." City Manager Tenure and Compensation Subcommittee Chair Pat Frost clarified that their recommendation was about the position, not the person, and was meant to place the authority for tenure and compensation decisions with the hiring body (City Council).

Co-Chair Prosser Elder noted that there was significant public input on this subject and those comments were considered. Commissioner Potter asked why "taking into consideration market and competitive indicators" was necessary noting that in her experience in working with school boards in hiring a superintendent, the elected officials needed to be held accountable if the public did not like their decision. Commissioner Frost stated that this was included as guidance to the City Council.

Commissioner Saenz asked if there was still a ratio applied against the lowest paid worker to ensure lower paid workers received pay increases. Commissioner Frost stated that the Subcommittee intended to remove the tie to other employees and focused the City Council on competitive wages for the City Manager.

Commissioner Salazar appreciated that this was about the position and not the person and it set the

basis as to what we were asking the person to do; focusing on the work. Commissioners Robinson, Perez, Miller, Garza, Frisbie, and Casso supported the change. Commissioners Garza, Casso, and Baugh noted that this was consistent with other Chief Executive Officers and agreed with Commissioner Potter that Councilmembers should be held accountable for their hiring decisions. Commissioner Baugh asked if the tenure and salary restrictions would be removed immediately. Assistant City Attorney Camila Kunau clarified that the provisions would take effect once the election was canvassed.

Commissioner Baugh suggested removing market references. Co-Chair Prosser Elder noted that market and competitiveness was in the language of the charge and was included in the recommendation but not required. She observed that there was thought and compassion for the lowest paid City employees but suggested that this was a separate issue from the City Manager. Commissioner Saenz asked if there was an opportunity to include a recommendation to the City Council to not to forget the lowest paid employees, perhaps separate from the City Charter update recommendations. Commissioner Frisbie noted that the lowest hourly rate had been raised significantly over the past few years. Co-Chair Prosser Elder recommended keeping the recommendations structured to address the City Charter. Commissioner Frost supported removing market and competitive language because the most important feature was that the City Council would make the decision. Commissioner Perez agreed that removing references to market and competition would make the language cleaner. Co-Chair Prosser Elder asked if there was an objection to removing market and competitiveness. There was no objection.

Commissioner Salazar commented that the City Manager had a lot of authority, and she understood the tenure but supported it because the focus would return to the elected officials that comprised the hiring body.

Co-Chair Prosser Elder offered to include a comment regarding lowest paid employees separate from the official City Charter change recommendations.

ETHICS OFFICER AND OTHER ETHICS REVISIONS

Co-Chair Zammiello introduced the Ethics Officer and Other Ethics Revisions Subcommittee and reviewed the Subcommittee's recommendations. Co-Chair Zammiello stated that the Subcommittee did not recommend that the City appoint an independent ethics auditor with a legal background; but recommended leaving the Ethics Auditor position as it was in its current structure. Ethics Officer and Other Ethics Revisions Subcommittee Chair Mike Frisbie agreed with Co-Chair Zammiello's summary of the recommendation regarding the Ethics Officer. Chair Frisbie commented that the City of San Antonio had a strong Ethics Code of Ordinances but it could be strengthened by adding a conflict of interest statement in the City Charter. Chair Frisbie also recommended strengthening the ERB by ensuring sufficient funding, removing their term limits, and allowing the ERB to determine which cases it would hear.

All Commissioners of the CRC expressed their agreement with the recommendation, however, Commissioner Garza requested review of the specific language defining "conflicts of interest." Interim Assistant City Manager Peterek stated that the City Attorney's Office (CAO) would provide the definition and all legal language.

COUNCIL DISTRICTS AND REDISTRICTING

Co-Chair Prosser Elder outlined the recommendations from the council districts and the Redistricting Subcommittee which concluded that an increase in council districts was not needed at this time. She stated that the Subcommittee recommended amending the City Charter to add opportunity for redistricting if voters through a future City Charter election, amended and increased the number of districts in addition to each Federal decennial census. Co-Chair Prosser Elder noted that the Subcommittee recommended creation of a hybrid Redistricting Commission with Commissioners representing each council district but restricted to ensure that Commissioners could act without interference from the elected official with the caveat that City Council would need to approve their plan within a reasonable time or changes to the recommendation would take a supermajority of City Council to approve (9 affirmative votes).

Council Districts and Redistricting Subcommittee Chair Frank Garza added that the Subcommittee strongly listened to the citizens and there was not an outcry to increase the number of council districts. He added that the process used after the 2020 Census was used as a model for the recommendation.

When polled by Co-Chair Prosser Elder, the majority of the CRC supported the recommendation. Commissioner Robinson commented that having been on the 2020 Redistricting Committee, he supported the hybrid recommendation but was concerned about the term “hybrid.” Chair Garza explained that the term hybrid would not appear on the ballot, this was simply a way to explain this to the CRC as it was somewhat independent.

Commissioner Salazar felt the principle was to ensure that the community had an opportunity to participate in defining council districts when the time came. Co-Chair Zammiello supported the extensive process conducted by the Subcommittee and thought the City Council would trust the redistricting process.

CITY COUNCIL COMMISSIONER COMPENSATION AND TERM LENGTH

Co-Chair Zammiello introduced the City Council Compensation and Term Length Subcommittee and reviewed the Subcommittee’s recommendations. He reported that the Subcommittee recommended that Mayoral and City Council term lengths should be changed to two, four-year terms with a limit of eight years total. Co-Chair Zammiello noted that further, the Subcommittee recommended that the Mayor and City Council and should be elected concurrently (not staggered terms). He added that if approved, this proposal would go into effect after the next municipal election in June 2025.

As for City Council Commissioner Compensation Co-Chair Zammiello stated that the Subcommittee recommended that City Council compensation be re-baselined to \$80,000 and Mayor’s compensation should be re-baselined to \$95,000 which was \$15,000 more than Councilmembers. He noted that the Subcommittee also suggested that City Council compensation be indexed to the wage increase percentage provided to civilian employees annually. If approved, this proposal would go into effect after the next municipal election in June 2025.

City Council Commissioner Compensation and Term Length Subcommittee Chair Luisa Casso commented that the Subcommittee went through significant analysis and recommendations that she stated were based on strong research and standards such as the Bureau Labor and Statistics for management and professional positions with a focus on governance. Commissioner Casso indicated that

reducing the frequency of election cycles would allow Councilmembers to focus on serving the community rather than campaigning. She wanted the governing body to be more stable by reducing turnover and allowing officials to work full time for their community by providing wage comparable to their expected skills, workload, and responsibilities. Chair Casso stated that increases would be indexed annually at the same rate as civilian employees. She added that the Subcommittee settled on two, four-year terms because they thought after eight years, a Councilmember could become complacent.

Commissioner Baugh stated that there would be language included for current Councilmembers that might be in their third term. He mentioned that the median annual income was higher than the recommended amounts, and he felt our City Councilmembers should be compensated better than the Subcommittee recommended, but this was a good first step based on community feedback.

Commissioner Robinson commented that the recommended pay was in line with what some former Councilmembers had suggested. He noted that all San Antonio City Councilmembers have been committed to their work and their efforts were significant so he did not think having a longer term would make them serve the community less at the three or four-year mark.

Commissioner Frisbie noted that these were leadership positions overseeing City Management and lauded the use of the Bureau of Labor Statistics as a great tool to help the Subcommittee develop a strong recommendation.

Co-Chair Zammiello suggested that City Council compensation was a question of equity because it was important to have a City Council compensation level that would allow the best and brightest to afford to serve and this was an excellent first step to ensure residents who wanted to serve could focus on the task at hand. He stated that to him, it was less about compensation but more about removing barriers to serving. Chair Casso agreed with Co-Chair Zammiello but added that it was also about who we were as a community and how much we valued our leaders and how we presented ourselves in the future from an economic development perspective as well as equity.

Commissioner Baugh stressed that this was not about the current individual Councilmembers but more about the role of being a Councilmember, reducing barriers and making leadership accessible to others and allowing them to consider serving.

Commissioner Garza expressed concern that there was a new State Law (HB 3613 codified in Texas Local Government Code section 21.006 and effective in 2023) that could impact the four-year term. Co-Chair Zammiello suggested that the new law be explained. Kunau stated that the CAO consulted with outside counsel with significant experience in redistricting and was assured that the four-year terms were compliant. Co-Chair Prosser Elder asked if there was also an internal staff review. Kunau confirmed they did not believe there would be a legal challenge.

Commissioner Miller asked if the spirit of the recommendation to raise the City Council

compensation was to keep the City Council focused full time on running the city, and asked the Subcommittee to consider adding language confirming that being on City Council could be their only job. Commissioner Baugh stated that the Subcommittee considered restrictions on other employment, but it was not recommended because it would be hard to enforce and would prohibit business owners from running for office.

Commissioner Perez expressed that four, two-year terms were an excellent way to hold Councilmembers accountable so he did not support the four-year term. He asked why the salary was not indexed in 2015 when the City Charter amendment was passed to first include a salary for Mayor and City Council. Commissioner Baugh explained that just getting Councilmembers paid was an interim step.

Commissioner Potter stated that she struggled with the term limit recommendation as she could make an argument for both two-year and four-year terms noting that her concern was accountability at the four-year level. She asked about the recall provision. Commissioner Baugh stated that a recall petition signed by 10% of the registered voters in the council district would force a recall election. Commissioner Potter requested the actual numbers for 10% of registered voters per council district to determine if there was enough accountability. Commissioner Potter worried that in the second year of a four-year term they could become less accountable and recommended three, three-year terms as a middle ground.

Commissioner Robinson stated that his concern was when there were no term limits, and he supported a four-year term as it was consistent with Bexar County terms. He did not think Councilmembers would become complacent within the eight years.

Commissioner Saenz noted the significant number of Commissioners and the public that preferred keeping two-year terms. He stated that the question was whether a four-year term would bring complacency versus always campaigning due to the shorter terms noting that with two-year terms, if they did not perform, they would not get reelected. Commissioner Saenz appreciated the work of the Subcommittee and the adjustment of their recommendation on compensation based on public input. Commissioner Saenz also requested information on the recall process.

Commissioner Salazar appreciated that the Subcommittee recognized Councilmembers' responsibilities, obligations, and duties. He supported having raises tied to City staff pay increases to ensure that everyone was moving forward but was not sure about the term limit recommendation at first but tended to support it. Commissioner Salazar also requested information on the recall process.

Commissioner Potter supported the recommendation that salary increases were tied to raises for City employees. She clarified that her concern over the four-year term was not that Councilmembers would get complacent but that they would stop listening to constituents without the accountability that came with an election.

Commissioner Frisbie commented that he previously worked for a city that had four-year terms with no limits and another with four-year terms but limits as well as the City of San Antonio under its four two-year terms. He stated that when it came to infrastructure in the city, bonds went to the voters every five years which made City Council turnover every two years tough on the momentum related to long-term projects. He added that the Councilmembers typically had plans to continue serving the community in some way after their term so he suggested that this would motivate them to remain accountable.

Commissioner Baugh stated that in 2023 there were about a million voters, which meant about 10,000 signatures would be needed for a council district recall election to be called and warned against lowering the number of petition signatures too much which would result in trivializing the effort so just a few people could trigger a recall election simply because their favored candidate lost. Co-Chair Prosser

Elder clarified that staff would still provide the data on number of petition signatures required for a recall.

Co-Chair Prosser Elder reverted to the charge and guiding principles noting that the City had lost some very talented individuals due to the low compensation. Commissioner Chair Casso stated that the Subcommittee felt that compensation and tenure went hand in hand to remove barriers to participation and noted that the recommended compensation was still low.

Commissioner Miller asked if there would be two separate propositions or one. Kunau stated that terms and pay would be separate propositions on the ballot. Co-Chair Zammiello stated that the CRC intended to vote on the item as a package.

Commissioner Baugh preferred to vote on each Subcommittee's charge as a whole rather than splitting into different topics. Co-Chairs Zammiello & Prosser Elder agreed. Commissioner Salazar commented that there were qualified candidates seeking office because there was a pay increase in 2015.

LANGUAGE MODERNIZATION

Co-Chair Prosser Elder provided an overview of the Language Modernization Subcommittee recommendation which included outdated and superseded revisions to 105 areas of the City Charter, including 11 instances of gender specific pronouns. She noted that removal of 213 archaic terms such as herein, hereinafter, hereby, etc. as well as the change the term in section 4 from "wards" to council districts. Co-Chair Prosser Elder indicated that Section 16 and 17 removed reference to saving Ordinances in "well bound books" and keeping duplicate hard copies as both were outdated due to documents being posted online.

Co-Chair Prosser Elder reported that other changes included conforming with State Law to indicate that recall elections (Section 30) could only be on uniform election dates, removing reference to petition signatures being permitted to be made with "indelible pencil," adding the Chief Financial Officer to those required to be bonded, clarifying language related to Policemen to reflect licensed peace officers, and deleting the section related to penalties and interest on delinquent taxes.

Co-Chair Prosser Elder stated that Section 112 would rename Corporation Court to Municipal Courts and Judiciary and include the requirement that Judges reside in the City at least three years immediately preceding appointment as required by State Law. She noted that the Subcommittee recommended adding city boards and commissions Commissioners to those required to take the official oath of office, removing the outdated "Loyalty Oath" in Section 159, and revising the appointment process for the Ethics Review Board as those for other City boards.

Co-Chair Prosser Elder also noted that eight provisions and 17 amendments had been recommended for revisions by Human Resources related to civil service provisions and there were 12 provisions recommended for revisions and 18 total suggested amendments recommended by Finance, Budget, and Public Utilities to reflect today's terminology. Co-Chair Prosser Elder concluded that the review of the City Charter in such detail had been a heavy lift for the Subcommittee and thanked them for their work.

Co-Chair Zammiello noted that there was a redline version of the changes. Commissioner Casso asked how these would be voted upon. Commissioner Garza stated that there would be one ballot proposition. Co-Chair Prosser Elder clarified that language modernization would be one vote for language modernization.

Commissioner Salazar clarified that the Subcommittee did not think neutralizing the gender terms would open up any legal challenge and thought it made the City Charter cleaner and easier to read. Commissioner Miller asked how this would be presented to voters and was curious about how voters might have access to the language. Kunau stated that the proposed changes would be in the Ordinance and available at every polling place and staff would provide paper copies upon request. Commissioner Saenz cautioned against using the term redline.

Co-Chair Prosser Elder polled the CRC and most supported the recommendation. Co-Chair Zammiello and Co-Chair Prosser Elder thanked the Subcommittees and their Chairs for their work as well as the candid conversation at the meeting.

3. Discussion of issues under consideration by Charter Review Commission including the presentation of the Commission's final recommendations to City Council.

Co-Chair Prosser Elder and Co-Chair Zammiello outlined the next steps which included final proposals from each Subcommittee related to their charge to be presented to the CRC for discussion and possible action on May 9, 2024. Additional meetings were planned for May 20, 2024, and May 23, 2024, to conduct final discussion and actions to prepare for the June 6, 2024, presentation to the full City Council

There being no further discussion, the meeting was adjourned at 7:52 p.m.

Approved

Bonnie Prosser Elder, Co-Chair

David Zammiello, Co-Chair

Respectfully Submitted

Debbie Racca-Sittre, City Clerk

**State of Texas
County of Bexar
City of San Antonio**



Meeting Minutes
Charter Review Commission
Central Library
600 Soledad
San Antonio, Texas 78205

Commission Commissioners

Bonnie Prosser Elder, Co-Chair | David Zammiello, Co-Chair
Elva Pai Adams | Josh Baugh | Luisa Casso | Mike Frisbie
Pat Frost | Frank Garza | Martha Martinez-Flores
Naomi Miller | Bobby Perez | Shelley Potter
Dwayne Robinson | Rogelio Saenz | Maria Salazar

Thursday, May 9, 2024

5:30PM

Central Library

The Charter Review Commission convened a regular meeting at Central Library, 600 Soledad, Auditorium at 5:32 PM. City Clerk Debbie Racca-Sittre took the Roll Call noting a quorum with the following Commissioners present:

PRESENT: 15 – Prosser Elder, Zammiello, Adams, Baugh, Casso, Garza, Frisbie, Frost, Martinez-Flores, Miller, Perez, Potter, Robinson, Saenz, Salazar

ABSENT: 2 - Adams, Martinez-Flores

PUBLIC COMMENT

Interim Assistant City Manager John Peterek instructed members of the public to keep their comments pertinent to the Items on the Agenda.

Paul Rodriguez, Director of Policy Development for UP Partnership, requested that the city take a competitive view of town development and recommended allocating 20% of the growth in the City's revenues for youth programs. Co-Chair Prosser Elder asked Rodriguez to redirect his comments to the Items posted on the agenda.

Patty Gibbons, President of Greater Harmony Hills Neighborhood Association, opposed changing City Council compensation and term length noting that it was important that City Council and their staff should actively work with their neighborhood association.

Denise Gutierrez Homer commented that members of City Council had questionable relationships with their donors and recommended that the Ethics Commission look at the issue and set policy. She recommended that City Councilmembers not work in Real Estate or with an Attorney and they should not take campaign money from developers, engineers, or construction companies. Homer noted that Charter Review Commissioner (CRC) Dwayne Robinson had worked for Mayor Nirenberg and the Ready to Work Political Action Committee.

Jeff Webster, President and Chief Executive Officer of the Greater San Antonio Chamber of Commerce, thanked the CRC for their work and spoke in support of removing term and compensation limits for the City Manager and increased compensation for City Council.

Raymond Zavala did not think non-San Antonio residents should serve on the CRC and supported the Ethics Review Board being firm and honest with the people. Zavala opposed increased compensation for City Council and the two, four-year terms and opposed changing the compensation rules for the City Manager.

Terry Zablocki recommended more transparency and trust of City Council and opposed pay for City Councilmembers.

Tex Morgan, Democratic Party Precinct Chair, commented that our community struggled with voter turnout at Mayor and City Council elections suggesting that City Council have four, three-year terms and three four-year terms for Mayor so that there was overlap of the City Council. He recommended that the CRC reconsider placing absolute amounts for compensation, instead he favored a multiplier based on the median income.

Lauro DeLeon recommended a longer term for the City Council and increased compensation for the City Council and City Manager.

Andrew Vicencio, US Army Retired noted that the pay rates for Police and Firefighters were paid less than \$65,000 per year and did not support increasing pay or terms for Mayor and City Council.

Briefing and possible action on the following items:

1. Briefing and discussion of the final recommendations from all Subcommittees in response to the Commission's charge.

Co-Chair Prosser Elder introduced the Item and explained that the Charter Review Commission (CRC) would vote at this meeting on the final recommendations from each Subcommittee in response to the Mayor's charges.

ETHICS OFFICER

Co-Chair Prosser Elder stated the charge was whether the City should be able to appoint an independent ethics auditor with a legal background. She reported that the Ethics Officer and Other Revisions Subcommittee's recommendation was that no City Charter amendment was recommended. Leave Ethics Auditor position as is because current structure fosters a balance between independence and collaboration.

Commissioner Perez moved to Approve the Subcommittee's recommendation. Commissioner Baugh seconded the motion. Motion carried unanimously.

OTHER REVISIONS RELATED TO ETHICS

Co-Chair Prosser Elder stated the charge as whether the Ethics Review Board (ERB) should be autonomous with independent oversight and power to compel testimony, and whether any additional recommendations would strengthen the effectiveness, authority, and/or jurisdiction of the board. She reported that the Subcommittee's recommendation was to amend the City Charter to add the following: a high-level definition of "conflicts of interest", requirement to appropriate sufficient funding for ERB to fulfill all duties, remove term limits for ERB members, and increase ERB discretion to determine whether to accept or refuse complaint cases when complaints have been otherwise resolved.

Co-Chair Zammiello allowed the CRC to review the Subcommittee's recommended high-level definition of "conflicts of interest" as follows: "All City officials and employees are expected to uphold the highest standards of ethical conduct, ensuring that their actions do not lead to improper personal gain or an adverse effect on the city's interests. In support of this commitment, the City Council shall enact Ordinances to enforce this principle, covering areas such as official actions where significant private interests are involved, the acceptance of gifts, confidentiality, and advocacy for private interests. He noted that the ordinances will also provide requirements regarding mandatory financial disclosures.

"Significant private interests include any financial or non-financial interests, relationships, or affiliations that could reasonably be expected to interfere with an official's or employee's ability to act in the best interests of the city or that could create a perceived conflict of interest or appearance of impropriety."

Commissioner Potter moved to Approve the Subcommittee's recommendation. Commissioner Frisbie seconded the motion. Motion carried unanimously.

COUNCIL TERM LENGTH

Co-Chair Zammiello stated the charge as whether Mayoral or Mayoral and Council terms should be extended to four years with a limit of two terms, and whether such terms should be staggered. He reported that the Council Compensation and Term Length Subcommittee recommended to amend the City Charter to include four-year terms to run currently for a total of eight years. Co-

Chair Zammiello noted that, if approved, this provision would go into effect after the next municipal election which was set for June 2025.

Commissioner Potter asked the Subcommittee if they had a specific conversation related to turnover and why the recommendation was to move to four-year terms. Commissioner Baugh responded that the Subcommittee looked at historical data related to re-election. Commissioner Casso noted that part of the charge was to look at whether terms should be staggered, and the Subcommittee determined concurrent terms were best.

Commissioner Potter still wanted three, three-year terms and while two-year terms were better for accountability, four-year terms were better for governing. She noted that the recall petition provision was still an option for voters that wanted to hold their officials accountable during the longer term.

Commissioner Baugh moved to Approve the Subcommittee's recommendation. Commissioner Salazar seconded the motion. Motion carried unanimously.

COUNCIL COMPENSATION

Co-Chair Zammiello stated the charge as whether City Councilmembers should be compensated on indexed terms that more accurately reflected the city's cost of living and lowered barriers to participation in City government. He reported that the Council Compensation and Term Length Subcommittee recommended to amend the City Charter to re-baseline City Council compensation to \$80,000 and to \$95,000 for Mayor compensation indexed to City of San Antonio wage increase percentage provided to civilian employees annually. Co-Chair Zammiello noted that, if approved, this provision would go into effect after the next municipal election which was set for June 2025.

Commissioner Casso moved to Approve the Subcommittee's recommendation. Commissioner Robinson seconded the motion. Motion carried unanimously.

CITY MANAGER TENURE

Co-Chair Prosser Elder stated the charge as whether the City Council should have the authority and discretion to hire, manage, and determine the length of service of the City Manager. She reported that the City Manager Tenure and Compensation Subcommittee's recommendation was to amend the City Charter to remove the language capping tenure for the City Manager.

Commissioner Garza moved to Approve the Subcommittee's recommendation. Commissioner Miller seconded the motion. Motion carried unanimously.

CITY MANAGER COMPENSATION

Co-Chair Prosser Elder stated the charge as whether the City Council should determine the compensation of the City Manager so that market and competitive indicators were taken into account. She reported that the City Manager Tenure and Compensation Subcommittee's recommendation was to amend the City Charter to remove the language capping the City

Manager's compensation.

Commissioner Casso moved to Approve the Subcommittee's recommendation. Commissioner Martinez-Flores seconded the motion. Motion carried unanimously.

COUNCIL DISTRICTS

Co-Chair Prosser Elder stated the charge as whether an increase in single-member Council districts would appropriately enhance representation for San Antonio residents. She reported that the Council Districts and Redistricting Subcommittee recommended no amendment to the City Charter to increase the number of council districts at this time. However, the Subcommittee recommended to amend the City Charter to add opportunity for redistricting if voters, through a future City Charter election, amended and increased the number of council districts noting that the City Charter currently stated that redistricting occurred after each Federal decennial census.

Commissioner Garza moved to Approve the Subcommittee's recommendation. Commissioner Perez seconded the motion. Motion carried unanimously.

REDISTRICTING

Co-Chair Prosser Elder stated the charge as whether the decennial Council redistricting process should be conducted by an independent, autonomous citizens committee and how such a committee's membership shall be appointed. She reported that the Council Districts and Redistricting Subcommittee recommended to amend the City Charter to create a redistricting commission including a provision on who can be appointed to the commission and requirement for supermajority of City Council to amend the commission's proposed redistricting plan.

Commissioner Robinson moved to Approve the Subcommittee's recommendation. Commissioner Adams seconded the motion. Motion carried unanimously.

SPECIAL MEETINGS, SECTION 11

Co-Chair Zammiello stated the charge to evaluate language that provides for special meetings of the City Council, and how those meetings should differ in purpose, use, and timing from the current policymaking process (Council Consideration Requests). He reported that the Language Modernization Subcommittee recommended no substantial City Charter amendment, however, within the Language Modernization proposition, the Subcommittee recommended striking calling of the meeting by the City Clerk to reflect simply that a meeting should be scheduled.

Commissioner Salazar moved to Approve the Subcommittee's recommendation. Commissioner Perez seconded the motion. Motion carried unanimously.

LANGUAGE MODERNIZATION

Co-Chair Zammiello stated the charge as whether the City Charter should be generally amended to

update its language to more accurately reflect current processes, acknowledgments, and roles. He reported that the Language Modernization Subcommittee recommended amending 117 sections of the City Charter containing outdated and superseded provisions.

Commissioner Flores moved to Approve the Subcommittee's recommendation. Commissioner Perez seconded the motion. Motion carried unanimously.

Discussion of issues under consideration by the Charter Review Commission including their presentation of the Commission's final recommendations to City Council.

Co-Chair Zammiello commented that there were various Items brought forward to the CRC from the Subcommittees or through public comment that might be outside the charges. He announced that those issues would be discussed at the May 20, 2024, meeting and included Rank Order Voting, Section 78 of the City Charter prohibiting City employees from participating in municipal political campaigns, or the UP Partnership funding proposition requesting 20% of the City's future revenue be dedicated to youth programs. Co-Chair Prosser Elder asked staff to assist with review of these issues and recommended that the Commission bring the handouts provided by the public back for discussion at the next meeting.

Commissioner Robinson asked if there would be any Commissioners taking the lead on any of the Items. Co-Chair Zammiello stated that there was no need for there to be a lead Commissioner as all Commissioners could bring their information and thoughts forward. Commissioner Perez requested an opinion from the City Attorney regarding political activities covered in section 78 and research by staff regarding the policies of peer cities. Commissioner Frisbie requested political activity policies of major cities in Texas. Co-Chair Prosser Elder requested that staff prepare a presentation.

Commissioner Potter requested staff information prior to the meeting. Peterek stated that they would provide the information as soon as possible.

Commissioner Perez wanted clarification on State Law related to political activities.

Commissioner Miller also requested State Law related to Rank Choice Voting. Prosser Elder clarified that staff would provide complete information.

Commissioner Martinez Flores requested information from peer cities for the 20% revenue dedication requested by UP Partnership. Commissioner Salazar requested a breakdown of the Budget to have a better idea of how the 20% for youth would impact the City's Budget. Commissioner Salazar requested a history of the political activity prohibition.

Commissioner Garza mentioned that he would not be able to attend the meeting on May 20, 2024, but would provide his written comments.

Co-Chair Prosser Elder cautioned to be fair to asking for too much work from the staff but thought it was important for the CRC to have complete information.

Commissioner Martinez-Flores suggested that the May 23, 2024, meeting might not be needed.

Commissioner Saenz requested clarification on the date when the CRC would present their recommendations to the City Council. Interim Assistant City Manager Peterek stated that the CRC presentation was slated for B Session on Wednesday June 5, 2024, at 2:00 p.m. and encouraged all CRC members to attend.

There being no further discussion, the meeting was adjourned at 7:52 p.m.

Approved

Bonnie Prosser Elder, Co-Chair

David Zammiello, Co-Chair

Respectfully Submitted

Debbie Racca-Sittre, City Clerk

Charter Review Commission



May 20, 2024
Central Library



Agenda

- Approval of Minutes
- Discussion of public comment heard during the 2024 Charter review process
- Adjournment

Mayor's Charging Memo



- Issued November 14, 2023
- Requested “that the Commission focus its efforts exclusively on the issues below for additional consideration. The Commission should submit its recommendations to the City Council by Friday, June 14, 2024.”
- Issues included:
 - Ethics Officer and Other Ethics Revisions
 - City Council Member Compensation and Term Length
 - City Manager Tenure and Compensation
 - Council Districts and Redistricting
 - Language Modernization
- Second memo issued January 22, 2024 added Special Meetings (City Charter, Article II, Section 11) to the Commission’s charge.

Public Input Summary



Meeting Date	Comments	Charge Related	20% Youth Initiative Funding	City Employees Election	Rank Choice Voting	Other
May 4	20	12	5	1	-	2
May 21	11	6	4	-	-	1
April 11	20	11	6	2	1	-
April 25	40	21	14	3	1	1
SASpeakUp	85	58	6	5	10	6
Totals	176	108	35	11	12	10
%		61%	20%	6%	7%	6%

Research



- **Staff was asked to research the following for each of the top three items:**
 - Regulatory issues impacting the item (i.e., state or federal laws)
 - Any applicable or current Charter provision and its history
 - Similar charter provision held by a comparable Texas city
 - For 20% for youth programs item, also asked for amount COSA current budgets for youth programs

Rank Choice Voting

- **To use preferential voting in San Antonio’s municipal elections**
- Voters show a preference for a number of candidates, ranking them instead of choosing just one. The lowest-ranked candidates are dropped until there is a declared winner.
- The Texas Election Code requires election of officers by majority vote; runoff election mandatory if no candidate receives at least 50% of the vote.
- A change in state law is required to allow for ranked choice voting.
- The City Charter may not contain provisions in conflict with state law.
- **Austin** – Charter, Sec. 9 (Ranked Choice Voting) states “This section shall be operative provided it is not in conflict with the state constitution or the state laws.”
- **Dallas** – 2024 Charter Review Commission recommending “a trigger clause so that ranked-choice voting is used in municipal elections if authorized by the state in future a future legislative session.”

City Employees and Municipal Elections



To amend the City Charter, Sec. 78 by removing subsections (c) – (f) and permit City employees and employee organizations, while out of uniform or not on active duty to:

- Take active part in a political campaign of a person for City elective office:
 - Make political speeches, pass out cards or other political literature, write letters, sign petitions, actively and openly solicit votes, make public derogatory remarks about candidates
 - May not use city resources, city equipment, or city money for such campaigning
 - No requirement for contributions or provision of political service to anyone, and may not be removed, demoted, or negatively treated for refusal



City Employees and Municipal Elections

- Sec. 78 has been in the Charter since, at least, 1951. It was amended in 1997 and 2015.
 - 1997 – amended to modify prohibitions restricting City officials and employees from political activities in city elections, except as authorized by state law
 - 2015 – amended language that was inoperative because superseded by law
- The purpose of Sec. 78 is to avoid undue influence of city employees on the outcome of city council elections and to avoid undue influence of city council members or candidates for city council on city employees.
 - “Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.” International City/County Management Association, Code of Ethics, Tenet 7
 - “When dealing with elections involving *candidates*, the courts recognize that the government has an interest to prohibit conditions in which employment and advancement are made to depend on political performance, rather than on merit.” *Villejo v. City of San Antonio*, 485 F. Supp. 2d 777 (W.D. Tex. 2007)
- Similar to **Dallas** charter provision (Sec. 16. No Discrimination; Prohibiting Certain Political Activity on the Part of Employees)

20% for Youth Programs



To dedicate 20% of the City's future revenue growth to youth programs

- City Council identifies the budget priorities and provides for the appropriation of excess revenue.
 - *If at any time the total revenues collected by the City shall be in excess of the total estimated revenue, as set forth in the annual budget estimate, the City Manager shall make a recommendation to the City Council of the use of such funds, and the use of such funds are subject to appropriation by subsequent City Council ordinance.*
[emphasis added] Charter, Sec. 85
- The proposed amendment would remove the discretion of the City Council in appropriating excess revenues.
- **Houston** – Charter requires a certain amount of tax revenue to be allocated to a fund used exclusively for drainage and street maintenance
- **Texarkana** – Charter appropriates 3% of the total general fund expenditure to be used only in cases of unforeseen items of expenditure or established emergencies

20% for Youth Programs



FY2024 Adopted Budget for Youth and Education Services

General Fund	<u>Restricted Funds</u>	<u>Grants</u>	FY2024 <u>TOTAL</u>
\$84,613,194	\$94,292,739	\$177,774,749	\$356,680,682



Thank You
End of Presentation