

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



**Meeting Minutes
City Council Special Meeting**

Council Briefing Room 100
Military Plaza
San Antonio, Texas 78205

2023 – 2025 Council Members

Mayor Ron Nirenberg

Dr. Sukh Kaur, Dist. 1 | Jalen McKee-Rodriguez, Dist. 2
Phyllis Viagran, Dist. 3 | Dr. Adriana Rocha Garcia, Dist. 4
Teri Castillo, Dist. 5 | Melissa Cabello Havrda, Dist. 6
Marina Alderete Gavito, Dist. 7 | Manny Pelaez, Dist. 8
John Courage, Dist. 9 | Marc Whyte, Dist. 10

Wednesday, November 20, 2024

2:00 PM

City Council Chambers

The City Council convened a special meeting in Council Briefing Room beginning at 2:11 PM. City Clerk Debbie Racca-Sittre took the Roll Call noting a quorum with the following Council Members present:

PRESENT: 11 – Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Alderete Gavito, Pelaez, Courage, Whyte

ABSENT: None

ITEMS

1. Discussion regarding the appointment process in which the Mayor currently has the sole power to appoint members, as requested by the three-signature memo signed by Councilmembers Teri Castillo (District 5), Melissa Cabello-Havrda (District 6), and Marc Whyte (District 10).

City Manager Erik Walsh opened the meeting citing the three-signature memo calling for a Special Meeting under Article II, Section 11 of the City Charter signed by Councilmembers Castillo, Cabello Havrda and Whyte. He noted that the requested special meeting was to discuss the Board Appointment Process. City Manager Walsh reported that the memo requested council district-specific representation for

entities in which the Mayor currently had the sole power to appoint members to such as: Opportunity Home San Antonio Board, San Antonio Housing Commission, Charter Review Commission, VIA, SAWS, CPS Energy, and other entities as requested for which the only the Mayor had the power to appoint members.

First Assistant City Attorney Elizabeth Provencio provided background on the boards noted in the three-signature memo beginning with the Charter Review Commission (CRC). Provencio stated that the current Ordinance provided for 13 members of the CRC appointed by the Mayor. She noted that specific categories of expertise listed in the Ordinance included: seven community representatives; two former elected City officials; one former City employee; one individual with expertise in municipal law; one individual with expertise in human resources management; and one individual with expertise in municipal finance. Provencio stated that members of the CRC must be qualified voters of the City and maintain that status throughout the term of their appointment and were appointed by the Mayor, for two-year terms, coterminous with City Council.

With regard to Opportunity Home (Housing Authority), Provencio reported that State Law states the “presiding officer of the governing body of a municipality shall appoint members,” therefore, the Mayor appointed seven persons to the Board of Opportunity Home. She stated that State Law prohibited commissioners from being employees or officers of the City, required membership to include either one or two renters that received Federal housing vouchers or were a recipient of Federal housing choice or project-based rental assistance programs and the number of renters represented depended on the number of commissioners. Changes must be made through the State legislation to change the appointment process or membership requirement.

Provencio stated that the current Housing Commission Ordinance provided for nine members each serving staggered two-year terms and defined membership to include five At-Large Community Members with a history of neighborhood engagement appointed by the Mayor and the remaining four members were filled by the CEO/Executive Director, or their appointee, of the following organizations: Opportunity Home San Antonio; San Antonio Housing Trust; Greater: SATX Regional Economic Partnership; and VIA Metropolitan Transit. She added that the Mayor appointed the Chair from the members.

According to Provencio, State Law provided for the management and control of CPS Energy by either City Council or a five-member board of trustees, one of whom must be the Mayor. Provencio explained that CPS Bond covenants provided that management and control was vested in a five-member board of trustees, who must reside in Bexar County and were nominated by the CPS Board and confirmed by City Council, utilizing quadrant representation. She noted that trustees may serve two, five-year terms, staggered.

Provencio reported that State Law provided for the management and control of SAWS by either City Council or a board of trustees consisting of at least seven members, one of whom must be the Mayor. She stated that trustees were typically interviewed by the Governance Committee, confirmed by City Council, utilizing quadrant representation and north/south zone representation. She added that trustees must reside inside City limits or within an area served by SAWS if located outside of City limits and may serve two, four-year terms.

According to Provencio, the City had five appointees to the 11-member VIA Metropolitan Transit (VIA) board. She indicated that members must be a registered voter in Texas, reside in the VIA service

boundaries, and serve staggered two-year terms, limited to four terms and State Law required one

member to represent transportation disadvantaged users. She noted that City Ordinance required one member to be a union representative nominated by the union and the City Council approved all five of the appointments.

Provencio thanked the attorneys for SAWS, CPS and VIA for attending: Ed Guzman with SAWS, Shanna Ramirez with CPS Energy, and Bonnie Prosser-Elder with VIA and co-chair of the CRC.

DISCUSSION:

Mayor Nirenberg noted that the issue had been taken before the Governance Committee which referred the issue to a Sunset Review Committee since members of the Governance Committee had less than 200 days left in their term, and he did not think it would be in the best interest for this City Council to make decisions for future City Councils. Mayor Nirenberg thanked all of the Board members for their voluntary service to the community.

Councilmember Castillo thanked fellow Councilmembers who signed the three-signature memo. She clarified that there should be an opportunity for action. Segovia stated that since action was not posted on the agenda, there could be no votes. City Manager Walsh stated that the posting came straight from the three-signature memo. Councilmember Castillo requested information on the prior special-called meetings to see if there was action posted.

Councilmember Castillo stated that residents had thoughts, ideas, and concerns about actions being taken by boards and were holding their City Council representative accountable even though there was not a process for the City Council to vet outside of the appointment date. She suggested that despite Opportunity Home being statutory there should be an opportunity for Councilmembers to provide guidelines or recommendations for those Mayoral appointments, likewise for VIA and the Housing Commission. She noted that the board of Opportunity Home and VIA had policymaking power and there were many important topics such as Transit Oriented Development and long public housing wait lists.

Councilmember Cabello Havrda agreed that the Sunset Committee could review the charges and structure of each committee in addition to the sunseting. She wanted to ensure that boards were truly representative of the community and recommended more inclusivity, diversity, accountability, and transparency. Councilmember Cabello Havrda recommended including all City Councilmembers in developing guidelines and standards for the type of individual being sought for the utility boards. She encouraged regular reviews and rotations of the Board members to ensure they were engaged with and serving the community.

Councilmember Whyte thanked his fellow Councilmembers for initiating the three-signature memo. He felt the discussion was about transparency and compared it to revamping the Council Consideration Request (CCR) process. Councilmember Whyte suggested that each council district should have better representation.

Councilmember Alderete Gavito thanked Councilmember Castillo for the original CCR 2024-0023 related to the issue and supported having more input by City Council on boards. She agreed that it was important to thank our board members. Councilmember Alderete Gavito indicated that she received

regular reports from her appointees but not from these Citywide appointments and wanted to be more involved in the process and to ensure representation.

Councilmember Courage reported that every quarter he met with his appointees on the boards in a group setting and they all discussed what their boards were doing; he also encouraged his board members to connect with each other. Councilmember Courage noted it was sometimes challenging to get people to serve and there were issues with vacancies on boards and meeting quorum, therefore, he did not agree it was as simple as getting a representative from each council district. He noted that every board was required to send an Annual Report to the City Clerk so City Council should know what was going on and he noted that there were Council District 9 residents that were appointed by the Mayor or At-Large. Councilmember Courage suggested taking a careful look at every board and Commission and ensure representation either by the Board or a council district staffer.

Councilmember Rocha Garcia thanked Councilmember Castillo for CCR 2024-0023 which she had signed. She brought up that she had served on the Sunset Committee four years ago, however, the Governance Committee took action to reconstitute the Sunset Committee last month to look at not only sunsetting boards but to look at diversity and geographic representation. She did not think the Sunset Committee needed to be a subcommittee of Governance but suggested that the Audit Committee could potentially serve since there were non-Councilmembers on that Committee.

Councilmember Rocha Garcia commented that there were many important items needing the attention of City Council such as boards having difficulty meeting quorum and added that the City Clerk shared an attendance list. Councilmember Rocha Garcia wondered if the City Charter updates which moved City Council to four-year terms would impact those board members whose terms were coterminous with the City Council. Segovia stated that his staff would review the four-year terms issue. Councilmember Rocha Garcia recommended getting started with the Sunset Committee as it would take a lot of time to review all the boards.

Councilmember Kaur noted that she received feedback from the community on who was appointed to boards and whether she had reviewed their applications. She agreed that a Sunset Committee was needed but some boards took a significant amount of time noting the Zoning Commission meeting yesterday took nine hours. She supported diverse backgrounds, ages, and other demographics on boards. Councilmember Kaur suggested more prescriptions for backgrounds on boards like CPS Energy to ensure the boards were well-rounded. Councilmember Kaur wanted to ensure that the board members were being heard and their recommendations taken seriously by staff.

Councilmember McKee-Rodriguez commented that the agenda Item should have been posted for action. He recommended more discussion about diversity within race, gender, backgrounds, knowledge, expertise, and geography. He suggested that the CRC should be appointed by each Councilmember and look at the composition and criteria. Councilmember McKee-Rodriguez suggested an interview process by City Council for Opportunity Home board applicants followed by the Mayor appointing them and an evaluation of the Housing Commission composition as well as a more robust nomination and interview process for VIA. He expressed concern about there being a Mayor in the future that did not support diversity goals so he urged taking action before the next election.

Councilmember Viagran wanted to provide direction noting that the Item was not posted for action. She supported diversity in board appointments and noted that her CCR for the Planning

Commission had accomplished those goals. Councilmember Viagran asked what happened to Councilmember Castillo's CCR during the Governance Committee Meeting. City Manager Erik Walsh read the minutes from the Governance Committee.

Councilmember Viagran recommended a review of the six boards in the three-signature memo and more diverse representation on the Governance Committee. She mentioned that some of the boards such as VIA and Opportunity Home were impacted at the Federal Level such as appointments for Transportation and U.S. Department of Housing and Urban Development (HUD Secretary. Assistant City Manager Jeff Coyle stated that no one had been identified by the President-elect and all so far, were nominees.

Councilmember Viagran noted legal constraints for CPS and SAWS Boards so she recommended that a committee review these separately. She also recommended more conversation about appointments and the potential terms since the next elected officials would serve a four-year term. She supported including different stakeholders in the conversation and suggested that there might be a need for more than one Sunset Committee.

Councilmember Pelaez thanked the City Attorney for providing the information on the board. He recommended developing qualifications for the different board appointees, however, he noted that there was a very diverse group of people serving on the various boards including the Housing Commission; there were more Asian representation than ever before. Councilmember Pelaez noted that he sent his staff to different board meetings including SAWS and CPS Energy to ensure he knew what was going on with those boards. Councilmember Pelaez supported the creation of the Sunset Committee with their expanded role and felt it was worthy of study and debate at committee.

Councilmember Courage clarified that four of the six boards had statutory regulations keeping them from being changed but the other two could be reviewed and updated by the City Council. Councilmember Courage noted that the Mayor started the Housing Commission on his own and the City Council supported his vision and that he had the authority to create ad hoc boards and in some cases appoint the Chair. He recommended a larger discussion by the next City Council regarding all 90 boards and suggested taking a look at each board, its founding documents, its charge, and if we were getting valuable information and input from those boards, as well as legal limitations. Councilmember Courage indicated that City departments and programs should also be evaluated the same way to see if they were meeting their requirements and purposes much like the sunseting of boards; this was an in- depth, long-term study.

Councilmember Castillo commented that in the last Budget cycle there was a need to be strategic with board appointments to meet the needs of our community, noting that the wait list for public housing had continued to increase under Opportunity Home even when the Presidential Administration changed. Councilmember Castillo asked the City Attorney if laws precluded City Council from adding processes to these boards. City Attorney Andy Segovia stated that the City Council could add requirements so long as they did not conflict with State Law.

Mayor Nirenberg clarified that City Code provided for the Mayor to create a Sunset Committee and he committed to establishing the Ad Hoc Committee through a memo.

Councilmember McKee-Rodriguez expressed concern that a Sunset Committee would not ensure diverse

representation or equity and the next Mayor might not keep those goals with their future

appointments. He urged the Sunset process to begin as quickly as possible. Councilmember McKee-Rodriguez stated that no board or commission was perfectly set and he appreciated that the Mayor was not always perfect.

Councilmember Rocha Garcia read City Code Sec. 2-541 City Council ad hoc committee on boards and commissions. (a) The office of the city clerk shall maintain a list of all city boards and commissions, divided into two (2) categories, "district boards and commissions" and "at-large boards and commissions." Periodically, the mayor shall appoint an ad hoc committee to review all city boards and commissions for sunset, consolidation, or other recommended change. (b) This City council ad hoc committee on boards and commissions will be comprised of one (1) senior council member, who will serve as the chairperson, and two (2) other council members. Ad hoc committee will meet as needed, to review any board or commission concerns that need to be presented to the full city council. (c) The city council, as evidenced by passage of an ordinance, may sunset inactive boards or commissions as recommended by the respective city council committee having oversight over the board or commission, and as deemed necessary by the ad hoc committee. Councilmember Rocha Garcia pointed out that there was not a requirement to have a Sunset Committee every two years which the City Clerk had mentioned at the Governance Committee.

City Manager Erik Walsh stated that his office would coordinate with the City Attorney and City Clerk to develop a recommendation for a B Session related to the reconstitution of a Sunset Committee which would study how boards were established, membership composition (diversity), representation, reporting (accountability) and the overall review process. He recommended dividing the charge by the six that were identified for this meeting and taking up those separately from the rest of the 90 boards.

Councilmember Whyte suggested a Sunset Committee for other City programs. Mayor Nirenberg requested Councilmember Whyte keep his comments germane to the subject of boards.

Councilmember Viagran requested this information for the last B Session in December 2024. City Manager Walsh recommended the December 11, 2024, B Session as the briefings included towing and high-profile contracts.

Councilmember Castillo recommended that Boards and Commissions having Mayoral appointments should be prioritized which would be the six listed on the three-signature memo. City Manager Walsh agreed.

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT

There being no further discussion, the meeting was adjourned at 3:20 p.m.

Approved

Ron Nirenberg Mayor

**Debbie Racca-Sittre
City Clerk**

DRAFT