

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



**Meeting Minutes
City Council B Session**

Council Briefing Room
City Hall
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, January 10, 2024

12:00 PM

Council Briefing Room

The City Council convened a B Session meeting in the Council Briefing Room at City Hall beginning at 12:06 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. Briefing on the Ethics Review Board recommendations related to the City of San Antonio Ethics and Municipal Campaign Finance Codes. [Kevin W. Barthold, City Auditor]

City Auditor Kevin Barthold reported that the Ethics Review Board (ERB), led by Chair Patrick Lang and Vice-Chair Christy Woodward, had spent the past year reviewing the City of San

Antonio Ethics Code and Municipal Campaign Finance Code. He introduced Chair of the ERB Patrick Lang, who provided an overview of the ERB recommended changes to the Codes.

Lang thanked the ERB Members for their dedication and service and noted that members of the ERB were recommended by the individual Council Districts, appointed by City Council and could not serve on any other board in order to maintain their independence. He stated that the ERB created two review panels, one for the Ethics Code and the other for the Municipal Campaign Finance Code. He added that the ERB benchmarked the Cities of Austin, Dallas, El Paso, Ft. Worth, Houston and Phoenix, as well as the State of Texas.

Lang stated that recommended changes to the Ethics Code included changing gender-specific to gender-neutral pronouns, changing from City Council Contract Personnel to Employees of the Council Aides Local Government Corporation and moving definitions to the beginning of each section. Lang added that **Section 2-41** included a change in the statement of purpose to clarify that the Code applied to “others whose actions affect public faith in City government” and would include actions by any individual acting on behalf of the City such as volunteers, contract or temporary employees.

Section 2-43 Conflicts of Interest. Proposed changes clarified that recusals were not required for employees or officials service on external boards if they were serving in their official capacity. Additionally, this section would restrict employees and officials from making decisions related to a former employer or organization that they served on the board for 12 months.

Section 2-45 Gifts. Proposed changes would add language to mirror the Texas Penal Code 36.07 that restricts honorariums. **Section 2-58 Prohibited interest in discretionary contracts.** Proposed clarification that the timeframe was related to the awarding of the contract versus seeking/submitting proposals. **Section 2-59 Disclosure of parties, owners, and closely related persons.** Recommended clarification that disclosures should be made at the time the request was submitted, but no later than 72 hours prior to City Council action.

Section 2-82 Jurisdiction and powers. Recommendation to allow the ERB the discretion to accept or decline consideration of any alleged violation that had been resolved through other means. **Section 2-92 duty to comply with State and Federal Law** being moved to the beginning of the Ethics Code rather than at the end.

Municipal Campaign Finance Code recommended changes included changing gender-specific to gender-neutral pronouns, clarification when the requirement was applicable to both candidates and officeholders and clarification when the requirement applied to all Special Purpose Political Action Committees (SPAC) versus those SPACs formed to support/oppose candidates or officeholders.

Section 2-306 would remove the requirement to provide copies of bank account statements to the City Clerk’s Office. **Section 2-307** would remove the requirement for quarterly reporting and revert to the State required reporting. **Section 2-308** would require SPACs to file with the City Clerk and General Purpose Political Action Committees (GPAC) to provide general notice to the City Clerk of their filings with the Texas Ethics Commission.

Section 2-309 would be updated to prohibit Business Political Action Committees (BPAC), as

well as all company and non-profit board members from contributing to candidates and officeholders during high profile contract prohibition periods.

Mayor Nirenberg thanked the members of the ERB and the City Auditor for their work. Councilmember Rocha Garcia thanked the ERB, City Auditor and City Attorney for their work. She clarified that recusals from voting on boards did not apply for boards that Councilmembers were appointed to by the City Council as a representative of the City. Definition of gifts would include honorariums and would apply to everyone. She asked about the difference between a PAC and a business BPAC. Barthold stated that business BPACs were only for a specific company, not an industry PAC.

Councilmember Rocha Garcia noted that she filed campaign finance reports herself and questioned the benefit to removing the quarterly report. Barthold explained that the overlapping reports were confusing to both filers and the community, and a new system would require customization because quarterly reports were not a standard requirement. Councilmember Rocha Garcia requested clarification about the 72-hour reporting requirement for contributions. Barthold explained that companies were required to disclose at the time of submission when they contributed.

Councilmember Castillo supported the updates to section 2-43 Conflicts of Interest but requested how this might be monitored. Barthold stated that the current rules did not allow former employees to represent interest in front of the City for two years after leaving the City, the new rule would apply to new employees that came from another employer or board service to work for the City and would keep them from involvement with contracts or decisions related to their former employer or organization.

Councilmember Castillo requested clarification on the difference between a SPAC and GPAC and what impact the proposed change would have. Barthold explained that the SPAC was to support or oppose a specific municipal candidate or measure, but the GPAC was more broad, often having a national impact. Ethics Auditor Maria Elena Perez explained that the intent was to let residents know what was happening locally by statewide or national PACs and the changes would not impact the candidates, but rather, the PAC. Councilmember Castillo asked what would be included in the GPAC local report. Perez stated that the reporting would be limited to only municipal candidate races or measures, not State or National.

Councilmember McKee-Rodriguez thanked Chair Lang, the Council District 2 representative for his leadership and thanked the ERB for their recommendations noting that he supported them.

Councilmember Cabello Havrda recommended a review related to the ban on City employees participating in political campaigns. City Attorney Andy Segovia stated that the ban was included in the City Charter and any change to the provision would be something the City Manager should provide feedback on. Councilmember Cabello Havrda asked if the 12-month ban on new employees also applied to independent contractors. Assistant City Attorney Camila Kunau stated that the 12-month ban did not apply to independent contractors, but the ERB could consider expansion.

Councilmember Alderete Gavito asked about the inclusion of board members of non-profits in the blackout period. Barthold stated that this was a change to include prohibition on non-profit board

members.

Councilmember Kaur supported the recommended changes but expressed concern about non-profit board members and requested clarification that this would apply to Delegate Agency Contracts. Segovia confirmed that the new change would include a prohibition from non-profit board members as the Delegate Agency process got underway. She requested a list of board members so she could ensure she did not solicit funds from them. Walsh stated that the City should raise awareness if the change were made.

Councilmember Whyte asked about the expansion of the ERB's powers. Barthold stated that the Code currently required the ERB to take up a complaint even if the issue had been corrected by the individual who the complaint was against. He added that this would allow the ERB discretion to dismiss the complaint.

Councilmember Courage thanked the Vice-Chair Christy Woodward for her work on the ERB and asked whether campaign contribution limits were discussed. Barthold stated that they were discussed but no changes were recommended by the ERB.

Councilmember Pelaez requested clarification on whether industry or trade association PACs were also considered BPACs. Barthold stated that industry PACs represented multiple businesses and were different from BPACs that only represented one business, not an entire industry. Councilmember Pelaez commented that running a non-profit was difficult enough and they often did not have the staffing to track the contributions by board members which could result in non-profits losing grant funding so this was a change that could imperil the non-profit and asked whether this was really a problem. Perez noted that American Rescue Plan Act (ARPA) funding was impacted by this rule, but this was intended to only focus on contracts where non-profits competed against for-profits for services and the City Council could decide during the Delegate Agency (DA) process to exempt the DA process. Barthold stated that he would take this back for discussion by the ERB.

Councilmember Viagran thanked the Council District 3 ERB Member for his service and recommended more discussion regarding Delegate Agencies with City Council and did not want small non-profits to be hindered.

Mayor Nirenberg asked about the timeline for the revisions. Barthold stated that typically the ERB reviewed the policy every three years, but it had been six years since a review due to the COVID-19 Pandemic. Mayor Nirenberg supported giving the ERB more authority and noted that recommended changes to these codes were related to appearances and no amount of money was too large or too small to influence a person who had the propensity to be influenced. He recommended making it easier for folks to comply and suggested a philosophical approach to achieve the goals of integrity. Mayor Nirenberg thanked the ERB for their service and work on the recommendations as well as the Office of the City Attorney.

Barthold stated that the ERB would take up the issue of non-profit boards and employee participation in campaign activities before bringing their final recommendations back to City Council. Segovia added that the City Manager might want to weigh in on the employee participation in campaign activity issue.

EXECUTIVE SESSION

Mayor Nirenberg recessed the meeting into Executive Session at 9:27 a.m. to discuss the following:

- A. Economic development negotiations pursuant to Texas Government Code Section 551.087 (economic development).
- B. The purchase, exchange, lease or value of real property pursuant to Texas Government Code Section 551.072 (real property).
- C. Legal issues related to litigation involving the City pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Legal issues relating to emergency preparedness pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- E. Legal issues related to Councilmember provisions under the City Charter pursuant to Texas Government Code Section 551.074 (personnel matters) and Texas Government Code Section 551.071 (consultation with attorney).

Mayor Nirenberg reconvened the meeting in Open Session at 11:10 a.m. and announced that no official action had been taken in Executive Session.

ADJOURNMENT

There being no further discussion, the meeting was adjourned at 11:49 a.m.

Approved

**Ron Nirenberg
Mayor**

**Debbie Racca-Sittre
City Clerk**