



TO: Mayor and City Council; Erik Walsh, City Manager

FROM: Bonnie Prosser Elder and David Zammiello, Co-Chairs, Charter Review Commission

COPIES TO: Charter Review Commission Members; Andy Segovia, City Attorney

SUBJECT: Report of the Charter Review Commission

DATE: June 05, 2024

On November 14, 2023, Mayor Ron Nirenberg reconstituted the Charter Review Commission. The Commission was charged to review the City Charter to identify areas for amendment at the November 2024 general election related to the ethics officer and other ethics revisions, council member compensation and term length, city manager tenure and compensation, council districts and redistricting, City Charter, Article II, Section 11 related to special meetings, and other provisions that have been superseded by changes in state or federal law. The Commission was co-chaired by Bonnie Prosser Elder and David Zammiello. Members of the Commission were Elva Pai Adams, Joshua Baugh, Luisa Casso, Frank Garza, Mike Frisbie, Pat Frost, Martha Martinez-Flores, Naomi Miller, Bobby Perez, Shelley Potter, Dwayne Robinson, Dr. Rogelio Sáenz, and María Salazar.

The Commission met twelve times between December 2023 and May 2024. The subcommittees:

1. Ethics Officer and Other Ethics Revisions,
2. City Council Member Compensation and Term Length,
3. City Manager Tenure and Compensation,
4. Council Districts and Redistricting, and
5. Language Modernization

also met during this time to research the subject matter related to their charges, deliberate, and develop propositions for consideration by the City Council. A total of 287 members of the public attended the general CRC meetings.

Four of the general meetings included public comment where the public were invited to share its opinions on possible Charter amendments. There was a fifth opportunity for public comment on May 9 before the Commission voted on their final recommendations. In total the Commission heard 183 comments from in-person meetings and online through SASpeakUp.

Of the 183 comments, 108 were related to subcommittee work and 68 comments related to other Charter provisions or general community input. The following comments, unrelated to the Commission's charge, were heard most frequently: recommendation to amend the Charter to designate 20% of future revenue growth for youth programs, to use ranked choice voting in municipal elections, and to permit civilian City of San Antonio employees to take active part in a political campaign of a person for City elective office, while out of uniform or not on active duty to. In addition to public comment, the co-chairs accepted 7 invitations to speak to community groups such as the San Antonio Hispanic Chamber of Commerce, South Texas Business Partnership, and the San Antonio Business Coalition. Many press releases and advertisements were placed in local print and online media, libraries and senior centers informing the community of their opportunities to attend meetings, provide comments and suggestions via email or telephone regarding amendments to the Charter.

This report contains the recommendations of the Charter Review Commission to the City Council.

I. Summary of Commission Charges and Recommendations

1. **Ethics Officer and Other Revisions.** The Commission was asked whether the City should be able to appoint an independent ethics auditor with a legal background and 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.

The Commission recommends that City Council consider asking the voters to amend the City Charter to include a high-level definition of "conflicts of interest," require appropriate sufficient funding for the ERB to fulfill all duties, and to remove term limits for ERB members. Further, the Commission recommends that the City Council ask the voters to approve a Charter amendment to increase ERB discretion to determine whether to accept or refuse complaint cases when complaints have been otherwise resolved.

2. **City Council Compensation and Term Length.** The Commission was asked 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. The Commission was also charged with evaluating whether council members should be compensated on indexed terms that more accurately reflect the city's cost of living and lower barriers to participation in city government.

The Commission recommends amending the Charter to extend mayoral and council term lengths to four-year, concurrent terms with a two-term limit. The Commission recommends increasing council and mayor compensation to \$80,000 and \$95,000,

respectively, indexed to any across-the-board wage increase provided to City of San Antonio civilian employees annually. Further, the Commission recommends that both proposals, if approved, go into effect after the June 2025 municipal election.

3. **City Manager Tenure and Compensation.** The Commission was charged with evaluating whether the City Council should have the authority and discretion to hire, manage, and determine the length of service of the city manager. The Commission was asked whether the City Council should determine the compensation of the city manager so that market and competitive indicators are taken into account.

The Commission recommends amending the Charter to remove the language capping the city manager's length of service and compensation so that City Council may determine both.

4. **Council Districts and Redistricting.** The Commission was asked whether an increase in single-member council districts would appropriately enhance representation for San Antonio residents. The Commission was also asked whether the decennial redistricting process should be conducted by an independent, autonomous citizens committee and how such a committee's membership shall be appointed.

The Commission recommends amending the Charter to add an opportunity for redistricting if voters, through a future Charter election, amend and increase the number of districts. The Charter currently states redistricting occurs after each Federal decennial census. The Commission does not recommend an increase in the number of council districts at this time. Further, the Commission recommends amending the Charter to create a redistricting commission. The proposed Charter provision would define who can be appointed to the commission and a requirement for a supermajority of City Council to amend the redistricting commission's proposed redistricting plan.

5. **Language Modernization.** The Commission recommends Council approve for the ballot the revisions to the outdated and superseded provisions listed in the Committee report below including minor revisions to Article II, Section 11 on Special Meetings.

II. Committee Reports

1. **Ethics Officer and Other Revisions.**

The Ethics Officer and Other Revisions Subcommittee was chaired by Mike Frisbie and included Elva Pai Adams, Joshua Baugh, Bobby Perez, and Shelley Potter as members. The Subcommittee was supported by City staff from the City Attorney's Office and the Office of the City Auditor. The Subcommittee found that overall the City of San Antonio ERB and the position of the ethics auditor are functioning well.

The Subcommittee researched best practices and reviewed practices used in comparable cities. They also interviewed subject matter experts in the field of ethics – Jason King and Patrick Lang – to develop their recommendation. The Subcommittee found no benefit to removing the Ethics Auditor position from the City Auditor’s Office. In their opinion the Ethics Auditor does not need to have a legal background and the current structure fosters a balance between independence and collaboration. Additionally, the current ERB structure has a high level of independence, oversight authority and has the power to compel testimony (see Charter, Sec. 167(c)(7)a).

The Subcommittee recommendation, adopted by the Commission, is to include an expanded definition of “conflicts of interest” that could include more situations where there is an appearance of conflict. The Ethics Code contains several sections that address conflicts of interest in variety of ways, but the Charter does not have language that addresses it.

The Commission recommends Charter language to establish appropriate and sufficient funding for the ERB to fulfill all its duties. Funding for the ERB is required by ordinance but not by Charter so City Council could theoretically prevent the ERB from acting by defunding them.

The Commission recommends amending the Charter to remove term limits for ERB members. The Subcommittee also found that term limits prevent trained and effective individuals from continuing to serve on the ERB. Currently ERB members are limited to three terms.

The final ethics related recommendation stems from the ERB not having the ability to review complaints that have been resolved by others and not review complaints that have been resolved by others. The Commission recommends amending the Charter to increase ERB discretion to determine whether to accept or refuse complaint cases when complaints have been otherwise resolved.

2. City Council Compensation and Term Length.

The City Council Compensation and Term Length Subcommittee, chaired by Luisa Casso, included as members Joshua Baugh, Mike Frisbie, Martha Martinez-Flores, and Dwayne Robinson. The Subcommittee was supported by City staff from the City Manager’s Office and the City Attorney’s Office. The Subcommittee interviewed former city council members, reviewed practices in comparable cities, and consulted an expert in the field of compensation to develop their recommendation.

The recommendation, developed by the Subcommittee and adopted by the Commission, is to extend council term lengths to four-year, concurrent terms with a two-term limit. The Subcommittee’s work found a benefit to the continuity of business, a reduction in the number of elections thereby saving taxpayer dollars spent on elections, and an opportunity for a more unified council cohort with extended council terms.

The Commission recommends increasing council and mayor compensation to \$80,000 and \$95,000, respectively, indexed to any across-the-board wage increase provided to City of San Antonio civilian employees through the City’s annual budget. Further, the Commission recommends that both proposals, if approved, go into effect after the June

2025 municipal election. The subcommittee referred to the Bureau of Labor Statistics: Median Income for Management and Professional Occupations in San Antonio-New Braunfels metropolitan statistical area for occupations with similar responsibilities and duties as mayor and city council members. They found a 2023 median salary of \$81,763. The Subcommittee also considered public input on the issue as they developed and refined their final recommendation.

The 2015 Charter amendment that increased council and mayor compensation to \$45,722 for council members per annum and \$61,725 for the mayor per annum did not include a mechanism for increase outside of the Charter amendment process. The Subcommittee, and Commission, recommendation is to index any increase to council and mayoral pay to any across the board increase given to City of San Antonio employees, which recognizes the health of the City's budget in determining any increase and removes it from the Charter amendment process.

3. City Manager Tenure and Compensation.

The City Manager Tenure and Compensation Subcommittee, chaired by Pat Frost, included as members Elva Pai Adams, Martha Martinez-Flores, Naomi Miller, and Dwayne Robinson. The Subcommittee was supported by City staff from the City Attorney's Office and Human Resources. The Subcommittee also consulted and interviewed an expert in the field of city charters. The Subcommittee reviewed practices in comparable Texas cities like Dallas, Austin, and Fort Worth. They also reviewed the practices used by local governmental entities and institutions including SAWS, CPS Energy, Port San Antonio, and Bexar County.

The recommendation, developed by the Subcommittee and adopted by the Commission, is to remove the Charter language capping the city manager's length of service and compensation so that City Council may determine both. The Subcommittee found that charter language capping the city manager's tenure and compensation is unique to San Antonio. Boards and governing bodies hold the discretion to determine compensation and tenure for their CEO or equivalent, which is a role like that of the city manager. To be competitive now and in the future, City Council should have the authority to determine the compensation of the City Manager considering market and competitive indicators.

4. Council Districts and Redistricting.

The Council Districts and Redistricting Subcommittee, chaired by Frank Garza, included as members Naomi Miller, Bobby Perez, Dr. Rogelio Saenz, and Maria Salazar. The Subcommittee was supported by City staff from the City Manager's Office and the City Attorney's Office.

The Subcommittee reviewed San Antonio's history with single member districts (SMDs) and redistricting including Mayor Ron Nirenberg's memo creating a 2021 Redistricting Advisory Committee. Several Subcommittee and Commission members served on the 2021 Redistricting Advisory Committee and discussed its process, experiences, public feedback and lessons learned. The Subcommittee reviewed major Texas cities and

comparable U.S. cities' charter language with respect to redistricting. For independent redistricting commissions, they reviewed language and processes used in Austin, New York City, Minneapolis, Portland, San Diego and Syracuse, NY. With respect to an advisory redistricting commission, the Subcommittee reviewed language and processes used in Dallas, El Paso, and San Jose, CA.

Per the 2020 US Census, the population per district is 143,462. Using current US Census data, the population per district in 2023 is estimated between 155,551 – 160,661. The Subcommittee determined that estimated population growth for 2030 balanced with the resources available for council offices to serve their constituents did not warrant an increase in the number of council districts at this time. Current Charter language does not provide for redistricting outside of the Federal decennial census. The Subcommittee therefore recommends amending the Charter to add an opportunity for redistricting if voters, through a future Charter election, amend and increase the number of districts.

Based on experiences from the 2021 redistricting process and research on best practices, the recommendation developed by the Subcommittee and adopted by the Commission is to amend the Charter to create a redistricting commission. The redistricting commission would be composed of 11 total commission members – 1 appointed by the mayor and 10 appointed by the councilmember representing their SMD. The ten SMD appointees must be registered to vote in their respective district. Members cannot be an elected official to any local, state or federal office or their immediate family member. They cannot be an employee or the immediate family member of an employee of the City of San Antonio, a local government corporation governed by the City Council, or employed/supervised by a council member.

The Charter amendment should include language stating that, if intended to lobby or influence the commission member with respect to redistricting, then a council member must communicate with a redistricting commission member by testimony in an open meeting of the full City Council or commission or by memo to the full commission or City Council. The Charter should state that the commission creates and presents a recommended plan that can be adopted by a majority vote of City Council. City Council can propose amending the recommended plan in an open meeting with a written explanation for the amendment. The proposed amendment would go back to the commission for consideration and if the amendment is adopted by the commission, then the amended plan can be adopted by City Council with a majority vote.

If City Council's amendment of the original recommended plan is rejected by the commission, then either a) the original recommended plan can be adopted by a majority vote of City Council, or b) the Council's amended plan can be approved by three-fourths (9 votes) of the members of the City Council.

If final action is not taken by the City Council within 45 days after the recommended plan was presented to the City Council for adoption, then the City Council must adopt the recommended redistricting plan and, the recommended plan of the redistricting commission will become the final districting plan for the city.

5. Language Modernization.

The Language Modernization Subcommittee, chaired by Maria Salazar, included as members Frank Garza, Shelley Potter, and Dr. Rogelio Saenz. The Subcommittee worked with City staff to review provisions of the Charter that have been superseded by state law or have become outdated or contain obsolete terms. The Committee, with feedback from City departments, identified provisions that met those criteria, briefly described below.

The Charter will be updated throughout to include gender neutral terms such as they/their versus the current uses of he/him/she/hers. Archaic terms like herein, hereinafter, said, or hereby will be removed and replaced with current phrases.

Section 4 uses the word “wards,” which is not a term used to describe the breakdown of City into Council districts.

Section 11 related to special meetings should be amended to delete calling of meeting by the Clerk as that is outdated language.

Section 16 related to recording ordinances contains an outdated requirement to record ordinances in “well bound books.” Ordinances are saved electronically.

Section 17 related to adopted codes contains outdated language and requirements that the City Clerk keep two copies of codes adopted by the City for reference and inspection. Codes are now online, therefore only one copy is needed.

Section 30 contains outdated language as recall elections may only be on uniform election dates, therefore amending to reflect state law.

Section 36 related to forms of petitions contains reference to signatures permitted to be made with “indelible pencil” as not required by law.

Section 55 related to the Finance Department adds the Chief Financial Officer to those required to be bonded, which is current practice.

Section 56 contains two obsolete subsections. Subsection (2) requires the Finance department to prepare budget; however, the Office of Management and Budget does this. Subsection (4) requires Finance to control the purchase, storing, and distribution of all supplies, material, equipment, and contractual services now or as required by the council. All council purchases are now coordinated through the City Council Office. Both subsections will be removed as outdated. Subsection (6) contains outdated text and will be updated to add notes listing the types of city indebtedness. The entire section will be renumbered.

Section 58 discusses the authority and duties of police officers. It will be amended to change “officers and policemen of the police department” to “City employees licensed as peace officers by the State of Texas”, to clarify it applies only to the Police, Airport Police and Park Police Departments. “Policemen” will change to “uniformed members.”

Section 71 will be renamed “Human Resources” Director, from “Personnel” Director as that is the current name of the department.

Section 72, Civil Service Rules, contains a requirement for competitive testing and service ratings for employment, promotion, suspension or termination, which will be

removed as outdated language. The requirements for education, experience, intelligence, knowledge, ability and willingness to work will remain.

Section 73 related to appointments requires certification by personnel director of every person appointed to classified civil service. The provision is outdated and should be removed and reserved for future use.

Section 75 and 76 contains reference to “personnel director,” which will be updated to reference “Human Resources Director.”

Section 76 related to suspensions, reductions, and removals contains an unused and outdated provision requiring written notice of suspension, reduction in pay or class, or removal during provisional period. These do not apply to any civilian employee. The same section contains a requirement that civil service commission meet within ten business days to hold hearings on appeals of suspension, termination, reduction in pay or class. This language is outdated as these hearings are scheduled within ten days but not held in that time frame.

Section 77 relates to the status of appointive officers and employees “when this charter became effective” and provides that all officers and employees other than those excepted from civil service are subject to civil service rules on the date the charter becomes effective, January 1, 1952. This outdated provision will be removed entirely and reserved for future use.

Article VII, Finance, will be amended to add “And Budget” to the title.

Section 80 contains a reference to “the budget year beginning on August 1, 1952” which shall be removed.

Section 91 contains an outdated reference to tax assessor “officer” that will be updated to “position” as that is what it is called today.

Section 95 related to “taxes when due” contains payment options currently set as “one, or two equal installments”, which will be updated to “as provided by state law”, which currently permits senior citizens to pay monthly or quarterly.

Section 96 related to delinquent taxes penalties and interest on delinquent taxes is recommended to be deleted and the section reserved for future use as state law changed in 2019 and addresses in total.

Section 101 related to the sale of bonds and Section 3, paragraph 6, subsection (3) will be revised to add “and certificates of obligation” in the title of Section 101 and “or certificates” after bonds in the text of both provisions.

Section 104, Disbursement of funds, will be updated to clarify that all required signatures for disbursement of funds shall be by an authorized signatory designated by City Ordinance. The section also contains requirement that City Manager sign for the disbursement of funds, which is outdated and will be amended to require two authorized signatory signatures.

Section 107 related to an independent audit will clarify that the auditor for this provision is an “external” CPA.

Article VIII. currently titled “Corporation Court” will be renamed “Municipal Court”.

Section 112. will be renamed “Municipal Court and Judiciary” and revised so the requirement that judges reside in the City at least three years immediately preceding appointment to be “that required by state law.” Currently it is three years but could change and this language allows the requirement to stay aligned with state law.

Section 136, Supervisor of Public Utilities, will be reordered to reflect the current process and add “franchise holder” to sentences referencing public utility operators to reflect current inspection and examination authority.

Section 138 related to oath of office would be amended to add city boards and commissions to those required to take the official oath of office prescribed by the Texas Constitution.

Section 159 related to loyalty oath is recommended to be deleted and reserved for future use as the City has used the state promulgated oaths for decades. The oath is also referenced in Section 138.

Section 166 related to appointment of the Ethics Review Board revise to be same manner as other City boards (nomination by memo, action by Council at one meeting rather than nomination at one meeting and appointment at the next).

6. Special Meetings.

No recommendation. However, note the modification related to Special Meetings (Section 11) within the Language Modernization recommendations above.