

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 | Restricted Funds | Grants | FY2024 TOTAL |
|---------------------|-------------------------|---------------|---------------------|
| \$84,613,194 | \$94,292,739 | \$177,774,749 | \$356,680,682 |



Thank You
End of Presentation