

Charter Review Commission



April 11, 2024
Central Library

Agenda



- Approval of Minutes
- Public Comment
- Communications & Engagement Briefing
- Proposed Recommendations:
 - Language modernization
 - Ethics officer and other ethics revisions
 - City Council compensation and term length
- Process Check-In
- Adjournment

Public Comment

Subcommittee Proposed Recommendations

- **Language Modernization**
- **Ethics Officer and Other Revisions**
- **City Council Compensation and Term Length**

Meeting Protocols



Commission members are encouraged to share their insight, knowledge and experience and in doing so should understand and appreciate that others may have an equally relevant, important but different point of view that deserves respect.

Commission members should:

- recognize that their colleagues are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals who have chosen to volunteer their time to this important effort.
- be mindful of the content, tone and delivery of their words while asking a question or making a comment to others involved in this process.
- respect the public and other members' speaking time.
- practice civility, professionalism and decorum in discussions and debate.

Charter Review Commission



**Language Modernization Subcommittee
Proposed Recommendation
April 11, 2024**

Agenda



- Charge
- Resource Investment and Research
- Analysis
- Feedback
- Recommendation

Language Modernization

Charge

Language - Whether the Charter shall be generally amended to update its language to more accurately reflect current processes, acknowledgments, and roles

Special Meetings – (Section 11) 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)

Chair: Maria Salazar

Members:

- Frank Garza
- Shelley Potter
- Dr. Rogelio Saenz

Resource Investment and Research



- Subcommittee met two times since March 4th presentation
- Reviewed additional provisions of the Charter submitted by:
 - Human Resources
 - Public Utilities
 - Finance, and
 - Budget
- More discussion of Section 11 (special meetings), incorporating feedback from public comments

Resource Investment and Research



- Article VI: Civil Service Provisions and Human Resources Department
 - 10 provisions reviewed
 - 8 provisions recommended for revisions
 - 17 total suggested amendments
- Finance, Budget, and Public Utilities
 - some comments and recommendations duplicates of previous work by committee
 - Entire Charter reviewed
 - 12 provisions recommended for revisions
 - 18 total suggested amendments

Analysis: Civil Service Provisions/HR Dept.



- Article VI of the Charter: Outdated provisions include:
 - Section 70. Civil Service Commission
 - Subsection (b) authorizing investigations at Commission, Council or Management initiative, which has not been exercised in over 15 years and is already within authority of Human Resources
 - Section 71. Personnel Director
 - Change to Human Resources Director throughout
 - Provisions addressing open competitive examinations for all appointments in classified civil service, lists of those most eligible for promotion, probationary reporting, certification of employment prior to issuance of paychecks – not done in decades

Analysis: Civil Service Provisions/HR Dept.



- Article VI of the Charter: Outdated provisions continued:
 - Section 72. Civil Service Rules.
 - Remove requirement for competitive testing and service ratings for employment, promotion, suspension or termination; leave in requirements for education, experience, intelligence, knowledge, ability and willingness to work for same
 - Remove other references to competitive testing
 - Section 73. Appointments.
 - Remove entire provision requiring certification by HR director of every person appointed to classified civil service

Analysis: Civil Service Provisions/HR Dept.



- Article VI of the Charter: Outdated provisions continued:
 - Section 75. Information, reports, and access to premises and records.
 - Change personnel director to HR Director
 - Section 76. Suspensions, reductions, and removals.
 - Change personnel director to HR Director (twice)
 - Remove unused provision requiring written notice of suspension, reduction in pay or class, or removal during provisional period – does not apply to any civilian employee
 - Remove requirement that civil service commission meet within ten business days to hold hearings on appeals of suspension, termination, reduction in pay or class – are scheduled within ten days but not held in that time frame

Analysis: Civil Service Provisions/HR Dept.



- Article VI of the Charter: Outdated provisions continued:
 - Section 77. Status of appointive officers and employees when this charter became effective.
 - Remove entire provision, and reserve for future use.
 - 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
 - Section 78. Prohibitions
 - HR and this Committee do not have recommendations regarding employee participation in general elections
 - could be for a future CRC to review; would be substantive change

Analysis: Finance, Budget, Public Utilities



- Recommended revisions of outdated provisions:
 - Section 56. Powers and duties (of Finance department)
 - Remove subsection (2) that requires Finance department to prepare budget; the Office of Management and Budget now handles
 - Remove subsection (4) that requires Finance to control the purchase, storing, and distribution of all supplies, material, equipment, and contractual services now or hereafter required by the council. All council purchases are now coordinated through the City Council Office
 - Update subsection (6) to remove outdated text and add notes to list of types of city indebtedness
 - Removed provisions will be “reserved” for future use

Analysis: Finance, Budget, Public Utilities



- Outdated provisions continued
 - Sections 71 and 77 - similar recommendations as Human Resources
 - Article VII. Finance - add “and Budget” to caption
 - Section 91. Power to assess, bill, and collect ad valorem taxes
 - Change tax assessor “officer” to “position” as that is what it is called today
 - Section 95. Taxes when due
 - Change payment options currently set as “one, or two equal installments”, to “as provided by state law”, which currently permits senior citizens to pay monthly, or quarterly.

Analysis: Finance, Budget, Public Utilities



- Outdated provisions continued
 - Section 101. Sale of bonds and Section 3, paragraph 6, subsection (3)
 - add “and certificates of obligation” in title of Section 101
 - add “or certificates” after bonds in text of both provisions
 - Section 104. Disbursement of funds
 - Clarify that all required signatures for disbursement of funds shall be by an authorized signatory designated by City Ordinance
 - Remove requirement that City Manager sign
 - Require two authorized signatory signatures
 - Section 107. Independent Audit
 - Clarify that auditor for this provision is an “External” CPA

Analysis: Finance, Budget, Public Utilities



- Outdated provisions continued
 - Section 136. Supervisor of Public Utilities
 - Reorder to reflect current process
 - Add “franchise holder” to sentences referencing public utility operators to reflect current inspection and examination authority

Analysis: Special Meetings by Written Request



- Section 11. Meetings of the Council.
- Special meeting called if three councilmembers request in writing
- Discussed at length and previously considered by committee
 - Standard means to agendize items through Council Consideration Request with five Council signatures, ordinance recently updated to expedite process
 - Emergency meetings can be held if imminent threat to health, safety and welfare, one hour notice required by state law
 - Special meetings other than Wednesdays and Thursdays not uncommon, set by City Manager with Office of the City Attorney assistance
 - Special meetings at written request of three Councilmembers rarely used (perhaps three times in past 15 years)

Feedback



- March 4th and 21st in-person meetings, and through SA SpeakUp
 - 5 oral, one written comment supporting no change to Section 11, citing transparency, democracy, and public engagement (one a duplicate)
 - 1 oral comment supporting change to Section 78, to permit employee participation in general elections
- No feedback from CRC members; one resident has reached out to several subcommittee members to explain importance to them of employee participation in general elections
- Subcommittee discussion on feedback centered around substance of changes
- Feedback impact on subcommittee recommendations for Section 11 and 78 had similar results: best suited for a full Charter Review Commission study and analysis, would be substantive changes and individual propositions on a ballot

Recommendation



- Maintain recommendations made March 4, 2024, except Special Meetings
 - Section 11. Special Meetings
 - No amendments other than striking calling of meeting by City Clerk, as City Manager's Office and City Attorney's Office now manage
 - Changing purpose, use, and timing a significant change, worthy of review by a full Charter Review Commission
- Support HR recommendations for amendments
- Support Finance, Budget, and Public Utilities recommendations
- Refer Sections 11 and 78 to a full Charter Review Commission for analysis and recommendations

Q & A



Thank You
End of Presentation

Charter Review Commission



**Ethics Subcommittee
Proposed Recommendations
April 11, 2024**

Agenda



- Charge
- Resource Investment
- Feedback
- Research and Conclusions
- Proposed Recommendations
- Next Steps

Ethics Officer and Other Revisions

Charge

Ethics Officer - Whether the City should be able to appoint an independent ethics auditor with a legal background

Other Ethics Revisions - Whether the Ethics Review Board 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

Chair:

- Mike Frisbie

Members:

- Elva Pai Adams
- Josh Baugh
- Bobby Perez
- Shelley Potter

Resource Investment and Research



- Committee met to fine tune proposed recommendations
 - Proposed recommendations mostly consistent with preliminary recommendations but more refined
- Reviewed Conflicts of Interest document created by staff to determine appropriate language

Feedback



- Received feedback
 - Public comment asked that ERB be empowered and used to hold City Council accountable
 - Chair requested information on time spent on ethics training
 - 29 hours of formal ethics training was provided to City Council, boards and commissions, and staff across the City in 2023
 - Compliance Auditor spends 10% of her time providing ethics training or doing training related activities
- Feedback generally supported the preliminary recommendations presented

Ethics Review Board Structure and Authority



ERB coupled with Compliance Auditor is an overall best practice model

- In 2004, ERB was established in the City Charter
- Section 166(b) outlines that a specific cause is required to remove a member of the ERB
- Section 168 states that the ERB decision is final unless appealed to District Court

Research and Conclusions

Regarding “conflicts of interest” – Ethics Code contains several sections that address conflicts of interest in variety of ways, but Charter does not have language that addresses it directly

- Charter should include high-level statement that addresses the City’s principles regarding conflicts of interest

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. 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.

Research and Conclusions

Determined extending look-back to Council members full tenure would conflict with existing statutes of limitation under state law for same offenses so no longer being considered

- Class A and B misdemeanors have a 2-year statute of limitations, state law for offenses related to ethics and campaign finance violations are generally Class A or B misdemeanors
- The Texas Ethics Commission also has a 2 or 3-year statute of limitations depending on the violation

Proposed Recommendations



Whether the City should be able to appoint an independent ethics auditor with a legal background.

- Yes, but not recommended
- Leave Ethics Auditor position as is
- Current structure fosters a balance between independence and collaboration

Proposed Recommendations



Whether the Ethics Review Board should be autonomous with independent oversight.

- The ERB has a high level of independence and oversight authority, however enhancements can be made

Should the Ethics Review Board have the power to compel testimony?

- The ERB has the power to compel testimony, Charter Sec. 167(c)(7)

Proposed Recommendations



Would additional recommendations strengthen the effectiveness, authority, and/or jurisdiction of the board?

Yes, as follows:

- Add high level definition of “conflicts of interest”
- Appropriate sufficient funding for ERB to fulfill all duties
- Remove term limits for ERB members
- Increase ERB discretion to determine whether to accept or refuse complaint cases when complaints have been otherwise resolved

Next Steps



- Continue to seek public feedback
- Continue to seek Commission feedback
- Finalize recommended Charter language changes

Q & A



Thank You
End of Presentation

Charter Review Commission



**City Council Compensation & Term Length
Subcommittee
Proposed Recommendations
April 11, 2024**

Agenda



- Charge
- Resource Investment/Action Plan
- Research and Conclusion
- Proposed Recommendations
- Next Steps

City Council Compensation and Term Length



Charge

City Council Term Length: 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

City Council Member Compensation: Whether City 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

Chair:

- Luisa Casso

Members:

- Josh Baugh
- Mike Frisbie
- Martha Martinez-Flores
- Dwayne Robinson

Resource Investment



- COSA staff gathered additional research at the direction of the sub-committee
- Conducted benchmarking against comparable cities
- Four additional meetings with former City Council Members
- Subcommittee has met 7 times; Chair 1:1 conversations with members

Action Plan – Council Terms

- Reviewed term limits in comparable cities
- Interviewed former council members
- Determined areas of discussion
 - Term length
 - Number of terms
 - Stagger vs Concurrent
 - Total years for service in a seat
- Discussed implications proposed changes to terms and term limits
 - Researched current city charter/state statute
 - Developed and Evaluated three implementation options

Research and Analysis: Council Terms



| City | Term Length | Term Limit |
|----------------|--|---|
| San Antonio | Two years | Four terms |
| Dallas | Council: Two years Mayor: Four years | Four consecutive terms |
| Fort Worth | Two years | None |
| El Paso | Four years | 10 total years |
| Austin | Two years | Two consecutive terms |
| Phoenix | Four years | Mayor: Two terms Council: Three consecutive terms |
| San Jose | Four years | Two consecutive terms |
| Philadelphia | Four years | None |
| San Diego | Four years | Two terms |
| Corpus Christi | Two years | Mayor: Four consecutive terms Council: Two consecutive terms |

Research and Analysis: Council Terms



- Benefits / Shortcomings of expanding term length to four years
 - Extends focus on governance **vs.** frequency of election cycle
 - Complete a capital project cycle **vs.** interest in short term projects
 - Committed candidates **vs.** possible stepping-stone politicians
 - Reduced frequency of election cycles strengthens council focus
 - Stability from a strong elected official **vs.** turnover after two years
 - Eight years is optimal length of total council service – timely change

Research and Analysis: Staggered Terms



Evaluated Three Term “Cycle” Options:

1. Concurrent (Simultaneous):

- 10 City Council districts
- Mayor election at the same time

2. Staggered:

- 5 City Council districts in one cycle
- 5 City Council districts plus Mayor in a separate cycle

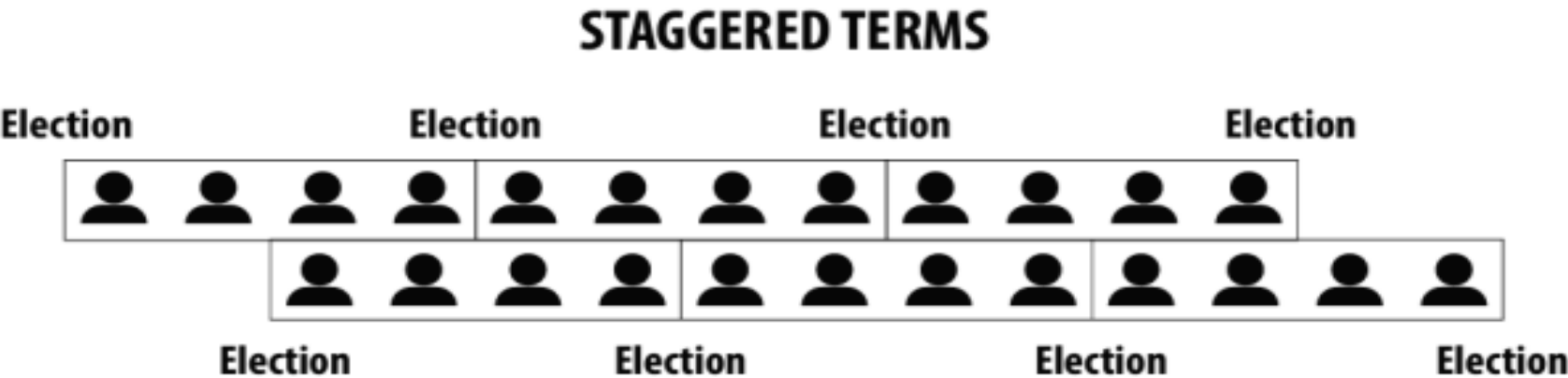
3. Hybrid:

- 10 City Council districts in one cycle
- Mayor in separate cycle

Research and Analysis: Staggered Terms



Examples of cities with simultaneous/successive terms: Dallas, San Jose (CA), Fort Worth.



Analysis and Discussion: Implementation



Concurrent:

- 10 City Council districts & Mayor election at the same time

Pros:

- ★ Continuity of business, especially with longer terms
- ★ Reduced number of elections; save taxpayer dollars \$800K/election
- ★ More unified cohort

Cons:

- Risk for high turnover and loss of institutional knowledge
- Limited time to enact city business with short cycles

Analysis and Discussion: Implementation



Staggered:

- 5 City Council districts at one time
- 5 City Council districts & Mayor election at one time

Pros:

- ★ Prevents significant turnover on council at one time;
- ★ Reduced disruption; ½ continue to focus on governance

Cons:

- Unfair advantage for districts tied to mayor election
- Frequent number of elections leads to voter fatigue additional costs
- Implementation requires drawing for terms;
- Redrawing of terms every ten years with census & redrawing of districts

Proposed Recommendation: Council Terms



- Council term lengths should be changed to two – four-year terms.
- Council total years of service should remain at eight.
- Council and mayor should be elected concurrently - not stagger terms.

City Council Compensation and Term Length



Charge

City Council Term Length: 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

City Council Member Compensation: Whether City 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

Chair:

- Luisa Casso

Members:

- Josh Baugh
- Mike Frisbie
- Martha Martinez-Flores
- Dwayne Robinson

Action Plan Update: Council Compensation



- Reviewed charters and council compensation models of other cities
- Interviewed former council members to understand roles/responsibilities
- Analyzed compensation data
- Discussed several options to match and align compensation with role
 - Continue to review potential indexing modes and metrics
- Evaluated potential benefits beyond base salary, including retirement, but chose to remain focused solely on base compensation for mayor and council
- Consulted with subject matter expert in executive compensation

Next Steps: Council Compensation

- Complete analysis of council member role evolution (past, present, future)
- Complete study to understand expectations, duties and attributes
- Analyze options that best align role with appropriate compensation ranges
- Expand options to match, index and modify on a repeatable basis
- Continue to receive community feedback
- Prepare to present options at upcoming CRC meeting

Q & A

Next Steps



- Commission Feedback
- Public Comment
- Further discussion on previously identified unanswered questions



Thank You
End of Presentation

Process Check-In

Roadmap



| Meeting Date | | |
|--------------|--|--|
| April 11 | Continue to refine recommendation based on research, discussion, and feedback from CRC and the public. | Presentations by: <ul style="list-style-type: none">• Ethics• City Council compensation and term length• Language modernization |
| April 25 | | Presentations by: <ul style="list-style-type: none">• Council districts and redistricting• City Manager tenure and compensation |

***March 21 CRC meeting to serve as checkpoint**

Roadmap



| Meeting Date | |
|----------------|---|
| May 6 and 9* | Presentation by all subcommittees of final proposals |
| May 20 and 23* | Final discussion and actions |

*All May dates should be held for general CRC meetings

Next Meeting



Thursday, April 25, 2024 – public comment and refined recommendations from:

- City manager tenure and compensation
- Council districts and redistricting
- 5:30 p.m. – 7:30 p.m.
- Central Library



Thank You
End of Presentation