

Charter Review Commission



**March 4, 2024
Central Library**

Agenda



- Approval of Minutes
- Public Comment
- Preliminary Recommendations:
 - Ethics officer and other ethics revisions
 - City Council compensation and term length
 - Language modernization
- Adjournment

Public Comment

Roadmap



Meeting Date	
March 4	Presentation of <u>preliminary</u> recommendations by: <ul style="list-style-type: none">• Ethics• City Council compensation and term length• Language modernization
March 21*	Presentation of <u>preliminary</u> recommendations 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		
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
May 6 and 9	Presentation by all subcommittees of final proposals	
May 20 and 23	Final discussion and actions	

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.

Subcommittee Preliminary Recommendations

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

Charter Review Commission



**Ethics Subcommittee
Preliminary Findings and Recommendations
March 4, 2024**

Agenda



- Charge
- Action Plan
- Resource Investment
- Research and Analysis
- Conclusions
- Preliminary 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

Action Plan



- First few meetings - fact finding/discovery. Asked staff:
 - Compile information regarding Ethics Review Board (ERB) and Ethics Auditor
 - Ethics Auditor and ERBs best practices
- Seek multiple experts to speak to authority and independence of Ethics Auditors and ERBs
- Develop preliminary recommendations in prep for CRC Meeting

Resource Investment



- Subcommittee met five times
- Subcommittee members spent an estimated 60 hours, while Staff spent an estimated 55 hours working on the charge

Resource Investment



- Sources were consulted to determine:
 - (1) current independence and authority of ERB and Ethics Auditor
 - (2) best practices and ways to increase independence/authority of ERB and Ethics Auditor

Resource Investment



- COSA information:

2022 ERB Annual Report

ERB Recommended Code Revisions and Summaries

Ethics Complaints 2014-2023

ERB Meeting Summaries 2014-2023

Boards & Commissions Appointment and Term Research

- Information including other cities

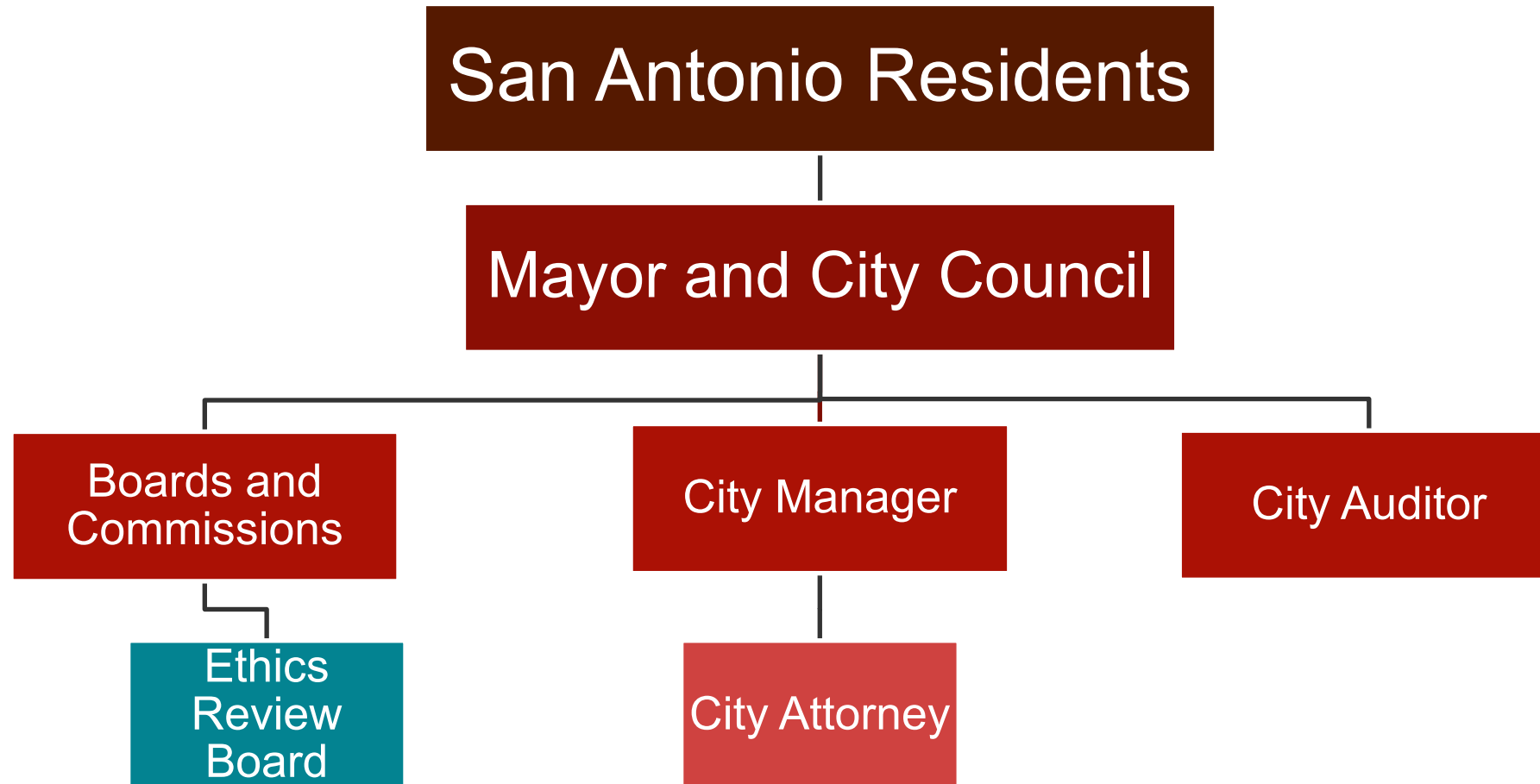
ERB City Comparison Chart

ERB Independence/Appointments Research

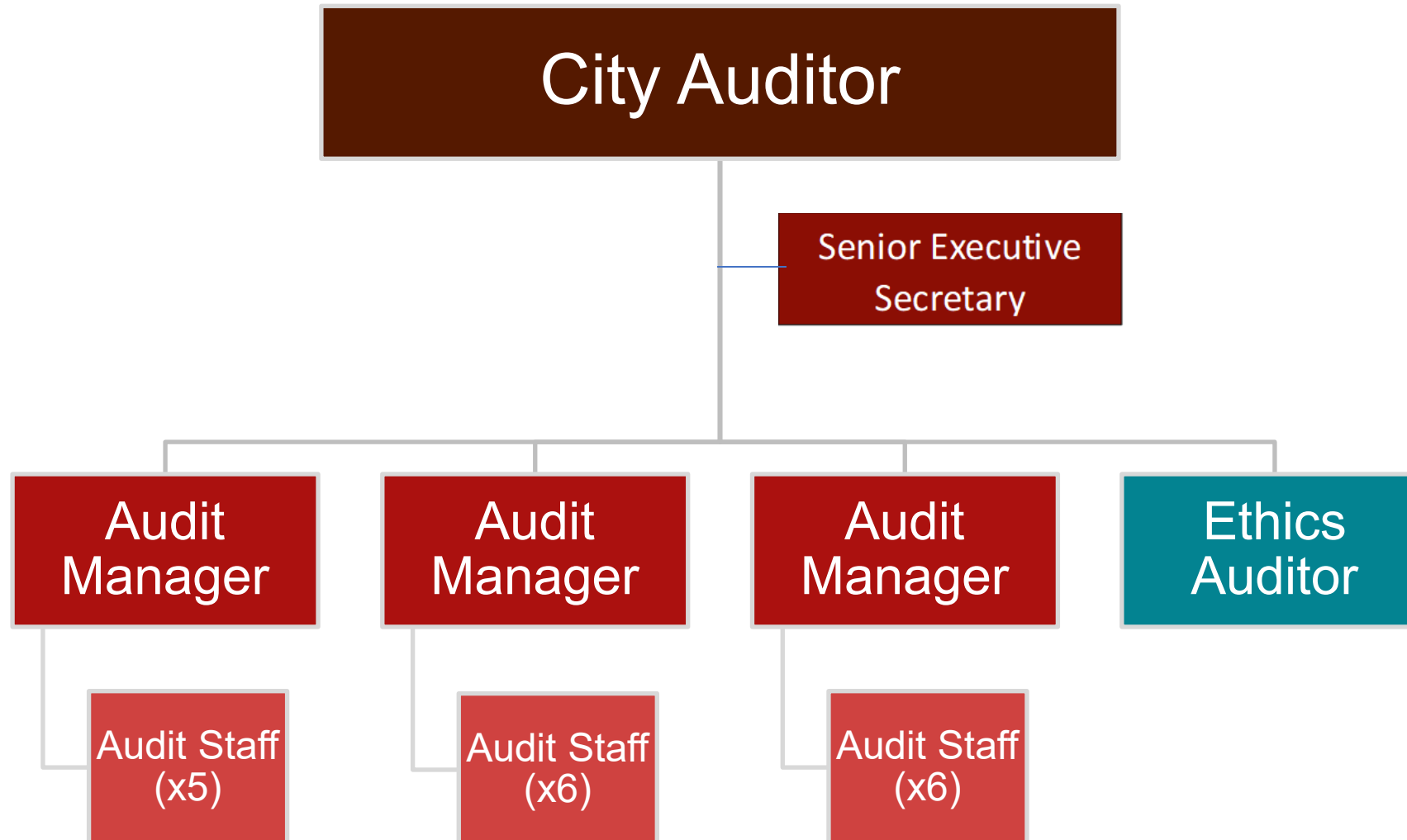
Model City Charter/National Civic League

Ethics Auditor Research

Organizational Structure



Organizational Structure



Comparison of Ethics Boards



City	Charter Based?	Oversight Function	Subpoena / Testimony Power	Notes
San Antonio	Yes	Ethics Review Board	Yes	
Austin	No	Ethics Review Commission	Yes	
Dallas	No	Ethics Advisory Commission	Yes	Charter provides power to establish a code of ethics by ordinance not specific to commission
El Paso	Yes	Ethics Review Commission	Yes	
Ft. Worth	No	Ethics Review Commission	Yes	
Houston	No	Ethics Commission	No	Commission does not have power; however, Inspector General Office does
State of Texas	NA	Texas Ethics Commission	Yes	
Atlanta, GA	Yes	Board of Ethics	Yes	
Phoenix, AZ	No	Ethics Commission	Yes	

Comparison of Ethics Auditors



City	Ethics Auditor or Equivalent Position	Legal Background Required?	Notes	Scope of Work	Reporting Entity
San Antonio	Yes – Compliance Auditor	No	City Attorney's Office issues legal opinions relating to ethics questions	High profile contract review, general ethics work, ERB support and complaints, ethics training	Hosted in City Auditor's Office
Austin	No	–	The Open Government / Ethics and Compliance division provides some ethics support	Legal advice, ethics training, support to Ethics Commission	Division of City Attorney's Office
Dallas	Yes – Chief Integrity Officer	No - But CCEP required	Investigative authority that assumes the primary responsibility of identifying, investigating, and resolving ethical issues	Investigates other municipal integrity matters related to fraud, waste, and abuse, issues advisory opinions, general ethics work	Inspector General's Division, Division of the City Attorney's Office
El Paso	No	–	City Attorney, Deputy City Manager and City Manager staff support Ethics Review Commission	Provides support to the Ethics Review Commission and the officials and staff of City	–
Ft. Worth	No	–	City Council has final say on ethics issues including taking disciplinary action against city officials or employees who violate the Code	City Attorney's Office provides legal advice and assistance to Ethics Advisory Commission and can issue advisory opinions on ethical matters	–
Houston	No	–	City Attorney's Office provides ethics support	Ethics opinions, ethics training, support for Ethics Commission	–
Atlanta, GA	Yes – Ethics Officer	Yes	Office consists of 11 individuals – including the Ethics Officer, Deputy Ethics Officer, Program Manager, Analysts, Investigator, and administrative support staff	Ethics training, provides legal advice and opinions; investigates complaints, prosecutes violations of Code of Ethics, coordinates ethics and compliance hotline (Integrity Hotline), and manages financial disclosure system	Inspector General's Office (does not report to Council)
Phoenix, AZ	No	–	City Auditor, City Attorney, and City Manager's Office provide ethics support	City Manager handles violations of ethics policies and laws by employees and volunteers	–

Subject Matter Experts

Two experts consulted – Jason King and Patrick Lang

- Mr. King discussed:
 - Pro and cons for ethics officers having legal background
 - Measures to provide more independence for an Ethics Auditor
 - Pros and cons for ERB term limits
 - Provided areas to consider strengthening ERB authority
- Mr. Lang discussed:
 - Satisfaction with how ERB currently functions
 - Supports idea of bringing ERB protections from Ethics Code into City Charter
 - Satisfaction of Ethics Auditor work
 - Pros and cons of ERB term limits and prohibition from serving on ERB and other boards or committees

Research and Analysis

- Texas State law does not permit board that fully operates with no interference or oversight from the council. City cannot delegate their authority to board of which they have no oversight.
- No fully independent Ethics Auditor in TX. Focus should be on where best positioned in organization to strike a balance between independence and collaboration. A legal background is not normally a requirement for an Ethic/Compliance Auditor in other similar organizations.
- ERB ordinances contain many protections for authority and independence of ERB, including ability to hire outside council or compliance auditors, recusal provisions, and to compel testimony. Some protections are not currently in Charter so could be changed by City Council.
- Term limits for City boards and commissions vary. ERB members are limited to three terms.
- Budget and staffing for ERB not guaranteed by Charter and could be eliminated or reduced by Council.
- “Conflicts of interest” in the Ethics Code only relate to economic interests. There is potential for other significant interests that could affect or appear to affect an officer’s conduct.
- Overall, COSA ERB and the position of Ethics Auditor are functioning well.

Conclusions



- No benefit to remove Ethics Auditor position from City Auditor's Office and elevate; Ethics Auditor does not need to have a legal background
- Funding for ERB is required by ordinance but not by Charter so City Council does have ability to prevent ERB from acting by defunding them
- Term limits prevent trained and effective individuals from continuing to serve on ERB, while terms allow for new appointments
- ERB should have ability to review ethics violations for entire tenure of elected officials
- Definition of "conflicts of interest" should be expanded to include more situations where there is an appearance of conflict
- ERB does not have ability to review complaints that have been resolved by others and not review complaints that have been resolved by others

Preliminary Recommendations



- RE “Ethics Officer” charge: creating higher level Ethics Auditor that reports directly to elected officials is not recommended.
- RE “Other Ethics Revisions” charge:
 - Guarantee ERB funding including budget to operate and hire outside council as needed
 - Since terms allow for new appointments, remove term limits for ERB members
 - Tie look back provision for elected official ethics cases to full tenure
 - Extend the definition of “conflicts of interest”
 - Increase discretion of ERB to determine whether to accept or refuse complaints when the complaints have been otherwise resolved

Next Steps



- Listen to public and CRC input
- Conduct further research
- Meet to further develop recommendations
- Finalize recommendations

Q & A



Thank You
End of Presentation

CHARTER REVIEW COMMISSION



City Council Compensation & Term Length
Subcommittee
Preliminary Findings and Recommendations
March 4, 2024



Charter Review Commission



**City Council Compensation & Term Length
Subcommittee
Preliminary Findings and Recommendations
March 4, 2024**

Agenda



- Charge
- Action Plan: The Sub-Committee's Approach
- Resource Investment
- Compensation
- Term Limits

Agenda | Compensation



- Research and Analysis
- Initial Findings and Conclusions
 - Preliminary Recommendations
 - Next Steps

City Council Compensation and Term Length



Charge

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

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

Chair:

- Luisa Casso

Members:

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

Sub-Committee Background



Chair: Luisa Casso, Government affairs & Communications

Members: Josh Baugh, Communications & Journalist; Mike Frisbie, Engineer & City Infrastructure; Martha Martinez-Flores, Creative and Communications Bilingual Consultant; Dwayne Robinson, Government consulting

- Cumulative of (100+) years of interfacing with municipal government

Boards & Commissions

- CPS Energy CAC
- Bond Advisory Committees
- Brackenridge Park Stakeholder
 - Advisory Committee
- City Engineer
- Charter Review Commission
- Historic Design Review Commission
- MLK Commission
- Hemisfair Park Area Redevelopment Corporation
 - External Affairs Committee

Resource Investment

- Analysis of term length, term limits, and compensation in other cities. COSA staff gathered research at the direction of the sub-committee
- Benchmarking against comparable cities, including: Dallas, Fort Worth, El Paso, Austin, Phoenix, San Jose, Philadelphia, San Diego and Corpus Christi
- Met four times
- Four additional meetings with former City Council Members
 - Ana Sandoval, District 7, 2017-2021
 - William "Cruz" Shaw, District 2, 2017-2019
 - Rey Saldaña, District 4, 2011-2019
 - Reed Williams, District 8, 2009-2013

City Council Compensation

Action Plan

- Reviewed charters and salary levels of other cities
- Interviewed former council members
- Analyzed compensation data
- Discussed whether and how to index compensation
 - Potential sources of indexing metrics
- Evaluated potential benefits beyond base salary, including retirement, but chose to remain focused solely on base compensation for mayor and council

Research and Analysis



- Current City Charter language
 - **Sec. 6. Compensation.** Each member of the council shall receive as compensation for their services as such member the sum of \$45,722, and the Mayor shall receive the sum of \$61,725 per annum. (Ord. No. 2015-05-20-0423, § 3 (Prop. 2), 5-20-15)
- Sub-committee reviewed other city charters
 - Council compensation overwhelmingly included in city charters in comparable cities

Comparison cities



City	Mayor	City Council
San Antonio	\$61,725	\$45,722
Dallas	\$80,000	\$60,000
Fort Worth	\$54,000	\$25,000
El Paso	\$67,950	\$45,300
Austin	\$134,191	\$116,688
Phoenix*	\$88,000	\$61,600
San Jose**	\$202,702	\$133,356
Philadelphia	\$123,000	\$98,000
San Diego	\$238,479	\$238,479
Corpus Christi	\$9,000	\$6,000

El Paso: charter indexes salary

Phoenix: A citizens' committee sets compensation rates for City Council

San Jose charter: "The base salary shall be in an amount which takes into account the full time nature of the office and which is commensurate with salaries then being paid for other public or private positions having similar full time duties, responsibilities and obligations." Salaries are set by a salary commission.

San Diego: By charter, Mayor and Council compensation set equal to that of the state superior court judge

Houston not included because of its different form of government

*<https://www.phoenix.gov/hrsite/benefit%20category/alphaplan.pdf>

**<https://data.sanjoseca.gov/dataset/employee-compensation-plan/resource/efbf228b-f436-4297-aef2-48980ae1f579>

Research and Analysis

- Reviewed composition of council offices
 - Including council office staff compensation and job descriptions
- Data reviewed
 - Area Median Income within San Antonio city limits
 - Median salaries of city employees
 - Executive level only
 - All civilian salaries
 - Bexar County Commissioners Court compensation

Council job description

- Discussed the duties of City Council members
 - Staff management
 - Policy decisions
 - Council meetings, committee meetings
 - Constituent demands
 - City representation in district, city, region and beyond

Preliminary recommendations based on sub-committee conclusions



- **Index Mayor and Council salaries to a predetermined cohort**
- **Example:**
 - Index to a percentage of City of San Antonio median base salary of director-level employees (currently \$192,582)
 - Mayor: 47% to 72% of the median base salary of COSA directors
Council: 39% to 65% of the median base salary of COSA directors
 - Based on the indexed percentages above, salary today would be:
Mayor: \$90,000-\$140,000
City Council: \$75,000-\$125,000
- **Salaries would be reviewed on a periodic basis**

City Council Term Limits

Action Plan

- Reviewed term limits in comparable cities
- Interviewed former council members
- Determined areas of discussion
 - Term length
 - Number of terms
 - Whether to stagger
 - Total years for service in a seat
- Discussed implications of implementation of proposed changes to terms and term limits

Analysis



- Current City Charter language

Sec. 5. - Terms of office.

The terms of office of all members of the council elected at a regular municipal election shall be for two (2) years beginning on the first day of June next following their election.

If a member of the council shall file to become a candidate for nomination or election to any public office, other than that of member of the council, he or she shall vacate immediately his or her place on the council and the vacancy thereby created shall be filled in the same manner as any other vacancies.

(Ord. No. 44594, § 1 (Prop. 7), 11-07-74; Ord. No. 85965, § 1 (Prop. 1), 5-5-97)

- **Term length**
 - Two-year versus four-year
 - Campaign cycles
 - Time spent on politics versus governance
- **Term limits**
 - Eight years versus 12 years
 - Potential for stagnation and complacency

Research and Analysis



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

Analysis and Discussion

- Discussed benefits and shortcomings of expanding term length to four years
 - Extends focus on governance
 - Reduces election cycles
 - Dissatisfied voters either push recall or wait longer period to elect new representative
- Discussed whether to expand number of term limits beyond eight years
 - Concerns over complacency and stagnation, career politicians
- Discussed whether to stagger terms and how to implement expanded terms
 - Implications of two cohorts with mayoral race having significant impact on one
 - Continuity of council service for city staff, large capital projects and institutional knowledge

Preliminary recommendations based on sub-committee conclusions



Recommendations on Term Limits:

Mayor:

Two four-year terms starting in 2025

City Council:

Two four-year Terms starting in 2025

Implementation:

To be determined

Questions still to be addressed



- Implementation of **four-year terms** will have an impact on all current council members, particularly who will have completed **one** or **three** terms at the conclusion of the 2023-25 council term.
- Whether to stagger terms, leading to elections every two years, or to have all 11 seats on ballot every four years
- Appointments and special elections for vacated mayoral and council seats that would need to be updated for four-year terms

Q & A

Next Steps



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



Thank You
End of Presentation

Charter Review Commission



**Language Modernization Subcommittee
Preliminary Findings and Recommendations
March 4, 2024**

Agenda



- Charge
- Action Plan
- Research and Analysis
- Conclusions and Preliminary Recommendations
- Next Steps

Language Modernization



Charge

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

Chair:

- Maria Salazar

Members:

- Frank Garza
- Shelley Potter
- Rogelio Saenz

Action Plan



- Review Charter to locate and update stale or outdated language
- City staff shared internal edits to standardize gender references, outdated, superseded by state law or practice, remove obsolete words and phrases
- Consulted policies of peer cities for special meetings of the City Council; San Jose California has a detailed policy, no other peer city does

Research and Analysis: Committee



- Met four times prior to March 4 initial update
- Outdated and Superseded provisions – 105 sections of 168 affected
 - He/him/his/she/her/hers – change to they/their or omit as appropriate (approx. 111)
 - Archaic terms –herein, hereinafter, hereby, etc. - remove and replace with current phrases (approx. 213)
 - No change to 44 Sections/subsections
 - 14 Sections are reserved

Research and Analysis: Committee



- Creation, composition and powers: Section 4 – delete “wards”, a term not used to describe breakdown of City into Council districts
- Special Meetings: Section 11 – special meeting called if three councilmembers request in writing
 - add that it must be a municipal question, an issue the Council can address that impacts government of City
 - delete calling of meeting by the Clerk as that is outdated language
 - “municipal question” defined in City’s Ethics Code
 - Request City Attorney legal opinion for examples of “municipal question”

Research and Analysis: Committee



- Recall election: Section 30 – may only be on uniform election dates, amend to reflect state law
- Form of Petitions: Section 36 – remove reference to signatures permitted to be made with “indelible pencil” as not required by law
- Appointment of Ethics Review Board: Section 166 – 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)

Research/Analysis: City Departments



- Other outdated and superseded provisions recommended include those provided by several City Departments:
 - City Clerk
 - Finance Department
 - Municipal Court
 - San Antonio Police Department

Research/Analysis: City Departments



- City Clerk:
 - Recording of ordinances: Section 16 - outdated requirement to record ordinances in well bound books; ordinances are saved electronically
 - Adopted Codes: Section 17 – Clerk is required to keep two copies on file, and in permanent collection. Codes are now online, only one copy needed
 - Oath of Office: Section 138 – add city boards and commissions to those required to take the official oath of office prescribed by the Texas Constitution
 - Loyalty Oath: Section 159 – delete and reserve section as City has used state promulgated oaths for decades, referenced in Section 138

Research/Analysis: City Departments



- Finance:
 - Finance Department: Section 55 - Add Chief Financial Officer to those required to be bonded
 - Delinquent taxes: Section 96 – penalties and interest on delinquent taxes; delete and reserve section as state law changed in 2019 and addresses in total

Research/Analysis: City Departments



- Municipal Court:
 - Corporation Court: Section 112 – rename to Municipal Courts and Judiciary
 - Section 112: revise requirement that Judges reside in the City at least three years immediately preceding appointment to be that required by state law for San Antonio judges (currently three years, but could change)

Research/Analysis: City Departments



- SAPD:
 - Authority and duties of police officers: Section 58 - “officers and policemen of the police department” changed 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” change to “uniformed members”

Conclusions and Recommendation



- Committee recognizes that current text of charter contains many outdated, superseded provisions and agrees that updating of the document will better serve and reflect the community and regulations will be clearer
- The Committee recommends the revisions discussed in slides five through twelve, and continues to review the charter and staff recommendations for additional amendments

Q & A

Next Steps



- Continue to review document for appropriate revisions
- Continue to receive recommendations from City Departments and committee members



Thank You
End of Presentation

Next Meeting



Thursday, March 21, 2024 – public comment and preliminary recommendations from:

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



Thank You
End of Presentation