

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



**Meeting Minutes
Charter Review Commission**

Municipal Plaza Building
114 W. Commerce Street
San Antonio, Texas 78205

Commission Members

Bonnie Prosser Elder, Co-Chair | David Zammiello, Co-Chair
Elva Pai Adams | Josh Baugh | Luisa Casso | Mike Frisbie
Pat Frost | Frank Garza | Martha Martinez-Flores
Naomi Miller | Bobby Perez | Shelley Potter
Dwayne Robinson | Rogelio Saenz | Maria Salazar

Thursday, January 25, 2024

5:30 PM

Central Library

The Charter Review Commission convened a regular meeting at Central Library, 600 Soledad, Auditorium at 5:37 PM. City Clerk Debbie Racca-Sittre took the Roll Call noting a quorum with the following Members present:

PRESENT: 13 – Prosser Elder, Zammiello, Baugh, Casso, Garza, Frisbie, Frost, Martinez-Flores, Miller, Perez, Potter, Robinson, Saenz

ABSENT: 2 - Adams, Salazar

Approval of Minutes

1. Approval of the minutes from the Charter Review Commission meeting on January 8, 2024.

Naomi Miller noted that she was marked absent on the January 8, 2024 minute, but had actually arrived late, only missing the vote on the minutes.

Bobby Perez moved to approve the minutes as amended to reflect Miller as present, Frank Garza seconded the motion.

The motion carried by the following vote:

Aye: Prosser Elder, Zammiello, Baugh, Casso, Garza, Frisbie, Frost, Martinez-Flores, Miller, Perez, Robinson, Saenz

Absent: Adams, Potter, Salazar

Shelly Potter arrived after the vote on the minutes.

Briefing on the following items:

2. Discussion of the following subcommittee assignments and issues to be considered by Charter Review Commission.

- a. Ethics officer and other ethics revisions
- b. City Council compensation and term length
- c. City Manager tenure and compensation
- d. Council districts and redistricting
- e. Language modernization

Co-Chair Zammiello opened the meeting by providing an overview of the Roadmap and timeline which began with a plan for the Subcommittees to report their progress and preliminary recommendations during the Charter Review Commission (CRC) meetings of January 25, February 8, and February 22, 2024.

Co-Chair Prosser Elder requested reports from the Subcommittees. All Subcommittees submitted written reports which are attached to the minutes for the official record.

Ethics Officer and Other Revisions Subcommittee Chair Mike Frisbie provided an overview of the charge and reported on progress made to date. Commission Members discussed the role of the Ethics Review Board as they had recommended changes to the Ethics Code.

City Council Compensation and Term Length Subcommittee Chair Luisa Casso began by providing an overview of the charge and noted that the Subcommittee had met several times with robust conversations regarding both topics. Casso stated that the Subcommittee had reviewed research regarding comparison cities throughout the United States; including term length and the implementation of any changes. According to Casso, the Subcommittee had discussed potentially using a market analysis for compensation as well as benchmarking.

Casso stated that the Subcommittee had requested subject matter experts (SME) to help with additional research. Co-Chair Zammiello commented that the Subcommittee Chairs had the discretion to reach out to SMEs and solicit information and assistance. Co-Chair Prosser Elder recommended that any an SME be unbiased and capable to assist the Subcommittee and the Commission on their decisions.

City Manager Tenure and Compensation Subcommittee Chair Pat Frost provided an overview of the charge and reported on the progress made to date.

Council Districts and Redistricting Subcommittee Chair Frank Garza reported that the Subcommittee met last week and focused on the first issue regarding whether an increase in single member districts would appropriately enhance representation for San Antonio residents.

Dr. Rogelio Saenz reported on behalf of the Language Modernization Subcommittee Chair Maria Salazar. He stated that the Subcommittee had conducted a brief review of archaic words and gender specific language but were expecting more input from staff. Assistant City Attorney Camila Kunau stated that the City Attorney had sent a memo to all City departments requesting input by February 2, 2024; this input would be shared with the Subcommittee. Co-Chair Prosser Elder suggested that the Subcommittee look for potential conflicts in addition to outdated verbiage.

Saenz reported that Mayor Nirenberg sent the Charter Review Commission a memo requesting a review of the language found in Article II, Section 11 that provided for Special Meetings of City Council upon receiving a 3-Signature Memorandum. Members of the Commission briefly discussed the memorandum, a copy of which is attached to the minutes to be included in the official record.

Co-Chair Prosser Elder outlined the next steps for Subcommittees to continue to meet and bring back their reports to the Commission.

Co-chair Zammiello stated that staff had provided quality work and thanked them for their assistance. Co-Chair Prosser Elder offered assistance from the Co-Chairs.

The next meeting was scheduled for February 8, 2024.

ADJOURNMENT

There being no further discussion and no objection to adjournment, the meeting was adjourned at 6:16 p.m.

Approved

Bonnie Prosser Elder, Co-Chair

David Zammiello, Co-Chair

Respectfully Submitted

Debbie Racca-Sittre, City Clerk

Charter Review Commission
Subcommittee Status Report

Subcommittee:	Ethics Officer And Other Ethics 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
Reporting Period:	January 11, 2024

Members in attendance:

Subcommittee met on January 11, 2024. All subcommittee members attended as well as staff from the City Auditor's and City Attorney's Offices.

Meeting agenda:

- Introductions
- Review of Subcommittee charge
- Staff presentations covering Ethics Review Board (ERB) history and proposed amendments; legalities for home-rule cities authority to delegate authority; and, how the ERB functions
- Committee questions and discussion

Discussion summary:

- Staff provided a presentation and answered questions on the current Ethics Review Board, the City Auditor and City Compliance Auditor, and the current amendments to the Ethics Code and Municipal Finance Code being proposed by the Ethics Review Board.
- Staff provided a discussion of home-rule cities and their authority to delegate authority to committees and/or boards. Texas State law does not permit a board that fully operates with no interference or oversight from the council whose members are chosen by outside groups because the City cannot delegate their entire authority to a board of which they have no oversight.
- Staff presented on the Ethics Code and the Municipal Finance Code contained in the City's Ordinances. The City Auditor highlighted the recusal process for board members and the situations in which they are required to recuse. He also pointed out the section that created the City Compliance Auditor in 2013. Prior to 2013, the compliance was hosted in the City Attorney's Office and was moved to the

Charter Review Commission Subcommittee Status Report

City Auditor's Officer to promote separation between the two different functions and create more independence for the Compliance Auditor.

- The City Auditor presented on the section of the City Charter that created the position of the City Auditor, the 2022 ERB Annual Report, and two summary documents that discuss the pro/cons of the current ERB's independence as a Board and how Members are appointed to the ERB.

Resources consulted (for example, guests or experts invited to speak, benchmarks, or reports):

- For first meeting Subcommittee relied on City Auditor and Legal staff
- Several PowerPoint presentations covering the topics stated above

Next steps including requests or deliverables needed from staff:

- The next Subcommittee meeting is scheduled for Tuesday, August 30.
- The Subcommittee requested the following information be provided prior to the next meeting:
 1. An annual accounting of cases the ERB handles, how many meetings occurred, and what the outcomes of the cases were.
 2. A comparison of how the position of ethics officer functions in comparable cities and pros/cons of the reporting structures of these positions.
 3. Best practice research for independence, transparency, and authority for the ethics officer position and ethics review boards.

Charter Review Commission
Subcommittee Status Report

Subcommittee:	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 Mayor or Mayor and Council terms should be extended to four years with a limit of two terms, and whether such terms should be staggered
Reporting Period:	January 9 – January 25, 2024

Members in attendance:

Subcommittee met multiple times in this reporting period. All subcommittee members attended as well as staff from the City Manager's and City Attorney's Offices.

Meeting agendas:

- Review of table of comparable cities
 - Term
 - Compensation
 - Market analysis
- Discussion of COSA Mayor & City Council Compensation issue landscape
- Review COSA median salary information

Discussion summary:

- Review of comparator tables/benchmark data provided by staff
- Discussion of charge and clarifying focus on specific tasks within the charges
 - Discussion of campaign and local government history in San Antonio
 - Discussed term length charge language
- Discussion on benchmarks options: indexing, market studies, different types of indexes.
- Requests of staff: job description and compensation for City Council staff.

Resources consulted (for example, guests or experts invited to speak, benchmarks, or reports):

- Comparator tables – council length of terms, term limits and compensation
- Current Charter language related to recalling a council member
- City staff median salaries
- Discussion on subject matter experts

Charter Review Commission
Subcommittee Status Report

Subcommittee:	City Manager Tenure & Compensation
Charge:	City Manager Tenure – Whether the City Council should have the authority and discretion to hire, manage, and determine the length of service of the City Manager City Manager Compensation – Whether the City Council should determine the compensation of the City Manager so that market and competitive indicators are taken into account
Reporting Period:	January 16, 2024

Members in attendance: Chair Pat Frost; Members Elva Pai Adams, Martha Martinez-Flores, Naomi Miller, Dwayne Robinson (conducted by Zoom and supported by Liz Provencio, First Assistant City Attorney) Co-Chair David Zammiello also participated.

Meeting agenda:

After introduction, Request for information & Discussion:

- Comparator Information: Texas cities' charter language on City Manager tenure and compensation (Philadelphia, Phoenix and San Diego requested as well)
- Historical Information: City Manager salary history 2018 (before Charter amendment) through current with multiplier under Charter amendment
- Current City Manager term expiration date
- Timeline for 2025 Budget
- Additional requests for information and additional dates for CMTC Subcommittee

Next Steps: Liz will circulate the CMTC Subcommittee Status Report prior to Full Charter Review Commission meeting

Discussion summary:

The Subcommittee discussed the attached PDF of comparator Texas cities' on City Manager tenure and compensation (Philadelphia, Phoenix and San Diego requested as well). The Subcommittee members noted that none of the comparator cities provide

- a term for the City Manager,
- a cap on term,
- a cap on pay for the City Manager, or a
- multiplier for pay.

In those cities, it is left to the authority and discretion of the City Council.

The Subcommittee discussed the attached PDF reflecting City Manager salary history from 2018, before the COSA Charter amendment at \$475,000, through current City Manager salary for FY2024 at \$374,400. The current Charter provision caps the

Charter Review Commission Subcommittee Status Report

maximum salary to be no more than 10 times the annual salary of the lowest paid full-time City employee. Discussion of the 2018 charter amendment occurred.

Also, the current City Manager term will reach the 8-year maximum date in March 2027. Questions arose regarding methodology used by COSA as well as other cities where discretion was left to the City Council (or governing body) to determine pay. The Subcommittee will consider using the expertise of a benchmarking HR consultant.

The Subcommittee requested the projected timeline for the FY2025 budget process. Liz reported the final budget timeline will be determined by February 14, 2024, which likely will reflect: Goalsetting will occur in April; staff will propose the Trial Budget in May; and staff will propose the FY2025 budget in early August.

Discussion occurred regarding the plan for community engagement. Co-Chair David Zammiello explained engagement will be discussed by the full CRC and public comment will occur as part of the full CRC meetings.

Resources consulted (for example, guests or experts invited to speak, benchmarks, or reports):

- Attached Comparator Information: Texas cities' charter language on City Manager tenure and compensation (Philadelphia, Phoenix and San Diego requested as well)
- Attached City Manager salary history 2018 (before Charter amendment) through current with multiplier under Charter amendment

Next steps including requests or deliverables needed from staff:

- The subcommittee asked for historical information on how the City of San Antonio determined City Manager pay prior to the 2018 charter amendment.
- In gathering information on actual compensation of comparator cities, other local governmental entities, and select nonprofits, the subcommittee requested additional factors to include budget size, elected/appointment governance, how often increases or raises occur, bonus structure and total compensation for the City Manager/CEO, population of city or jurisdiction, and number of employees
- After the next Full CRC meeting on January 25, this Subcommittee will meet on January 29 at 4:00 p.m. by Zoom

End of Status Report.

CITY MANAGER TERM & COMPENSATION

CITY	TERM	COMPENSATION	CHARTER LANGUAGE
San Antonio	8 years maximum	Capped. Shall not exceed more than 10 times the annual salary of the lowest paid full-time city employee	<p>“The city manager shall be appointed for an indefinite term, but may not serve any more than eight years.”</p> <p>“He or she shall receive annual compensation as fixed by the council which, in no event, shall exceed, in total, an amount greater than 10 times the annual salary furnished to the lowest paid full-time city employee, and shall, during his or her tenure of office, reside within the city.”</p>
Dallas	No term limit	No salary cap	<p>“The city manager shall not be appointed for a definite fixed time.”</p> <p>“The city manager shall receive such compensation as may be fixed by the council.”</p>
Houston	Strong Mayor form of government	N/A	N/A
Fort Worth	No term limit	No salary cap	<p>“The city manager shall not be appointed for a definite fixed time.”</p> <p>“The city manager shall receive such compensation as may be fixed by the council prior to the appointment.”</p>
El Paso	No term limit	No salary cap	“The City Council by a majority vote of its total membership shall appoint a City Manager and fix the Manager's compensation.”
Austin	No term limit	No salary cap	<p>“The city manager shall not be appointed for a definite term.”</p> <p>“The city manager shall receive such compensation as may be fixed by the council.”</p>

Phoenix	No term limit	No salary cap	<p>“The Council shall appoint the City Manager for an indefinite term.”</p> <p>“The Manager shall receive a salary to be fixed by ordinance.”</p>
San Jose	No term limit	No Salary cap	<p>“There shall be a City Manager. The Mayor shall nominate one or more candidates for Council consideration for appointment to the position of City Manager. The City Manager shall be appointed by the Council for an indefinite term. The Council shall fix the compensation of the City Manager.”</p>
Philadelphia	Strong Mayor Form of Government	N/A	N/A
San Diego	Strong Mayor Form of Government	N/A	N/A
Corpus Christi	No term limit	No salary cap	<p>“The council shall appoint a city manager who shall be the chief administrative and executive officer of the city.”</p> <p>“The city manager shall receive such compensation as may be fixed by the council.”</p>

City Manager Salary History

Date	Minimum Entry Wage (hourly)	Minimum Entry Wage Annual Salary (hourly rate*2080 hours)	Multiplier per charter (10 times lowest paid employee)	City Manager Salary (Minimum Entry Annual Salary *10)
Appointment March 1, 2019	\$15.00	\$31,200.00	10	\$312,000.00
October 1, 2021	\$15.60	\$32,448.00	10	\$324,480.00
October 2, 2022	\$17.50	\$36,400.00	10	\$364,000.00
October 3, 2023	\$18.00	\$37,440.00	10	\$374,400.00

Prior City Manager salary on 1/1/18, \$475,000 per contract.

Charter Review Commission
Subcommittee Status Report

Subcommittee:	Council Districts and Redistricting
Charge:	<ol style="list-style-type: none">1. Whether an increase in single-member Council districts would appropriately enhance representation for San Antonio residents2. Whether the decennial Council redistricting process should be conducted by an independent, autonomous citizens committee and how such a committee's membership shall be appointed
Reporting Period:	January 17, 2024

Members in attendance: Frank Garza (Chair), Naomi Miller, Bobby Perez, Dr. Rogelio Saenz, and Maria Salazar. COSA staff: John Peterek (CMO), Megan Janzen (CMO), and Iliana Castillo Daily (CAO). Bonnie Prosser-Elder (CRC Co-Chair) also attended.

Meeting agenda:

- Review comparable cities
- Discuss initial impressions/thoughts
- Follow-up questions and requests for additional information/research
- Set next meeting (**January 31st**)

Discussion summary:

- Review of benchmark research
- Preliminary discussion of first charge (number of council districts)
 - Areas of current and potential growth across City of San Antonio
 - Other cities charter language related to potential future growth
 - Pros/cons of current number of council members and any increase including costs to the City
- Preliminary discussion of second charge (process for redistricting)
 - Review of current charge language and council's responsibility in redistricting
 - Discussion of redistricting process following 2020 Census and other decennial census
 - Review of how advisory members were selected

Charter Review Commission
Subcommittee Status Report

Resources consulted (for example, guests or experts invited to speak, benchmarks, or reports):

- Data from comparable cities on same topics

Next steps including requests or deliverables needed from staff:

- Budget information on district offices and personnel to respond to constituents.
- Deeper dive into advisory committees
- Other cities, outside of comparator table cities, who use an independent process
- How members of independent commissions are selected

Charter Review Commission
Subcommittee Status Report

Subcommittee:	Language Modernization
Charge:	1. Whether the Charter shall be generally amended to update its language to more accurately reflect current processes, acknowledgments, and roles 2. Section 11; calling special meetings
Reporting Period:	January 9 – January 25, 2024

Members in attendance: Maria Salazar (chair); Shelley Potter; Frank Garza; Rogelio Saenz; David Zammiello (CRC Co-Chair)

Staff support: Camila Kunau, CAO; Jennifer Tellez, CAO; John Peterek, CMO; Megan Janzen (CMO); Maribel Martinez (CMO)

Meeting agenda: review of charges; scheduling next committee meeting (2/6; 5:30-7:00 pm).

Discussion summary: Brief review of redlined text that updates gender references, omits archaic words (e.g., said, hereinafter). Section 11 three councilmember requesting special meeting is new charge, Mayor wants process and clarity recommendations. COSA Department recommendations to be submitted by Feb. 2 and considered at next meeting. Review of special meeting provisions in peer cities at next meeting.

Resources consulted (for example, guests or experts invited to speak, benchmarks, or reports): redlined draft charter

Next steps including requests or deliverables needed from staff: research on peer cities special meetings provisions; COSA department recommendations



**CITY OF SAN ANTONIO
OFFICE OF MAYOR RON NIRENBERG
INTERDEPARTMENTAL CORRESPONDENCE**

TO: Members of the Charter Review Commission
FROM: Mayor Ron Nirenberg
COPIES TO: Erik Walsh, City Manager; Andy Segovia, City Attorney
SUBJECT: Charter Language
DATE: January 22, 2024

Members of the Charter Review Commission:

Through your efforts to modernize, clarify, and update the City Charter, I ask that you evaluate the language found in Article II, Section 11 that provides for special meetings of City Council. More specifically, how those special meetings should differ in purpose, use, and timing from the current policy making process – which is traditionally governed by ordinance through Council Consideration Requests (CCR).

Thank you for your continued dedication to the City of San Antonio.

A handwritten signature in black ink, appearing to read 'Ron Nirenberg', enclosed within a large, stylized oval.

Ron Nirenberg
Mayor