

City of San Antonio



AGENDA City Council B Session

City Hall Complex
114 W. Commerce
San Antonio, Texas 78205

Wednesday, February 18, 2015

2:00 PM

Municipal Plaza Building

The City Council of San Antonio will convene in the “B” Room of the Municipal Plaza Building at 2:00 P.M. for discussion and possible action on the following:

- 1.** Report of the Charter Review Commission regarding recommended amendments to the City Charter. [Martha G. Sepeda; Acting City Attorney; Charles Cotrell, Chair, Charter Review Commission]

At any time during the meeting, the City Council may recess into executive session to discuss the following:

- A.** Deliberations regarding economic development negotiations and discuss related legal issues pursuant to Texas Government Code Sections 551.087 (economic development) and 551.071 (consultation with attorney).
- B.** Deliberate the purchase, exchange, lease or value of real property and discuss related legal issues pursuant to Texas Government Code Sections 551.072 (real property) and 551.071 (consultation with attorney).
- C.** Discuss legal issues related to collective bargaining pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D.** Discuss legal issues relating to the regulation of transportation network companies and rideshare mobile apps pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Adjourn

5:00 P.M. – If the Council has not yet adjourned, the presiding officer shall entertain a motion to continue the council meeting, postpone the remaining items to the next council meeting date, or recess and reconvene the meeting at a specified time on the following day.

6:00 PM (may be heard after this time) - Citizens to be Heard

At any time during the meeting, the City Council may meet in executive session for consultation concerning attorney-client matters under Chapter 551 of the Texas Government Code.

DISABILITY ACCESS STATEMENT

This meeting site is wheelchair accessible. The Accessible Entrance is located at the Municipal Plaza Building / Main Plaza Entrance. Accessible Visitor Parking Spaces are located at City Hall, 100 Military Plaza, north side. Auxiliary Aids and Services, including Deaf interpreters, must be requested forty-eight [48] hours prior to the meeting. For assistance, call (210) 207-7268 or 711 Texas Relay Service for the Deaf.

For additional information on any item on this agenda, please visit www.sanantonio.gov or call 207-7080.



TO: Mayor and City Council; Sheryl Sculley, City Manager

FROM: Charles Cotrell, Chair, Charter Review Commission

COPIES TO: Charter Review Commission Members; Martha G. Sepeda, Acting City Attorney

SUBJECT: Report of the Charter Review Commission

DATE: February 18, 2015

In August of 2014, at the request of Mayor Ivy R. Taylor, the City Council authorized the establishment of a Charter Review Commission. The Commission was charged to review the City Charter to identify areas for amendment at the May 2015 general election, including, but not limited to, the procedure for filling a vacancy in the office of the mayor; City Council compensation; term limits; and other provisions that have been superseded by changes in state or federal law. The Charter Commission was chaired by Dr. Charles Cotrell, President Emeritus, Professor of Political Science, Director, Institute of Public Administration, Politics, & Public Policy, at St. Mary's University. Members of the Commission were Liza Barratachea, Sharon De La Garza, Councilman Mike Gallagher, Juan Garcia, Francisco J. Garza, former Council member Art Hall, David McGee, Patricia Rodriguez, Francine Romero, and former Council member Jeff Webster.

The Commission met seven times, on Fridays, between December and February. The three Committees, Compensation and Terms, Vacancies, and Obsolete/Superseded Provisions, also met during this time to deliberate their charges and develop propositions for consideration by the City Council. Two public hearings were held, where the public were invited to share its opinions on possible Charter amendments. In addition, every "Citizens to be Heard" portion of the Council meetings in January and February included specific invitations to speak on Charter amendments. Many press releases and advertisements were placed in local media informing the citizens of their opportunities to attend meetings, provide comments and suggestions via email or telephone regarding amendments of the Charter.

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

I. Summary of Commission Recommendations

1. **Compensation.** The Commission recommends that City Council consider asking the voters to amend the City Charter to raise Council and Mayoral compensation to \$45,722 and \$61,725, respectively. Further, the Commission suggests that the City Council consider asking the voters to approve increases to compensation. The City Council can also look to any of the information and methodologies considered by the Commission in determining what should be put to the voters.
2. **Vacancies.** The Commission recommends shortening the timeline to order a special election for both the office of the Mayor and City Council members from more than 270 days remaining in the unexpired term, to 120 days. Mayoral vacancies shall be filled in the same manner as a Council District vacancy, by special election if time permits to comply with state election laws. Temporary appointments to the vacant mayoral office may be filled by any qualified applicant, and not be limited to current Council members.
3. **Term limits.** The Commission did not have enough time to conduct thorough research into changing from four two-year terms to two four-year terms, or to determine how to implement staggering of Council terms. The Commission wishes to study this issue further, and bring a recommendation forward at a later date, for a potential subsequent election.
4. **Outdated/Superseded Provisions.** The Commission recommends Council approve for the ballot the revisions to the outdated and superseded provisions listed in the Committee report, below.

II. Committee Reports

1. Council Compensation

The Compensation Committee was chaired by Patricia Rodriguez, and included David McGee, Liza Barratachea, Juan Garcia, and Jeff Webster as members. The Committee considered the question of increasing compensation for the Mayor and City Council over multiple meetings and discussed various ways to determine what would be reasonable compensation for the work of a Council Member or the Mayor.

The current rate of pay for Council members was set by the Charter in the early 1950's, and remains unchanged to this day. The compensation is set at \$20 per meeting, with an annual cap of \$1,040. The Mayor receives an additional \$3,000 per year. The Committee examined the current value of this level of compensation adjusted for inflation (900%) which would increase pay to \$180 per meeting and an annual cap of \$9,360. The Mayor's compensation would include an additional amount of \$27,000.

The Committee determined that the rate of compensation established in the 1950's relied on the fact that the Mayor and Council acted as part-time officials, attending only one meeting a week. The Committee received information from multiple sources that made it clear that the modern Mayor and Council provide full-time (if not overtime) services. Because of this, the Committee determined that a different approach should be used to calculate compensation.

Three other top 10 cities in the United States have a similar Council-Manager form of government as San Antonio. Those cities, Phoenix, Dallas and San Jose, California, all pay substantially more than is currently provided as compensation to our Mayor and Council members. In those cities, Council pay ranges from \$60,000 - \$81,000 annually, and Mayoral pay ranges from \$80,000 - \$114,000. Other smaller cities in Texas that share a similar form of government include Austin, Ft. Worth and El Paso. These cities pay Council members a range of \$25,000 - \$69,885, and their Mayors a range of \$29,000 - \$81,334. The average of these six cities' Council compensation is \$55,990, and the Mayor is \$72,390.

The Committee looked at the various ways that compensation could be determined, and what methodology other cities and entities had used in setting compensation. One such method of setting salaries was tied to city employee salaries. However, the Committee felt that because Council approves the City's budget each year, that sets City salaries, and by consequence their own, it would be better to index to something that was outside the range of their influence. Another approach was to look at how compensation is set for elected County officials in Bexar County. For instance, Bexar County Commissioners are paid \$107,862 annually. The County Judge is paid \$126,219.

The Area Median Household Income is determined based on the income of all members of a household. Median incomes are used as measures because they tend to more accurately represent what people make in a given area. The Committee determined that the San Antonio Area Median Household Income (\$45,722) was a reasonable and defensible number for the compensation of the City Council, and that an additional 35% of that number (\$61,725) was appropriate for the Mayor.

The Committee also discussed possible mechanisms to increase compensation. The various approaches included the Consumer Price Index or 2.5% of the compensation at the time; the Area Median Household Income as determined by the US decennial Census; and the US Census Bureau American Community Survey, which is issued every four years. There was robust discussion on whether the compensation amount and the increases should be combined into one proposition or divided into two. Several Commission members, when discussing as a whole, expressed concerns that combining the two might cause the entire compensation proposition to fail.

2. Council Vacancies and Terms

The **Vacancies and Terms Committee**, chaired by Sharon De La Garza, included as members Art Hall, Francine Romero, and Councilman Mike Gallagher. The Committee

was charged with reviewing mid-term vacancy in the office of the Mayor, and was encouraged to study staggering City Council terms and increasing term limits. When former Mayor Julián Castro vacated the office mid-term in 2014, the Council was required by the Charter to select from themselves, by majority vote, a person to serve as mayor for the unexpired term. This caused a vacancy in Council District 2, which was filled by a temporary appointment by the Council, and again by a special election held in November. The City Council directed the Charter Review Commission to bring forward a different approach, which would result in fewer changes in the composition of the Council. The Committee noted that the current timeline of filling an office by appointment appears lengthy. The discussion also focused on the length of time required by state law to order and hold a special election.

The Committee studied other Texas cities' practices, as well as provisions in state law. San Antonio is the only city requiring a mayoral vacancy to be filled by the appointment of a member of the current Council. The Cities of Austin and Ft. Worth require a special election, unless a vacancy occurs within 90 days of a general election. Austin does not provide for temporary Council members to be appointed. Ft. Worth provides for a temporary appointment if less than 90 days remains in the term. The City of Dallas requires a special election at the next authorized election date that is at least 60 days after the vacancy occurs, unless the general election will occur within 120 days after the vacancy occurs.

The Committee determined that a reasonable time frame to order a special election is "more than 120 days remaining in the unexpired term", as long as state law requirements regarding elections could be met.

The next task was whether the office of the mayor should be filled by appointment of a non-Council person or remain limited to current Council members, if a special election could not be held. The concept of the Mayor Pro Tem filling the vacancy was discussed, as well as different scenarios regarding the current practice of appointing the Mayor Pro Tem. Concerns were raised regarding the challenges of serving both as interim Mayor and City Council member for up to four months. The Committee recommended to permit any qualified voter of the City apply for the temporary appointment, not to limit the opportunity to a sitting City Council member. If the Council appointed an interim mayor from within, the Committee agreed that the current ordinance regarding temporary appointments would remain unchanged.

The Committee also reviewed the issue of extending and staggering the terms of the City Council. The concept of staggering terms without changing the length of the current terms would require annual elections, which the Committee rejected as too costly and time-consuming, detracting from effective government. The discussion then centered on changing the current limits of four two-year terms to two four-year terms, and initiate staggering of terms. However, the Committee realized there was not enough time to adequately address the process, and desires to review more thoroughly to bring a more detailed proposed amendment at a later election.

3. Outdated/Superseded Terms

The **Outdated/Superseded Provisions Committee**, chaired by Francisco J. Garza, 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 identified many provisions that met those criteria, briefly described below.

Section 17 contains outdated language, and requirements that three copies of codes adopted by the City be filed in the City Clerk's Office for reference and inspection. The proposed amendment reduces the number of copies required to be permanently retained when superseded, and provides for electronic access to the adopted codes.

Section 41 currently requires an election for initiative or referendum to be held not less than thirty nor more than ninety days from the date the council takes its final vote on an initiated or referred ordinance. This Section is now superseded by State law that limits elections to the two uniform election dates in November and May. The amendment will correspond with state law.

Section 47 requires that if the Council office is vacant due to a removal for official misconduct, the Council may appoint a successor. This conflicts with the provision of Section 8, which now requires a special election to fill the vacancy if more than 270 days remain in the term. The amendment proposes to fill vacancies by special election or appointment, depending on when the vacancy occurs.

Sections 50, 60, and 61 contain outdated references to city departments. The recommended amendment will provide for the public works departments to be renamed.

Section 62 requires the Health Department Director to be a licensed physician. State law provides that the director of public health be trained in public health administration, and that a director who is not a physician may appoint a physician to serve as the health authority. The amendment to correspond with state law provides greater latitude in the hiring of the director of public health.

Section 76 of the Charter addresses the procedures a civil service employee must follow in order to timely file an appeal of a suspension, demotion or termination, and currently allows the employee ten days to file their appeal, but the timeline includes Saturdays when city offices are closed. This proposed amendment will allow for a civil service employee to appeal in ten days but only include business days.

Section 78 of the Charter addresses prohibited political activities of employees. State law changed in 2013, prohibiting cities from terminating the employment of city employees when they become a candidate for local office, as long as the employee can faithfully perform their official duties. The amendment will align the provision with current state law.

Sections 82 and 83 address the adoption of the budget and disbursement of funds, and contain obsolete terms. The proposed amendments provide for a gender neutral reference to the City Manager and update technological references

Sections 85 and 86 contain outdated processes and obsolete terms regarding the appropriation of excess revenues. The proposed amendments provide for the appropriation of excess revenues upon recommendation of the City Manager, to be approved by the City Council, not solely for the retirement of un-bonded indebtedness.

Section 94 currently provides that the tax rate shall be set by September 15 of each year. The proposed amendment will conform the Charter provisions to the current practice of adopting the Annual Operating Budget and setting the tax rate for the current tax year on the same date.

Section 95A is recommended for deletion in its entirety because it is obsolete. The ability of the City Council to change the designation of the City tax year and fiscal year authorized in this Section have already been implemented by the City.

Section 96A addresses collection of delinquent taxes, and has been superseded by state law. The proposed amendment will correspond to the current Texas Tax Code, to provide that the amount of the penalty imposed on July 1st may not exceed the amount of the compensation specified in the delinquent tax collection contract between a taxing unit and the law firm collecting the delinquent taxes.

Sections 104, 105 and 106 contain outdated terms. The proposed amendment will provide for a gender neutral reference to the Director of Finance and the City Manager, update the reference to the fiscal year, and update technology used with respect to the disbursement of funds.

Section 145 has been superseded by state law. The provision was adopted prior to the enactment of the Texas Public Information Act. The proposed amendment will provide that all municipal records are public in accordance with state law.

Section 163 contains a typographical error dating back to the 1997 Charter amendments which removed outdated statutory references. The proposed amendment corrects the error.

City of San Antonio City Charter Amendments

Charter Review Commission
B Session
February 18, 2015



Commission Makeup

Dr. Charles Cotrell Commission Chair

Council Compensation

Patricia Rodriguez - Chair

Jeff Webster, David McGee, Juan Garcia, Liza Barratachea

Mayoral Vacancy

Sharon De La Garza - Chair

Mike Gallagher, Art Hall, Francine Romero

Superseded & Obsolete Language

Frank Garza - Chair

Commission Meetings & Public Hearings

7

Commission Meetings

2

Public Hearings

5

“Citizens to be Heard”

City Council Compensation

Align with Bexar County Commissioners & Judge

Mayor	\$126,219/year
City Council	\$107,862/year

Average of Peer Cities

Mayor	\$72,390/year
City Council	\$55,990/year

Recommended - Median Household Income

Mayor	\$61,725/year
City Council	\$45,722/year

Median household income in San Antonio is (\$45,722)
Mayor's salary is median household income + 35%

City Council Compensation

CITY	ELECTED OFFICIAL SALARY	COUNCIL SIZE	SINGLE MEMBER OR AT LARGE DISTRICTS	CITY POPULATION	AVERAGE NUMBER OF RESIDENTS REPRESENTED BY COUNCIL DISTRICT
San Jose, CA	Mayor - \$114,000 Council - \$89,000	11	Single Member council with mayor at large	998,537	99,854
Phoenix, AZ	Mayor - \$88,000 Council - \$61,610	9	Single Member council with mayor at large	1.513 M	189,125
Austin, TX	Mayor - \$81,344 Council - \$69,885	11	Single Member council with mayor at large	885,400	88,540
Dallas, TX	Starting in June Mayor - \$80,000 Council - \$60,000	15	Single Member council with mayor at large	1.258 M	89,857
El Paso, TX	Mayor - \$42,000 Council - \$30,450	9	Single Member council with mayor at large	674,433	84,304
Fort Worth, TX	Mayor - \$29,000 Council - \$25,000	9	Single Member council with mayor at large	792,727	99,090
San Antonio, TX	Mayor - \$4,040 Council - \$1,040	11	Single Member council with mayor at large	1.409 M	140,900

City Council Compensation

Current

Mayor	\$4,040/year
City Council	\$1,040/year

Recommended

Mayor	\$61,725/year
City Council	\$45,722/year

Median household income in San Antonio is (\$45,722)
Mayor's salary is median household income + 35%

- If approved by the voters, effective July 1, 2015
- City Council elected in 2015 eligible for increased compensation

Adjustments to Compensation

2

Years – Lesser of 2.5% or 2 year average of the Consumer Price Index

4

Years – US Census Bureau American Community Survey (Median Household Income)

10

Recommended as a separate ballot proposition

Years - US Census Bureau - (Median Household Income)

Vacancies in Office

Recommended

120

days remain = Election

- If more than 120 days remain in the term, an election will be held for all vacancies, including the Mayor
- City Council makes appointment if less than 120 days remain in the term
- If Council appoints one of its members as Mayor, this triggers council vacancy process

Superseded & Obsolete Language

- Review provisions of the Charter that have been superseded by state law, or have become outdated or contain obsolete terms

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Sections 50, 60, and 61 contain outdated references to city departments. The recommended amendment will provide for the public works departments to be renamed.

Superseded & Obsolete Language

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Section 41 currently requires an election for initiative or referendum to be held within ninety days from the date the council takes its final vote on an initiated or referred ordinance. State law limits elections to the two uniform election dates in November and May. The amendment will correspond with state law.

Terms in Office

Current

Term Duration

2 years

Term Limit

2
yrs

+

2
yrs

+

2
yrs

+

2
yrs

Considered

Term Duration

4 years

Term Limit

4 years

+

4 years

***Not currently recommended by the Charter Review Commission**

Staggered Terms

Odd-numbered Districts, including the Mayor, would change at May, 2017 general election

Even-numbered Districts would change at May, 2019 general election

- No person may be elected or appointed if service would exceed eight years
- Amendment is not applicable to any current or former Mayors or members of City Council, whether appointed or elected

***Not recommended by the Charter Review Commission**

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