

City of San Antonio



AGENDA

Charter Review Commission

Thursday, January 25, 2024

5:30 PM

Central Library, 600
Soledad, Auditorium

A full list of Charter Review Commission meeting dates, times and locations can be found at <https://SASpeakUp.com/CharterReviewCommission>.

The Charter Review Commission will meet in the Central Library, 600 Soledad, Auditorium beginning at 5:30 PM. Once convened, the Charter Review Commission will take up the following items no sooner than the designated times.

Once a quorum is established, the Charter Review Commission shall consider the following:

Approval of Minutes

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

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

ADJOURNMENT

At any time during the meeting, the Charter Review Commission may meet in executive session for consultation with the City Attorney's Office concerning attorney client matters under Chapter 551 of the Texas Government Code.

ACCESS STATEMENT

The City of San Antonio ensures meaningful access to City meetings, programs and services by reasonably providing: translation and interpretation, materials in alternate formats, and other accommodations upon request. To request these services call (210) 207-7068 or Relay Texas 711 or iliana.castillodaily@sanantonio.gov. Providing at least 72 hours' notice will help to ensure availability.

For additional information on the Charter Review Commission, please visit

<https://www.sa.gov/Directory/Departments/CAO/City-Charter/Charter-Review-Commission>

Posted
on: 01/22/2024 04:23 PM

**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

Monday, January 8, 2024

5:30 PM

Central Library

The Charter Review Commission convened a regular meeting at the Central Library Auditorium, 600 Soledad, at 5:39 PM. City Clerk Debbie Racca-Sittre took the Roll Call noting a quorum with the following Members present:

PRESENT: 11 – Prosser Elder, Zammiello, Adams, Baugh, Casso, Garza, Frost, Martinez-Flores, Perez, Potter, Salazar

ABSENT: 4 - Frisbie, Miller, Robinson, Saenz

Approval of Minutes

1. Approval of the minutes from the December 18, 2023 Charter Review Commission meeting.

Pat Frost moved to Approve the minutes of the December 18, 2023 Charter Review Commission meeting. Martha Martinez-Flores seconded the motion. The motion carried unanimously by those present.

Public Comments

Assistant City Attorney Iliana Castillo-Daily announced that no members of the public had signed up to speak.

Briefing on the following items:

2. Discussion of future meetings calendar for full Charter Review Commission.

Co-Chair Prosser-Elder reported that the poll conducted by the City Attorney's Office resulted in a meeting calendar which included the following dates at 5:30 p.m. at the Central Library Auditorium: Thursday, January 25, 2024; Thursday, February 8, 2024; Thursday, February 22, 2024; Monday, March 4, 2024; Thursday, March 21, 2024; Thursday, April 11, 2024; Thursday, April 25, 2024; Monday, May 6, 2024; Thursday, May 9, 2024; Monday, May 20, 2024; and Thursday, May 23, 2024. She noted that all dates were subject to change, however, the May dates would be confirmed as the Commission's work progressed.

3. Discussion of subcommittee assignments and issues to be considered by Charter Review Commission.

Co-Chair Zammiello reported that the subcommittee assignments were based upon interest submitted through the poll conducted by the City Attorney's Office. Co-Chair Zammiello announced the members of the Ethics Officer and Other Ethics Revisions Subcommittee: Adams, Joshua, Perez and Potter, with Frisbie serving as Chair.

Co-Chair Prosser Elder announced the members of the City Council Compensation and Term Length Subcommittee: Baugh, Frisbie, Martinez-Flores and Robinson, with Casso serving as Chair.

Co-Chair Zammiello announced the members of the City Manager Tenure and Compensation Subcommittee: Adams, Martinez-Florez, Miller and Robinson, with Frost serving as chair.

Co-Chair Prosser Elder announced the members of the Council Districts and Redistricting Subcommittee: Miller, Perez, Saenz, and Salazar, with Garza serving as Chair.

Co-Chair Zammiello announced the members of the Language Modernization Subcommittee: Garza, Potter and Saenz, with Salazar serving as Chair.

Co-Chair Prosser Elder reminded the subcommittees that staff and consultants were available to help with research and staff would support the meetings by taking notes.

Co-Chair Zammiello stated that the dates of the meetings pace of the work would be determined by the subcommittees but the first meeting should occur before January 22, 2024. He stated that staff would coordinate locations and assist in preparation of status reports. Co-Chair Zammiello requested that the chairs to submit one written status report two business days prior to each Commission meeting to track their progress and needs.

Member Potter asked whether there would be a subcommittee report provided at each Commission meeting. Co-Chair Zammiello stated that initially, there would be reports out but deeper dives into certain issues might be needed. Member Potter recommended that time be reserved at the end of the process to consider other issues. Co-Chair Prosser Elder clarified that the priority issues where the charges but auxiliary issues could be discussed after completion of the priority charge.

Member Baugh asked if there was a concern with the timeline or completion of the charges.

Member Potter noted that her concern was regarding the process. Co-Chair Zammiello clarified that all potential changes could be reviewed but the initial charge must come first.

Member Potter commented that once the Commission got to the point when residents were speaking up on issues, the public might bring up points that the Commission had not considered so she wanted time for that.

Member Casso requested clarification on the timeline for the subcommittees' work. Co-Chair Zammiello summarized that there were basically 12 meetings of the full commission that would have a focus on the work of the subcommittees, however, on March 21, 2024 he would expect preliminary recommendations so that residents would have time to comment and those comments could be evaluated by the subcommittees before the final recommendations were made on May 23, 2024.

Co-Chair Prosser Elder added that the Commission might also have comments and suggestions for the subcommittees in addition to public comments. Member Casso requested a schedule of when each subcommittee was expected to report their preliminary recommendations. Casso asked whether there would be discussion on what moved forward and what did not. Co-Chair Zammiello confirmed there would need to be a prioritization of issues as the work of the Commission progressed.

Recess

The Charter Review Commission meeting was recessed from its general meeting to permit time for subcommittees to meet. Subcommittee meetings would not be open to the public. The Charter Review Commission will reconvene and continue to discuss Item 3.

Co-Chairs Zammiello and Prosser Elder recessed the meeting into subcommittee meetings at 6:06 p.m. Castillo-Daily provided break out room locations and noted that the goal was to set meeting dates.

Members Perez and Garza arrived at the meeting during the recess. City Clerk Debbie Racca-Sittre swore-in Member Garza upon his arrival.

Reconvene

Co-Chair Prosser Elder reconvened the meeting at 6:59 p.m. and asked the subcommittee chairs to report.

Member Perez, on behalf of subcommittee chair Frisbie, reported that the Ethics Officer and Other Ethics Revisions Subcommittee set its next meeting and would focus on benchmarking and other research.

City Council Compensation and Term Length Subcommittee Chair Casso reported that the subcommittee had set its meeting dates and requested that staff research other cities.

City Manager Tenure and Compensation Subcommittee Chair Frost reported that the subcommittee had set its next meeting for after the MLK March and would review the

benchmarking of other Cities.

Council Districts and Redistricting Subcommittee Chair Garza reported that the subcommittee had set its next meeting and would discuss peer cities research.

Language Modernization Subcommittee Chair Salazar reported that the subcommittee had set its meeting date and intended to spend its first meeting reviewing recommendations from the Office of the City Attorney and other City departments.

Co-Chair Prosser Elder summarized that the subcommittees had accomplished the goal of setting their first meeting date and staff would be working on the research.

Co-Chair Zammiello noted that there was a briefing template and other documents that would be provided in anticipation of the subcommittee report on January 25, 2024.

Co-Chair Prosser Elder offered the Co-Chairs' participation in the subcommittees, as needed.

Castillo Daily provided housekeeping information regarding the next Commission meeting and stated that she would be communicating with the subcommittees and providing the templates.

ADJOURNMENT

There being no further business, Co-Chair Prosser Elder called for a motion to adjourn at 7:06 p.m.

Councilmember Potter moved to Approve. Councilmember Perez seconded the motion. The motion carried by the following vote:

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

Bonnie Prosser Elder, Co-Chair

David Zammiello, Co-Chair

Respectfully Submitted

Debbie Racca-Sittre, City Clerk

Charter Review Commission



January 25, 2024
Central Library

Agenda



- Approval of Minutes
- Decision Framework and Roadmap
- Subcommittee Reports:
 - Ethics officer and other ethics revisions
 - City Council compensation and term length
 - City Manager tenure and compensation
 - Council districts and redistricting
 - Language modernization
- Adjournment



Approval of Minutes



Roadmap

Roadmap



Meeting Date	
Jan 25, Feb 8, Feb 22	All subcommittees report their progress/status during CRC meetings
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	



Subcommittee Reports

Ethics Officer and Other Revisions



Chair:

- Mike Frisbie

Members:

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

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

City Council Compensation and Term Length



Chair:

- Luisa Casso

Members:

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

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

City Manager Tenure and Compensation



Chair:

- Pat Frost

Members:

- Elva Pai Adams
- Martha Martinez-Flores
- Naomi Miller
- Dwayne Robinson

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

Council Districts and Redistricting



Chair:

- Frank Garza

Members:

- Naomi Miller
- Bobby Perez
- Dr. Rogelio Saenz
- Maria Salazar

Council Districts - Whether an increase in single-member Council districts would appropriately enhance representation for San Antonio residents

Redistricting - 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

Language Modernization



Chair:

- Maria Salazar

Members:

- Frank Garza
- Shelley Potter
- Rogelio Saenz

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

Next Steps



- **Subcommittees:**
 - Continue to meet and prepare status reports in same format as today's baseline presentation
 - 15 minutes per subcommittee report
 - Work with COSA staff to gather what you need
- **Next meeting:**
 - Thursday, February 8, 2024
 - 5:30 p.m. – 7:30 p.m.
 - Central Library



Thank You
End of Presentation

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.

Document Index

Charter Commission Subcommittee: Ethics

A	<ul style="list-style-type: none"> • COSA Charter – Ethics Review Board
B	<ul style="list-style-type: none"> • COSA Ordinance – Ethics Review Board <ul style="list-style-type: none"> ○ Includes Sec. 2-84 on Compliance Auditor and City Attorney roles.
C	<ul style="list-style-type: none"> • COSA Charter – Independent Internal Audit Dept
D	<ul style="list-style-type: none"> • 2022 ERB Annual Report <ul style="list-style-type: none"> ○ Includes history of ERB.
E	<ul style="list-style-type: none"> • Ethics Review Board Recommended Code Revisions <ul style="list-style-type: none"> ○ This document outlines the process undertaken by the ERB and details regarding the proposed code amendments.
F	<ul style="list-style-type: none"> • 2018 – 2024 Code Summaries <ul style="list-style-type: none"> ○ Provides a comprehensive summary of the current code, proposed changes, and associated justifications.
G	<ul style="list-style-type: none"> • ERB Presentation 01.10.24 <ul style="list-style-type: none"> ○ Slides from B Session presentation.
H	<ul style="list-style-type: none"> • Ethics Boards and Commissions Chart <ul style="list-style-type: none"> ○ Comparison chart showing various cities, the name of their board/commission, whether they are charter based and whether they have subpoena/testimony power
I	<ul style="list-style-type: none"> • ERB Independence <ul style="list-style-type: none"> ○ Summary overview of information regarding independence from Charter and Ordinance. ○ Includes high level bullet points on pros and cons.
J	<ul style="list-style-type: none"> • ERB Appointments <ul style="list-style-type: none"> ○ Summary overview of ERB Appointment information from Charter and Ordinance, as well as a brief note on models where appointments are made by outside entities ○ Includes high level bullet points on pros and cons.

ARTICLE XIII. ETHICS REVIEW BOARD

Sec. 166. Organization.

- (a) The City Council shall appoint an Ethics Review Board, to exercise the powers and duties established by this Charter. The Ethics Review Board shall consist of eleven members. The Mayor and each member of the City Council shall nominate one member of the Board. Each nominee shall be confirmed by a majority vote of the City Council. Nomination and confirmation of Board members shall be conducted at separate open meetings of the City Council. Initial board appointments shall be made so that terms are staggered, with six members to serve an initial term of two years and five members to serve an initial term of three years, determined after appointment by lottery. Subsequent appointments shall be for a term of two years beginning on the day after the expiration of the preceding full term. No member of the Board shall serve for more than three full terms.
- (b) Members of the Board shall have good moral character and shall be residents of the city. No person appointed to the Board may be: a salaried city official or employee; an elected public official; a candidate for elected public office; an officer of a political party; or a person required by ordinance to register as a lobbyist. A member of the Ethics Review Board may be removed from office for cause by a majority vote of the City Council after a public hearing at which the member is provided the opportunity to be heard. Grounds for removal are: a failure to satisfy or to continue to satisfy the qualifications set forth in this section; a substantial neglect of duty; gross misconduct in office; inability to discharge the powers or duties of office; a violation of any provision of the ethics ordinance; or a conviction of a felony or crime of moral turpitude.
- (c) The City Council shall fill any vacancy on the Board by a person who will serve the remainder of the unexpired term. The nomination to fill a vacancy shall be made by the member of the City Council (or his or her successor) who had nominated the person whose successor is to be selected to fill the vacancy.

(Ord. No. 99252, 5-27-04)

Sec. 167. Jurisdiction and powers.

- (a) *Jurisdiction.* The Ethics Review Board shall have jurisdiction to investigate and make findings and conclusions concerning:
 - (1) An alleged violation of an ethics code enacted from time to time by ordinance;
 - (2) An alleged violation of regulations governing lobbying enacted from time to time by ordinance;
 - (3) An alleged violation of local campaign finance regulations enacted from time to time by ordinance; and
 - (4) An alleged violation of Section 141 of this Charter; provided, however, that the Ethics Review Board has no jurisdiction to find or conclude that a city officer or employee has forfeited his or her office or position.
- (b) *Termination of city official's or employee's duties.* The termination of a city official's or employee's duties does not affect the jurisdiction of the Ethics Review Board with respect to alleged violations occurring prior to the termination of official duties.
- (c) *Powers.* The Ethics Review Board has the power:

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- (1) To establish, amend, and rescind rules and procedures governing its own internal organization and operations, consistent with ordinances;
 - (2) To meet as often as necessary to fulfill its responsibilities;
 - (3) Designate panels with the power to render decisions on complaints or issue advisory opinions on behalf of the Board;
 - (4) To request from the City Manager the assignment of staff necessary to carry out its duties;
 - (5) To review, index, maintain on file, and dispose of sworn complaints;
 - (6) To make notifications, extend deadlines, and conduct investigations, both on referral or complaint;
 - (7) To compel the production of sworn testimony, witnesses and evidence;
 - (8) To recommend cases for prosecution by appropriate authorities and agencies;
 - (9) To enforce its decisions by assessing civil fines and other sanctions authorized by ordinance;
 - (10) To request the City Attorney to provide an independent counsel to advise and represent the Board, when appropriate or necessary to avoid a conflict of interest;
 - (11) To provide assistance in the training and education of city officials and employees with respect to their ethical responsibilities;
 - (12) To prepare an annual report and to recommend to the City Council needed or desirable changes in ordinances under its jurisdiction; and
 - (13) To exercise such other powers and duties as may be established by ordinance.

(Ord. No. 99252, 5-27-04)

Sec. 168. Appeal.

A decision of the Ethics Review Board is final unless the person aggrieved by the decision appeals to the State District Court in Bexar County no later than thirty days after the date the Board renders the decision. An appeal of a Board decision is initiated by filing a verified petition setting forth the specific points of error alleged. The District Court shall review an appeal under this section under the substantial evidence rule and shall base its decision on the court's review of the record of the hearing before the Board. The District Court will affirm the findings and decision of the Ethics Review Board and may not substitute its judgment for that of the board unless the Board's decision was arbitrary, capricious, unlawful, or not supported by substantial evidence. If the decision of the Ethics Review Board is not supported by substantial evidence, the District Court may reverse or affirm the Board's decision in whole or in part, or may modify the Board's decision if substantial rights of the aggrieved person have been prejudiced. The procedures and remedies of said appeals will be governed by the rules and regulations promulgated by the ordinance. Costs of an appeal may not be assessed against the Board, individual board members, or the City of San Antonio.

(Ord. No. 99252, 5-27-04)

DIVISION 8. ETHICS REVIEW BOARD

Sec. 2-80. Definitions.

As used in division 8 (Ethics Review Board), the term "ethics laws" includes this Code of Ethics, codified as chapter 2, article III, divisions 1—7 of the City Code, Section 141 of the City Charter, and V.T.C.A., Local Government Code ch. 171. The term "ethical violation" includes violations of any of those enactments. Other terms used in division 8 (Ethics Review Board) are defined in section 2-42 (Definitions).

The term "Municipal Campaign Finance Code" refers to the Code of Municipal Campaign Finance Regulations, codified as chapter 2, article VII of the City Code.

(Ord. No. 2013-05-09-0317, § 2(Att. B), 5-9-13)

Sec. 2-81. Structure of the Ethics Review Board.

- (a) In accordance with Article XIII of the City Charter, the independent Ethics Review Board has the powers and duties specified in Article XIII of the City Charter, chapter 2, article III (Ethics Code), and chapter 2, article VII (Municipal Campaign Finance Code), and other powers and duties prescribed by ordinance.
- (b) *Composition.* The Ethics Review Board shall consist of eleven (11) members. The Mayor and each member of the City Council shall nominate one (1) member of the Board. Each nominee must be confirmed by a majority of City Council members.
- (c) *Terms of office.* Initial Board appointments shall be made so that terms are staggered, with six (6) members to serve an initial term of two (2) years and five (5) members to serve an initial term of three (3) years, determined after appointment by lottery. Subsequent appointments shall be for a term of two (2) years beginning on the day after the expiration of the preceding full term. No member of the Board shall serve for more than three (3) full terms.
- (d) *Qualifications.* Members of the Board shall have good moral character and shall be residents of the City. No member of the Board shall be:
 - (1) A salaried City official or employee;
 - (2) An elected public official;
 - (3) A candidate for elected public office;
 - (4) An officer of a political party;
 - (5) A campaign treasurer, campaign manager, officer or other policy or decision-maker for the campaign of any candidate for elected public office;
 - (6) A campaign treasurer, campaign manager, officer or other policy or decision-maker for any political action committee as defined in the Texas Election Code;
 - (7) A member of any City board or commission other than the Ethics Review Board;
 - (8) A member of any City board or commission for which the position is appointed by City Council; or
 - (9) A lobbyist required to register under division 5 (Lobbyists).

Further, no member of the Ethics Review Board shall have any convictions for a felony or a crime of moral turpitude, or shall have been found in violation of any provision of the Ethics Code. The San Antonio Police Department will conduct a criminal background check through the NCIC system for each applicant to the Board.

The City Council shall support the inclusion of at least one (1) attorney and one (1) individual with expertise in finance or accounting within the membership of the Ethics Review Board.

- (e) Removal. Members of the Ethics Review Board may be removed from office for cause by a majority of the City Council only after a public hearing at which the member was provided with the opportunity to be heard. Grounds for removal include: failure to satisfy, or to continue to satisfy, the qualifications set forth in subsection (d); substantial neglect of duty; gross misconduct in office; inability to discharge the powers or duties of office; or violation of any provision in this Code of Ethics or a conviction of a felony or crime of moral turpitude.
- (f) Vacancies. The City Council shall fill any vacancy on the Board by a person who will serve the remainder of the unexpired term. The nomination to fill a vacancy shall be made by the member of City Council (or his or her successor) who had nominated the person whose successor is to be selected to fill the vacancy.
- (g) Recusal. A member of the Ethics Review Board shall recuse himself or herself from any case in which, because of familial relationship, employment, investments, or otherwise, his or her impartiality might reasonably be questioned. A Board member may not participate in official action on any complaint:
 - (1) That the member initiated;
 - (2) That involves the member of City Council who nominated him or her for a seat on the Ethics Review Board; or
 - (3) During the pendency of an indictment or information charging the member with any felony or misdemeanor offense, or after a finding of guilt of such an offense.

If the number of Board members who are recused from a case is so large that an Ethics Review Board cannot be convened to consider the complaint, the Mayor shall nominate a sufficient number of ad hoc members so that the case can be heard. Ad hoc members of the Ethics Review Board must be confirmed by a majority vote of the City Council and serve only for the case in question.

- (h) Chair and vice-chair. Each year, the Board shall meet and elect a chair and a vice-chair from among its members, who will serve one-year terms and may be re-elected. The chair or a majority of the Board may call a meeting of the Board. The chair shall preside at meetings of the Ethics Review Board and perform other administrative duties. The vice-chair shall assume the duties of the chair in the event of a vacancy in that position.
- (i) Panels. Each year, at the time of the election of a chair and vice-chair, the chair will also make panel assignments. In the event of vacancies or absences, the chair may make reassignments as needed so that each panel has no fewer than three (3) members of the Board.
- (j) Reimbursement. The members of the Ethics Review Board shall not be compensated but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

(Ord. No. 2013-05-09-0317, § 2(Att. B), 5-9-13; Ord. No. 2018-06-21-0491 , § 1(Att. A), 6-21-18)

Sec. 2-82. Jurisdiction and powers.

- (a) Jurisdiction. The Ethics Review Board has jurisdiction to investigate and make findings and conclusions concerning:
 - (1) An alleged violation of the Ethics Code enacted from time to time by ordinance;

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- (2) An alleged violation of regulations governing lobbying enacted from time to time by ordinance;
 - (3) An alleged violation of local campaign finance regulations enacted from time to time by ordinance; and
 - (4) An alleged violation of Section 141 of the City Charter, provided, however, that the Ethics Review Board has no jurisdiction to find or conclude that a City officer or employee has forfeited his or her office or position.
- (b) The Ethics Review Board shall not consider any alleged violation:
- (1) That occurred more than two (2) years prior to the date of the filing of the complaint; or
 - (2) Of sections 2-306 and 2-307 of the Municipal Campaign Finance Code if the required statement or report was filed or amended within the ten (10) business-day period provided.
- (c) The Ethics Review Board has the discretion to accept or decline consideration of an alleged violation that has been resolved by the City Manager, or by a governmental agency or board with jurisdiction over the matter.
- (d) Termination of City official's or employee's duties. The termination of a City official's or employee's duties does not affect the jurisdiction of the Ethics Review Board with respect to alleged violations occurring prior to the termination of official duties.
- (e) Powers. The Ethics Review Board has the power:
- (1) To establish, amend, and rescind rules and procedures governing its own internal organization and operations, consistent with ordinances pertaining to the Ethics Code, including lobbying regulations, and the Municipal Campaign Finance Code;
 - (2) To meet as often as necessary to fulfill its responsibilities;
 - (3) To designate panels with the power to render decisions on complaints or issue advisory opinions on behalf of the Board;
 - (4) To request from the City Manager the assignment of staff necessary to carry out its duties;
 - (5) To review, index, maintain on file, and dispose of sworn complaints;
 - (6) To make notifications, extend deadlines, and conduct investigations, both on referral or complaint;
 - (7) To compel the production of sworn testimony, witnesses and evidence;
 - (8) To recommend cases for prosecution by appropriate authorities and agencies;
 - (9) To enforce its decisions by assessing civil fines and other sanctions authorized by ordinance;
 - (10) To request the City Attorney to provide an independent counsel to advise and represent the Board, when appropriate or necessary to avoid a conflict of interest;
 - (11) To provide assistance in the training and education of City officials and employees with respect to their ethical responsibilities;
 - (12) To prepare an annual report and to recommend to the City Council needed or desirable changes in ordinances under its jurisdiction;
 - (13) To exercise such other powers and duties as may be established by ordinance.

(Ord. No. 2013-05-09-0317, § 2(Att. B), 5-9-13)

Sec. 2-83. Complaints.

- (a) Filing. Any person (including a member of the Ethics Review Board or its staff, acting personally or on behalf of the Board) who believes that there has been a violation of the ethics laws or the Municipal Campaign Finance Code may file a sworn complaint with the City Clerk to allege such violations.

A complaint filed in good faith is qualifiedly privileged. A person who knowingly makes a false statement in a complaint, or in proceedings before the Ethics Review Board, is subject to criminal prosecution for perjury (see subsection 2-87(g) (Criminal prosecution)) or civil liability for the tort of abuse of process.

- (b) Assistance. The City Clerk shall provide information to persons who inquire about the process for filing a complaint.
- (c) Form. A complaint filed under this section must be in writing and under oath and must set forth in simple, concise, and direct statements:
- (1) The name of the complainant;
 - (2) The street or mailing address and the telephone number of the complainant;
 - (3) The name of each person complained about;
 - (4) The position or title of each person complained about;
 - (5) The nature of the alleged violation, including, if possible, the specific provision of the Ethics Code or Municipal Campaign Finance Code alleged to have been violated;
 - (6) A statement of the facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred; and
 - (7) All documents or other material available to the complainant that are relevant to the allegation; a list of all documents or other material relevant to the allegation and available to the complainant but that are not in the possession of the complainant, including the location of the documents, if known; and a list of all documents or other material relevant to the allegation but unavailable to the complainant, including the location of the documents, if known.

The complaint must be accompanied by an affidavit stating that the information contained in the complaint is either true and correct or that the complainant has good reason to believe and does believe that the facts alleged constitute a violation of the Ethics Code or the Municipal Campaign Finance Code. If the complaint is based on information and belief, the complaint shall state the source and basis of the information and belief. The complainant shall swear to the facts by oath before a notary public or other person authorized by law to administer oaths under penalty of perjury. A complaint that is not sworn as required shall not be forwarded by the City Clerk to the Compliance Auditor as provided in subsection (d), but shall be returned to the complainant.

The complaint must state on its face an allegation that, if true, constitutes a violation of a law administered and enforced by the Board.

- (d) Review by the Compliance Auditor and notification to the Ethics Review Board and respondents.
- (1) A copy of a complaint shall be promptly forwarded by the City Clerk to the Chair and Vice Chair of ERB, Compliance Auditor and City Attorney's Office who shall each independently review the complaint for compliance with the filing requirements of subsection (c) within five (5) business days of receipt from the City Clerk. The City Clerk shall notify the respondent(s) of a complaint filed. This notification is for information purposes only and does not trigger subsection (e) until a decision has been made to accept the complaint and forward to the full ERB for consideration.
 - (2) If the complaint alleges a violation of section 2-306 or section 2-307 of the Municipal Campaign Finance Code, the complaint shall be forwarded by the City Clerk to the respondent within five (5) business

days of receipt by the Compliance Auditor. As set out in subsection 2-82(b)(2), the timely filing of the campaign bank account statement or the amended report, as verified by the City Clerk, shall not be considered a violation. The City Clerk shall notify the complainant of the filing of the statement or the amended report by first class mail.

- (3) If the complaint alleges a violation of the Ethics Code, and substantially complies with the filing requirements, the complaint shall be forwarded by the City Clerk to the members of the Ethics Review Board and the respondents within ten (10) business days after receipt of the complaint from City Clerk. If the complaint does not substantially comply with the filing requirements, the Compliance Auditor shall return the complaint to the complainant with a letter explaining the defects in the complaint.
 - (4) The City Clerk shall notify the respondent(s) of the resolution of a complaint.
- (e) The respondent(s) shall also be provided with a copy of the Ethics Code and shall be informed:
- (1) That, within ten (10) business days of receipt of the complaint, he or she may file a sworn response with the City Clerk;
 - (2) That failure to file a response does not preclude the Ethics Review Board from adjudicating the complaint;
 - (3) That a copy of any response filed by the respondent(s) will be provided by the City Clerk to the complainant, who may, within five (5) business days of receipt, respond by sworn writing filed with the City Clerk, a copy of which shall be provided by the City Clerk to the respondent(s);
 - (4) That the complainant(s) or respondent(s) may request a hearing; and;
 - (5) That City officials and employees have a duty to cooperate with the Ethics Review Board.

Upon receipt, the City Clerk shall forward the response to the Compliance Auditor, City Attorney's Office, and the Ethics Review Board.

- (f) Frivolous complaint.
- (1) For purposes of this section, a "frivolous complaint" is a sworn complaint that is groundless and brought in bad faith or groundless and brought for the purpose of harassment.
 - (2) By a vote of at least two-thirds ($\frac{2}{3}$) of those present, the Board may order a complainant to show cause why the Board should not determine that the complaint filed by the complainant against a respondent is a frivolous complaint.
 - (3) In deciding if a complaint is frivolous, the Board will be guided by the Texas Rules of Civil Procedure, Rule 13, and interpretations of that rule, and may also consider:
 - a. The timing of the sworn complaint with respect to when the facts supporting the alleged violation became known or should have become known to the complainant, and with respect to the date of any pending election in which the respondent is a candidate or is involved with a candidacy, if any;
 - b. The nature and type of any publicity surrounding the filing of the sworn complaint, and the degree of participation by the complainant in publicizing the fact that a sworn complaint was filed with the Board;
 - c. The existence and nature of any relationship between the respondent and the complainant before the complaint was filed;
 - d. If respondent is a candidate for election to office, the existence and nature of any relationship between the complainant and any candidate or group opposing the respondent;

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- e. Any evidence that the complainant knew or reasonably should have known that the allegations in the complaint were groundless; and
 - f. Any evidence of the complainant's motives in filing the complaint.
- (4) Notice of an order to show cause shall be given to the complainant, with a copy to the respondent, and shall include:
- a. An explanation of why the complaint against a respondent appears to be frivolous; and
 - b. The date, time, and place of the hearing to be held under this section.
- (5) Before making a determination that a sworn complaint against a respondent is a frivolous complaint, the Board shall hold a hearing at which the complainant may be heard; the complainant may be accompanied by counsel retained by the complainant.
- (6) By a record vote of at least two-thirds ($\frac{2}{3}$) of those present after the hearing under subsection (5) of this section, the Board may determine that a complainant filed a frivolous complaint against a respondent and may recommend sanctions against that complainant.
- (g) Sanctions for filing frivolous complaints.
- (1) Before imposing a sanction for filing a frivolous complaint, the Board shall consider the following factors:
- a. The seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the violation;
 - b. The sanction necessary to deter future violations; and
 - c. Any other matters that justice may require.
- (2) The Board may impose the following sanctions:
- a. A civil penalty of not more than five hundred dollars (\$500.00).
 - b. Imposition of attorneys' fees incurred by the respondent of the frivolous complaint;
 - c. Any other sanction permitted by law.
- (3) The Board may notify the appropriate regulatory or supervisory agency for their appropriate action. This may include a referral to a criminal investigation agency or prosecution entity for investigation of perjury.
- (h) Confidentiality. Ex parte communications by members of the Ethics Review Board are prohibited by subsection 2-85(e) (Ex parte communications).
- (1) The Board and its staff shall not communicate any information about a pending sworn complaint, including whether or not a complaint has been filed, to any person other than the respondent, the complainant, and a witness or potential witness identified by the respondent, the complainant, or another witness or potential witness.
- (2) Information otherwise confidential under this section may be disclosed by entering it into the record of a formal hearing or Ethics Review Board proceeding.
- (3) Requests for records pertaining to complaints shall be responded to in compliance with the Texas Public Information Act and the Texas Open Meetings Act.

(Ord. No. 2013-05-09-0317, § 2(Att. B), 5-9-13; Ord. No. 2018-06-21-0491 , § 1(Att. A), 6-21-18)

Sec. 2-84. Compliance Auditor and City Attorney's Office.

- (a) Compliance Auditor. The Compliance Auditor shall be selected by the Ethics Review Board and appointed by the City Internal Auditor. The Compliance Auditor may be removed from office for cause by the City Internal Auditor only after consultation with the Ethics Review Board.
- (b) The Compliance Auditor shall perform the following duties:
 - (1) Receive complaints and responses filed with the City Clerk as set forth in section 2-83;
 - (2) Investigate, marshal, and present to the Ethics Review Board the evidence bearing upon a complaint;
 - (3) In consultation with City Council, the City Manager, the Ethics Review Board, Human Resources Department, and the City Attorney's Office, develop and implement a comprehensive training program for the officials and employees of the City on the provisions of this Code of Ethics, Section 141 of the City Charter, and V.T.C.A., Local Government Code ch. 171;
 - (4) Review complaints for sufficiency;
 - (5) Recommend acceptance or rejection of complaint made to the Ethics Review Board;
 - (6) Request additional information from complainant as needed; and
 - (7) Support the reasonable requests of the ERB.
- (c) City Attorney's Office. The City Attorney's Office shall perform the following duties:
 - (1) Act as legal counsel to the Compliance Auditor and the Ethics Review Board;
 - (2) Upon request by the Compliance Auditor, review complaints for legal sufficiency; and
 - (3) Issue advisory opinions to City officials and employees about the requirements imposed by the ethics laws.
- (d) Independent Compliance Auditor and Independent Counsel.
 - (1) An independent attorney, who does not otherwise represent the City, shall be appointed to serve as the independent Compliance Auditor and Counsel when a complaint is filed relating to an alleged violation of the ethics laws by the Mayor, a member of the City Council, or a candidate for City Council.
 - (2) When a complaint is filed relating to an alleged violation of the ethics laws by a City employee who is a department head or of higher rank, the Compliance Auditor may recommend the appointment of an independent compliance auditor to serve as Compliance Auditor for that matter. The City Attorney may also recommend the appointment of an independent Counsel for that matter.
 - (3) The City Attorney or Ethics Review Board may request the appointment of an independent counsel for a particular case.
- (e) Exculpatory evidence. The Compliance Auditor shall disclose to the Ethics Review Board and provide to the person charged with violating the ethics or municipal campaign finance laws evidence known to the Compliance Auditor tending to negate guilt or mitigate the seriousness of the offense.

(Ord. No. 2013-05-09-0317, § 2(Att. B), 5-9-13; Ord. No. 2018-06-21-0491 , § 1(Att. A), 6-21-18)

Sec. 2-85. Ethics panels and the Ethics Review Board.

- (a) Assignment to an Ethics Panel. The chairperson of the Ethics Review Board may appoint a panel to conduct a preliminary review of an ethics complaint or request for advisory opinion. The panel may present its

recommendations for consideration by the Board in its entirety. The chair may also designate a panel with the power to render decisions on complaints or issue advisory opinions on behalf of the Board. Panels appointed to dispose of complaints or issue advisory opinions must act in accordance with the Open Meetings Act.

- (b) Review by Ethics Review Board. The Ethics Review Board will meet to review the complaint, responses, replies to responses and any other information it has requested be provided to assist in consideration of the complaint. The Board shall consider whether the facts of the case establish a violation of any provision in the ethics laws, regardless of which provisions, if any, were identified in the complaint as having been allegedly violated. If the Board finds that the complaint fails to allege a violation of the Ethics Code when assuming all facts set forth in the complaint to be true, the Board may dismiss the complaint without further proceedings.
- (c) Before the Board may find that a violation of a particular rule, the respondent must be on notice that compliance with that rule is in issue and must have an opportunity to respond. Notice is conclusively established: if the complaint alleged that the rule was violated; or if the Board or the City Clerk provides the respondent with written notice of the alleged violation and a ten (10) business-day period within which to respond in writing to the charge.
- (d) Scheduling of a hearing. Regardless of whether the complainant or the respondent requests a hearing, the Ethics Review Board has discretion to decide whether to hold a hearing.
- (e) Ex parte communications. It is a violation of this code:
 - (1) For the complainant, the respondent, or any person acting on their behalf to engage or attempt to engage, directly or indirectly, in ex parte communication about the subject matter of a complaint with a member of the Ethics Review Board, or any known witness to the complaint; or
 - (2) For a member of the Ethics Review Board to:
 - a. Knowingly entertain an ex parte communication prohibited by subsection (1) of this rule; or
 - b. Communicate directly or indirectly with any person, other than a member of the Ethics Review Board, its staff, City Attorney's Office, or the Compliance Auditor, about any issue of fact or law relating to the complaint.
- (f) Duty to cooperate. All City officials and employees shall cooperate with the Ethics Review Board and shall supply requested testimony or evidence to assist it in carrying out its charge. Failure to abide by the obligations imposed by this subsection is a violation of this Code of Ethics.
- (g) Extension of deadlines.
 - (1) A complainant or respondent who fails to meet a deadline to submit a filing with the Ethics Review Board may file a request to accept the late filing. The complainant or respondent must include within the request a statement of good cause for the Board to grant the request. The Board may grant a request to accept a late filing for good cause. Any extension given to a respondent pursuant to his or her request shall extend the deadline for the Board to issue a decision under section 2-87 by the amount of time granted.
 - (2) The Board, under its own initiative or at the request of a respondent, may defer consideration of a complaint if the respondent is under investigation by any agency for the activity comprising the subject matter of the complaint, until such time as the investigation has concluded.
- (h) Timeliness of notices or submissions. When the Ethics Code or Municipal Campaign Finance Code requires a notice or other document to be submitted or otherwise given to a person or to the Ethics Review Board, the requirement is met in a timely fashion if the document is sent to the person or the Board by first-class mail or certified mail addressed with postage or handling charges prepaid and it bears a post office cancellation

mark indicating a date within the time required to provide notice or to submit a document, unless another method of submission is expressly required.

(Ord. No. 2013-05-09-0317, § 2(Att. B), 5-9-13; Ord. No. 2018-06-21-0491, § 1(Att. A), 6-21-18)

Sec. 2-86. Hearings.

At any hearing held by the Ethics Review Board during the investigation or disposition of a complaint, the following rules apply:

- (1) *General rules.* All witnesses must be sworn and all questioning of witnesses shall be conducted by the members of the Ethics Review Board, City Attorney's Office, or the Compliance Auditor. The Ethics Review Board may establish time limits and other rules relating to the participation of any person in the hearing. No person may be held to have violated the ethics laws or the Municipal Campaign Finance Code unless a majority of the Ethics Review Board so finds by a preponderance of the evidence.
- (2) *Evidence.* The Ethics Review Board shall rely on evidence of which a reasonably prudent person commonly relies in the conduct of the person's affairs. The Board shall further abide by the following:
 - a. The Board shall hear evidence relevant to the allegations; and
 - b. The Board shall not consider hearsay unless it finds the nature of the information is reliable and useful.
- (3) *The person charged (respondent).* The person charged in the complaint has the right to attend the hearing, the right to make a statement, the right to present witnesses, and the right to be accompanied by legal counsel or another advisor. Only legal counsel to the person charged in the complaint may advise that person during the course of the hearing, but may not speak on his or her behalf, except with the permission of the Board. The time permitted for presentation will be at the discretion of the Board.
- (4) *The complainant.* The complainant has the right to attend the hearing, the right to make a statement, and the right to be accompanied by legal counsel or another advisor. Only legal counsel to the complainant may advise the complainant during the course of the hearing, but may not speak on behalf of the complainant, except with the permission of the Board. Witnesses may not be presented by the complainant, except with the permission of the Board. The time permitted for presentation will be at the discretion of the Board.

(Ord. No. 2013-05-09-0317, § 2(Att. B), 5-9-13)

Sec. 2-87. Disposition.

- (a) *Written opinion.* The Board shall issue a decision within ninety (90) calendar days after the filing of a complaint. This deadline shall be extended by any amount of time granted to a respondent pursuant to a respondent's request for additional time to respond or to attend proceedings. The Board shall state in a written opinion its findings of fact and conclusions of law. The written opinion shall either:
 - (1) Dismiss the complaint; or
 - (2) Upon finding that there has been a violation of the ethics laws or the Municipal Campaign Finance Code:
 - a. Impose sanctions in accordance with these regulations; or

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- b. Recommend criminal prosecution and/or civil remedies, in accordance with this rule; or
 - c. State why no remedial action is imposed or recommended.

If the Board determines that a violation has occurred, the opinion shall identify in writing the particular rule or rules violated. If the complaint is dismissed, the grounds for the dismissal shall be set forth in the opinion. The failure of the Board to comply within the above time limits may result in the charge being dismissed for want of prosecution. Prior to such dismissal, the complainant will be given notice and an opportunity to request continuance of the action.

- (b) *Notification.* Copies of the opinion shall be forwarded to the complainant, the person charged in the complaint, the City Attorney's Office, Compliance Auditor, and any member of the Ethics Review Board who did not participate in the disposition of the case. A copy of the opinion shall also be forwarded to the City Clerk, who shall make it available as authorized by law.
- (c) *Recommendations.* A recommendation for criminal prosecution shall be forwarded to the appropriate law enforcement agency.
- (d) *Similar charges barred.* If the complaint is dismissed because the evidence failed to establish a violation of the ethics laws or the Municipal Campaign Finance Code, the Ethics Review Board shall not entertain any other similar complaint based on substantially the same evidence.
- (e) *Factors relevant to sanctions.*
 - (1) *General violations (non-reporting violations).* In deciding whether to recommend or impose, in the case of a violation of the ethics laws, criminal prosecution and/or civil remedies, the Ethics Review Board shall take into account relevant considerations, including, but not limited to, the following:
 - a. The culpability of the person charged in the complaint;
 - b. The harm to public or private interests resulting from the violation;
 - c. The necessity of preserving public confidence in the conduct of local government;
 - d. Whether there is evidence of a pattern of disregard for ethical obligations; and
 - e. Whether remedial action has been taken that will mitigate the adverse effect of the violation.
 - To impose or recommend sanctions for a first violation of the Ethics Code or the Municipal Campaign Finance Code, other than a letter of notification, a letter of admonition or a referral to training, the Board must find by a preponderance of the evidence that the person acted knowingly, unless otherwise provided by this code.
 - (2) *Reporting requirement violations.* To impose sanctions, other than a letter of notification, a letter of admonition or a referral to training, for untimely or incomplete submission of reports required by the Ethics Code or the Municipal Campaign Finance Code, the Board must determine by a preponderance of the evidence that the person knowingly:
 - a. Failed to file the report on time; or
 - b. Failed to include in the report information that is required to be included; or
 - c. Submitted inaccurate or false information.

Failure to submit a required report or an amended report after receipt of notice of non-compliance by the City Clerk, the Compliance Auditor, or the Ethics Review Board may be considered evidence of a knowing failure to comply with reporting requirements.

Upon finding a second or subsequent untimely, incomplete or inaccurate submission of reports within a two-year period of time, the Board may issue a letter of reprimand regardless of whether the second or subsequent violation was made knowingly by the filer.

- (f) *Civil sanctions for Ethics Code violations.* The following civil remedies may be recommended or imposed by the Ethics Review Board which finds that the ethics laws have been violated:
- (1) *Disciplinary action.* Civil service employees who violate this Code of Ethics may be disciplined in accordance with City personnel rules and procedures. Other City officials and employees who engage in conduct that violates this code may be notified, warned, reprimanded, suspended, or removed from office or employment by the appointing authority, or by a person or body authorized by law to impose such remedies. Disciplinary action under this section may be imposed in addition to any other penalty or remedy contained in this Code of Ethics or any other law. The Ethics Review Board may refer a violation to the City Manager or his or her designee for disciplinary action in accordance with any applicable municipal civil service rules;
 - (2) *Suit for damages or injunctive relief.* This Code of Ethics has been enacted not only to further the policy stated in section 2-41 (Statement of purpose), but to protect the City and any other person from any losses or increased costs incurred by the City or other person as a result of the violation of these provisions. It is the intent of the City that this Ethics Code can and should be recognized by a court as a proper basis for a civil cause of action for damages or injunctive relief based upon a violation of its provisions, and that such forms of redress should be available in addition to any other penalty or remedy contained in this Ethics Code or the Municipal Campaign Finance Code or any other law. The Ethics Review Board may refer a violation of the Ethics Code or the Municipal Campaign Finance Code to the City Attorney's Office for consideration of a suit by the City for damages or injunctive relief.
 - (3) *Disqualification from contracting or lobbying.*
 - a. If the Ethics Review Board finds that any person (including business entities and non-profit entities) has intentionally or knowingly violated any provision of the Ethics Code, or has intentionally or knowingly assisted another person in violating any provision of the Ethics Code, or has violated a provision or assisted another in a violation that the person should have known was a violation of the Ethics Code, the Ethics Review Board may recommend to the City Council that the person be prohibited from entering into any contract with the City or prohibited from lobbying on behalf of clients before the City for a period not to exceed three (3) years.

An entity may also be disqualified from contracting based on the conduct of an employee or agent in violation of this code.
 - b. It is a violation of this Code of Ethics:
 1. For a person debarred from entering into a contract with the City to enter, or attempt to enter, into a contract with the City during the period of disqualification from contracting; or
 2. For a City official or employee to knowingly assist a violation of subsection b.1. of this rule.
 - c. Nothing in this section shall be construed to prohibit any person from receiving a service or benefit, or from using a facility, which is generally available to the public, according to the same terms.
 - (4) *Recommendation to void or ratify contract.* If the Ethics Review Board finds that there has been an intentional or knowing violation of any provision of the Ethics Code, or that a person has committed a violation that he or she should have known was a violation of the code that is related to the awarding of a contract, the Ethics Review Board must vote on whether to recommend to the City Council that

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- the contract be ratified or voided. Such action shall not affect the imposition of any penalty or remedy contained in this Code of Ethics or any other law.
- (5) *Civil fine.* The Ethics Review Board may impose upon any person, whether or not an official or employee of the City, who violates any provision of this Code of Ethics a fine not exceeding five hundred dollars (\$500.00). Each day after any filing deadline imposed by division 5 (Lobbyists) and division 7 (Financial disclosure) or the Municipal Campaign Finance Code for which any required statement has not been filed, or for which a statement on file is incorrect, misleading, or incomplete, constitutes a separate offense.
 - (6) *Letter of notification.* The Ethics Review Board may issue a letter of notification to any person, whether or not an official or employee of the City, when the Board finds that a violation of the Code of Ethics was clearly unintentional or inadvertent. The letter must advise the person to whom it is directed of any steps to be taken to avoid future violations.
 - (7) *Letter of admonition.* The Ethics Review Board may issue to any person, whether or not an official or employee of the City, a letter of admonition when the Board finds that the violation of the Code of Ethics was minor and/or may have been unintentional or inadvertent.
 - (8) *Letter of reprimand.* The Ethics Review Board may issue to any person, whether or not an official or employee of the City, a letter of reprimand when the Board finds that the person has intentionally or knowingly violated the Code of Ethics.
 - (9) *Referral to ethics training.* Upon finding of violation of the Ethics Code, the Ethics Review Board may require a City official or employee to attend Ethics Code training.
- (g) *Criminal prosecution.* The Ethics Review Board may recommend to the appropriate law enforcement agency criminal prosecution under this section or V.T.C.A., Local Government Code ch. 171. Prosecution of any person by the City Attorney for a violation of this Ethics Code shall not be undertaken until a complaint is disposed of in accordance with section 2-87. However, the absence of a recommendation to prosecute from an Ethics Review Board to the City Attorney shall not preclude the City Attorney from exercising his or her prosecutorial discretion to prosecute a violation of this Ethics Code. Any person who files a false sworn statement under division 5 (Lobbyists), division 7 (Financial disclosure), or division 8 (Ethics Review Board) or the Municipal Campaign Finance Code is subject to criminal prosecution for perjury under the laws of the state.
 - (h) *Reconsideration.* Within five (5) business days of receiving the final opinion of the Ethics Review Board, the complainant or respondent may request the Ethics Review Board to reconsider its decision. The request must be filed with the City Clerk. Within ten (10) business days after filing with the City Clerk, the originally assigned preliminary reviewing panel shall review the request for reconsideration. If the panel concludes reconsideration is warranted, it shall bring the request within another ten (10) business days to the full Board for decision on whether to grant reconsideration. If the full Board grants reconsideration, the Board may then order further proceedings in accordance with the provisions of this code. If no panel was assigned to conduct a preliminary review, the chair shall review the request and may in his or her discretion decline the reconsideration or refer the matter to the full Board for reconsideration within ten (10) business days of receiving the request.
 - (i) *Council action.* City Council shall dispose of a recommendation from the Ethics Review Board within ninety (90) calendar days of receiving such recommendation. The recommendation(s) of the Ethics Review Board may be accepted, rejected, modified, or recommitted to that Board for further action or clarification. Failure to take action within specified time limits may result in the charge being dismissed for want of prosecution. Prior to such dismissal, the complainant will be given notice and an opportunity to request continuance of the action.

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- (j) *Appeals.* A decision of the Ethics Review Board is final unless the person aggrieved by the decision appeals to the State District Court in Bexar County no later than twenty (20) business days after the date the Board renders the decision.

If the decision of the Ethics Review Board is not supported by substantial evidence, the District Court may reverse or affirm the Board's decision in whole or in part, or may modify the Board's decision if substantial rights of the aggrieved person have been prejudiced. Costs of an appeal may not be assessed against the Board, individual Board members, or the City.

(Ord. No. 2013-05-09-0317, § 2(Att. B), 5-9-13; Ord. No. 2018-06-21-0491 , § 1(Att. A), 6-21-18)

Sec. 2-88. Petition for declaratory ruling and waiver.

- (a) Any City official or employee against whom public allegations of ethics or campaign finance violations have been made in the media or elsewhere shall have the right to file a sworn statement with the City Clerk affirming his or her innocence, and to request the Ethics Review Board to investigate and make known its findings, and make any relevant recommendations concerning the issue.
- (b) Any City Official or employee or person subject to the Ethics Code or Municipal Campaign Finance Code who believes they have unknowingly committed an act in violation of a provision of this Ethics Code or the Municipal Campaign Finance Code may submit a sworn request for a waiver of the application of either code for that past act. The Ethics Review Board shall investigate and make known its findings, and make any relevant recommendations to the City Council concerning the issue. The City Council may only act to waive the application of either code following receipt of the recommendation of the Ethics Review Board.
- (c) The Ethics Review Board is authorized to impose the sanctions contained within this Code when making their ruling.

(Ord. No. 2013-05-09-0317, § 2(Att. B), 5-9-13; Ord. No. 2018-06-21-0491 , § 1(Att. A), 6-21-18)

Editor's note(s)—Ord. No. 2018-06-21-0491 , § 1(Att. A), adopted June 21, 2018, amended § 2-88, and in so doing changed the title of said section from "Petition for declaratory ruling" to "Petition for declaratory ruling and waiver," as set out herein.

Sec. 2-89. Advisory opinions.

- (a) *Advisory opinions issued by the Ethics Review Board.*
- (1) *Ethics Code inquiries by persons other than City officials and employees.*
- a. By writing filed with the City Clerk, any person other than a City official or employee may request an advisory opinion with respect to the interpretation of the ethics laws, but only with respect to whether proposed action by that person would violate the ethics laws. The City Clerk shall promptly transmit all requests for advisory opinions to the Compliance Auditor and the chair of the Ethics Review Board. City officials and employees may request advisory opinions from the City Attorney pursuant to subsection (b).
- b. Within thirty (30) days of receipt by the chair of the Ethics Review Board of a request for an advisory opinion, the Board, acting en banc or through a designated Ethics Panel, shall issue a written advisory opinion. During the preparation of the opinion, the Board may consult with the Compliance Auditor, the City Attorney's Office, and other appropriate persons. An advisory opinion shall not reveal the name of the person who made the request, if that person requested anonymity, in which case the opinion shall be written in the form of a response to an anonymous, hypothetical fact situation. A copy of the opinion shall be indexed and kept by the City Clerk as

part of its records for a period of not less than five (5) years. In addition, copies of the opinion shall be forwarded by the chair of the Ethics Review Board, or the Compliance Auditor, to the person who requested the opinion, the members of the Ethics Review Board, the City Attorney's Office, and to the City Clerk. The City Clerk shall make the opinion available as a public record in accordance with the Local Government Records Act, and promptly post the opinion for a period of no less than five (5) years on the Internet via the City of San Antonio homepage.

- (2) *Opinions initiated by the Board.* On its own initiative, the Ethics Review Board, acting as the full Board or through a designated Ethics Panel, may issue a written advisory opinion with respect to the interpretation of the ethics laws or the Municipal Campaign Finance Code as they apply to persons other than City officials and employees if a majority of the Board determines that an opinion would be in the public interest or in the interest of such person or persons subject to the provisions of the ethics laws. Such an opinion may not include the name of any individual who may be affected by the opinion. A copy of any such opinion shall be indexed and kept by the City Clerk as part of its records for a period of not less than five (5) years. In addition, copies of the opinion shall be forwarded by the chair of the Ethics Review Board, or his or her designate, to the Compliance Auditor, the City Attorney's Office, and the City Clerk. The City Clerk shall make the opinion available as a public record in accordance with the Local Government Records Act, and promptly post the opinion for a period of no less than five (5) years on the Internet via the City of San Antonio homepage.
- (3) *Reliance.* A person who reasonably and in good faith acts in accordance with an advisory opinion issued by the Ethics Review Board may not be found to have violated the ethics laws by engaging in conduct approved in the advisory opinion, provided that:
- a. He or she requested the issuance of the opinion;
 - b. The request for an opinion fairly and accurately disclosed all relevant facts; and
 - c. Less than five (5) years elapsed between the date the opinion was issued and the date of the conduct in question.

(b) *Ethics advisory opinions issued by the City Attorney's Office.*

- (1) *Ethics inquiries by City officials and employees.*
- a. By writing filed with the Office of the City Attorney, any City official or employee may request an advisory opinion with respect to whether proposed action by that person would violate the ethics laws.
 - b. Within twenty (20) business days of receipt of the request, the Office of the City Attorney shall issue a written advisory opinion. Opinions that address new issues and that are instructive on the application of the ethics laws shall be posted on the ethics webpage in a manner that does not reveal the identity of the individual requesting the opinion.
- (2) *Reliance.* A person who reasonably and in good faith acts in accordance with a written advisory opinion issued by the City Attorney's Office may not be found to have violated the ethics laws by engaging in conduct approved in the advisory opinion, provided that:
- a. He or she requested the issuance of the opinion;
 - b. The request for an opinion fairly and accurately disclosed all relevant facts; and
 - c. Less than five (5) years elapsed between the date the opinion was issued and the date of the conduct in question.

(Ord. No. 2013-05-09-0317, § 2(Att. B), 5-9-13; Ord. No. 2018-06-21-0491 , § 1(Att. A), 6-21-18)

Sec. 2-90. Annual report.

The Ethics Review Board shall prepare and submit an annual report to the Mayor and City Council detailing the activities of the Board during the prior year. The format for the report shall be designed to maximize public and private understanding of the Board's operations, and shall include a summary of the content of ethics opinions issued by the Board and a listing of current City lobbyists based on information gathered by the Board from records on file with the City Clerk. The City Clerk shall post the report on the City's ethics webpage.

(Ord. No. 2013-05-09-0317, § 2(Att. B), 5-9-13)

Sec. 2-91. Public records and open meetings.

Meetings and other proceedings of the Ethics Review Board will be conducted in compliance with the Texas Open Meetings Act. Requests for records will be handled in compliance with the Texas Public Information Act.

(Ord. No. 2013-05-09-0317, § 2(Att. B), 5-9-13)

ARTICLE V.A. CITY INTERNAL AUDIT DEPARTMENT

Par. 1. Department of Internal Audit. There shall be an independent department of internal audit which is charged with conducting financial, fiscal compliance, and financial procedure audits of all city departments, offices, agencies and programs.

Par. 2. City Internal Auditor-Appointment; qualifications; compensation. The department of internal audit shall be under the direction and control of the city internal auditor, who shall be appointed by the City Council. The city internal auditor must be a person knowledgeable in public financial and fiscal theory, municipal accounting and auditing; public administration and be a certified public accountant. The city internal auditor's compensation shall be fixed by the City Council.

Par. 3. Term, removal, absence or disability of city internal auditor. The city internal auditor shall not be appointed for a definite fixed time but shall be removable at the will and pleasure of the City Council by a vote of not less than a majority of the entire Council. The city internal auditor may demand written charges and the right to be heard thereon at a public meeting of the City Council prior to the date on which the city internal auditor's final removal shall take effect, but pending such hearing the City Council may suspend the city internal auditor from office. The action of the City Council in suspending or removing the city internal auditor shall be final. In case of the absence or disability of the city internal auditor, the City Council may designate some qualified person to perform the duties of the office.

Par. 4. Appointment and removal of assistant auditors. Assistant auditors shall serve at the will and pleasure of the City Auditor. All other employees in the department of internal audit shall be in the classified civil service of the city and shall be appointed and may be removed by the City Auditor. Any classified employee in the department of internal audit shall enjoy the same rights as other classified city employees, except that in the event of a suspension, reduction or removal of a classified employee in the department of internal audit, the classified employee shall enjoy the right to appeal to the Municipal Civil Service Commission whose decision shall be final.

(Ord. No. 94956, 11-15-01)



City of San Antonio

Ethics Review Board

Annual Report – 2022



The Ethics Review Board (“ERB”), as established by City Charter in 2004, is an eleven-member District board with independent jurisdiction to enforce and sanction violations of City Code relating to ethics, lobbying, and municipal campaign finance. The Board strives to promote integrity, independence, and impartiality of service by City Officials, employees and others whose actions may affect the public faith in City government. This is done through the delivery of clear and timely advice, ongoing education, and fair enforcement of matters under the Board’s jurisdiction and powers granted by the City Charter, Ethics Code and Municipal Campaign Finance Code.

History

City Ordinance 88874, approved on November 19, 1998, created the ERB, which met for the first time on April 30, 1999. As part of a City Charter election held in May 2004, voters approved amending the City Charter to establish an independent Ethics Review Board with jurisdiction over the City Ethics Code and the Municipal Campaign Finance Code. The Charter amendments were codified through City Ordinance 100283, adopted by City Council on January 13, 2005. As such, the prior board created under the 1998 ordinance was formally dissolved and the new board was established with the initial members being appointed in April 2005.

The Ethics Code and Municipal Campaign Finance Code have been amended since their initial adoption, with the most recent changes adopted as of June 21, 2018 (City Ordinance 2018-06-21-0491).

Summary of Ethics Review Board 2022 Annual Activity

- In 2022, the Board met as a whole body on April 27, 2022, and December 7, 2022.
- The ERB Chair established two panels to review the Ethics Code and Municipal Campaign Finance Code respectively. Panel meetings were held on the following dates:

Ethics Code Panel	
June 23, 2022	July 27, 2022
July 6, 2022	August 3, 2022
July 13, 2022	October 25, 2022
July 20, 2022	

Campaign Finance Code Panel
June 16, 2022
June 21, 2022
October 17, 2022

- One complaint was received that was not forwarded to the Board and returned to the complainant (See Attachment A).
- The City Attorney’s Office rendered five Advisory Opinions (See Attachment B). The complete text of each Determination and Opinion will be placed on the website maintained by the Office of the City Clerk. The extracts provided in the attachments to this document are for information purposes only.
- A list of registered lobbyists – current as of December 31, 2022 – has been provided by the City Clerk (See Attachment C).

Summary of Ethics/Campaign Finance Training

In March of 2006, the San Antonio City Manager adopted a program of mandatory ethics training for all City employees. As part of this program, the Office of the City Auditor, Human Resources, Government and Public Affairs, and the Office of the City Attorney periodically release web-based micro-learnings in an effort to promote continued awareness of the City's Ethic Code and tie ethics guidelines to associated events (municipal elections, holidays, etc.). A new video was released in November 2022 covering conflicts of interest, as well as the importance of integrity and transparency in public service. This is in addition to training provided to all new employees during orientation.

Ethics training is also provided for boards and commissions members as part of the Municipal Leadership Institute. The series of online trainings includes seven short videos with topics such as Ethics, the Texas Open Meetings Act, and the Texas Public Information Act.

An additional 18.25 hours of training was provided by the Office of the City Clerk, the Office of the City Attorney, and the Compliance Auditor. This included training sessions on the City's Ethics Code, the Municipal Campaign Finance Regulations, the City's Election Campaign Finance filing system, and Open Government (See Attachment D).

The Ethics Review Board Members – 2022

The following individuals were confirmed by the City Council to serve on the Ethics Review Board for the terms indicated.

NAME	APPOINTED BY	DATE APPOINTED	TERM EXPIRATION ¹
Coda Edith Rayo-Garza	Mayor	Oct. 17, 2019	Apr. 25, 2020
Dr. Fred Campbell	District 1	June 2, 2022	April 25, 2023
Patrick Lang ²	District 2	Mar. 1, 2018	Apr. 25, 2023
Dr. George Hinojosa Jr.	District 3	Oct. 29, 2020	Apr. 25, 2023
Dr. Esther S Gergen	District 4	Nov. 4, 2020	Apr. 25, 2022
Magdalena B. Alvarado ³	District 5	Oct. 9, 2014	Apr. 25, 2015
Yvette Y Changuin Humble	District 5	October 20, 2022	April 25, 2023
Efrain Rene Sosa	District 6	August 4, 2022	Apr. 25, 2024
Roxana V. Vargas	District 7	Feb. 4, 2021	Apr. 25, 2024
Jessica Karam Oley	District 8	Jan. 16, 2020	Apr. 25, 2023
Christy Ann Woodward ⁴	District 9	Nov. 14, 2019	Apr. 25, 2023
Rodney “Ron” Van Kirk	District 10	Mar. 2, 2017	Apr. 25, 2021

¹ Members may remain active in holdover status after term expires until replaced by City Council.

² ERB Chair

³ Appointment ended as of April 19, 2022

⁴ ERB Vice-Chair

Attachment A

Complaints Filed – 2022		
Status	Date Filed	Summary
Returned	10-Mar-22	The complaint alleged violations regarding procedural issues associated with a Building Standards Board hearing. After review, it was determined that hearing procedures related to violations of and appeals to the San Antonio Property Maintenance Code are outlined in Chapter 6, Article VIII, Division III of the City of San Antonio Municipal Code, which is not within the jurisdiction of the Ethics Review Board. As such, the complaint was returned to the complainant.

Attachment B

Ethics Advisory Opinions – 2022 (City Attorney’s Office)		
Number	Date	Questions
2022-01	3/30/2022	<p>Q: Are uncompensated board members of non-profit organizations subject to the campaign contribution disclosures required by the City’s Ethics Code when they are seeking a high-profile contract from the City?</p> <p>A: The Ethics Code requires the disclosure of direct and indirect political contributions by certain individuals and entities seeking a contract with the City of San Antonio. This includes board members, executive committee members, and officers of the entity.</p> <p>The code does not provide any exceptions to the disclosure requirement for non-profits, nor does it provide exceptions for members of the board who are uncompensated for their service on the board. As such, it is the responsibility of the non-profit organization to provide this information as part of their proposal submission.</p>
2022-02	7/21/2022	<p>Q: Are City employees allowed to serve on non-profit boards? Are there any restrictions if the individual is a City official? Does it make a difference if the non-profit receives funding from the City?</p> <p>A: City employees, including those classified as City officials, may serve on an outside non-profit board as long as they abide by the applicable sections of the Ethics Code. There are no separate restrictions in instances where the non-profit receives periodic funding from the City. However, the employee should exercise caution during their service with the board, especially if there were to be any interaction between the entity and the City. This includes recusing themselves from any official action that could benefit or be perceived to benefit the non-profit entity. Furthermore, any activity on behalf of the non-profit must be done on the employee’s own time, using their own resources.</p>
2022-03	8/30/2022	<p>Q: If a prohibited political contribution is refunded, is an entity eligible for award of a high-profile contract?</p> <p>A: The restrictions regarding campaign contributions listed in Sec. 2-309 of the Municipal Campaign Finance Code are directly related to the action of “making” a political contribution. Specifically, the City cannot award the contract to any person or entity who has “made” a contribution in violation of Sec. 2-309, even if the prohibited contribution is refunded prior to evaluation and/or award.</p>
2022-04	10/4/2022	<p>Q: May a non-profit, in which the CEO is a former City officer, be awarded a contract with the City? And may the former City officer serve as signatory for the contract?</p> <p>A: As outlined in the Ethics Code, members of boards and commissions that are “more than advisory” in nature are considered City officers and as such are subject to restrictions related to a financial interest in discretionary contracts.</p> <p>Upon leaving service, the Ethics Code prohibits a former City officer from having a financial interest in a discretionary contract within one year after termination of duties. However, simply receiving a salary from their employer does not necessarily mean they have a prohibited financial interest. In this case, the former City officer is not the direct party to the contract and does not have an “ownership” in the non-profit. As such, the non-profit is eligible for award of a city contract.</p> <p>The former City officer may also serve as the contract signatory, so long as they are signing on behalf of the non-profit in connection with their position as an employee and not in their individual, personal capacity.</p>

Ethics Advisory Opinions – 2022 (City Attorney’s Office)		
Number	Date	Questions
2022-05	10/26/2022	<p>Q: May a member of a City board or commission, who is not a City employee, serve as a campaign treasurer for a general-purpose political action committee (GPAC) associated with a local professional organization?</p> <p>A: In the question presented, because the individual is a City official, but not a City employee, the Ethics Code would not prohibit them from serving as a campaign treasurer for a political action committee (PAC). However, the City official must take care to abide by all other applicable sections of the Ethics Code such as recusing themselves from any official action related to the PAC, refraining from using their official position to advance the interests of the PAC, and ensuring they do not permit the use of City property/resources in support of the PAC.</p>

* The complete text of each Determination and Opinion can be found on the Ethics website: <https://www.sanantonio.gov/Ethics>

Attachment C

Registered Lobbyists January 1, 2022 through December 31, 2022

Registrant:	Agent:
American Federation of State, County and Municipal Employees 1625 L Street, NW Washington, DC 20036 Telephone: 202-429-1088 Email: chui@afscme.org Nature of Business: Labor Union Registered Date: 7/11/2019 Current Registration Date: 1/27/2023	Mr. Joseph Hamill Registered Date: 1/13/2020 Current Registration Date: 1/9/2023
AT&T 105 Auditorium Circle Apt/Suite: Suite 107 San Antonio, TX 78205 Telephone: 210-294-4325 Email: pl663g@att.com Nature of Business: AT&T Registered Date: 3/28/2022 Current Registration Date: 3/29/2022	Ms. Patti Larsen Registered Date: 3/28/2022 Current Registration Date: 3/28/2022
Baltazar R. Serna, Jr. 237 W. Travis St., Ste 100 San Antonio, TX 78205 Telephone: 210-225-6700 Email: baltazar@sernaserna.com Nature of Business: Law Offices of Serna & Serna Registered Date: 1/11/2017 Current Registration Date: 1/21/2023	Baltazar Serna JR Registered Date: 1/11/2017 Current Registration Date: 5/31/2023

<p>Barton Benson Jones PLLC 745 E, Mulberry Suite 550 San Antonio, TX 78212 Telephone: 210-610-5335 Email: bbenson@bartonbensonjones.com Nature of Business: law firm Registered Date: 1/30/2017 Current Registration Date: 4/14/2023</p>	
	<p>Mr. Devin D Benson Registered Date: 1/30/2017 Current Registration Date: 4/17/2023</p>
<p>Begum Pelaez-Prada PLLC 5511 West Interstate 10 Apt/Suite: 3 San Antonio, TX 78201 Telephone: 210-780-6022 Email: sasha@bp-plaw.com Nature of Business: Law Firm Registered Date: 6/8/2022 Current Registration Date: 6/8/2022</p>	
	<p>Sasha Begum Registered Date: 6/8/2022 Current Registration Date: 6/8/2022</p>
<p>Bracewell LLP 300 Convent Street Apt/Suite: Suite 2700 San Antonio, TX 78205 Telephone: 210-299-3410 Email: blakely.fernandez@bracewell.com Nature of Business: Law Firm Registered Date: 1/31/2017 Current Registration Date: 4/14/2023</p>	
	<p>Ms. Blakely L Fernandez Registered Date: 1/31/2017 Current Registration Date: 1/13/2023</p>

<p>Brevan Howard US LLC 1345 Avenue of the Americas Apt/Suite: 28th Floor New York, NY 10105 Telephone: 212-602-7874 Email: stephen.mahanna@brevanhoward.com Nature of Business: Wealth Management and Financial Services Registered Date: 1/11/2017 Current Registration Date: 1/31/2023</p>	
	<p>Ms. Janna Keatseangsilp Registered Date: 1/3/2019 Current Registration Date: 1/31/2023</p>
<p>Brown and Ortiz, P.C. 112 E. Pecan Street Apt/Suite: 1360 San Antonio, TX 78205 Telephone: 210-299-3704 Email: eve@brownortiz.com Nature of Business: Law Office Registered Date: 1/31/2017 Current Registration Date: 1/20/2023</p>	
<p>Google LLC and its Affiliates 28 Liberty Ship Way, Suite 2815 Sausalito, CA 94965 Telephone: 415-903-2800 Email: google@politicomlaw.com Nature of Business: Internet services and products Registered Date: 2/10/2022 Current Registration Date: 1/28/2023</p>	
	<p>John-Michael Cortez Registered Date: 2/10/2022 Current Registration Date: 1/28/2023</p>

<p>GRGTX Lobbying LLC, dba Government Relations Group of TX 202 E. Houston St. Apt/Suite: 505 San Antonio, TX 78205 Telephone: 210-887-0198 Email: mitsuko@grg-tx.com Nature of Business: Lobbying & Government Relations Registered Date: 1/31/2017 Current Registration Date: 5/10/2023</p>	
	<p>Ms. Mitsuko E Ramos Registered Date: 1/31/2017 Current Registration Date: 5/10/2023</p>
<p>HNTB Corporation 28 Liberty Ship Way Apt/Suite: Suite 2815 Sausalito, CA 94965 Telephone: 415-903-2800 Email: hntb@politicomlaw.com Nature of Business: Engineering Registered Date: 1/11/2017 Current Registration Date: 1/31/2023</p>	
	<p>Kent Hickingbottom Registered Date: 1/11/2017 Current Registration Date: 1/31/2023</p>
<p>Killen, Griffin and Farrimond, PLLC 10101 Reunion Place Apt/Suite: Suite 250 San Antonio, TX 78216 Telephone: 210-324-6386 Email: James@KGFTX.com Nature of Business: law firm Registered Date: 2/24/2020 Current Registration Date: 1/31/2023</p>	
	<p>Mr. Paul R Killen Registered Date: 2/24/2020 Current Registration Date: 4/14/2023</p>
	<p>Mrs. Ashley Farrimond Registered Date: 2/24/2020 Current Registration Date: 4/14/2023</p>

	Emilie Weissler Registered Date: 2/24/2020 Current Registration Date: 4/14/2023
	Delaney Honaker Registered Date: 1/14/2022 Current Registration Date: 4/14/2023
	Nina Prado Registered Date: 7/15/2022 Current Registration Date: 4/14/2023
	Mr. James B Griffin Registered Date: 2/24/2020 Current Registration Date: 4/14/2023
Land Use Solutions, LLC 10003 NW Military Hwy Apt/Suite: Suite 2215 San Antonio, TX 78231 Telephone: 210-812-2222 Email: michele@landusesolutionstx.com Nature of Business: Real Estate Development Registered Date: 1/13/2017 Current Registration Date: 2/7/2023	
	Ms. Michele C Haussmann Registered Date: 1/13/2017 Current Registration Date: 2/7/2023
Martin and Drought, P.C. 112 E. Pecan Apt/Suite: 1616 San Antonio, TX 78205 Telephone: 210-220-1370 Email: dwsandoval@mdtlaw.com Nature of Business: attorney Registered Date: 1/31/2017 Current Registration Date: 1/18/2023	
	Mr. Frank B Burney Registered Date: 1/31/2017 Current Registration Date: 3/9/2023

<p>Momentum Advisory Services 124 E. Edgewood Place San Antonio, TX 78209 Telephone: 210-640-1329 Email: trey@gainmomentum.us Nature of Business: Real estate and economic development consulting Registered Date: 3/15/2022 Current Registration Date: 1/16/2023</p>	
	<p>Trey Jacobson Registered Date: 3/15/2022 Current Registration Date: 1/16/2023</p>
<p>OCI Group (Our Community Inc., LLC) 2211 Buena Vista St. Apt/Suite: Suite 101 San Antonio, TX 78207 Telephone: 210-890-8828 Email: info@oci-group.com Nature of Business: Consulting--Govt Relations, Public Relations, Economic/Leadership Development Registered Date: 1/31/2017 Current Registration Date: 1/31/2023</p>	
	<p>Ms. Anita L Fernandez Registered Date: 2/1/2021 Current Registration Date: 1/31/2023</p>
	<p>Mr. H. Analco Gonzalez Registered Date: 1/31/2017 Current Registration Date: 1/31/2023</p>
<p>Patrick W. Christensen 310 S. St. Mary's Street Apt/Suite: 2700 San Antonio, TX 78205 Telephone: 210-320-2540 Email: patrick@christensensatx.com Nature of Business: Attorney Registered Date: 1/31/2017 Current Registration Date: 1/3/2023</p>	
	<p>Mr. Patrick W Christensen Registered Date: 1/31/2017 Current Registration Date: 4/7/2023</p>

<p>Raamel C. Mitchell 7000 State Highway 161 George Bush Tollway Irving, TX 75039 Telephone: 469-775-2359 Email: raamelm@microsoft.com Nature of Business: Technology Registered Date: 7/2/2021 Current Registration Date: 1/5/2022</p>	
	<p>Mr. Raamel Mitchell Registered Date: 7/2/2021 Current Registration Date: 1/5/2022</p>
<p>The Kaufman Group, Inc. 100 West Houston Street Apt/Suite: Suite 1250 San Antonio, TX 78205 Telephone: 210-227-2009 Email: terri@tkg-lawfirm.com Nature of Business: Law Firm Registered Date: 1/31/2017 Current Registration Date: 1/25/2023</p>	
	<p>Erin D Bley Registered Date: 1/31/2017 Current Registration Date: 5/23/2023</p>
	<p>William T Kaufman Registered Date: 1/31/2017 Current Registration Date: 5/23/2023</p>
<p>Zachry Corporation 14410 Wurzbach Parkway Apt/Suite: Suite 120 PO Box: 32240 San Antonio, TX 78248 Telephone: 210-871-3360 Email: tara.snowden@zachrycorp.com Nature of Business: Construction; Hospitality; Aggregate and Materials Registered Date: 1/16/2017 Current Registration Date: 1/18/2023</p>	
	<p>Tara D Snowden Registered Date: 1/16/2017 Current Registration Date: 1/9/2023</p>

Attachment D

2022 Ethics & Campaign Finance Training

Name of Training	Hrs.	General Category	Date
Zoning Commission - New Commissioner Orientation	1	Ethics and Open Government	1/18/2022
Planning Commission Orientation	0.5	Ethics	2/2/2022
Mayor's Office	0.5	Campaign Finance	3/15/2022
District 1 Office	1	Ethics and Open Government	4/1/2022
Gov't Transparency: A Project for Mexico	1.5	Ethics and Open Government	4/7/2022
Small Business Advisory Commission	0.75	Ethics and Open Government	4/12/2022
DPTF (DSD) group	0.5	Campaign Finance and Lobbying	6/10/2022
Purchasing Staff / High Profile Contract Review Process	1	Ethics and Campaign Finance	11/17/2022
New Employee Experience I and II (23 Sessions)	11.5	Ethics	Multiple
Ethics Video (employees) – Conflicts of Interest		Ethics	Online
Municipal Leadership Institute Videos (Boards and Commissions Members)		Ethics and Open Government	Online

Total: 18.25 hours



Ethics Review Board Recommended Code Revisions

December 20, 2023



Executive Summary

The Ethics Review Board (ERB) for the City of San Antonio has conducted a comprehensive review of the Ethics Code and Municipal Campaign Finance Code over the last year and a half. The assessment included gathering feedback from stakeholders, researching current state guidelines, and comparing our codes with those of similarly situated cities. Based on the review, the ERB is proposing administrative and substantive changes to both codes, which aim to improve clarity, codify those practices that best reflect the current values of our City, and ensure consistency with state laws.

It is recommended that final revisions be adopted with an effective date that will allow for a comprehensive outreach campaign and ample time for stakeholders to familiarize themselves with the changes.

Introduction

A strong ethics program is an essential foundation for public service, instilling confidence in the integrity, independence, and impartiality of local governance. At the City of San Antonio, this includes a charter-based Ethics Review Board (ERB), as well as an established Ethics Code and Municipal Campaign Finance Code.

These codes embody the city's commitment to the highest standards of governance. They play a central role in fostering transparency and accountability, serving as the guiding principles that shape the conduct of employees, officials, and candidates within the municipal sphere. However, the ever-evolving nature of municipal government and state laws necessitates regular reassessment and revision of the codes.

As the body with oversight of the codes and power to recommend changes, the ERB is committed to ensuring the effectiveness and relevance of the existing codes. Thus, a full review of both codes was initiated in 2022. This report serves as a comprehensive guide to the proposed updates based on the ERB findings. It details the review process, outlines key recommendations, and explains the rationale behind each change. Furthermore, it provides an understanding of how these revisions not only comply with state laws but also contribute to the overarching goal of fostering a governance framework that is accountable, transparent, and resonates with the community's ethos.

Process

Beginning in 2022, the ERB embarked on a year and a half long process to review both codes. It commenced with the assignment of ERB members to two panels— one for the Ethics Code and one for the Municipal Campaign Finance Code. Each panel considered feedback from key stakeholders including City leadership, and gathered insights from the City Clerk's Office, the City Attorney's Office, and the City Auditor's Office. Members were also encouraged to speak with their appointing Councilmembers for suggestions and feedback regarding the codes. Furthermore, benchmarking was conducted to assess ethics codes from comparable cities, providing a broader context for the review.

Each panel prepared recommendations, which were then presented to the full Ethics Review Board for additional discussion, consideration, and final approval. This in-depth process aimed to ensure thoughtful revisions and maintain the highest standards in governance, aligning with the ERB's commitment to transparency and accountability.

Highlights from the Current Codes

During the review, it was noted that the City of San Antonio has a clear commitment to Ethics that is evident in the current codes. Examples include:

- The City's Ethics Code applies to all employees, boards and commission members, elected officials, and others who affect our municipal government.
 - This reflects the City's high regard for ethics, as the review found that ethics codes for other cities were applicable to limited individuals – for example only elected officials.
- The City of San Antonio's Ethics Review Board is charter-based.
 - Charter-based boards offer stability and are less susceptible to political interference. This contributes to the long-term independence and effectiveness of the ERB, as well as providing a higher level of credibility.
- Members of the ERB may only serve on the ERB and must be independent of the city.
 - ERB members may not be city employees, elected officials or candidates for office, officers of a political party, decision-makers or policy makers of a candidate's campaign, or a registered lobbyist.
 - By restricting membership, it allows the ERB to operate in an independent and unbiased manner.

Analysis and Recommendations: Ethics Code

The ERB is proposing both administrative and substantive changes to strengthen the Ethics Code. The recommendations are outlined below.

Administrative Changes

The ERB is recommending three administrative changes for the Ethics Code:

- Making all personal references gender neutral (they/their).
- Updating all references to City Council Contract Personnel to reflect their current status as Employees of the Council Aides Corporation; and
- Moving all definitions to the beginning of their associated sections to set the appropriate framework for the reader.

Substantive Changes

The ERB is recommending eight substantive changes for the Ethics Code:

Sec. 2-41: Statement of purpose

- **Proposed Amendment:** Clarify “others whose actions affect public faith in City government” includes actions by any individual acting on behalf of the City (e.g., volunteers, contract/temporary employees).
 - It is important to recognize that actions of anyone acting on behalf of the City impact public faith in City government and as such, should be subject to the City’s Ethics Code.

Sec. 2-43: Conflicts of interest

- **Proposed Amendment:** Provide further guidance in relation to potential conflicts when an employee or official serves on a board or in a decision-making capacity outside of the City.
 - The proposed language offers three specific conditions – if the individual meets all three, they are **not** considered to have a conflict. The conditions include:
 - ✓ The person, as a duty of office or job assignment, serves on such board as a representative of the City;
 - ✓ The person receives no remuneration, either directly or indirectly, for his or her service on such board; and
 - ✓ The primary nature of the business entity is either charitable, nonprofit, or governmental.
- **Proposed Amendment:** Include a restriction that during the first 12 months of service an employee / official may not participate in the making or awarding of a contract to a person or entity that the employee / official was employed by during the prior year.
 - This change is suggested to negate any real or perceived bias (either for or against the entity) because of the prior relationship.

Sec. 2-45: Gifts

- **Proposed Amendment:** Include information regarding the restrictions related to honorariums that fall under Texas Penal Code 36.07.
 - The penal code prohibits public servants from soliciting, accepting, or agreeing to accept an honorarium in consideration for services that they would not have been requested to provide but for the public servant's official position or duties.
 - The clarification is added to distinguish between an “honorarium” that is subject to the restriction under state law and a “gift” that may be allowable under the City’s Ethics Code.

Sec. 2-58: Prohibited interest in discretionary contracts.

- **Proposed Amendment:** Clarify the restrictions related to prohibited interest in contracts by former City officers and employees in the year following their service with the city. Specifically, that the timeframe is related to the awarding of the contract versus seeking / submitting proposals.

- This recommendation is to clarify that the restriction is specifically related to the awarding of the contract by City Council and does not include the timeframe when an award is being evaluated or negotiated.

Sec. 2-59: Disclosure of parties, owners, and closely related persons

- **Proposed Amendment:** Add clarification that required disclosures should be made at the time a proposal is submitted, but no later than 72 hours prior to action.
 - Early disclosure can help determine eligibility and avoid late disqualifications in cases where an individual has a prohibited interest in a contract or has made a prohibited campaign contribution.

Sec. 2-82: Jurisdiction and powers

- **Proposed Amendment:** Expand the ERB’s discretion to accept or decline consideration of **any** alleged violation that has been resolved through other means.
 - As the code currently reads, the ERB has the discretion to accept or decline those items that have been resolved by the City Manager or other government entity which may have oversight of the matter.
 - This recommendation provides the ERB with additional discretion to determine whether a matter requires further review if the alleged violation has been corrected/resolved and sufficient support is provided.

Sec. 2-92: Other obligations.

- **Proposed Amendment:** Notice of the duty to comply with state and federal law should be provided towards the beginning of the Ethics Code instead of at the end.
 - Moving this section to the beginning of the Code will increase awareness that those subject to the City’s Ethics Code and Municipal Campaign Finance Code may also be subject to other requirements and guidelines.

Considered – No Change Recommended

Sec. 2-52: Prohibited interests in contracts.

- **Current Code:** City Officers include members of “More Than Advisory” Boards.
 - The ERB considered whether it would be more appropriate to only offer restrictions that were directly related to the duties of the specific board or commission versus any city contract.
 - Research found that the current restriction is consistent with Local Government Code 171.001(1) - "Local public official" means a member of the governing body or another officer who exercises responsibilities beyond those that are advisory in nature.
- **Current Code:** Economic interest includes ownership of 10% or more of voting stock or fair market value.
 - The ERB considered whether it would be more appropriate to restrict only those individuals with a controlling interest or ownership in an entity.

- Research found that typically a financial interest in a business included ownership from between 1% and 10%.
- Since the code aligned with this range, the ERB found it was appropriate to maintain the current definition.

Sec. 2-56: Subsequent representation of private interests

- **Current Code:** Former City Employees / Officers are prohibited from representation of private interests before the City for two-years after termination of duties.
 - The ERB considered whether a two-year restriction on subsequent representation was appropriate for former City Employee and Officials.
 - Research found this was consistent with the state’s revolving door policies and provided sufficient time to elapse to avoid the perception of any unfair bias.

Sec. 2-57: Prior participation in the negotiation, award or administration of contracts

- **Current Code:** Former City Employees / Officials are prohibited from performing work on a compensated basis related to a discretionary contract that the individual personally and substantially participated in the negotiation, award, or administration of the contract for two-years after termination of duties.
 - Like the restriction under Sec. 2-56, research found this was consistent with the state’s revolving door policies and provided sufficient time to elapse to avoid the perception of any unfair bias.

Sec. 2-58: Prohibited interest in discretionary contracts.

- **Current Code:** Former City Employees / Officers are prohibited from having a financial interest in discretionary contracts for one-year after termination of duties.
 - The ERB considered whether a one-year restriction was appropriate. After discussion the ERB found no compelling reason to change the timeframe. Furthermore, the restriction on contracting reduces any real or perceived bias or advantage for former City Employees / Officers.

Analysis and Recommendations: Municipal Campaign Finance Code

The ERB is also suggesting administrative and substantive changes to enhance the Municipal Campaign Finance Code. Recommendations are as follows:

Administrative Changes

The ERB is recommending three administrative changes for the Municipal Campaign Finance Code:

- Making all personal references gender neutral (they/their).
- Updating references to candidates to provide clarification when the requirement is applicable to both candidates and current officeholders.

- Adding clarification regarding Specific Political Action Committees (SPACs) and whether a requirement is to be applied to all SPACs or only those that are explicitly formed to support or oppose a candidate or officeholder.

Substantive Changes

The ERB is recommending six substantive changes for the Municipal Campaign Finance Code:

Section 2-306: Campaign bank account statements.

- **Proposed Amendment:** Remove requirement to provide copies of bank account statements to the City Clerk's Office.
 - Texas Election Code does not require the Local Filing Authority to maintain copies of campaign bank account statements. Since these may contain sensitive information such as the full bank account number and check copies, it is recommended that this section of the code be repealed.
 - *Note: Although the candidate would not be required to provide monthly bank statements to the City Clerk's Office, Election Code Sec. 254.001 still requires that candidates maintain a record of all reportable activity. If for any reason the information were required for review, it would be the candidate's responsibility to provide requested documents.*

Section 2-307: Electronic filing of campaign finance reports

- **Proposed Amendment:** Remove quarterly campaign finance filings and return to the state reporting requirements of semi-annual submissions and specific pre-election reports.
 - While the ERB does appreciate the increased frequency in transparency when it comes to quarterly reports, it was noted that the additional reports have in some cases caused confusion. Specifically, it may appear that an individual has received or reported duplicate transactions since the contributions reported in the city required quarterly reports must also be included in the state required reports.
 - Consideration was also given to future updates to the online campaign finance reporting system. The addition of a quarterly reporting period would be considered an exception for standard campaign finance software, and as such would likely require additional investment and development costs.

Section 2-308: Political action committees

- **Proposed Amendment:** Allow General Political Action Committees (GPACs) to provide a general notice or a limited statement to the City Clerk's office versus the filing of a full campaign finance report.
 - Since GPACs may contribute to multiple candidates, officeholders, and measures at the state and federal level, this change would allow for reporting at the local level of only applicable municipal transactions.

Section 2-309: Contribution prohibitions.

- **Proposed Amendment:** Prohibit business specific political action committees (PACs) from contributing to candidates and office holders during high profile contract prohibition periods. (This would not be applicable to industry PACs.)
 - Contributions from PACs directly associated with a specific business should be considered as a contribution from the business itself. The purpose of the recommendation is to avoid the perception of “pay to play” or unfair bias in the awarding of a contract for businesses that offer contributions through their PACs.
 - For example, the restriction would apply to XYZ Engineering Firm PAC if they are submitting a proposal for a high profile contract, but would not apply to a contribution made by the American Council of Engineering Companies PAC which is an industry-based PAC.

- **Proposed Amendment:** Prohibit all company board members from contributing during high profile contract prohibition periods.
 - As the code is currently written, only board officers and executive committee members are prohibited from making campaign contributions during the blackout period for high profile contracts. However, all board members have equal interest in the entity and equal influence.
 - Therefore, it is recommended that this section be updated to prohibit all board members (including officers and general board directors) from making contributions during the blackout period.

- **Proposed Amendment:** Prohibit non-profit board members from contributing during high profile contract prohibition periods.
 - Currently, non-profit board officers of 501(c)3, 501(c)4 and 501(c)5, are allowed to make contributions during the blackout period, so long as their service to the board is done on a volunteer basis and without compensation. However, the ERB believes this exception may provide an unfair advantage in cases where a non-profit may be competing with a private entity for the award of a high profile contract.

Considered – No Change Recommended

Sec. 2-302: Limitation of political contributions to candidates or officeholders for Mayor or Council and specific-purpose political action committees

- **Current Code:** Monetary and in-kind contributions to candidates are limited to \$500 / \$1,000 per election cycle.
 - In many cases, the feedback received from stakeholders indicated that maintaining contribution limits helps to reduce actual or perceived influence in government. Since the current limits appear to be sufficient, the ERB is not recommending changes at this time.

Section 2-309: Contribution prohibitions.

- **Current Code:** If the prohibited period for campaign contributions for high profile contracts is violated, the contributor is disqualified from the procurement and the contribution must be returned.

- The ERB considered whether a one-time waiver should be offered for first time infractions. However, after discussion the ERB felt the current rule was appropriate as bidders are informed of this rule on page 1 of the solicitation notice, are informed of the rules as part of the required disclosure paperwork and are provided notice during the pre-submittal conference (attendance optional).
- Additionally, the ERB believes that providing an exception could potentially be perceived as an unfair advantage for those businesses that adhere to the established guidelines.
- *Note: This restriction only applies to high-profile, discretionary contracts.*

Implementation Plan

To ensure a seamless transition, the ERB is proposing the following plan for implementing the recommended changes to the Ethics Code and Municipal Campaign Finance Code.

Timeline: Final revisions should be adopted with an effective date that will allow for a comprehensive communication campaign and ample time for stakeholders to familiarize themselves with the changes.

Outreach Initiative: To facilitate understanding and awareness of the code revisions, it is recommended that staff plan an information campaign, including easy-to-read reference guides outlining the key changes. Targeted audiences for consideration are current and former employees and officials, candidates for office, current city contractors, and registered lobbyists.

Conclusion

To further promote the City's commitment to the highest standards of governance, the Ethics Review Board is proposing revision to both the Ethics Code and Municipal Campaign Finance Code. The recommendations are offered to enhance clarity, formalize current practices, and ensure consistency with state laws. Ultimately, these changes contribute to forging a stronger and more resilient City.

Ethics Code
Recommended Changes

Summary of Recommended Changes to the Ethics Code

Items Considered and Recommended Changes			
2018 Ethics Code		Proposed 2024 Ethics Code Amendments	Justification
EC-1	The Statement of Purpose establishes standards of conduct, disclosure requirements, and enforcement mechanisms relating to City officials and employees and others whose actions affect public faith in City government.	<p>Add clarification that “others whose actions affect public faith in City government” includes actions by any individual acting on behalf of the City (e.g., volunteers, contract/temporary employees).</p> <p style="text-align: right;">Section 2-41</p>	It’s important to note that actions of anyone acting on behalf of the City impact public faith in City government.
EC-2	To avoid the appearance and risk of impropriety, a City official or employee is restricted from taking official action that may affect the economic interest of certain individuals / entities.	<p>Add clarification to 2-43(a)(8) regarding recusal(s) related to board(s) in which an employee or official serves. Amendment to read:</p> <p>An official or employee does not have a conflict in matters where they hold a position as a member of the board of directors or other governing board of a business entity if they meet all of the following conditions:</p> <ul style="list-style-type: none"> a. The person, as a duty of office or job assignment, serves on such board as a representative of the City; b. The person receives no remuneration, either directly or indirectly, for his or her service on such board; and c. The primary nature of the business entity is either charitable, nonprofit, or governmental. <p style="text-align: right;">Section 2-43</p>	Provides further guidance in relation to potential conflicts when an employee or official serves on a board or in a decision making capacity outside of the City.
EC-2a	Restrictions on employees leaving the City (section 2-58) but no restrictions on employees joining the City from having influence on contracts with former employer.	<p>Include a restriction that during the first 12 months of service an employee/official may not participate in the making or awarding of a contract to a person or entity that the employee/official was employed by during the prior year.</p> <p style="text-align: right;">Section 2-43</p>	This change is suggested to negate any real or perceived bias (either for or against the entity) because of the prior relationship.

Summary of Recommended Changes to the Ethics Code

EC-3	City Officials/Employees may not accept gifts offered to influence/reward official conduct. Additionally, they may not accept gifts from individuals doing/seeking business with the city, seeking action from the city, including registered lobbyist with limited exceptions.	Include information / definition regarding the restrictions related to honorariums that fall under Texas Penal Code 36.07. <p style="text-align: right;">Section 2-45</p>	Adds language to be consistent with State Code.
EC-4	Former City Employees/Officers are prohibited from having a financial interest in discretionary contracts for one-year after termination of duties.	Clarify that timeframe is related to the awarding of the contract versus seeking/submitting proposals. <p style="text-align: right;">Section 2-58</p>	Adds clarification based on prior questions.
EC-5	An individual or entity seeking action from the City (contract, zoning change, etc.) must disclose the identity of certain individuals no later than 72 hours prior to City Council action.	Clarify that disclosures should be made at the time the request is submitted, but no later than 72 hours prior to action. <p style="text-align: right;">Section 2-59</p>	Clarifies rules based on prior questions. To review potential campaign contributions during the prohibited period, disclosures are needed at the time the proposals are submitted.
EC-6	The Ethics Review Board has the discretion to accept or decline consideration of an alleged violation that has been resolved by the City Manager, or by a governmental agency or board with jurisdiction over the matter.	Allow Ethics Review Board the discretion to accept or decline consideration of any alleged violation that has been resolved, including by, but not limited, the City Manager, or by a governmental agency or board with jurisdiction over the matter. <p style="text-align: right;">Section 2-82</p>	Increases the discretion of the ERB to not have to accept an alleged violation for formal consideration if the complainant has already sufficiently resolved the issue without it going through the City Manager or other entity with jurisdiction.
EC-7	The Ethics Code supplements applicable state and federal laws.	Notice of the duty to comply with state and federal law should be provided towards the beginning of the Ethics Code instead of at the end. <p style="text-align: right;">Section 2-92</p>	Moving this section to the beginning of the Code will increase chance of notice by the reader.

Summary of Recommended Changes to the Ethics Code

Items considered with no changes recommended			
2018 Ethics Code	Proposed 2024 Ethics Code Amendments	Justification	
EC-8	City Officers include members of "More Than Advisory" Boards.	No changes recommended. <div style="text-align: right;">Section 2-52</div>	Consistent with Local Government Code 171.001(1) - "Local public official" means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), county, municipality ... who exercises responsibilities beyond those that are advisory in nature.
EC-9	Economic interest includes ownership of 10% or more of voting stock or fair market value.	No changes recommended. <div style="text-align: right;">Section 2-52</div>	10% is consistent with other similar codes.
EC-10	Former City Employees/Officers are prohibited from representation of private interests before the City for two-years after termination of duties.	No changes recommended. <div style="text-align: right;">Section 2-56</div>	This is consistent with the State's revolving door policies.
EC-11	Former City Employees/Officials are prohibited from performing work on a compensated basis related to a discretionary contract that the individual personally and substantially participated in the negotiation, award, or administration of the contract.	No changes recommended. <div style="text-align: right;">Section 2-57</div>	This is consistent with the State's revolving door policies.
EC-12	Former City Employees/Officers are prohibited from having a financial interest in discretionary contracts for one-year after termination of duties.	No changes recommended. <div style="text-align: right;">Section 2-58</div>	Similar to revolving door rules, a one-year restriction on contracting reduces any real or perceived bias or advantage for former City Employees/Officers.

Summary of Recommended Changes to the Ethics Code

Administrative Changes	
His/her, he/she	They/Their Throughout
City Council Contract Personnel	Employees of the Council Aides Corporation Throughout
Definitions	Update to provide any definitions within a section at the beginning of the section instead of at the end. Throughout

**Municipal Campaign Finance Code
Recommended Changes**

Summary of Recommended Changes to the Municipal Campaign Finance Code

Items Considered and Recommended Changes		
2018 Municipal Campaign Finance Code	Proposed 2024 Municipal Campaign Finance Code Amendments	Justification
MCFC-1	<p>Businesses seeking high profile contracts are prohibited from giving to candidates during certain prohibited periods. However, PACs directly associated with these businesses are allowed to contribute.</p> <p style="text-align: right;">Section 2-309</p>	<p>PACs directly associated with a specific business entity giving contributions should be considered as a contribution from the business itself.</p>
MCFC-2	<p>Board members of non-profit organizations are exempt from contribution prohibitions on high profile contracts.</p> <p style="text-align: right;">Section 2-309</p>	<p>Standardizes requirements for all entities whether they are for-profit or non-profit.</p>
MCFC-3	<p>Board Officers and Executive Committee members of for-profit companies are prohibited from contributing to candidates during certain prohibited periods for high profile contracts. "Regular" board members are allowed to contribute.</p> <p style="text-align: right;">Section 2-309</p>	<p>Do not distinguish between Board officers and 'regular' Board members as possible influence is equal.</p>
MCFC-4	<p>Campaign finance reporting required by all Political Action Committees.</p> <p style="text-align: right;">Section 2-308</p>	<p>SPACs are formed to support/oppose a specific candidate or ballot measure. All transactions would likely be associated with local filing rules and be applicable to municipal elections.</p> <p>GPACS are formed to support or oppose a particular point of view, not a specific candidate or measure on the ballot. Since transactions may not be limited to the local municipal election, it would be appropriate to have only applicable transactions reported locally.</p>

Summary of Recommended Changes to the Municipal Campaign Finance Code


MCFC-6	In addition to State reporting requirements, the City requires candidates to file quarterly campaign finance reports.	Change to be consistent with State reporting requirements (Semi-Annually & Pre-Election). Section 2-307	Consistency with State rules. No significant benefit to 3-month reporting.
MCFC-8	Copies of campaign bank account statements must be provided monthly to the City Clerk's Office by: <ul style="list-style-type: none"> • Candidates for Mayor or City Council • Office holders • Specific purpose political action committees (SPACs) registered with the City and formed for the purpose of supporting or opposing a candidate for Mayor or City Council 	Remove requirement to provide copies of bank account statements to the City Clerk's Office. Section 2-306	Texas Election Code does not require the Local Filing Authority to maintain copies of campaign bank account statements. Since these records may contain sensitive information such as the full bank account number, check copies, etc. it is recommended that this requirement be removed.

Items considered with no changes recommended

2018 Municipal Campaign Finance Code	Proposed 2024 Municipal Campaign Finance Code Amendments	Justification
MCFC-5	Monetary and in-kind contributions to candidates are limited to \$500/\$1,000 per election cycle. Section 2-302	ERB believes current limits are sufficient. No compelling reasons to change limits.
MCFC-7	If the prohibited period for campaign contributions for high profile contracts is violated, the contributor is disqualified from the procurement and the contribution must be returned. Section 2-309	(Board considered the disqualification provision.) Bidders are informed of this rule through the RFP (page 1 of the RFP), required disclosures in the RFP process, and notified at pre-submittal conference (attendance optional). This section applies only to high profile, discretionary contract. Usually about 40 per year (need stats over last 4-5 years)

Summary of Recommended Changes to the Municipal Campaign Finance Code

Administrative Changes	
His/her, he/she	They/Their Throughout
Portions of the code only reference candidates for Mayor or Council.	Update to provide clarification when the requirement is applicable to both candidates and officeholders. Throughout
References to specific-purpose political action committees (SPACs) are not clear in all parts of the code.	Update to provide clarification when the requirement applies to all SPACs registered with the City versus requirements that are specific to those SPACs formed to support or oppose candidates or officeholders. Throughout



Ethics Code & Municipal Campaign Finance Code

Ethics Review Board Recommendations

Mr. Patrick Lang
Chair – Ethics Review Board
January 10, 2024

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Ethics Review Board Members

Mrs. Coda Edith Rayo-Garza	Mayor
Dr. Fred Campbell	District 1
Mr. Patrick Lang (Chair)	District 2
Dr. George Hinojosa Jr. <i>(resigned 12/22/23)</i>	District 3
Dr. Esther S. Gergen	District 4
Ms. Yvette Y. Changuin Humble	District 5
Mr. Efrain Rene Sosa	District 6
Mrs. Roxana V. Vargas	District 7
Mr. James Edmund Reidy	District 8
Ms. Christy Ann Woodward (Vice-Chair)	District 9
Mr. Rodney “Ron” Van Kirk	District 10

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Ethics in Public Service



- Integrity
- Independence
- Impartiality
- Transparency
- Accountability



3

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Review Process



- Two panels
- Reviewed codes from similarly situated cities and the state
- Obtained feedback from key stakeholders
- Final recommendations approved by full ERB



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Benchmarks



- Austin
- Dallas
- El Paso
- Ft. Worth
- Houston
- Phoenix
- State of Texas



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Highlights




- Applicable to all employees, boards and commission members, elected officials, and candidates for office.
- ERB is a charter-based board.
- During service on ERB, members may not serve on any other board and must be independent of City.



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**Ethics Code
Recommended Updates**

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Ethics Code

Administrative Changes

His/Her, He/She They/Their	City Council Contract Personnel Employees of the Council Aides Corporation	Definitions Move definitions to the beginning of each section, as applicable.
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Ethics Code



Section

Sec. 2-41
Statement of
purpose

Proposed Amendment

Clarify “others whose actions affect public faith in City government” includes actions by any individual acting on behalf of the City (e.g. volunteers, contract/temporary employees).

Justification

It’s important to recognize that actions of anyone acting on behalf of the City impact public faith in City government.

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Ethics Code



Section

Sec. 2-43
Conflicts of
interest

Proposed Amendment

Clarify recusal(s) related to board(s) in which an employee or official serves.

Justification

Provides further guidance in relation to potential conflicts when an employee or official serves on a board or in a decision-making capacity outside of the City.

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Ethics Code



Section

Sec. 2-43
Conflicts of
interest

Proposed Amendment

Include a restriction that during the first 12 months of service an employee / official may not participate in the making or awarding of a contract to a person or entity that the employee / official was employed by during the prior year.

Justification

This change is suggested to negate any real or perceived bias (either for or against the entity) because of the prior relationship.

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Ethics Code



Section

Sec. 2-45
Gifts

Proposed Amendment

Include information regarding the restrictions related to honorariums that fall under Texas Penal Code 36.07.


Justification

Adding this language maintains consistency with State Code.

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Ethics Code




Section	Proposed Amendment	Justification
<p>Sec. 2-58 Prohibited interest in discretionary contracts.</p>	<p>Clarify that timeframe is related to the awarding of the contract versus seeking / submitting proposals.</p>	<p>Adds clarification based on prior questions.</p>

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Ethics Code



Section	Proposed Amendment	Justification
<p>Sec. 2-59: Disclosure of parties, owners, and closely related persons</p>	<p>Clarify that disclosures should be made at the time the request is submitted, but no later than 72 hours prior to action.</p>	<p>Adds clarification based on prior questions. To review potential campaign contributions during the prohibited period, disclosures are needed at the time the proposals are submitted.</p>

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Ethics Code



Section

Sec. 2-82
Jurisdiction and
powers

Proposed Amendment

Allow ERB the discretion to accept or decline consideration of any alleged violation that has been resolved through other means.

Justification

Increases the discretion of the ERB on the acceptance of an alleged violation if the complaint has been resolved and sufficient support is provided.

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Ethics Code



Section

Sec. 2-92
Other obligations.

Proposed Amendment


Notice of the duty to comply with state and federal law should be provided towards the beginning of the Ethics Code instead of at the end.

Justification

Moving this section to the beginning of the Code will increase chance of notice by the reader.

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**Municipal Campaign Finance Code
Recommended Updates**

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Municipal Campaign Finance Code 

Administrative Changes

His/Her, He/She	References to candidates	References to SPACs
They/Their	Update to provide clarification when the requirement is applicable to both candidates and officeholders.	Clarify when the requirement applies to all SPACs versus those SPACs formed to support/oppose candidates or officeholders.

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Municipal Campaign Finance Code



Section

Section 2-306
Campaign bank
account statements.

Proposed Amendment

Remove requirement to
provide copies of bank
account statements to the
City Clerk's Office.

Justification

Texas Election Code does
not require the Local
Filing Authority to maintain
copies of campaign bank
account statements.

These records may
contain sensitive
information such as the
full bank account number
and check copies.

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Municipal Campaign Finance Code



Section

Section 2-307
Electronic filing of
campaign finance
reports

Proposed Amendment

Change to be
consistent with State
reporting requirements
(Semi-Annually &
Pre-Election).

Justification

Consistency with State
rules. No significant
benefit to 3-month
reporting.

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Municipal Campaign Finance Code



Section	Proposed Amendment	Justification
Section 2-308 Political action committees	<p>Require SPACs to file campaign finance reports with the City Clerk's Office.</p> <p>Provide option for GPACs to provide a general notice in writing to the City Clerk's office versus full campaign finance report.</p>	<p>Limits reporting to applicable municipal transactions.</p> <p><i>(Note: GPACs may contribute to multiple candidates, officeholders, and measures at the state and federal level. SPACs are specific to local/municipal candidates, officeholders, and measures.)</i></p>

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Municipal Campaign Finance Code



Section	Proposed Amendment	Justification
Section 2-309 Contribution prohibitions.	<p>Prohibit business PACs from contributing to candidates and office holders during high profile contract prohibition periods.</p> <p><i>(Note: Restriction is specific to PACs directly related to the business entity and not industry PACs.)</i></p>	<p>PACs directly associated with a specific business entity giving contributions should be considered as a contribution from the business itself.</p>

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Municipal Campaign Finance Code



Section

Section 2-309
Contribution
prohibitions.

Proposed Amendment

Prohibit all company
board members from
contributing during high
profile contract prohibition
periods.

Justification

Do not distinguish
between board officers
and 'general' board
members as possible
influence is equal.

23

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Municipal Campaign Finance Code



Section

Section 2-309
Contribution
prohibitions.

Proposed Amendment


Prohibit non-profit board
members from
contributing during
high profile contract
prohibition periods.

Justification

Standardizes
requirements for all
entities whether they are
for-profit or non-profit.

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Next Steps

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Next Steps

- Consideration by City Council.
- Final revisions to be adopted with an effective date that will allow for a comprehensive outreach campaign and ample time for stakeholders to familiarize themselves with the changes.



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Ethics Boards / Commissions

	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	Yes	Board of Ethics	Yes	
Phoenix	No	Ethics Commission	Yes	

Ethics Review Board Independence

Charter

- City Charter provides for the establishment of an independent Ethics Review Board.
- Charter provides specific requirements for ERB appointments. Members may not be:
 - City employees
 - elected officials
 - candidates for office
 - officers of a political party
 - registered lobbyists. [Charter Sec. 166]
- Charter also provides the ERB with the power to request independent counsel to advise and represent the Board, when appropriate or necessary to avoid a conflict of interest. [Sec. 167(c)(10)]
- A decision of the Ethics Review Board is final unless the person aggrieved by the decision appeals to the State District Court in Bexar County no later than thirty days after the date the Board renders the decision. [Charter Sec. 168]

Ordinance

- Ordinance further restricts membership so that an individual appointed to the ERB may not:
 - serve as a member of any other City board or commission
 - serve as a member of a board in which the position is appointed by City Council. [City Code, Sec. 2-81(d)]
 - Ordinance specifies an ERB member must recuse themselves from:
 - Any case in which, because of familial relationship, employment, investments, or otherwise, his or her impartiality might reasonably be questioned;
 - A complaint that the member initiated; and
 - A complaint involving the member of City Council who nominated them. [City Code, Sec. 2-81(g)]
-

Pros:

- Boards established by the city charter are more stable and less prone to political interference. This stability is key for ensuring the Ethics Review Board's long-term independence and effectiveness, and it enhances the board's credibility with the public.
- Specific requirements outlined in ordinance provide for conflict of interest mitigation.
- Membership restrictions further shield the ERB from political influence, enhancing its impartiality.
- The ERB is empowered to request independent outside counsel for advice and representation when necessary, ensuring unbiased legal support.
- The Ethics Review Board's determination is final unless appealed to the State District Court in Bexar County

Cons:

- Members being nominated and appointed by the Mayor and Council could result in actual or perceived biases.
- As a city-appointed board, there's a risk that actions taken by the board may be perceived as favoring the City's interests rather than upholding ethical standards.

Ethics Review Board Appointments

Charter

- Eleven Member – District Board
- The Mayor and each member of the City Council nominate one member of the Board.
- Each nominee shall be confirmed by a majority vote of the City Council.
- Charter provides specific requirements for ERB appointments. Members may not be:
 - City employees
 - elected officials
 - candidates for office
 - officers of a political party
 - registered lobbyists. [Charter Sec. 166]
- Members may only be removed from office for cause by a majority vote of the City Council after a public hearing at which the member is provided the opportunity to be heard.

Ordinance

- Ordinance notes that City Council shall support the inclusion of at least one (1) attorney and one (1) individual with expertise in finance or accounting within the membership of the Ethics Review Board.

Notes

- Other models reviewed require board nominations be done by external entities, such as legal, business, civic, and educational groups. The nominees are then appointed by City Council.

Pros:

- The appointment process allows for everyday citizens to serve on the Ethics Review Board, ensuring a broad representation of San Antonio's diverse community.
- Current appointment model provides the opportunity for varied perspectives and experiences to be included, which might be limited under the noted model.
- Restrictions against city employees, elected officials, candidates for office, political party officers, and registered lobbyists serving on the Board maintain a high standard of independence and impartiality.
- Members can only be removed for cause, and only after a public hearing, ensuring a fair and democratic process.

Cons:

- Appointments by the Mayor and Council could result in actual or perceived biases.
- External nominations could reduce direct political influence, potentially leading to a more impartial Board. (Note: While reducing political influence, external nominations might introduce other biases, depending on the nature and interests of the nominating entities.)

Charter Review Commission
Subcommittee Status Report

Subcommittee:	City Council Compensation And Term Length
Charge:	<p>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</p> <p>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</p>
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

COUNCIL LENGTH OF TERMS

CITY	COUNCIL LENGTH OF TERMS INCLUDED IN CHARTER	LENGTH OF TERMS	TERM LIMITS
San Antonio	Yes	2-year terms	Yes – 4 terms
Dallas	Yes	Council Members: 2-year terms Mayor: 4-year terms	Yes – 4 consecutive terms
Houston	Yes	4-year terms	Yes – 2 terms
Fort Worth	Yes	2-year terms	No
El Paso	Yes	4-year terms	Yes – 10 total years
Austin	Yes	2-year terms	Yes – 2 consecutive terms
Phoenix	Yes	4-year terms	Yes Mayor: 2 terms C. Member: 3 consecutive terms
San Jose	Yes	4-year terms.	Yes – 2 consecutive terms
Philadelphia	No, city code	4-year terms	No
San Diego	Yes	4-year terms	Yes – 2 terms
Corpus Christi	Yes	2-year terms	Yes Mayor: 4 consecutive terms C. Member: 2 consecutive terms

TERM LIMITS

CITY	TERM LIMITS	CHARTER LANGUAGE
San Antonio	Yes – 4 terms	<p>No person shall be eligible to hold any elected office for more than four full terms and shall not be placed on the ballot for election to any term if service for the full term would constitute a violation hereof. For the purpose of this section, the office of Mayor shall be considered a separate office from other Council places.</p>
Dallas	Yes – 4 consecutive terms	<p>A person who has served as a member of the city council other than Place 15 (Mayor) for four consecutive two-year terms shall not again be eligible to become a candidate for, or to serve in, any place on the city council except Place 15 (Mayor) until at least one term has elapsed.</p> <p>A person who has served two consecutive terms as a member of the city council, Place 15 (Mayor), shall not again be eligible to become a candidate for, or to serve in, Place 15 (Mayor) on the city council until at least one term for Place 15 (Mayor) has elapsed.</p>
Houston	Yes – 2 terms	<p>Except as otherwise provided herein, no person shall be eligible to be elected to more than two four-year terms in the same City elective office.</p>
Fort Worth	No	
El Paso	Yes – 10 total years	<p>No Mayor or Representative may hold such office for more than a total of ten years throughout their lifetime.</p>
Austin	Yes – 2 consecutive terms	<p>(A) Except as provided in subsection (C), a person may not be elected to or serve in the office of mayor for more than two consecutive terms, and a person who has held the office of mayor for more than two years of a term to which some other person was elected mayor may not be elected to the office of mayor more than once in succession.</p> <p>(B) Except as provided in subsection (C), a person may not be elected to, or serve on, the city council in a position other than mayor for more than two consecutive terms, and a person who has held a position other than mayor for more than two years of a term to which some other person was elected to the position may not be elected to a position other than mayor more than once in succession.</p>

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		(C) A person subject to a term limit with respect to an office may become a candidate for the office and serve if elected if the person's application to be a candidate for the office is accompanied by a petition requesting that the person be authorized to be a candidate and the petition is signed by at least five per cent of the qualified voters of the territory from which the office is elected.
Phoenix	Yes Mayor: 2 terms C. Member: 3 consecutive terms	No person shall serve as Mayor for more than two four-year terms or as Council Member for more than three consecutive four-year terms. This shall not prohibit a person who has served three consecutive four year terms as a Council Member from serving as Mayor nor shall it prohibit a person who has served two four year terms as Mayor from serving as a Council Member, nor shall service of any term or terms of less than four years by election or appointment prohibit a person from serving two four year terms as Mayor and three consecutive four year terms as a Council Member.
San Jose	Yes – 2 consecutive terms	No person who has been elected to the City Council as a Council member in any Council District in the City for two (2) successive four-year terms, after the effective date of this Section, shall be eligible to run for election as a member of the Council in any Council District, nor appointed to serve as a Council member for any additional successive term.
Philadelphia	No	
San Diego	Yes – 2 terms	Notwithstanding any other provision of this Charter, no person shall serve more than two four-year terms as a Council member. If for any reason a person serves a partial term as Councilmember in excess of two (2) years, that partial term shall be considered a full term for purposes of this term limit provision.
Corpus Christi	Yes Mayor: 4 consecutive terms C. Member: 2 consecutive terms	No person shall serve more than four two-year <i>terms</i> consecutively as a council member, or four two-year <i>terms</i> consecutively as mayor, or six two-year <i>terms</i> consecutively in any combination of such offices. A person who has reached the limitation on <i>terms</i> provided in this section shall not be eligible for election or appointment to the <i>city council</i> until three consecutive <i>terms</i> of office for the council have expired.

COUNCIL MEMBER COMPENSATION

CITY	COUNCIL COMPENSATION ADDRESSED BY CHARTER	CHARTER LANGUAGE
San Antonio	Yes	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.
Dallas	Yes	Effective upon the swearing in of city council members in June 2015, each member of the city council, other than the mayor, shall receive as compensation for services the sum of \$60,000 for each year (prorated for partial years) that the member serves on the city council. Effective upon the swearing in as mayor of an individual who did not hold the office of mayor on November 4, 2014, the mayor shall receive as compensation for services the sum of \$80,000 for each year (prorated for partial years) served as mayor on the city council.
Houston	Yes	Each Councilman shall receive as <i>compensation</i> for his services the sum of \$3,600.00 per annum, payable in equal semi-monthly installments, and in addition, all necessary expenses incurred by members of the <i>City Council</i> in the performance of their official duties shall be paid by the City.
Fort Worth	Yes	Commencing on October 1, 2006, each member of the City Council, except the mayor, shall receive as compensation for such member's services the sum of twenty-five thousand dollars (\$25,000.00) per annum and the mayor shall receive as compensation for the mayor's service, the sum of twenty-nine thousand dollars (\$29,000.00) per annum. In addition to the above, all necessary expenses incurred by the City Council in performance of their official duties shall be paid by the city. Nothing herein shall prohibit a council member from waiving the right to all or any part of such compensation or payment of expenses.
El Paso	Yes	Commencing on September 1, 2019, the annual base salary of the District Representatives shall be set at the amount equal to the 2017 El Paso County area median household income as established by the United States Department of Housing and Urban Development or successor agency (\$45,300), and the annual base salary of the Mayor shall be set at one and one-half this amount (\$67,950). Thereafter, on September 1, the base salaries will be revised annually and be set

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		according to the above formula based on the prior fiscal year median income for El Paso County.
Austin	No	(Set by ordinance.) Link to 2022 budget ordinance . Mayor’s base salary is set at \$134,191.00 annually; and the base salary of other Council Members is set at \$116,688.00 annually.
Phoenix	Yes (set by a citizens’ commission on salaries)	The Commission shall, during its term, conduct a review of the rates of pay of elected City officials. Such review by the Commission shall be made for the purpose of determining and recommending pay levels appropriate to the duties and responsibilities of the positions covered by such review. The Commission may hold public hearings to aid in its work.
San Jose	Yes (set by salary setting commission)	Between March 1st and April 30th commencing in 2019, and every five (5) years thereafter, the Salary Setting Commission shall set the amount of base salary which it deems appropriate for the members of the Council, including the Mayor, commencing July 1 of that year. The amount set for each member of the Council shall be the same, except that the amount set for the Mayor may exceed that of the other members of the Council. 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.
Philadelphia	No. City Code addresses compensation	Subject to the cost of living provisions set forth in Section 20-308 , the annual salaries of the elected officials shall be as follows: (1) <i>Salaries of Members of Council.</i> The annual salary of each member of the Council shall be ninety-eight thousand dollars (\$98,000) except that the annual salary of the President of Council shall be one hundred twenty- three thousand dollars (\$123,000) and that the annual salary of the majority leader of Council shall be one hundred five thousand dollars (\$105,000), the majority whip one hundred three thousand dollars (\$103,000), the majority deputy whip one hundred thousand dollars (\$100,000), the minority leader one hundred three thousand dollars (\$103,000), and the minority whip one hundred thousand dollars (\$100,000).

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San Diego	Yes	City elective officers will receive annual salaries based on the salary paid to Superior Court judges by the State of California. The Chief Financial Officer is responsible for determining the State salary of Superior Court judges and for setting and adjusting the salaries of the City Councilmembers, Mayor, and City Attorney, as provided in sections 12.1, 24.1, and 40, respectively.
Corpus Christi	Yes	(a) Each member of the city <i>council</i> , with the exception of the mayor, shall receive as <i>compensation</i> the sum of six thousand dollars (\$6,000.00) during each year of service on the <i>council</i> , such sum to be paid in equal installments throughout the year. (b) The mayor shall receive as <i>compensation</i> the sum of nine thousand dollars (\$9,000.00) during each year of service on the <i>council</i> , such sum to be paid in equal installments throughout the year.

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

Council District & Redistricting

CITY	POPULATION (2020 Census)	# OF COUNCIL DISTRICTS	FORM OF GOVERNMENT	REDISTRICTING PROCESS INCLUDED IN CHARTER (yes/no)
San Antonio	1,434,625	10	Council-Manager	No
Dallas	1,304,379	14	Council-Manager	Yes – advisory commission
Houston	2,304,580	16 – 11 SMD, 5 at-large Per charter , if the population surpasses 2.1M, then the number of districts is increased to 16.	Mayor-Council	No
Fort Worth	918,915	10	Council-Manager	No
El Paso	678,815	8 Charter says if the population surpasses 1M, then council may increase the number of districts to 10.	Council-Manager	Yes – advisory commission
Austin	961,855	10	Council-Manager	Yes - independent commission
Phoenix	1,608,139	8	Council-Manager	No
San Jose	1,013,240	10	Council-Manager	Yes – advisory commission

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Philadelphia	1,603,797	17 – 10 SMD, 7 at-large	Mayor-Council	No
San Diego	1,386,932	9 Districts	Mayor-Council	Yes – independent commission

Redistricting Process

CITY	IN CHARTER? (yes/no)	CHARTER LANGUAGE
San Antonio	No	<p>Sec. 4. - Creation, composition and powers. States (in part): “The boundaries of the districts or wards shall be reexamined and redetermined by ordinance, where appropriate following each succeeding Federal decennial census, or at other times where substantial variances in the number and makeup of the population of districts or wards have occurred, taking into consideration annexations, disannexations, shifts in population, compactness, ethnic composition and other criteria established by law.</p> <p>Link to in section here.</p>
Dallas	Yes – advisory commission	<p>SEC. 5. DISTRICTS AND REDISTRICTING.</p> <p>...</p> <p>(b) Redistricting commission.</p> <p>(1) Not later than 30 days after the city council is briefed on the federal decennial census taken in the prior year, each member of the city council shall appoint one member of the redistricting commission. The mayor shall designate the chair of the redistricting commission, subject to confirmation by a majority of the city council. In making such appointments, the city council and the mayor shall, as nearly as may be practicable, provide fair and balanced representation of all geographical areas of the city in the redistricting process and provide a total membership that reflects the racial and ethnic makeup of the city’s population. Members of the redistricting commission shall be appointed to serve a term that will end upon completion of the redistricting commission’s work.</p> <p>(2) Persons appointed to the redistricting commission must be registered to vote and meet the qualifications for service on a city commission. A member of the city council is not eligible for appointment to the redistricting commission. A member of the redistricting commission is not eligible to be a candidate for a place on the city council in the next succeeding general election of the city, and may not be appointed or elected to the city council or to any other official board or commission of the city for a period of one year after service on the redistricting commission.</p>

		<p>...</p> <p>(4) The redistricting commission shall promptly convene in such sessions as are necessary, including public hearings, to develop, prepare, and recommend a districting plan that proposes the respective boundaries of the various districts comprising the city council under this Charter.</p> <p>(5) City council members may not have contact, directly or indirectly, with a redistricting commission member, or with redistricting commission staff, with respect to redistricting, except by testimony in an open meeting. Redistricting commission members may not engage in any discussions, directly or indirectly, regarding redistricting or the work of the redistricting commission with city council members, except during an open meeting or by written communication given to the entire redistricting commission. If a redistricting commission member engages in a prohibited discussion or violates the Texas Open Meetings Act, the redistricting commission may, by majority vote, remove the commissioner from the redistricting commission.</p> <p>(6) Upon completion of its work, the redistricting commission shall file its recommended districting plan with the mayor. The mayor shall present the recommended plan to the city council at its next meeting. The city council shall adopt the plan as submitted or shall modify and adopt the plan, in either case within 45 days of receipt by the mayor. Any modification or change to the plan must be made in open session at a city council meeting, with a written explanation of the need for the modification or change and a copy of the proposed map with the modification or change made available to the public 72 hours before a vote, and the proposed plan must be approved by a vote of three-fourths of the members of the city council. If final action is not taken by the city council within 45 days after the plan was presented to the mayor, then the recommended plan of the redistricting commission will become the final districting plan for the city.</p> <p>...</p> <p>Link to complete city charter.</p>
Houston	No	<p>Sec. 3. - Establishment of District Boundaries; Determinations of Population. It shall be the duty of the City Council to establish the boundaries of districts covering the entire City for the purpose of electing District Council Members. Such</p>

		boundaries shall be established by ordinance, which shall be final for purposes of this Charter. Link to section here .
Fort Worth	No	§ 3 [COUNCILPERSONS TO BE ELECTED FROM DISTRICTS]. The City Council shall, as often as census data is available, determine as nearly as practicable the population of the respective districts and shall, by ordinance, revise the boundaries of any or all of said districts to maintain a substantial equality of population in each.
El Paso	Yes – advisory commission	Section 2.4 - REPRESENTATIVE DISTRICTS; ADJUSTMENT OF DISTRICTS. ... B. Districting Commission. On or before September 1 next following the publication of the results of each decennial United States census, each Representative shall nominate one qualified voter from his or her district and the Mayor shall nominate one qualified voter from the City at large. Upon approval by the Council, these nominees shall comprise the Districting Commission. The Commission shall elect its own presiding officer. The nominees chosen shall not serve the City in any other capacity, whether appointive or elective, nor shall they hold any other elective public office. The Commission shall make recommendations to the Council concerning adjustments of the boundaries of the Representative districts. Upon receiving the Commission's recommendations, the Council shall review the population of each district, and as soon as possible, shall change the boundaries thereof as necessary to insure substantial equality in the populations of the districts. In addition, the Council may change the boundaries of the Representative districts more often than after each decennial census, as necessary to insure substantial equality in the populations of such Representative districts. All such changes shall be made in a manner which complies with the constitutional principles and laws governing voting rights of the United States and Texas.
Austin	Yes – independent commission	In part § 3. - REDISTRICTING. of the Austin City Charter states: (A)For purposes of this section, the following terms are defined: (1)COMMISSION means the Independent Citizens Redistricting Commission. ...

		<p>(C)The commission shall:</p> <ul style="list-style-type: none">(1) conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines;(2) draw district lines according to the redistricting criteria specified in this section; and(3) conduct themselves with integrity and fairness. This selection process is designed to produce a commission that is independent from influence by the city council and is reasonably representative of this city's diversity. <p>(D) The commission shall consist of 14 members.</p> <ul style="list-style-type: none">(1) Each commission member shall be a voter who has been continuously registered in the City of Austin for five or more years immediately preceding the date of his or her appointment. Each commission member, except the student member described below, shall have voted in at least three of the last five city of Austin general elections immediately preceding his or her application. One commission member shall be a student duly enrolled in a community college or university in the City of Austin and who resides and is registered to vote in the City of Austin.(2) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission in the year following the year in which the national census is taken.(3) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action, including approval of a final plan establishing the boundaries of any council district.(4) Each commission member shall apply this section in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process. A commission member shall be ineligible, for a period of 10 years beginning from the date of appointment, to hold elective public office for the City of Austin. A member of the commission shall be ineligible, for a period of three years beginning from the date of appointment, to hold appointive public office for the City of Austin, to serve as paid staff for, or as a paid consultant to, the City of Austin, the city council or any member of the city council, or to receive a non-competitively bid contract with the City of Austin. This three year ban on having a paid consultancy or entering
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		<p>noncompetitively bid contracts applies to the member individually and all entities for which the member is a controlling person.</p> <p>Link to section in full here.</p>
Phoenix	No	N/A
San Jose	Yes – advisory commission	<p>SECTION 403. Elections by Districts.</p> <p>...</p> <p>Following the taking of each federal decennial census, commencing with the 1980 federal decennial census, the Council shall, by ordinance, redistrict the City into ten (10) numbered Districts.</p> <p>...</p> <p>By no later than February 1 in the year following the decennial census, the Council shall appoint an Advisory Commission whose purpose shall be to study and make appropriate recommendations with respect to such redistricting. This Advisory Commission shall consist of one (1) member from each District, who shall be appointed by the Council member from that District, and a Chairperson chosen from the City at large, who shall be appointed by the Mayor. The membership of the Commission shall be representative of the ethnic make-up of the City at large, to the extent practicable.</p> <p>The Advisory Commission shall conduct at least three public hearings, at various locations in the City, concerning its recommendations regarding District boundaries, and shall submit its report and recommendations to the Council within the time prescribed by the Council. If the Council fails to prescribe a time, the Advisory Commission shall submit its report and recommendations to the Council within one hundred twenty (120) days following its appointment.</p> <p>The Council shall duly consider the report and recommendations of the Advisory Commission and in adopting any redistricting ordinance. However, the Council is required to adopt an ordinance within the period of time required under this Section even if the Advisory Commission fails to provide recommendations or reports as specified in this Section.</p>

		Link to complete city charter .
Philadelphia	No	<p>§ 2-102. Council Districts.</p> <p>...</p> <p>It shall be the mandatory duty of the Council to redistrict the City within six months after the publication by the United States Census Bureau of the population of the City at each decennial census. Each district shall consist of a ward or contiguous wards containing as nearly as possible the population factor obtained by dividing the City's population at the preceding decennial census by ten. At the expiration of the six months period, if the Council shall have failed to redistrict the City as herein required, the councilmembers shall not receive any further salaries until the Council shall have passed and the Mayor shall have approved a redistricting ordinance as herein required or until such ordinance shall have become law without the Mayor's approval.</p>
San Diego	Yes – independent commission	<p>From commission website, “The City Charter requires the creation of a Redistricting Commission at the beginning of each decade, after the U.S. Census, to adopt plans which specify the boundaries of districts for the City Council. This process takes place independently of the City Council and Mayors Office.</p> <p>Districts must be comprised of contiguous territory and made as equal in population as shown by the Census reports, and as geographically compact as possible. It also requires that the districts shall, as far as possible, be bounded by natural boundaries, street lines, and/or City boundary lines.</p> <p>The Charter requires that the districts be drawn to provide fair and effective representation for all citizens of the City, including racial, ethnic, and language minorities. Additionally, to the extent possible, they preserve identifiable communities of interest. The redrawing of district boundaries is designed to ensure local legislatures are representative of the City's diverse population.”</p> <p>See Section 5.1: Redistricting Commission. Link to charter language here.</p>

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