

CITY COUNCIL GOVERNANCE COMMITTEE MEETING

January 21, 2004

4:30 p.m.

City Hall Media Briefing Room

The meeting was called to order at 4:30 p.m. by Chair, Mayor Ed Garza, with the following members present: Perez, Hall, Castro, Schubert; Absent: None.

Staff members present: Erik Walsh, Andrew Martin, Patricia Major, Malcolm Matthews, Melissa Vossmer, Rolando Bono, Yolanda Ledesma, Helen Valkavich

- I. Discussion of proposals to amend the San Antonio City Charter at a May 2004 election as requested by Mayor Edward D. Garza

Discussion took place on the timeline for calling of the Election for May 2004. Decision was made that public input was necessary before any determination of what proposals would be placed on the ballot, and a recommendation was made to have two public hearings in February and both to be held in the evening.

City Attorney Andrew Martin then spoke to the three recommendations of the Citizen Committee on Charter Review which included the following:

- Three 3-year terms
- Compensation which would provide for an increase in Council pay from its current level to 75% of the San Antonio median family as published by U.S. Census Bureau in the last decennial census (currently \$30,998.25) for Council members and 100% of the San Antonio median family for the Mayor - \$41,331.00.
- Removal of lifetime ban.

City Manager Terry Brechtel spoke to the ability to participate in TMRS and the added benefit of health insurance.

City Attorney Martin also noted the effect of the compensation issue with regard to the Mayor Pro Tem as noted in Section 9 of the City Charter.

Mayor Garza directed staff to have options in terms of absence of members at meetings for the following week's meeting.

Councilman Perez stated that his constituents had brought forward the issue of compensation during an absence of a Council member noting that the bulk of Council members' work was done on Thursdays as part of their official duties.

In response to Councilman Hall, Mr. Martin stated there was nothing in the Charter presently to address the absence issue, however consideration could be given to have an amendment on the Charter to address it to allay any concern.

Governance Meeting

January 21, 2004

Page 2

He further reminded Committee members that each proposition on the ballot must be capable to be effective on its own merit, and that there would be a challenge in how to propose the language on the ballot.

Mayor Garza recommended that options be provided to address language on per meeting amount.

Mr. Martin also spoke to the section on the Charter that would address the Assistants to the Council, 9A, noting he was utilizing the present ordinance model in place for the hiring of aides. He then addressed issues of the Ethics Review Board, Section 166 where it cites the terms, qualifications, Section 167 with regard to termination of City official or Employee's duties.

Ms. Helen Valkavich spoke to the process to issue binding opinions.

Mr. Art Downey, Chair of Ethics Review Board (ERB) concurred with the recommendation as presented.

In response to Mayor Garza, Ms. Valkavich cited the Ethics Advisory Opinion No. 427 which deals with gift restrictions; complaints filed with ERB, based on findings of facts, noting that appeals would not go to Council but rather the District Court.

In response to Mayor Garza, Ms. Valkavich recommended that the ERB be an independent Board.

In response to Councilman Castro, Mr. Martin stated that the ERB would assess the fines/sanctions, the appeal recourse would go to District Court, Council could dictate the amount of fines by ordinance.

Councilman Castro stated he felt this was the best and effective process to follow.

Ms. Valkavich clarified the recommendation on binding opinion.

In response to Mayor Garza, Mr. Martin clarified on the grounds for removal of a member.

In response to Councilman Hall, Mr. Art Downey spoke to the appellate process to Council at the present time, and the number of cases before City Council where fines were imposed.

In response to Councilman Schubert, Mr. Martin stated that if a person refuses to appear before ERB, presently the Council cannot authorize police to have someone picked up, with the proposed amendment it can be taken to court for judicial determination.

In response to Mayor Garza, Ms. Valkavich, stated that officials and employees cannot be required to attend the ERB hearing.

Councilman Schubert expressed concern with subpoena power being given to an appointed body.

In response to Councilman Hall with regard to the City's municipal court judges handling these cases, Mr. Martin stated that they needed to be classified as Class B misdemeanor in order to have judicial review.

In response to Mayor Garza regarding the City's ERB, Ms. Valkavich stated that most other jurisdictions model each other, and that with the proposed amendments San Antonio's would be the strongest within Texas.

In response to Mayor Garza regarding the lobbyist issue, Mr. Martin cited Section 141 of the Charter.

In response to Councilman Schubert regarding campaign finance irregularities, Mr. Martin stated that violation of state law is enforced by the appropriate authorities, and that the ERB would enforce local issues.

Councilman Schubert reiterated that anything in addition to the state provisions would be to the local authority.

Mayor Garza emphasized the importance of the appointments to the Ethics Review Board by City Council.

Councilman Perez made a motion to keep this proposition in the ballot. Councilman Hall seconded the motion. Committee members concurred with the recommendation.

Mr. Martin then spoke to Section 9A addressing at-will status, noting the key issue was the prohibition of employees regarding political activities.

Discussion took place on the regular city employees vs. at-will employees, noting that City employees are hired by the City Manager.

City Manager Brechtel stated that an ordinance would be maintained to govern the number of assistants and the salaries.

Councilman Castro emphasized that Council should have the flexibility to hire the number of staff members they needed.

Councilman Perez made a motion to move forward with the recommendation. Councilman Hall seconded the motion. Committee members concurred with the recommendation.

Councilman Perez stated there was a memo to members of the Subcommittee to discuss issues on campaign reform, and the need to address as a group. He stated he would like some feedback.

Mayor Garza reiterated the timeline for the election.

II. AGENDA PLANNING ITEMS

- B. Briefing regarding the clarification of the City's Ethics Code regarding gifts presented to City officials for distribution to the community, as requested by Councilman Enrique M. Barrera; Presented by Andrew Martin, City Attorney; Terry M. Brechtel, City Manager

Ms. Valkavich, cited Ethics Opinion #427, noting that if a gift is given to a public servant, and the public servants decide who it goes to, the gift is given to the elected official – for charitable purposes, then the gift is subject to reporting requirements. She stated that the value of the gift needs to be assessed, and whether it is a tangible item with pecuniary value.

Councilman Schubert cited as an example the wristbands given during the carnival to the various Council members in order for them to give out to the needy children in the community.

City Manager Brechtel stated that determination needs to be made on how to distribute these such items.

Councilman Perez reiterated that it was still unclear as to what Council can do.

Ms. Valkavich stated that if gift is treated as a donation on behalf of City, it does not constitute a gift, but if Council accepts the gift personally, then an issue could be raised. She gave examples of how a gift could be given where it is not a direct gift, such as being honored by a book, honorary donations are not an issue. Ms. Valkavich further clarified that ownership control where the official determines what to do with the donation is an acceptance of gifts.

Discussion continued on Council members' concern on various items given to the Council to be distributed to those people needing the help, or other items where needy people would not otherwise have the opportunity to enjoy, i.e. football tickets, wrestling tickets, etc.

City Manager Brechtel recommended that a letter with respect to City policy be developed to indicate where Council members can go to distribute such items and thereby cover legal issues.

Councilman Schubert recommended to utilize the Office of the City Clerk as a means to maintain documentation on such donations.

Mr. Martin stated that clarification would be made as to gifts Council will not be able to accept, and also make recommendations if so desired as to which organization those gifts could be directed to.

Mayor Garza recommended that the gift policy be amended to address these types of gifts.

- II. C. Briefing regarding the clarification of definitions stated in Ordinance #96754 related to professional services, as requested by Councilman Art A. Hall; Presented by Ramiro Cavazos, Director of Economic Development; J. Rolando Bono, Deputy City Manager.

Councilman Hall made a motion to refer to Council Committee on Economic Development. Councilman Perez seconded the motion. Committee members concurred with the recommendation.

- D. Briefing regarding the development of the Japanese Tea Garden/Sunken Garden Theater area of Brackenridge Park, as requested by Councilman Carroll W. Schubert; Presented by Malcolm Matthews, Director of Parks and Recreation; Christopher Brady, Assistant City Manager.

Councilman Perez made a motion to refer to Quality of Life Committee. Councilman Hall seconded the motion. Committee members concurred with the recommendation.

- E. Briefing regarding Boards and Commissions, as requested by Council members Richard Perez, Art A. Hall, and Christopher "Chip" Haass; Presented by Yolanda Ledesma, Acting City Clerk; Erik J. Walsh, Assistant to City Manager

Councilman Perez spoke to the purpose of the recommendation, and that they could work as a subcommittee to address the issue of boards.

- A. Briefing regarding the revision of the neighborhood association registration policy, as requested by Councilwoman Patti Radle; Presented by Emil Moncivais, Director of Planning; Jelynn Burley, Assistant City Manager.

Councilman Perez made a motion to refer to Urban Affairs Committee. Councilman Hall seconded the motion. Committee members concurred with the recommendation.

Meeting was adjourned at 6:00 p.m.

Mayor Edward Garza, Chairman

**Yolanda Ledesma
Acting City Clerk**