

City of San Antonio



City Council Special Session

No in-person access for this meeting

Tuesday, September 8, 2020

2:00 PM

Videoconference

ROLL CALL

City Clerk Tina Flores took the Roll Call noting a quorum with the following Councilmembers present:

PRESENT: 11 - Mayor Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage, and Perry

1. Staff presentation of the FY 2021 Proposed Budget focusing on, but not limited to, the following City Departments or Initiatives: [Erik Walsh, City Manager; Scott Huizenga, Director, Management and Budget]

A. OFFICE OF THE CITY CLERK

City Clerk Tina Flores presented the Fiscal Year (FY) 2021 Proposed Budget for the Office of the City Clerk (OCC). She stated that the total proposed budget was \$6.4 million and noted that the increase was due to the Elections Budget. She stated that the OCC budget was \$4.4 million in FY 2020 with a total of 35 positions, five of which were currently vacant. She noted that the Municipal Archives and Records Facility had adapted to social distancing guidelines with the addition of 6-foot distancing markers on the floor, closing several intake windows, and reducing the number of occupants allowed in the building. She noted the addition of several hand-sanitizing stations throughout the building. She stated that in the OCC Return to Work Plan additional measures were required for the safety of employees working in the cramped administrative offices such as the addition of plexiglass and small pony walls in between each of the ten workstations.

City Clerk Flores stated that approximately 29,000 birth records and 17,000 death records were registered every year. She noted that the revenue for the Vital Records Division was nearly \$1.8 million since 2013 when OCC took over the management of Vital Records. She stated that revenue in 2019 had been its peak at close to \$2 million, which was attributed to the passage of the REAL ID Act that required individuals renewing a driver's license to provide a certified birth certificate to receive a compliant driver's license. She noted that the Passport Division had closed in March 2020 due to the COVID-19 pandemic, but Vital Records services were still available by appointment and by mail. She reiterated the need to re-open the Passport Division and noted the high volume of calls received each day regarding Passport processing services.

City Clerk Flores discussed the creation of a Records Management Committee and noted its essential

work specifically regarding the move to City Tower and the newly renovated City Hall. She mentioned that there were representatives on the Committee from the following Departments: Information Technology Services Department, Human Resources, Metro Health, City Attorney's Office, Planning Department, San Antonio Public Library, Development Services Department, Public Works, and the Finance Department. She noted that the Committee would assist in implementing updated policies, procedures, and Administrative Directives to incorporate various things including, but not limited to emails, text messages, and social media.

City Clerk Flores provided an update on the Records Management & Archives Division. She stated that the warehouse was roughly 60,000 square-feet and on average 65 boxes were stored in the warehouse per month. She noted that almost 500 boxes were destroyed monthly, which equated to approximately 9 tons of records that were shredded, picked up by the Solid Waste Department, and sold as recyclable material. She stated that FileNet was currently utilized for storage and records management and that a new bar code system was being implemented. She mentioned the need for a space management system and acknowledged ITSD's assistance in creating such a system.

City Clerk Flores mentioned that the digitization of records was ongoing and there were currently over 500,000 images in the OCC Digital Collection. She recognized the Trueheart Maps as the oldest maps in the collection which were dated from the late 1800s. She noted that the Trueheart Maps were currently being digitized and finding aids created as they were highly requested and utilized because they established the settlement of the City of San Antonio.

City Clerk Flores presented the Elections Budget and noted that the City would have two propositions on the November 2020 ballot. She outlined Proposition A as the Pre-K 4 SA Initiative and Proposition B as the Workforce Initiative and noted that \$900,000 was budgeted for those initiatives to be on the ballot. She mentioned that VIA would also have an initiative on the November 2020 ballot for an Advanced Transportation District. She mentioned the next election in May 2021 as the General Election for the Mayor and City Council with a probable Run-Off Election in June 2021.

City Clerk Flores mentioned the assortment of Ceremonials provided by OCC and noted that there was a decrease in requests for such documents due to COVID-19. She discussed the importance of and displayed ethnicity and gender data for Boards and Commissions. She noted the limitations of the current Boards and Commissions system but stated that a Request for Competitive Sealed Proposal (RFCSP) had been released that would include many different systems such as a new Boards and Commissions system and a new City Council voting system.

City Clerk Flores thanked Councilmember Treviño for initiating the ID Recovery Program. She noted that OCC worked in collaboration with the Department of Human Services and SAPD as well as non-profits such as the Immaculate Heart of Mary Catholic Church, Corazon Ministries, Catholic Charities, and Haven for Hope. She explained that House Bill 123 passed and became effective in September 2019 which allowed for free birth certificates for homeless youth up to the age of 21. She noted that to date the Vital Records Division had provided 10 free birth certificates to those that qualified under HB 123. She noted her intention to work with the Government and Public Affairs Department to add to the Legislative Agenda the expansion of HB 123 to include all homeless individuals, regardless of age.

B. OFFICE OF THE CITY AUDITOR

City Auditor Kevin Barthold stated that the mission of the Office of the City Auditor was to facilitate

government accountability to the Citizens of San Antonio through non-partisan, fact-based, independent, objective assessments of City programs, activities, and functions. He noted the most important factors were that the Office of the City Auditor remained independent and objective and that reporting to City Council directly helped with the work performed by their office. He indicated that there were 23 full-time employees in the department with three Audit Managers and five or six Auditors assigned to each manager. He noted that 74% of his staff held at least one audit-related professional certification and 47% of his staff held advanced degrees, most being master's degrees in accounting, business, or IT.

Mr. Barthold outlined four performance measures that were annually presented to City Council. He stated that the FY 2020 goal was 36 audit reports but noted that they likely would not reach that goal due to the fact that eight of his staff members had been deployed to assist on the COVID-19 Response Team. He mentioned that only two staff members were currently working on COVID related projects but that they would be back in the Auditor's Office by the end of the month.

Mr. Barthold stated that another performance measure was the percentage of audit recommendations that were accepted by management. He noted that this demonstrated their ability to work with management and present reasonable and attainable recommendations regarding improvement of processes, etc. He noted a third performance measure regarding the percentage of time devoted to conducting audits. He also reiterated the last performance measure was the percentage of audit staff with at least one professional audit-related certification.

Mr. Barthold stated that the FY 2021 Proposed Budget did not increase and remained the same as FY 2020 at \$3.1 million. He stated that the Office of the City Auditor was a service organization and that 84% of the budget were for personnel-related expenses. He reiterated the importance of their service and noted that the Budget had remained consistent for several years.

C. MUNICIPAL COURT

Presiding Judge Carla Obledo described the San Antonio Municipal Court as the court of record that operated as the judicial branch of the City of San Antonio. She noted that the Court handled Class C misdemeanors which were fine-only offenses established by State Law and arising under city ordinances. She mentioned that the Court also had civil jurisdiction for the purposes of enforcing some city ordinances. She stated that prior to COVID-19, the Court serviced 900-1,000 citizens per day. She noted that since COVID-19, the Court was forced to change their approach and reimagine providing court services. She noted that Municipal Court had been closed to the public since March 20, 2020 with most staff working remotely. She noted that although the Court was closed to the public, they were still operating and adjudicating cases daily.

Presiding Judge Obledo stated that when she was appointed Presiding Judge, her goal was to rely on technology to make the Court more accessible and they have had to quickly implement this due to the pandemic. She noted the goal was to provide for the protection of court staff and the community while balancing the need for accessibility and accommodating those who do not have access to technology. She mentioned that prior to the pandemic, the Court had procedures in place for citizens to conduct their court business through regular mail, e-mail, and Attorney Connect which is a remote plea bargain system for attorneys, prosecutors, and judges to discuss client cases.

Presiding Judge Obledo stated that in response to the pandemic, the Court implemented or enhanced several processes, such as the Call Center. She noted that the Call Center handled over 50,000 calls

between March 2020 and August 2020. She stated that calls were answered Monday through Friday from 8:00 am to 4:30 pm. She noted that the kiosks in front of the Court were available Monday through Friday 8:00 am to 4:00 pm. She noted that bailiffs staffed the kiosks to assist with a variety of cases including but not limited to Domestic Violence Court, DPS hearings, code compliance issues, and juvenile matters. She explained that pre-COVID-19, the Court handled approximately 1,000 emails per month and now were handling approximately 3,500 emails per month. She mentioned a new chat feature on the Court's webpage that allowed live operators to interact with citizens in real-time. She noted a QR code for smartphones to access the Court's webpage and their services. She stated that the Court continued to provide video conferencing for hearings and that non-jury trials would begin late September 2020. She noted the implementation of a Zoom plea bargain process for attorneys unable to resolve matters through Attorney Connect.

Presiding Judge Obledo stated that case filings had decreased not only in San Antonio, but throughout Texas. She noted that she organized a monthly meeting with the Presiding Judges of the larger courts in Texas to strategize about how to respond to the challenges presented by COVID-19. She noted that traffic filings were down by 25%, non-traffic filings were down by 20%, parking filings were down by 7.5%, and civil filings were down 31% compared to FY 2019. She stated that the Court was sympathetic to the plight of citizens during COVID-19 and that in response, the Court had not issued any new warrants.

Presiding Judge Obledo noted that the Court was working with other City departments such as Development Services and Animal Care Services to resolve cases especially regarding compliance and that if a citizen was able to demonstrate compliance, the case was dismissed. She noted that when the Court closed to the public, staff reset many cases for several months for those people to have their cases addressed in person. She stated that due to the persistent pandemic and the need to remain closed to the public, staff had increased the contact-less methods used to handle these cases. She noted that in addition to not issuing any warrants, the Court was also not taking any default judgments.

Presiding Judge Obledo stated that the Court handled Class C domestic violence cases involving assault by contact and threat which were fine-only offenses. She noted however, that convictions on these types of cases could have serious consequences and affect a person's right to possess a firearm, employment, immigration status, and could be used to enhance any subsequent domestic violence offense. She mentioned that San Antonio Municipal Court was the first court in the state to report domestic violence cases to DPS before it became a legal requirement. She stated that a domestic violence warrant resolution campaign was scheduled for the first two weeks in October 2020. She noted that DPS dockets were heard daily and consisted of petitions seeking to suspend drivers' licenses for habitual traffic violations or because they are medically incapable of operating a motor vehicle.

Presiding Judge Obledo stated that Juvenile Case Managers had been busy during the end of the last school year and throughout Summer 2020. She noted that the managers had worked with school districts and reached out through house visits or by phone to students who had not engaged with distance learning. She mentioned that the managers' focus was working with school districts and ensuring that students were registered for distance learning. She stated that the managers also worked with juvenile offenders who had not completed the requirements of their Class C misdemeanors for which they were on probation.

Presiding Judge Obledo stated that the Magistrate Court was a 24/7 operation and did not close. She noted there was no remote-work option for magistrate staff or the Magistrate Court Judges. She

mentioned that the Court continued to provide magistrate services for SAPD on-site arrests, Park Police, Airport Police, and DPS. She reiterated the changes and enhancements made during the pandemic to continue to provide services.

Municipal Court Clerk Fred Garcia presented the FY 2021 proposed budget which was \$14 million. He noted that in total approximately \$12.1 million was earmarked for the General Fund of which \$821,296 was transferred to Special Revenue Funds, specifically the Security Fund, Technology Fund, and Truancy Prevention & Intervention Funds which were managed by the Court utilizing revenue from court costs and fees. He mentioned a \$700,000 grant that was awarded to the Court which was used for Juvenile Case Managers conducting truancy intervention programs and outreach at the local school districts.

Mr. Garcia discussed the Equity Tool and noted some things the Court accomplished in FY 2020 such as, increased number of service options from four to seven. He reiterated that due to COVID-19 the need to increase ways the Court could handle cases was paramount. He stated that at the beginning of the pandemic, Presiding Judge Obledo responded quickly with the use of standing orders to allow staff working remotely to handle cases via telephone as if they were in person.

Mr. Garcia commended the Juvenile Case Managers for their work with the Department of Human Services as they assisted the homeless community this summer. He also praised the Court Judges and staff as they provided services during the pandemic and assisted those who were in need. He noted that pre-pandemic, the Court assessed individuals' ability to pay, language barriers, and other hardships that might disadvantage some citizens. He noted that the equity goals for FY 2021 were to utilize demographic data to provide additional case resolution opportunities for communities in need and develop a workflow continuous improvement team dedicated to effective and efficient processing of all citations. He noted this team would look through each step of a case and determine if processes could be improved and would help the entire Court function more efficiently.

Mr. Garcia noted that the next generation of kiosks would include multiple city departments in the services provided through the kiosk such as Neighborhood & Housing Services Department and the Department of Human Services. He noted another equity goal was to provide opportunities for professional advancement of staff and focus on lower-tiered staff to provide training programs and professional development to promote advancement within the organization. He also mentioned the need to look for any pay disparities among women in their workforce.

Mr. Garcia stated that the Court was awarded the 2019 Municipal Court Traffic Safety Award. He mentioned that it was a program that was worked on year-round to promote traffic safety for the community and the Court staff. He noted several other City departments and non-profit organizations that assisted in advertisement for traffic safety. He stated the Court was also awarded the 2020 Employer Traffic Safety Award from the National Safety Council. He noted that the Court was one of only two Municipal Courts in Texas to receive the award.

Councilmember Treviño noted his support of the multi-service kiosks citywide and mentioned the need to include the Right to Counsel Program as well as the 10 legal kiosks that he requested. He stated that several high-traffic areas in which the kiosks could be of use such as libraries, community centers, and Haven for Hope. He asked of prosecutors' request for a dedicated investigator. City Attorney Andy Segovia responded that his office had a dedicated investigator in the past and would work on a job description and recommendation that could be made to the City Manager. Councilmember Treviño

stated that the Right to Counsel Program could be expanded to include some Class C offenses such as assaults that could have major impacts on someone's life.

Councilmember Treviño mentioned the ID Recovery Program and thanked City Clerk Flores for participation in the program. He noted that one of the major barriers for homeless individuals was identification and that most of these processes such as applying for a job and assistance services requiring a birth certificate. He requested an additional \$30,000 in the City Clerk's Budget to accommodate for the price of an estimated 1,000 birth certificates for the ID Recovery Program. He stated that he had spoken to Representative Diego Bernal about sponsoring legislation that would expand HB 123. He asked the City Clerk to discuss the Passport Program. City Clerk Flores stated a Passport Card was very useful and inexpensive as it was widely accepted as a form of identification and citizenship. She noted that her office could assist with verification of citizenship through their birth certificate which they could then use to purchase a passport. She mentioned that this service could be used in connection with the ID Recovery Program, but the City fee would need to be waived and funds would need to be allocated for the State fee that would need to be paid for those qualified homeless individuals.

Councilmember Treviño requested an audit of the Risk Mitigation Fund and stated that it would assist in the understanding of how those resources were utilized.

Councilmember Andrews-Sullivan asked of the ability to request birth and death certificates online. City Clerk Flores stated that online purchases were not directly offered by her office, but birth certificates were available for purchase through a third-party company that charges an additional fee and verifies identity through the DPS system. She noted that in connection with some initiatives requested by Councilmember Treviño, they were assessing creating online options as well as using the DPS system to verify identity. Councilmember Andrews-Sullivan asked of the status of the new Boards and Commissions System and requested a vacancy report for her council district. City Clerk Flores stated that the RFCSP was issued and final review of the submissions would be completed by the end of September 2020. She mentioned that a Board and Commissions vacancy report would be sent to the Mayor and Councilmembers following the meeting.

Councilmember Andrews-Sullivan asked if an audit would be performed on the COVID-19 Cares Act Funds that were received. Mr. Barthold stated that an audit would be performed on all four pillars of the COVID-19 Community Recovery and Resiliency Plan which would cover most of the Cares Act Funds received by the City. He noted that when the external auditors conducted their annual audit, they would also cover some of those Cares Act Funds.

Councilmember Andrews-Sullivan inquired if during the outreach conducted by Juvenile Case Managers, they were providing information regarding services that could be of use to parents and students. Presiding Judge Obledo stated that the Juvenile Case Managers provided referrals to resources depending on the need and providing information regarding all available resources to the schools.

Councilmember Pelaez asked if Jeff Coyle could give a brief synopsis of what the Intergovernmental Relations (IGR) Committee was doing about the upcoming 2020 State Legislative Program. Mr. Coyle noted that the IGR Committee was now a joint Committee between the City of San Antonio and Bexar County and that the Committee had discussed the expansion of HB 123 to be more inclusive of all homeless and to add more resources to assist the homeless.

Councilmember Pelaez inquired of how the Audit Plan was determined and whether it was focused on audits that were statutorily required or audits requested by the City Council. Mr. Segovia stated that in a large organization like the City, the audit schedule is based on professionally determined risk factors such as looking at the activities of the City that could lead to the greatest risk in terms of financial or legal consequences as well as those audits that were legally mandated. Mr. Barthold added that not every request made by Councilmembers resulted in an audit as he was cautious about what audits were conducted to be sure every audit followed the government auditing standards. He noted that most special requests from Councilmembers resulted in review with information or data analysis provided.

Councilmember Gonzales inquired of the progress on the proposed maintenance of the Frank D. Wing San Antonio Municipal Court Building. City Manager Erik Walsh stated that it was discussed as a potential project to be included in the 2022 Bond Program. Councilmember Gonzales asked Presiding Judge Obledo to discuss the shift in how the Court has dealt with providing services in different ways since the pandemic. Presiding Judge Obledo stated the biggest change has been the call center in which citizens could call and discuss their issues with the Court as if they were in the Court in person. She noted another major change was that all hearings since June 1, 2020 have been held remotely via videoconferencing. She mentioned that after the Court reopens, she would like to minimize foot traffic with only those contesting violations and those requesting jury trials.

Councilmember Rocha Garcia asked Mr. Barthold to discuss how his staff has assisted with the COVID-19 response. Mr. Barthold stated that his staff had been deployed to various city departments such as the San Antonio Police Department to assist with developing policies and procedures, inventory and tracking of COVID-19 related expenses. He noted that some of his staff was redeployed to the Finance Department assisting with expense tracking, expense assessment, and inventory management.

Councilmember Rocha Garcia asked of the Truancy Committee that was created in 2014 but had not met in some time and if Presiding Judge Obledo would consider resurrecting the Committee considering the Court's work with the school districts and the Juvenile Case Managers. Presiding Judge Obledo stated that she would consider it especially because of distance learning and the need arising for such a committee. Councilmember Rocha Garcia requested a meeting with Presiding Judge Obledo later to discuss an individual's ability to pay fines or court fees particularly during the pandemic and lower income council districts.

Councilmember Viagran requested that the Municipal Court Judges receive implicit bias training and equity training as part of the standard operating procedure. She also requested that the City Clerk's webpage be transparent and updated with Boards and Commissions information regarding when there were vacancies on Boards and the process from application to appointment for those vacancies.

Councilmember Perry asked for clarification from City Clerk Flores regarding the decrease of services and revenue but an increase in the overall proposed budget. City Clerk Flores stated that the increase was primarily due to the Elections Budget increase of \$900,000. She noted the decrease in revenue was due to COVID-19 and the closure of the Passport Division and decrease in Vital Records production as they were only processing vital records requests made by mail or appointment and no longer servicing many walk-ins. Councilmember Perry requested that Presiding Judge Obledo look at the Municipal Court Budget to determine if more cuts could be made as the caseload had been dramatically decreased due to the pandemic.

Mayor Nirenberg stated that transparency was always paramount and the need for accessibility to City

Council agendas, minutes, votes, and audio/video of meetings had never been greater than during the pandemic. He noted the need to monitor contracts in connection with ordinances and make that process more user-friendly and transparent. He requested staff investigate more remote options regarding public participation in the City Council meetings to continue even after in-person meetings resume. He noted his agreement with Councilmember Rocha Garcia regarding penalizing with violations those who do not have the ability to pay fines and suggested a more restorative approach as opposed to punitive when the goal of these social distancing guidelines was to keep everyone safe.

ADJOURNMENT

There being no further discussion, Mayor Nirenberg adjourned the meeting at 3:54 p.m.

APPROVED

RON NIRENBERG

Mayor

Attest:

TINA J. FLORES

City Clerk