

GOVERNANCE COUNCIL COMMITTEE MEETING MINUTES

JANUARY 17, 2018 at 12:00 PM
CITY HALL, MEDIA BRIEFING ROOM

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| Committee Present: | Mayor Ron Nirenberg, <i>Chair</i> Councilmember Roberto Treviño, <i>District 1</i> Councilmember Rebecca Viagran, <i>District 3</i> Councilmember Rey Saldaña, <i>District 4</i> Councilmember Ana Sandoval, <i>District 7</i> |
| Staff Present: | Sheryl Sculley, <i>City Manager</i> ; Andy Segovia, <i>City Attorney</i> ; Leticia Vacek, <i>City Clerk</i> ; Kevin Barthold, <i>City Auditor</i> ; Maria Villagómez, <i>Assistant City Manager</i> ; Rod Sanchez, <i>Assistant City Manager</i> ; Michael Shannon, <i>Development Services Director</i> ; Leticia Saenz, <i>Deputy City Clerk</i> ; Camila Kunau, Shreya Shah, & Thomas Filopoulos, <i>City Attorney's Office</i> ; Craig Hopkins, <i>Chief Information Officer</i> ; Jose De La Cruz, <i>Chief Innovation Officer</i> ; Melissa Ramirez & Cat Hernandez, <i>Development Services Department</i> ; Christie Chapman, <i>TCI</i> ; Tina Flores, <i>Compliance Auditor</i> ; Lina Rodriguez, <i>Executive Assistant to the City Clerk</i> ; John Peterek, <i>Assistant to the City Manager</i> ; Caitlin Krobot, <i>City Manager's Office</i> ; Brandon Smith, <i>Office of the City Clerk</i> ; Susy Romero, <i>District 3 Staff</i> ; Greg Jefferson, <i>District 7 Staff</i> |
| Others Present: | Natalie Griffith & Michael Taylor, <i>Habitat for Humanity</i> ; Amanda Keammerer, <i>SA Chamber of Commerce</i> ; Iris Dimmick & Emily Royall, <i>The Rivard Report</i> ; Josh Baugh, <i>SA Express News</i> ; Joey Palacios, <i>Texas Public Radio</i> ; Casey Whittington, <i>Citizen</i> |

CALL TO ORDER

Mayor Nirenberg called the meeting to order.

1. Approval of Minutes for City Council Governance Committee Meeting of December 12, 2017.

Councilmember Saldaña moved to approve the Minutes of the City Council Governance Committee Meeting of December 12, 2017. Councilmember Viagran seconded the motion. The motion carried unanimously.

2. Consideration of At-Large Appointments to the Planning Commission (9 Applicants) [Leticia M. Vacek, City Clerk]

City Clerk Leticia Vacek presented background information for the consideration of At-Large Appointments to the Planning Commission. She referenced Mayor Nirenberg's memorandum establishing the Planning Commission Subcommittee to address the high number of Planning Commission applications received by the Office of the City Clerk. It was noted that the City Clerk facilitated the convening of the Subcommittee and the selection process. The Subcommittee comprised of Councilmembers Viagran, Saldaña, Gonzales, and

Sandoval, selected nine applicants to be interviewed at the next Governance Committee meeting. Mayor Nirenberg added that each Governance Committee member was permitted (but not required) to add one applicant to the list of interviewees, if not previously recommended by the Subcommittee. Mrs. Vacek reiterated that there are currently four slots available with terms of office to expire October 6, 2019 and two of the applicants seeking reappointment were selected for interview.

Mrs. Vacek stated that on December 14, 2017, the Planning Commission City Council Subcommittee convened and recommended the following nine applicants to be interviewed by the Governance City Council Committee:

1. Michael A. Garcia, Jr. (D8) (applied for re-appointment)
2. Casey J. Whittington (D10) (applied for re-appointment)
3. Sarah M. Olivarez (D1)
4. Paola S. Fernandez (D2)
5. Mycheryl Russ (D2)
6. Alvaro R. Arreola, Jr. (D3)
7. Jessica Brunson (D3)
8. Louis Boffa (D5)
9. Coda E. Rayo-Garza (D7)

Mayor Nirenberg thanked to the City Clerk and staff for facilitating the process and to Councilmember Treviño for his Council Consideration Request (CCR) concerning the diversity of the Planning Commission. He expressed excitement for the community engagement for this process and the increased number of applicants. He encouraged each Governance Committee member to consider adding another name for consideration.

Councilmember Viagran stated that the Subcommittee was successful in reviewing all the applications and submitting nine applicants for interviews. She noted that the majority of the applicants were geographically from Districts 8, 9, and 10. She reiterated the need for more geographical diversity and submitted applicant Connie Gonzalez for consideration.

Councilmember Saldaña specifically noted zero applicants from District 4. He stated that he would look for a District 4 resident to bring forth for consideration.

Councilmember Treviño noted that in studying the demographics of the Planning Commission he found that a majority of the members lived North of Oblate Drive. He noted the increased interest and possibility for geographic diversity.

Councilmember Sandoval thanked the City Clerk for facilitating the selection process and Councilmember Treviño for his CCR regarding the Planning Commission. She also expressed the importance of other types of diversity, such as gender and ethnicity.

Mayor Nirenberg submitted applicant Christopher Victoria for consideration. He further encouraged his colleagues to consider adding an additional name for consideration and interview in February.

Councilmember Viagran moved to forward the slate of applicants including Connie Gonzalez (D3) and Christopher Victoria (D10) for interviews at the February Governance meeting, with the understanding that other names may be submitted. Councilmember Saldaña seconded the motion. The motion carried unanimously.

3. A briefing and possible action on the Mayor's Request for Review and Recommendations regarding Agency Agreements. [Andy Segovia, City Attorney; Kevin Barthold, City Auditor]

City Attorney Andy Segovia presented the Mayor's Request for Review and Recommendations regarding Agency Agreements. He stated that the Mayor specified several topics for review: (1) to review standard contract provisions in City Agenda funding agreements to protect public dollars in City agency funding agreements; (2) to prepare provisions in contracts with non-profits so that significant contracts and real estate transactions are procured in a manner that is ethical and in accordance with policies that promote transparency and integrity of the contracting process; (3) to prepare recommendations to ensure that decisions made by City formed non-profit or quasigovernmental organizations are subject to the review and jurisdiction of the Ethics Review Board; and (4) to develop an annual training program for executives and board members regarding oversight responsibilities, especially with respect to City funds and transparency.

Mr. Segovia referenced the Mayor's memorandum that cited approximately 275 local, non-profit organizations that receive roughly \$115 million of City Funds for support of their operations. He outlined certain provisions that are currently in all Agency Agreements that protect City funds. Such as, (1) disbursement provisions that usually require the non-profit to expend their own funds and then provide the City with invoices before they receive reimbursement; (2) audit provisions that provide the City with an opportunity to audit the non-profit, and insurance provisions that require these non-profit entities to provide the City with proof that they have the appropriate insurance policies; (3) indemnity provisions that protect the City from being liable for illegal actions of the non-profit; (4) general compliance with law provisions that mandate the non-profit to follow all applicable federal, state, and local laws; and (5) termination for cause provisions which allow the City to terminate the contract if the City feels they are not fulfilling the contract.

Mr. Segovia stated that the Offices of the City Attorney and City Auditor have identified the following items for implementation that will increase the protection of public dollars, transparency, and integrity in the contracting process: (1) inclusion of appropriate fiscal, risk management and ethics provisions in City funded contracts; (2) inclusion of contract provisions that require non-profits and City funded agencies comply with state and local procurement statutes, including City procurement policies; and (3) development of an annual on-line or in-person training, completion or attendance at which is required by board members and executives in order to receive City funds. Additionally, the City Attorney's Office and City Auditor's Office will determine the best approach to require any newly formed City non-profit organization or quasi-governmental organization to be subject to the review and jurisdiction of the Ethics Review Board.

Mayor Nirenberg reiterated that the work of non-profits cannot be understated but his main concern when submitting this memorandum was to create a standard and uniform contracting process, expectations, governance, and oversight. He thanked Messrs. Segovia and Barthold for their continued review of the contracting process and protection of City funds.

Councilmember Viagran noted the Delegate Agency process and asked of the status of additional recommendations through that process. Mr. Segovia stated that they would have more recommendations after and throughout the Delegate Agency process. She requested the inclusion of additional reporting and the blackout period among Delegate Agencies. She also requested a comprehensive list of all the quasi-governmental agencies. Lastly, she also requested a review of how these recommendations would affect the P3 and TIRZ Boards.

Councilmember Saldaña noted the need for cooperation with City and non-profit staff. He stated his caution in putting too much restriction on smaller non-profits and unintentionally hindering the good work of these entities. Mr. Segovia agreed with Councilmember Saldaña and reiterated that there will need to be a review of all entities individually for large and small non-profits in accordance with their purpose.

Councilmember Treviño noted the importance of relationships with the various entities and the people they serve. He stated that he looked forward to further recommendations.

Councilmember Sandoval noted her support for further review and recommendations. She inquired if these entities are being prioritized. Mr. Segovia noted that quasi-governmental agencies will take priority as they are closest to the City and will require more extensive review.

Mayor Nirenberg agreed that there is a higher standard for the entities created by the City in order to uphold the best standard of governance and oversight.

No action was necessary for Item #3.

- 4. A briefing and possible action on a Council Consideration Request directing ITSD to begin the process of, and lead the effort in, creating a shared data program with all local area governmental agencies and municipally owned utilities. [María Villagómez, Assistant City Manager; Jose De La Cruz, Chief Innovation Officer, Office of Innovation].**

Assistant City Manager Maria Villagómez presented a CCR directing ITSD to begin the process of, and lead the effort in, creating a shared data program with all local area governmental agencies and municipally owned utilities. Mrs. Villagómez recommended that the CCR be forwarded to the newly formed Innovation & Technology Council Committee and that they utilize the SmartSA strategy as the program to initiate a data sharing/data management plan between the City, CPS, SAWS, VIA, the San Antonio River Authority, Bexar County and the Bexar County Appraisal District.

Councilmember Treviño stated that he looks forward to seeing the work that the Innovation & Technology Council Committee will do with the CCR. He noted the need for the public to have access to vital information to help provide clarity in governance. He noted the sharing of information and the public access of said information will increase public participation.

Councilmember Treviño moved to forward the CCR to the Innovation & Technology Council Committee. Councilmember Viagran seconded the motion. The motion carried unanimously.

Next Scheduled Meeting: February 21, 2018.

Mayor Nirenberg reported that the next Governance City Council Committee Meeting will be held on February 21, 2018.

ADJOURNMENT

There being no further discussion, Mayor Nirenberg adjourned the meeting at 1:09 pm.

ATTEST:

Ron Nirenberg, Mayor

***Leticia M. Vacek, TRMC/CMC/MMC
City Clerk***