

SAWS Act PAC

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www.SAWSAct.org • email: Contact@SAWSAct.org

To: Candidates for City Council and Mayor, 2021

From: SAWS Act PAC

Date: 3/2/21

Re: Questionnaire – due 3/9/21

Please return this questionnaire in a word document, with your name and telephone number to us at contact@SAWSAct.org. Please use this background (“FAQs”) piece to inform you.

Please do not hesitate to contact us with any concerns and for additional information.

Thank you for answering our questionnaire. SAWS Act PAC

SAWS Act PAC Questionnaire – May 2021 Election

Candidate Name: Mark A. Vargas Jr.

Office You Are Seeking: City Council, District 3

Your website address: <https://mark4sa.com/>

Your social media address: Facebook- <https://www.facebook.com/mark4sa>

Twitter- <https://twitter.com/mark4sa>

Instagram- Mark4SA- <https://www.instagram.com/mark4sa/>

1. Please tell us which, if any, of the 5 provisions of the SAWS Accountability Act, listed below, you support. Please feel free to add a comment, but keep to no more than 500 words.

Provision 1, General Manager Salary & Benefits & Term

Compensation, including salary and non-cash equivalents, for the San Antonio Water System General Manager shall be fixed annually by the City Council, and shall not exceed an amount equal to ten (10) times that of the lowest paid fulltime SAWS employee in the same period. The term of the General Manager shall automatically terminate after 8 years in office and the SAWS Board of Trustees may recommend a replacement to the City Council, however the Council must replace the General Manager within 30 days after the expiration of the incumbent’s term. A General Manager may be retained for up to one additional 4-year term by a retention election placed on the ballot by the Council or by petition, and held no later than 30 days after such term expiration.

- yes, I support part of this provision
 no, I do not support this provision

Comment: *I support parts of this provision. I believe we can and should have a salary cap for the SAWS CEO, especially when we have consistently been in times of crisis and instability. I do not support instituting an eight-year max for the position. My reasoning behind this is because we have*

one of the largest water and sewer systems in the country, and that means experience and stability are important. It is not easy to find someone who may have the wealth of experience or knowledge necessary to lead our system. I would be concerned with having high turn-over in a relatively short amount of time, at least in the context for SAWS, where some projects and deals can take decades. I think expanding the terms to three or even four four-year terms can at least help with a stable transition. City Council should reserve the right to end the contract of the SAWS CEO if at any point they see fit.

Provision 2: Term Limit Enforcement for Board of Trustees

The SAWS Board of Trustees is appointed by the City Council and in like manner may be terminated. Trustees are limited to two four-year terms, and may not hold over or otherwise continue in office more than 30 days after the expiration of their first or second term. A Trustee eligible for reappointment shall be reappointed within such 30-day period. Any Trustee who serves out an unexpired portion of two or more years of another Trustee's term shall be considered to have served a full term.

yes, I support this provision
 no, I do not support this provision

Comment: I do support this provision. Currently, they are already limited to no more than two four-year terms. City Council should appoint and step-in when necessary to remove any board member. It is also important that stay diligent and have any successors lined-up within that 30 Day Period.

Provision 3: Legislative & Regulatory Lobbying

The City Council shall deliberate in open session and approve, by a two-thirds majority vote, all recommendations by the SAWS Board, General Manager or staff regarding legislative or regulatory priorities, including support or opposition thereto. Neither the SAWS Board nor the General Manager or the staff shall directly or indirectly lobby or advocate for legislation or regulatory policies at the Local, State or Federal level absent prior approval from the Council. After completion of their term, Trustees and the General Manager are prohibited from working for the City or SAWS, or representing others before the City or SAWS for a period of four years

yes, I support part of this provision
 no, I do not support this provision

Comment: I support the part of the provision that would prohibit the SAWS CEO, and trustees from working for the city and I would even expand upon this that it should work vice-versa. I do disagree with having the City Council vote and approve of what the Board might recommend. The reason behind this is because I believe this makes the whole process redundant. The Board is appointed by City Council members with strict rules over how they qualify for appointment. After this, they are charged with policy recommendations and approving the acts of leadership. To put that process back into Council, when they can be focused on other policy areas, after they have already approved of these individuals is not beneficial.

I do want to add, as councilman, I will always keep focus and support transparency when it comes to all factors of our city, something that I strongly believe San Antonio struggles with. I will not be afraid to call out any instance or policy that I believe would be harmful to our residents, environment, or overall water system.

Provision 4: Ethics

The SAWS Board and General Manager are subject to Federal, State, and Local ethics requirements as applicable and may be removed by the City Council for violations by a majority of Council members present and voting.

yes, I support this provision
 no, I do not support this provision

Comment: I wholeheartedly agree. If there is just cause and evidence that a Board member has not honored their oath when they took office, City Council deserves the ability to remove said member. We cannot compromise our ethics when it comes to our public water system. As I stated earlier, I will always do my best to fight for the best interests of our community.

As an individual who has not ran, nor held public office before, the only people that I will owe anything to are the residents of District 3, should I be elected.

Provision 5: Performance audits of \$1B or more projects before signing and including Vista Ridge

Existing projects and future projects, including related contracts and documents, that individually or in combination exceed \$1 billion shall undergo an independent performance audit within one year of adoption of this Charter Amendment or within one year of execution, as applicable, and in each case every five years thereafter. The City Council may determine that a shorter audit term is necessary. Federally mandated projects are excluded from such audits. The Vista Ridge Project and related agreements are specifically subject to performance audit and all other provisions in this Par. 5. The performance audit shall conform to Generally Accepted Government Auditing Standards (GAGAS) for performance audits and shall include: (1) a management audit; and (2) an economic impact audit. The management audit shall determine the extent to which the project's governance and management structure creates risks to the City, SAWS, or SAWS ratepayers, and the extent to which these risks have been mitigated by insurance, bonds or other means. The economic impact audit shall include findings regarding the costs and benefits associated with the project, including without limitation long-term environmental impacts, reliability of the particular source of supply, and impacts on communities that depend upon that supply. The Council shall solicit and select qualified independent auditors in response to public requests for qualifications. Independent auditors must not have direct or indirect ties, financial or otherwise, to the City or County governments, including SAWS, CPS Energy, or any entity controlled directly or indirectly by the City. The Council will conduct a minimum of two public hearings before the selection of any independent auditors. All audits shall include a determination that recommendations and representations by SAWS employees or consultants to the SAWS Board and/or Council that relate to a particular project were correct or have been fulfilled and if not, provide specific findings regarding the discrepancy. The selection of an independent auditor shall not be done by means of a consent agenda. Government Accounting Standards Board accounting standards (GASB) shall apply to all SAWS contracts and project documents adopted after the effective date of this amendment unless waived by the Council based on specific findings of public benefit. Contracts awarded by the

Council for independent performance audits shall not exceed \$150,000 plus .000104 multiplied by the project's value, unless waived by the Council based on specific findings of public benefit.

yes, I support this provision
 no, I do not support this provision

2. Will you commit to sponsoring – within the first 30 days of your election -- an ordinance for an independent performance audit of the Vista Ridge water pipeline project as outlined in Provision 5 of the SAWS Accountability Act?

yes
 no

Comment: I am open to an independent audit of Vista Ridge, as well as future projects that SAWS might choose to undertake. As I mentioned previously, I believe our city has a transparency problem and SAWS could have handled this better. The reason why I have selected no to this question is because I have three main issues that are my top three priorities if elected to council and I cannot guarantee that I would sponsor such an initiative within 30 days and it would not be fair for me to say so. My priorities are:

- 1. COVID Vaccine Dispersal and Relief- District 3 has been hit hard by the pandemic, with the majority of cases and deaths happening in our neighborhoods. Now, we are dealing with issues with vaccine distribution where many of the vaccines have gone to residents on the North Side, with little having gone to sites on the South and West sides. We need to make sure the process is even, and all residents have equitable access to a vaccine. It is important that we disburse as much relief as possible for our small businesses and unemployed workers who have lost their jobs because of the pandemic. We still have over 100,000 citizens in the city alone who have not gone back to work. It is promising that we are seeing more aid come for the federal government, but our city needs to be sure to use these funds properly*
- 2. Accessible City Wi-Fi- As a college and career readiness counselor, I witnessed firsthand how the pandemic turned the world of so many families, upside down. Something as simple as an internet connection became a luxurious necessity. After losing their jobs due to decreased business operations, many of them struggled to pay their bills. It was one thing to make sure our student had laptops, it was another ensuring it could connect to the internet. I believe San Antonio needs free equal and equitable city Wi-Fi and I propose we can start this process in District 3. I want to make sure that every park within our area is a Wi-Fi Hub, while also ensuring we are covering some of our lowest connected areas.*
- 3. Revitalizing our District- This pandemic has hit District 3 hard, with our side of town having the most infections and deaths within the city. Too many businesses have closed their doors, too many people have lost their job, and too many families have lost a loved one. I believe my district needs a full-time councilman who will fight for them. I strongly believe that if can accomplish the above, while also focusing on what makes our side of town so special, we can have the future of San Antonio run through District 3. We are home to opportunity and promise, with many businesses big and small building here. We also have world class colleges, and this is only the start. Not to mention the UNESCO World Heritage sites in our San Antonio Missions, D3 represents the deep history and our optimistic future for the city.*

3. We believe City's fight against the SAWS petition has made a case for a stronger SAWS Accountability Act in the future – to “put the public back into our public utilities”. Will you join us in a call to elect the SAWS Board and to guarantee representation on the Board for all ratepayers, including those who live outside San Antonio? (Keep in mind we support geographic districts, otherwise known as single member districts, not at-large districts).

yes
 no

Comment: This is an interesting position and I do understand the premise of the provision, but after a lot of thought, ultimately, I cannot support this. I do not want to see the politicization of our SAWS Board, and if they are duly elected, it can become more difficult to remove them from the job, (a recall process that would require more signatures), whereas with the city council, who are already elected by the voters, removing board members if they deem necessary. By having elections for our SAWS Board, we risk having officials who would not keep the best interests of the community at heart. Furthermore, I would be worried about outside Super PAC money supporting elections of those who wish to seek a very powerful position. While Board members currently do tend to come from a specific group of people, I think there is a lot of benefit to having environmentalists or water scientists, some who have been appointed in the past, have the ability to be appointed, without having a massive campaign.

4. Do you support the right to petition for a public vote on city charter amendments, guaranteed by Texas Constitutional Amendment for Home rule since 1912? If so, would you support a public inquiry into the expensive legal actions taken by the City, SAWS and CPS in attempt to thwart petitioners for SAWS and CPS accountability, and will you pledge to call for such an inquiry within 30 days of your election? (For background use [this article in the San Antonio Report](#), outlining the litigation filed and withdrawn by SAWS before the Court was likely to rule against them. Note that CPS petitioners are also now appealing their case.)

yes
 no

Comment: Yes, I do support any citizens right to push for charter amendments. It does concern me that public utilities would use legal help, outside of the country to try and fight specific provisions and assist in certain matters. Again, I will not guarantee an inquiry in 30 days, as I have lined out my main issues already, but I do want to learn more on this matter. I would add that I believe organizations like SAWS ACT PAC place needed pressure on elected officials. My pledge to all people and organizations is that I will always come to the table to discuss policy and issues, especially if it means we can find common ground to work together on.

Mark A. Vargas Jr.