

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: Rob Rodriguez

Office You Are Seeking: City Council District 8

Your website address: www.RobFor8.com

Your social media address: <https://www.facebook.com/Robfor8>

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 this provision

no, I do not support this provision

yes/no, I support some of this provision

Comment:

- a. Term of employment.
 - i. SAWS must be considered a business first and foremost. As such, you want to hire and retain the best possible leadership. If a candidate is found to be extremely successful over a number of years you should not want to end such leadership in such an arbitrary way.
- b. Salary.
 - i. In thinking about hiring and retaining quality leadership, competitive salary should always be a top priority. Given that this is a public utility that has “affordable water” as one of its key objectives, there are obviously going to be limits to this salary for several reasons:
 - 1. Budgetary constraints.
 - 2. Pay relative to similar positions.
 - 3. General Public perception.
 - 4. Staff perception of pay inequalities.
- c. Response
 - i. I have a split response to the issues:
 - 1. YES Salary capping/incentive bonus model of some kind.
 - 2. NO term limits.
 - ii. I would suggest splitting these into two separate provisions to be voted on at a future time.

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.

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

Comment:

- a. Term of appointment.
 - i. Rules of appointment to the board are (I believe) set by City Council/City government.

ii. As these rules are unambiguous, they should be followed as written. (why have rules if they are not to be followed?).

b. Response

i. I have no issue with this provision

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 this provision

no, I do not support this provision

yes/no, I support some of this provision

Comment:

1. General Discussion

a. City Council oversight of SAWS lobbying/regulatory activities.

i. As a general practice, SAWS hires many professionals that work with legislative and regulatory affairs on a daily basis.

ii. In regard to i., SAWS should be allowed to continue:

a. Hiring and retaining experienced legislative and regulatory professionals.

b. Develop and maintain legislative/regulatory relationships independent of City Council.

c. Have flexibility and autonomy to respond quickly to any legislative/regulatory issues.

i. Without having to consult city council.

ii. With the condition that emergency situations will be reported as soon as possible.

d. Continue to respond to minor, non-emergency legislative/regulatory on a daily basis.

iii. SAWS management should, through its normal course of operations, give periodic reports on legislative and/or regulatory issues to City Council or on demand for special issues.

iv. SAWS Management should present a general legislative plan to the City Council and then be allowed to execute this plan accordingly and autonomously.

b. Post-term activities of SAWS CEO/SAWS Trustees.

i. 4 years seems to be arbitrary.

ii. Agree that some time period should be set.

2. Response

a. NO SAWS should be allowed to operate autonomously, coordinate with City Council annually for planning, and report back periodically or as needed.

b. YES Some post term time restriction should be set. 4 Years may or may not be appropriate.

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.

X yes, I support this provision

 no, I do not support this provision

Comment:

1. General Discussion

a. SAWS Board of Trustees/CEO subject to federal, state and local ethics requirements.

i. None.

2. Response

a. I have no issue with this provision.

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
 yes/no, I support some of this provision

Comment:

YES All projects that are in the top 10% cost-wise of all SAWS projects should have special reviews and more frequent feedback as regular course.

No I am committed to full transparency in all governmental activities and would be supportive of co-sponsoring a CCR from a sitting/senior incumbent that would bring forward the necessary audit. If none exists, I will bring forward a CCR within 180 days of taking office. As a junior council member, I would need the necessary time to gain the support of the other council members to make sure that the CCR was successful and the subsequent passage of the ordinance when it came before city council.

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

 X no

Comment:

Foremost, SAWS is a business owned by the city of San Antonio and I do not believe that politicians are the best people to run corporations. The current Trustee representation now is determined from quadrants (4) of the SAWS service area and one from the north and south (2) sections of the service area. Perhaps what can be done is to replace the northern and southern representatives with people from the municipalities serviced by SAWS. These representatives can be determined on a rotation basis and can be approved by their respective municipalities and confirmed by the San Antonio city council.

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

 X yes/no, I support some of this provision

Comment:

YES I support the citizens right to petition changes to the city charter. I would be supportive of an ordinance that, in conjunction with the performance audit, looked at the legal expenses undertaken by SAWS in this matter.

NO I am committed to full transparency in all governmental activities and would be supportive of co-sponsoring a CCR from a sitting/senior incumbent that would bring forward the necessary audit. If none exists, I will bring forward a CCR within 180 days of taking office. As a junior council member, I would need the necessary time to gain the support of the other council members to make sure that the CCR was successful and the subsequent passage of the ordinance when it came before city council.