

SAWS Act PAC

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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: Norris Tyrone Darden
Office You Are Seeking: City Council District 2
Website: <https://www.teamdardensa.com/>
Facebook: <https://www.facebook.com/dardenfordistrict2>

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 full time 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

Comment: Not comfortable with the term limit portion of the Provision. This is not an elected position but beyond that from recruitment on an executive level this provision may limit bringing and keeping quality talent to town.

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: Not comfortable with the unexpired portion of the Provision. Two years of a 4 year term isn't full term and triggers 'special elections' and a lack of continuity on a board. As a Board Chair for me this is a critical point. High turnover on a board as important as the SAWS Board is definitely something we need to consider.

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 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

Comment: Most votes that go before Council require a majority vote. I would need more information on why ALL SAWS recommendations would require what we look to be a super majority as opposed to a majority vote.

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:

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 have a 100 day priority plan for District 2 once elected so the first 30 days may be optimistic but I am open to supporting an audit. Transparency is key to public trust and Water is our #1 resource so we MUST regain the trust of the people.

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?

yes
 no

Comment: Not clear on what’s being asked here. Are we saying that SAWS Board members would be presented on the ballot along with council, school board, etc? On the second portion (all ratepayers including those that live outside of San Antonio are we saying that we want to create board elected positions that span countywide and with growth beyond Bexar county?

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 an 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: As stated above I have a 100 day priority plan for District 2 if elected so although I am committed to transparency (public inquiry) and the democratic process (right to petition) so I’m not sure about the first 30 days but I’m definitely in support on whichever timeline presents itself.