

# 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](mailto: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: Patrick Von Dohlen

Office You Are Seeking: San Antonio City Council District 9

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

Comment: The problem might be resolved if the current President/CEO is changed and get a real, non-political expert as President/CEO and then the compensation might not be an issue. The SAWS Board is a non-elected Board of Trustees except for the Mayor. Council should only ratify a fair and reasonable compensation package for non-political, water expert who understands managing a utility and all its facets. Prohibitions should be made to restrain the President/CEO from political donations

that might help promote their ideology and political ascendancy. There is too much overhead, too many expensive outside consultants and studies that might possibly be better completed by SAWS personnel. The current Pres/CEO seems to prefer management by crisis including but not limited to the Consent Decree with the federal government over the SSOs.

As a believer in free markets, I am not a fan of caps that might inhibit the best person to be hired for the job. Yet, it might be best if the President/CEO's pay is tied to performance. For example, if SAWS raises rates that negatively impacts ratepayers, then the President/CEO should not get a raise for 5 years.

If SAWS is unable to provide water to SAWS customers during an emergency, then the President/CEO does not get a pay raise for 5 years.

#### 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: This is a prudential judgment issue. However, if the Term limits are left to two terms and there's no allowance for hold overs then new Trustees should be appointed in such a way to avoid a Trustee's need to hold over after two terms. This has been abused by the current SAWS Board even as late as 2020 when there have been up to 3 people who were still acting in official capacity when their terms had technically expired yet were allowed to continue to act in an official capacity. This 2020 situation of holdovers without Council approval is unacceptable.

#### 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** yes, I support this provision

Comment: Need to make sure that the President/CEO is more practical not political. Need to avoid taxpayer paid lobbyists who can easily misrepresent the interests of the taxpayers and ratepayers.

#### 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** yes, I support this provision

Comment: We must establish which an ethics board that SAWS shall be responsible to. Ethics demands that we avoid weaponizing ethics to suit a politically motivated Pres./CEO. Separations have led to legal gag orders. The Texas Professional Engineers might need to be the ethics board that has oversight over SAWS. However, no ethics boards seem to have jurisdiction over SAWS. This must be corrected.

#### 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

Performance audits are critical to measuring SAWS. There needs to be more accountability of SAWS not less. The deliberation and consequential votes by Council should be done individually for full disclosure, outside of the Consent Agendas so that there is completed disclosure and verifiable information for ratepayers and taxpayers. More accountability of SAWS is necessary not less.

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!** yes  
 no

Comment: Water closer to the SAWS service area has to be much less costly. Vista Ridge seems like a huge boondoggle for someone. Yes!

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**

Comment: Elected representation is always more favorable as it makes for a representative government and more accountability.

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** yes

Comment: The City Charter is our “constitution” for the city and approved by the citizens. It must be followed, adhered to and carried out. It must comply with the Texas state Constitution as the City of SA is a sub-set of the State and SAWS is a sub-set of the city. SAWS must be held accountable to the city and state for the good and benefit of the ratepayers and residents of San Antonio.