

**CITY OF SAN ANTONIO
CITY SOUTH MANAGEMENT AUTHORITY (CSMA)
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Robert Peche, Director

SUBJECT: An Ordinance appointing Ed Garza to the Board of Directors (the "Board") for the City South Management Authority, for the remainder of a two-year term expiring June 30, 2007, and waiving Section 2-402 of the City Code, At-Large Appointments, for this term

DATE: December 15, 2005

SUMMARY AND RECOMMENDATIONS

This item is a request to appoint Ed Garza to the board of directors ("Board") for the City South Management Authority (the "CSMA"), to fill the vacancy created by the resignation of Charles Villafranca. Mr. Garza, if appointed, will serve the remainder of a two-year term, to expire June 30, 2007. This ordinance will also provide for waivers of Section 2-402 of the City Code regarding the process for at-large appointments for this appointee.

Staff recommends approval.

BACKGROUND INFORMATION

One of the goals of the City is to balance San Antonio's growth by attracting new residents and businesses by promoting sustainable development and economic growth in an area rich with environmental, historical, human and economic resources. One method to achieve that goal was the creation of a Municipal Management District called a Defense Adjustment Management Authority in the statutorily eligible area known as City South, under the provisions of Chapter 375 of the Local Government Code (the "Act").

The CSMA was created on May 19, 2005, and is located within the geographic boundaries of the City South, and comprises that land within City South that has been annexed for limited purposes. The CSMA is a governmental entity and a political subdivision of the state of Texas. As such, the Board is granted the power to generate and approve the Authority Plan, which shall detail the plans and design for the development, construction, and financing of eligible projects within the CSMA. The Board may issue notes and bonds with prior approval of the City, but may not levy ad valorem taxes.

The Board consists of 15 members. Six (6) are appointed by the City; six (6) are appointed by the County; and three (3) are collectively appointed by the school districts within the CSMA.

Directors are appointed for two-year terms, which may be staggered, and members may be reappointed to serve successive terms. A vacancy is filled for the unexpired term by the appointing entity. Directors may be removed from office by the City Council after posting notice and holding a hearing. The Mayor and the Bexar County Judge shall alternatively appoint the presiding officer of the Board to a four-year term, with the Mayor making the first appointment. The Board may, at its discretion, elect an assistant presiding officer and any additional officers it considers appropriate.

The Act provides that a majority of the directors of the Authority must meet the qualifications of Section 375.063, which states that to be eligible to serve on the board, a person must be at least 18 years old and at least one of the following:

- An owner of property in the district;
- An owner of stock of a corporate owner of property in the district;
- An owner of a beneficial interest in a trust that owns property in the district; or
- An agent, employee or tenant of one of the above.

In addition, representatives or agents of a school district whose boundaries overlap those of the Authority, or of an institution of higher education that operates facilities within the Authority, may serve on the board.

Section 375.064 contains further requirements for municipal appointees to the board of a Municipal Management District. Specifically, the governing body of the municipality shall make appointments to the board so that places on the board are occupied by persons with experience in one or more of the following areas:

- (1) energy matters;
- (2) commercial banking;
- (3) real estate development;
- (4) finance and insurance matters;
- (5) matters relating to retail or the provision of services;
- (6) provision of utilities; or
- (7) general issues the district will address.

While Mr. Garza does not meet one of the four requirements listed in Section 375.063, a majority of the Board appointed to date do fulfill those requirements as stated in the law. Further, he meets the experience criteria in all seven areas under Section 375.064 from his experience as Mayor of San Antonio.

This ordinance will grant a waiver of Section 2-402 of the City Code, regarding the at-large board appointment process for City Boards and Commissions.

POLICY ANALYSIS

This appointment to the Board will enable the CSMA to further the implementation of City South through land use controls to the area, the facilitation of educational enhancement opportunities in the area and ensure the protection of the investment that has been made in City South.

In July of 2004 the City Council, by Ordinance Number 101119, amended the rules governing the creation and operation of all boards and commissions created by ordinance or resolution passed by the City of San Antonio City Council. These rules apply to this Board, except as provided otherwise by state law.


Due to the unique nature of the Board, and in an effort to comply with this new Ordinance, staff requests that these board appointments be exempted from Chapter 2, Article VIII, Section 2-402 of the City of San Antonio City Code regarding at-large appointments, for these appointees.

FISCAL IMPACT

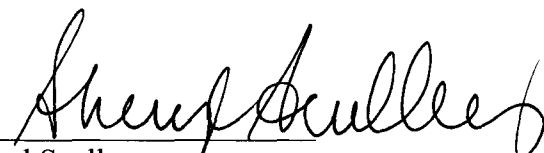
Completion of the board appointments will allow the CSMA to begin operations, which are provided for in the FY 2005-6 Budget.

COORDINATION

This item was coordinated with the City Attorney's Office, Office of Management and Budget, the City Clerk's Office and Planning Department.


Robert Peché,
Director


Jelynn L. Burley
Assistant City Manager


Sheryl Sculley
City Manager

City of San Antonio
Application for Appointment

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05 DEC -7 PM 3: 00

Board/Commission/Committee CITY SOUTH MANAGEMENT AUTHORITY

Name: Former Mayor Garza, Edward David

(Title)

(Last)

(First)

(Middle)

Mailing Address: 1903 West Magnolia Avenue, San Antonio, TX 78201

(Street)

(Zip Code)

Preferred Phone and Fax: (210) 355-8565 (cell)

(Phone)

(Fax)

Employer EDAW Occupation: Senior Associate

Are you or can you be qualified to vote in a City of San Antonio Election? ☒ Yes ☐ No

Are you a City of San Antonio resident? ☒ Yes ☐ No How Long? 37 years

In which City Council District do you reside? District 7 Length of residence: 37 years

Have you ever represented any other private person, group or entity for compensation before the City Council or any department, commission, board or committee of the City within the last three years?

☐ Yes

☒ No

Do you, your spouse or your employer have any financial interest, directly or indirectly in any contract with the City (this includes serving as an Administrative Aide to a Council member)?

☐ Yes

☒ No

Do either you, your spouse or your employer have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or service?

☐ Yes

☒ No

Ordinance 100199 states - appointment to City Boards and Commissions include allowance for proper representation to reflect not only the ethnic makeup of the community, but also its gender makeup. As such, please complete the following optional information.

ETHNIC CODE: ☒ Hispanic

GENDER CODE: ☒ Male

W = Non-Minority

M = Male

H = Hispanic*

F = Female

* = Note that Hispanic includes all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin regardless of race.

B = African American

P = Asian or Pacific Islander

O = Other

I = American Indian/Alaska Native Aleutian

(Revised Feb., 2005)

Former Mayor Garza, Edward David

Name: Former Mayor Garza, Edward David

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Page 2

05 DEC -7 PM 3:00

Do you have any litigation pending or completed within the last 12 months, either personally or professionally, that would affect your ability to fulfill the functions of the board or commission, if selected? If yes, please describe:

No

Have you ever been convicted of violating any federal, state or municipal law, regulation or ordinance? If so, give details. Do not include traffic violations.

No

BACKGROUND

Education: ~~1986 graduate of Thomas Jefferson High School; attended the University of Texas at Austin for two years studying Business Administration before transferring to Texas A&M; 1994 graduate of Texas AM University with a Masters of Science degree in Land Development.~~

Professional: ~~Worked for International Waterfront Group; served as an adjunct professor at St. Mary's University and UTSA; District 7 Councilman from 1997 to 2001; Mayor of San Antonio from 2001 to 2005.~~

Volunteer Experience/Community Service: ~~Served as president of the Jefferson Neighborhood Association; participated in Cellular on Patrol (COP) program; helped distribute hot meals for "Meals on Wheels" program~~

Areas of interest: soccer, jogging and salt water fishing

Have you ever been hired for a position with the City? ☐ Yes ☒ No

If yes, list the department(s) and dates below.

Department: _____
From: _____ To: _____

Reason for leaving City employment: _____

Please specify membership on any other governmental Board/Commission/Committee.

None

(Revised Feb., 2005)

Name: Former Mayor Garza, Edward David

Page 3

Former Mayor Garza, Edward David

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List all Boards, Commissions, Corporations, Non-Profit Entities, Agencies, or other Entities of which you are a member and/or officer and/or employed by, and give the title and dates of any position which you have held in such organization.

Organization: Harrah's Diversity Advisory Committee

Title: Board Member

Dates: April 2004 to present

Organization: _____

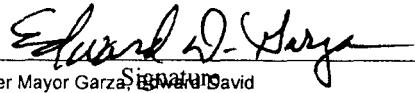
Title: _____

Dates: _____

Please provide a brief narrative outlining your reasons for seeking appointment to a board or commission. (Resume or additional information may be attached.)

~~When I ran for City Council, one of my most important issues was that of balanced growth, especially in the southern sector of our city. By serving on this board, I will work towards achieving my aspiration of attracting and promoting sustainable development and economic growth in the south side of San Antonio.~~

I have read and understand the guidelines set out in Attachment I of this application. The foregoing and any attached statements are true, accurate and complete; and I agree that any misrepresentation or omission of facts may result in my disqualification for appointment.


Former Mayor Garza, Edward David

December 7, 2005

Date

PLEASE RETURN COMPLETED FORM TO CITY CLERK'S OFFICE FOR PROCESSING:

City Clerk's Office
City Hall, 2nd Floor
P.O. Box 839966
San Antonio, Texas 78283-3966
Fax No. City Clerk's Office - (210) 207-6938

(Original copy will be on file in the City Clerk's Office for 12 months.)

Note: All information provided herein or pursuant hereto is considered public record upon receipt.

(Revised Feb., 2005)

Former Mayor Garza, Edward David

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ATTACHMENT I

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As a Board and Commission member, you will be asked to adhere to the following:

1. Ordinance 88874: FINANCIAL DISCLOSURE REPORT

Members are required to abide to the City's Ethics Code and the requirement for each Board and Commission member to file a Financial Disclosure Report upon appointment, and annually thereafter. **Failure to file a Financial Disclosure report will be considered an automatic resignation.**

(Revised Feb., 2005)