

## Presentation, City Council Meeting, November 15, 2018

Ladies and Gentlemen,

I'm Stan Mitchell, the numbers guy for SAMBA, San Antonio Making Bureaucracies Accountable. I will refer briefly to **Revelations** which are posted at our website — [www.samba911.org](http://www.samba911.org)

You recently received SAMBA's emailed **Revelation #36** marked "Urgent" which summarizes reasons for the strong approval of Charter Amendment #2, an outcome expressing "no confidence" in Ms. Sculley's administration. As you evaluate her role, consider two constraints on Mayor Nirenberg's leadership of which you should be aware:

**1.** The Mayor will take charge of the Council's Sculley deliberations, directing you to support the outcome he wants, although our Charter says, "**all powers of the city shall be vested in an elective council...which shall consist of 11 members**, including the Mayor. This reality is reinforced in the 2017 Handbook for Councilmembers published by the Texas Municipal League: "...decision-making is to be exercised by the full council, and the mayor is to be considered the same as any other member of the council for policy purposes." We witnessed the Mayor's intimidation at **Revelation #25** when he unilaterally reorganized the Charter Review Commission. He has done it before; he'll do it again.

**2.** Mayor Nirenberg will refer to Sculley's "contract" but she has no contract, as Attorney David van Os has advised, because Sec. 45, Par. 2 of our Charter says Ms. Sculley is subject to an at-will employment arrangement that gives the Council the power to dismiss her at any time (and by implication) for any reason. Nirenberg may display an Ordinance that uses the words "Sculley" and "contract" but an Ordinance cannot overrule our Charter. An Ordinance is enacted by the Council; the Charter is enacted by the people. We addressed this issue at item **2.** of **Revelation #25.** The Mayor has overruled the Charter with an Ordinance before; he'll do it again.

I have addressed you, members of our Council, because our elected representatives must faithfully represent us and our November 6 "no confidence" vote. We elected our Council; we did not elect Sheryl Sculley.

In closing, I repeat the now-famous quote at the foot of **Revelation #32** —

"Good government is based in good law; the tyrant governs by whim"

Stanley J. Mitchell