



City of San Antonio

Agenda Memorandum

File Number:18-1415

Agenda Item Number: 3.

Agenda Date: 1/17/2018

In Control: Governance Committee

DEPARTMENTS: City Attorney; City Auditor

DEPARTMENT HEAD: Andy Segovia; Kevin Barthold

COUNCIL DISTRICTS IMPACTED: City Wide

SUBJECT:

Mayor's Request for Review and Recommendations re: Agency Agreements

SUMMARY:

This is a briefing by the Office of the City Attorney and the Office of the City Auditor in response to the request from Mayor Ron Nirenberg to review City agency funding agreements. This item gives an overview of the process taken to date in this review.

BACKGROUND INFORMATION:

On November 29, 2017, Mayor Nirenberg delivered a memo asking the City Attorney's Office and City Auditor's Office

1. To review standard contract provisions in City Agenda funding agreements to protect public dollars in City agency funding agreements;
2. To prepare provisions in contracts with non-profits so that significant contracts and real estate transactions are procured in a manner that is ethical and in accordance with policies that promote transparency and integrity of the contracting process;
3. To prepare recommendations to ensure that decisions made by City formed non-profit or quasi-governmental organizations are subject to the review and jurisdiction of the Ethics Review Board;

4. To develop an annual training program for executives and board members regarding oversight responsibilities, especially with respect to City funds and transparency.

The City Attorney's Office and City Auditor's Office have been reviewing contract provisions and applicable City policies on all issues raised in the Mayor's memorandum. The City Attorney's Office and the City Auditor's Office are continuing the survey of existing contract provisions, procurement policies, the Ethics Code, and training programs in coordination with the Finance Department, the Ethics Review Board and the City Clerk's Office for the purpose of recommending adequate protections and instruction and, where appropriate, implementing appropriate changes.

ISSUE:

The Offices of the City Attorney and City Auditor have identified the following items for implementation that will increase the protection of public dollars, transparency, and integrity in the contracting process:

- Inclusion of appropriate fiscal, risk management and ethics provisions in City funded contracts;
- Inclusion of contract provisions that require non-profits and City funded agencies comply with state and local procurement statutes, including City procurement policies;
- Development of an annual on-line or in-person training, completion or attendance at which is required by board members and executives in order to receive City funds.

Additionally, the City Attorney's Office and City Auditor's Office will determine the best approach to require any newly formed City non-profit organization or quasi-governmental organization to be subject to the review and jurisdiction of the Ethics Review Board. This will be discussed with the Ethics Review Board at its next meeting on January 23, 2018.

FISCAL IMPACT:

This item is for briefing purposes only.

ALTERNATIVES:

Governance Committee can provide additional guidance regarding these matters.

RECOMMENDATION:

Staff has begun to implement specific changes to City practices relating to City funded agencies. Staff will brief the Ethics Review Board and request their input on options to require any newly formed City non-profit organization or quasi-governmental organization to be subject to the review and jurisdiction of the Ethics Review Board.