



City of San Antonio

Agenda Memorandum

File Number:18-2929

Agenda Item Number: 3.

Agenda Date: 4/18/2018

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.

ISSUE:

As part of its implementation of increased protection of public dollars, transparency, and integrity in the contracting process, the City Attorney's Office and the City Auditor's Office have:

- Met with the Ethics Review Board on January 23, 2018 to discuss the scope and consequences of subjecting newly formed City non-profit organization or quasi-governmental organizations to the review and jurisdiction of the Ethics Review Board.
- Developed and distributed a survey of current non-profit organizations and boards to determine current practices and opportunities for training development or increased contractual controls where City funding is involved.
- Reviewed subject matter and costs of in-person courses offered in the community to determine feasibility of these options.
- Assessed topics necessary for non-profit organization and board members training to adequately fulfill legal, fiscal and ethical responsibilities; and continued coordination with the Finance Department to identify available external resources and/or supplement existing trainings internally.

The City Attorney's Office and City Auditor's Office continue to conduct their survey of contract provisions within delegate agency, arts agency, grant funded and other non-profit funding agreements. Additionally, the Offices are compiling a list of local government corporations (LGC) and other quasi-governmental organizations that the City has created or over which the City has some oversight or fiscal involvement. The results of the review will be presented at the City Council "B" session related to LGC and non-profit contract compliance.

FISCAL IMPACT:

This item is for briefing purposes only.

ALTERNATIVES:

Governance Committee can provide additional guidance regarding these matters.

RECOMMENDATION:

Staff continues to coordinate with City departments and the Ethics Review Board in assessing and implementing the changes that are necessary or beneficial to protect public dollars and increase transparency, and integrity in the contracting process.