

AGENDA ITEM NO. **59**

CITY OF SAN ANTONIO
OFFICE OF THE CITY COUNCIL
Interdepartmental Memorandum

TO: Mayor and Councilmembers

FROM: Councilman Enrique M. Barrera, District 6


COPIES: Terry M. Brechtel, City Manager; Yolanda Ledesma, Acting City Clerk; Andrew Martin, City Attorney; Milo Nitschke, Director of Finance; Gayle McDaniel, Assistant to City Council; Files

SUBJECT: Agenda Item for City Council Meeting on November 21, 2002
Use of District 6 Contingency Account Funds

DATE: November 12, 2002


I respectfully request concurrence to place on the November 21, 2002 City Council Agenda an ordinance allocating \$500.00 from District 6 Contingency Account to the Native American Center of Texas, Inc. to offset costs associated with National American Indian Heritage month celebrations.

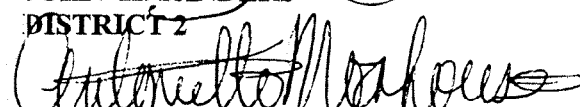
Staff has reviewed and concurs with this action.


ENRIQUE M. BARRERA
DISTRICT 6


EDWARD D. GARZA
MAYOR


BOBBY PEREZ
DISTRICT 1

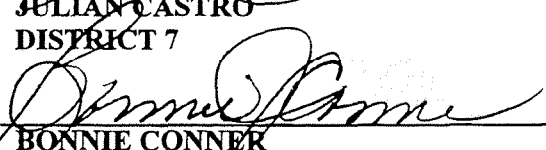

JOHN H. SANDERS
DISTRICT 2



ANTONIETTE "TONI" MOORHOUSE
DISTRICT 3



ENRIQUE "KIKE" MARTIN
DISTRICT 4


DAVID GARCIA
DISTRICT 5


JULIAN CASTRO
DISTRICT 7


BONNIE CONNER
DISTRICT 8


CARROLL SCHUBERT
DISTRICT 9


DAVID CARPENTER
DISTRICT 10

REQUEST FOR
CONTINGENCY ACCOUNT EXPENDITURES
DISTRICT 6

It is important that Council Items requiring the use of district contingency funds not be circulated until the following information is obtained:

1. Name of Organization: Native American Center of Texas, Inc.
2. Address: 2555 Castroville Road, Suite #106
Phone: 210-432-6336
3. Tax Exempt # (if applicable): 74-2911609
4. (a) Amount of Request: \$ 500 (not less than \$100.00).
(b) What other sources of funding does organization have? The Administration for Native Americans (federal) and private business and foundations
5. Purpose of Request (state exactly how funds are to be used, and the public benefit anticipated):
To celebrate National American Indian Heritage Month, meal, and educational presentations.
6. Contact Person: Patricia Newada, Executive Director
Address: 2555 Castroville Road, Suite #106
Phone: 210-432-6336
7. Time Frame/Calendar
Date of Event: November 5 through November 27th, 2002
8. Copy of separate written request attached? Yes ☐ No ☒
9. Does the organization receive other city funds? Yes ☐ No ☒
10. Is the city co-sponsoring the particular event? Yes ☐ No ☒
11. (a) Comments by the City Attorney's Office:
Proposed expenditure advances public purpose of promoting pride among the community
(b) Comments from the Department Director:
[Signature]
Deputy City Director

OFFICE OF THE CITY CLERK
02 NOV 12 PM 12:55

This form should be completed and attached to six-signature memorandum.

City of San Antonio
Discretionary Contracts Disclosure*

*For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2
Attach additional sheets if space provided is not sufficient.
State "Not Applicable" for questions that do not apply.*

** This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.*

Disclosure of Parties, Owners, and Closely Related Persons

For the purpose of assisting the city in the enforcement of provisions contained in the City Charter and the code of ethics, an individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract:

(1) the identity of any **individual** who would be a party to the discretionary contract:

Patricia Newada, Dora Boyd, Bernard Hawk Wing, James Sweeney, David Boudreau, Cynmthia Fernandez, Bettyann Catches and Angela Fernandez.

(2) the identity of any **business entity**¹ that would be a party to the discretionary contract:

none

and the name of:

(A) any individual or business entity that would be a *subcontractor* on the discretionary contract;

none

(B) any individual or business entity that is known to be a *partner*, or a *parent* or *subsidiary* business entity, of any individual or business entity who would be a party to the discretionary contract;

none

(3) the identity of any *lobbyist* or *public relations firm* employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

¹ A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.


Political Contributions

Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any *current or former member* of City Council, any *candidate* for City Council, or to any *political action committee* that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under (1), (2) or (3) above. Indirect contributions by an individual include, but are not limited to, contributions made by the individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, attorneys, or registered lobbyists of the entity.

To Whom Made:	Amount:	Date of Contribution:

Disclosures In Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

N/A		
Signature: 	Title: Executive Director Company: Native American Center of Texas, Inc.	Date: 11-08-02

² For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

Internal Revenue Service

Department of the Treasury

Date: May 18, 2002

Native American Center of Texas, Inc.
c/o Patricia Newada
2555 Castroville Rd. Ste. 106
San Antonio, TX 78237-3366

P. O. Box 2508
Cincinnati, OH 45201
Person to Contact:
Brenda Fox 31-07209
Customer Service Representative
Toll Free Telephone Number:
8:00 a.m. to 6:30 p.m. EST
877-829-5500
Federal Identification Number:
74-2911609
Advance Ruling Period Begins:
September 1998
Advance Ruling Period Ends:
December 31, 2002

Dear Sir or Madam:

This is in response to the amendment to your organization's Articles of Incorporation filed with the state on August 22, 2001. We have updated our records to reflect the name change as indicated above.

Our records indicate that by a determination letter issued in May 1999 your organization was recognized as exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code.

Because your organization was newly created, we did not at that time make a final determination of its foundation classification under section 509(a) of the Code. However, based on information submitted with the application, we classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Code because it can reasonably expect to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

According to this advance ruling, your organization will be treated as a publicly-supported organization and not as a private foundation until the end of the advance ruling period as shown above. Within 90 days from the end of the advance ruling period, your organization must submit to us information needed to determine whether it has met the requirements of the applicable support test during the advance ruling period. This information is currently supplied on the Form 8734, *Support Schedule for Advance Ruling Period*.

Grantors and contributors may rely on the determination that your organization is not a private foundation until 90 days after the end of its advance ruling period. If the organization submits the required information within 90 days, grantors and contributors may continue to rely on the advance determination until the Service makes a final determination of your organization's foundation status.

The classification discussed in paragraph three (3) was based on the assumption that your organization's operations would continue as stated in its application. If your organization's sources of support, or its character, method of operations, or purposes have changed, please let us know so we can consider the effect of the change on your organization's exempt status and foundation status.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of \$20 a day, up to a maximum of \$10,000, when a return is filed late, unless there is reasonable cause for the delay.

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Native American Center of Texas, Inc.
74-2911609

All exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more paid to each employee during a calendar year. Your organization is not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, these organizations are not automatically exempt from other federal excise taxes.

Donors may deduct contributions made to your organization as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to your organization or for its use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Your organization is not required to file federal income tax returns unless it is subject to the tax on unrelated business income under section 511 of the Code. If your organization is subject to this tax, it must file an income tax return on the Form 990-T, Exempt Organization Business Income Tax Return. In this letter, we are not determining whether any of your organization's present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

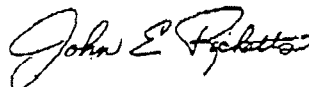
The law requires you to make your organization's annual return available for public inspection without charge for three years after the due date of the return. You are also required to make available for public inspection a copy of your organization's exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. You can charge only a reasonable fee for reproduction and actual postage costs for the copied materials. The law does not require you to provide copies of public inspection documents that are widely available, such as by posting them on the Internet (World Wide Web). You may be liable for a penalty of \$20 a day for each day you do not make these documents available for public inspection (up to a maximum of \$10,000 in the case of an annual return).

Because this letter could help resolve any questions about your organization's exempt status and foundation status, you should keep it with the organization's permanent records.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

This letter affirms your organization's exempt status.

Sincerely,



John E. Ricketts, Director, TE/GE
Customer Account Services