

CONSENT AGENDA
ITEM NO. 21

**CITY OF SAN ANTONIO
CITY ATTORNEY'S OFFICE
INTERDEPARTMENTAL CORRESPONDENCE**

TO: Mayor and City Council

FROM: Andrew Martin, City Attorney

THROUGH: Terry M. Brechtel, City Manager

COPIES TO: Melissa Vossmer, Assistant City Manager, Milo Nitschke, Finance Director

SUBJECT: Extension of Municipal Bond Counsel Contracts

DATE: September 25, 2003

SUMMARY AND RECOMMENDATION:

This ordinance authorizes the extension and renewal of the existing Legal Bond Counsel Services Contracts with the firms of Fulbright & Jaworski, L.L.P., McCall, Parkhurst & Horton, L.L.P. and Escamilla & Poneck, Inc. to perform services for a term commencing October 1, 2003 through September 30, 2004

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION:

The City of San Antonio has historically retained legal bond counsel to assist with the authorization, issuance, sale and delivery of various public financings associated with the City's infrastructure construction and improvements. Included among these types of financings are General Obligation Bonds, Certificates of Obligation, Airport System Revenue Bonds, and Commercial Paper. A portion of the City's infrastructure capital improvements are financed with General Obligation Bonds, with smaller projects funded with proceeds from Certificates of Obligation. The City also approves conduit issues of the San Antonio Industrial Development Authority, the San Antonio Health Facilities Corporation, the San Antonio Education Facilities Corporation and the Housing Trust Finance Corporation.

In July 2000, the City Attorney's Office issued a Request for Qualifications and Statement of Interest (RFQ) for bond counsel services to which seven (7) firms responded. Based upon the materials submitted, six (6) firms were interviewed by an Evaluation Committee consisting of the Director and Assistant Director from the Finance Department, Directors from Public Works, Parks & Recreation and Aviation, as well as a representative from Economic Development. Based upon these interviews and qualifications, the Evaluation Committee recommended that contracts be awarded to Fulbright & Jaworski, L.L.P., Escamilla & Poneck, Inc., McCall, Parkhurst & Horton, L.L.P., and Wickliff & Hall, P.C. It was further recommended that Fulbright and McCall serve as lead counsel in respective partnerships with the minority owned firms of Escamilla & Poneck, Inc. and Wickliff & Hall, P.C. As Co-Bond

Counsel the latter minority firms were apportioned 30% of the work and associated fees. City Council concurred in this recommendation and awarded contracts to these firms by passage of Ordinance No. 92709 on October 12, 2000.

POLICY ANALYSIS

The existing Legal Bond Counsel Contracts with these law firms are for a 2-year primary term, and allow for two (1) year options. City Council previously extended the contract by one year and the pending ordinance would extend the second (1) year options with Fulbright and Jaworski, L.L.P., McCall, Parkhurst and Horton, L.L.P. and Escamilla & Poneck, Inc. Wickliff & Hall no longer maintains a San Antonio office so at the time of the previous extension work previously contracted to Wickliff & Hall was added to the scope of services of Escamilla & Poneck where it serves on various issues as Co-Bond Counsel with both McCall, Parkhurst and Horton as well as Fulbright and Jaworski.

FISCAL IMPACT:

Fees for Bond Counsel Services pertaining to the issuance of debt obligations are paid from bond proceeds, therefore there is no impact on the City's Operating Budget. In addition, negotiated fees are charged to entities utilizing the City's conduit issuers, at no cost to the City.

The proposed distribution of work among the firms is set out in Attachment I. The Fee Schedule for the various financings first established in 2000 will remain in effect for this contract extension period and is based on a descending scale.

SUPPLEMENTAL COMMENTS:

The Disclosure Forms required by the City's Ethics Ordinance are attached.

COORDINATION:

This item has been coordinated with the Finance Department.



ANDREW MARTIN
City Attorney

APPROVED:



TERRY BRECHTEL
City Manager

Attachment I

The distribution of work among the firms is as follows:

<u>McCall, Parkhurst with Escamilla & Poneck</u>	<u>Fulbright with Escamilla & Poneck:</u>
International Airport Improvements S.A. Health Facilities Development Corp. S.A. Industrial Development Corp.	General Obligations Bonds Certificates of Obligation Contractual Obligations Tax Notes; Unique Leases Revenue Bonds Kelly USA Improvements
<u>McCall, Parkhurst Alone:</u> Education Conduit Financing Northern Riverwalk Improvements	<u>Fulbright Alone:</u> San Antonio Housing & Trust Finance Corporation Financing All Other Forms of Housing Indebtedness

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:

N/A

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

and the name of:

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

and the name of:

(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;

See attached list of partners.

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.
45361106.1

(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.

Jane H. Macon, James P. Plummer, and James M. Summers

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:
See attached list of contributions.		

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.

Signature: 	Title: Partner Company: Fulbright & Jaworski L.L.P.	Date: 9/18/2003

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.

FULBRIGHT & JAWORSKI L.L.P.
FIRM PARTNERS

Adam, W. K.
Adams, Jr., Edward B.
Addison, Linda L.
Adler, Frederick R.
Agrons, Josh
Allender, Jack
Anderson, Alan M.
Anderson, Eric S.
Anglin, Michael W.
Ansehl, Robert
Apperson, Judith A.
Arnold, Patrick M.
Aronson, Alan L.
Arruda, Michael E.
Bahler, Dave
Baker, Mark
Bambace, Robert S.
Banks, Glen
Barbee, Linton E.
Barber, William G.
Barker, D. Gregory
Barrett, John A.
Bauer, John
Bell, Jr., Jerry A.
Benedict, Cyndi M.
Benson, Chris
Berman, Gregg J.
Biancamano, Keith
Biery, Evelyn H.
Birdoff, David C.
Blackshear, Jr., A. T.
Bliss, Ronald G.
Blount, Jeffrey A.
Bluestein, Jr., Ed
Bode, Joy R.
Boehm, Jr., John C.
Boes, Lawrence W.
Bogatto, Richard P.
Bohnett, William H.
Boston, Charles D.
Bourgeois, Richard P.
Bowen, Nancy T.
Bowers, Bill
Bowman, John P.
Boyce, William J.
Braddock, Patricia Finn
Brennan, Sean P.
Brown, Reagan M.
Bruinsma, Tim C.
Burgoyne, Robert A.
Burnett, Henry G.
Bush, William
Butner, Carol S.
Cameron, W. Fred
Carrell, Richard N.
Carroll, Stephen K.

Carson, John
Carter, Lynn P.
Carter, Winn
Catalano, Douglas P.
Caudill, William H.
Chiaviello, Jr., Robert M.
Clark, Shauna Johnson
Clarke, William C.
Clement, Zack A.
Clingman, Rachel
Clore, Lawrence H.
Cody, Jeff
Cohen, Irwin
Cole, Stephen T.
Colquitt, Richard P.
Conlon, Michael W.
Converse, Jerry
Corban, David Wilks
Corrigan, Jr., Robert F.
Corrigan, Sean
Coston, R. Richard
Crooker, Jr., John H.
Crow, M. Carter
Cunningham, Richard J.
Curry, Alton F.
Dack, Christopher E. H.
Danzig, Douglas J.
Darby, Robert E.
Davis, James M.
Davison, Dan D.
Dawson, Ralph C.
Dawson, Robert M.
De La Garza, Chaz
Deacon, Charles A.
Delflache, Marc
Denny, Jr., Otway B.
Dent III, A. L.
Dial, Karl G.
Dietz, Mary Schaerdel
Dillard, Stephen C.
Dockery, Harva R.
Dowdell, Thomas E.
Dransfield, Robert D.
Dreyfus, James K.
Duncan, Helen L.
Dutton, Uriel E.
Dykes, Jeff
Eagan, David E.
Ebershoff, David A.
Elliot, Lucas T.
Ellis, Jr., Emory N.
Ellison, Kathleen R.
Esquivel, Ed H.
Fankhanel, K. Jane
Feldhaus, Stephen M.
Felfe, Peter F.

Fernelius, Stephen M.
Fischer, Jr., Robert W.
Flamenbaum, Michael P.
Fleming, Dean V.
Folladori, Marc H.
Foster, David M.
Franceski, Larry G.
Frederiksen, Charles C.
Freedman, Andrew C.
Freiberg, Jr., Thomas A.
Friedman, J. B.
Gagnon, Stewart W.
Garcia, Frank T.
Gayle Jr., Gibson
Giller, Jefferson D.
Gillespie, David A.
Gissel, Jr., L. Henry
Gitomer, Deborah A.
Godbold, Tom C.
Gold, Neil
Goldman, Roy L.
Goodman, Jeffrey H.
Govett, Brett C.
Gray, Jr., Robert F.
Greer, Marcy Hogan
Greig, Brian S.
Groos, Richard
Haag, Lee
Hall, Charles W.
Hall, W. Wendell
Hanson, Norman
Harper II, A. J.
Harrell, Robert S.
Harrington, John F.
Harris, Gregg W.
Hathaway, Harry L.
Hayes II, Sherrard Lee
Healey, Jr., Peter F.
Henderson, George E.
Herring, Walter A.
Hest, Lionel G.
Highlander, Steve
Hoffman, Robert S.
Hollyfield, J. S.
Hope, Henry W.
Hsu, Victor
Huff, Richard D.
Hunt, Don
Hurd, Charles W.
Iler, David R.
Incerto, M. Scott
Irvin, Michael P.
Jacobs, Paul
James III, Brynley
Jansen, Donald O.
Jansma, Steven D.

FULBRIGHT & JAWORSKI L.L.P.

FIRM PARTNERS

Jones, Frank G.	Miller, Mark S.	Saunders, Charles A.
Jones, Gregg H.	Mings, John M.	Schroeffer, Stephanie
Kadzielski, Mark	Mooney, Marilyn	Schulman, Robert S.
Kalinec, Lawrence	Morrison, David E.	Scofield, George W.
Kaplan, Carl E.	Morrison, Walter J.	Segal, Steven E.
Kelly, Todd P.	Morrow, Elbert M.	Sexton, Jr., Paul E.
Keneally, Kathryn	Moser, Joel H.	Shea, Lance L.
Kerr, Nancy Nowlin	Mosher, Jr., Larry	Shields, J. Todd
King, John L.	Mutterperl, Mark N.	Simpson, John M.
Kobdich, Richard M.	Nakfoor, Karen M.	Sing, William B.
Koenig, Rodney C.	Neale, Jim	Skidmore, Jonathan B.
Kornblith, Richard L.	Nespole, James	Slaughter, James C.
Kraines, Merrill M.	Newman, Robert G.	Sleeth, Jr., Joseph C.
Krebs, Jr., Arno W.	Newsome, Kent	Small, Jr., Joseph T.
Kreps, Ronn	Nichols, Patsy W.	Smith, Dixie
Krieger, Paul	Nimetz, Warren J.	Smith, Jane
Krumholz, Richard S.	Nussbaum, Sheldon G.	Smith, Stephanie
Kruse, Layne E.	O'Brien, Eva Fromm	Smith, Stephen W.
Kuhn, W. Jeffrey	Oldham, Dudley	Smooke, Michael G.
Kuntz, Stephen A.	Olmstead, Jay	Soloway, Joy M.
Kutzschbach, George	O'Malley, John A.	Sorrell, Todd M.
Ladner, Stanford G.	Owen, Robert D.	Spain, Michael L.
Lansdale, Jr., Daryl L.	Pakalka, William R.	Sparber, Neil G.
Lavenant, Jr., Rene P.	Palmer, Chip	Spector, Lawrence A.
Lee, William S.	Pantaleoni, Anthony	Staine, Jr., Ross
Leggette, L. Poe	Parker, David	Stern, Douglas W.
Leiman, Leonard M.	Partain, Jr., Jack M.	Stewart, Kenneth L.
Lennard, Colin	Pate, Stephen P.	Still, Charles H.
Lerner, Jane H.	Patterson III, Edward J.	Stout, William A.
Levy, David J.	Patterson, Jr., J.A. (Tony)	Strauss, Charles L.
Lewis, Eddie	Paul, Thomas D.	Strubeck, Jr., Louis R.
Locke, Nancy J.	Pecht, Gerard G.	Sullivan III, John F.
Long, Kerry B.	Pell, Nancy L.	Sullivan, Jr., Charles E.
Loos, Robert T.	Pennington, Oliver	Summers, James M.
Lowry, Gerry	Peterson, Dan M.	Suzzan, Steven I.
Lynch, Jack	Pfeiffer, Philip J.	Swartzendruber, Michael A.
Mackillop, Katherine	Pfeiffer, Steven B.	Swift, Robert J.
Macon, Jane H.	Pirkey, Lou	Tannenbaum, David H.
Mainland, Richard R.	Plummer, James P.	Tanner, Hugh E.
Manley, Barclay A.	Powers, Albert Theodore	Tassi, Julie A.
Manning, Michael J.	Powers, Pike	Taylor III, Jasper G.
Marks, Jeffrey M.	Puig, Yvonne	Taylor, Ben
Marlin, James P.	Rawls, John C.	Thomas, Neil
Mason, Peter H.	Redinger, Craig T.	Tottenham, Terry O.
McClure, Daniel M.	Renfro, Phillip M.	Trager, Michael D.
McConaghy, Jack	Repass, James W.	Trostle, Terriann
McLean, Mark	Richardson, Jeff	Tussing, James D.
McMahan, Kent H.	Roberts, Steven L.	Unger, Peter V. B.
McMahon, Laura J.	Robertson, Mark A.	Ungerman, Mark E.
McNabb, Stephen M.	Robinson, Rick	Vale, Shannon
McQuaid, Janet	Rochelle III, William J.	Van Susteren, David
McQuarrie III, Claude M.	Rodgers, Anne M.	Varney, Lana K.
Metteauer, Michael	Rogers, Arthur	Vaughan, Jack M.
Michaels, Philip J.	Rogers, Mara H.	Vogel, Stephen F.
Miller, Gray H.	Salch, Steven C.	Vogt, Carl W.
Miller, Jesse D.	Sales, James B.	Wabner, H. Douglas

FULBRIGHT & JAWORSKI L.L.P.
FIRM PARTNERS

Wagner, Brad
Walkowiak, Vincent S.
Watson, John A.
Weber, Fredric A.
Weber, Jr., John W.
Weiss, Laurie A.
Welch, Jr., Robert M.
Wellen, C. W.
Wellington, Daniel L.
Wenner, Charles R.
Westergard, Mark S.
Wetwiska, Jim
White, William B.
Wickliffe, Jerry L.
Williams, Bill
Williamson, Paul
Wilson, Mark B.
Wilson, Richard J.
Wilson, Robert E.
Wolf, Howard
Wolff, Jeffrey S.
Wood, Greg
Wood, William D.
Wray, T. J.
Yankowsky, Kevin W.
Yanney, Fred G.
Ytterberg, Alan V.
Zammit, Joseph P.
Zimmerman, Louis S.

Fulbright & Jaworski L.L.P. Texas Committee

	DATE	AMOUNT	CHECK	POSITION	PAYABLE
Enrique M. Barrera	05/24/2002	500.00	FJ # 5132	City Council, San Antonio District 6	Enrique M. Barrera Campaign
Enrique M. Barrera	07/08/2002	250.00	JM#1917	City Council, San Antonio District 6	Enrique M. Barrera Campaign
Enrique M. Barrera	04/02/2003	500.00	FJ # 5421	City Council, San Antonio District 6	Enrique M. Barrera Campaign
Enrique M. Barrera	08/05/2003	250.00	FJ # 5460	City Council, San Antonio District 6	Enrique M. Barrera Campaign
Julian Castro	09/05/2002	1,000.00	FJ # 5213	City Council, San Antonio District 7 (running for)	Julian Castro for Council Campaign
Julian Castro	03/20/2003	500.00	FJ # 5409	City Council, San Antonio District 7 (running for)	Julian Castro for Council Campaign
David A. Garcia	09/01/2001	100.00	JM # 1485	City Council, San Antonio, District 5	District 5 Committee
David A. Garcia	01/25/2002	250.00	FJ # 5001	City Council, San Antonio District 5	David A. Garcia Campaign
David A. Garcia	06/25/2002	500.00	FJ # 5158	City Council, San Antonio District 5	David A. Garcia Campaign
Edward Garza	02/14/2002	500.00	FJ # 5029	Mayor, City of San Antonio	Ed Garza Campaign
Edward Garza	04/22/2002	500.00	FJ # 5133	Mayor, City of San Antonio	Ed Garza Campaign
Edward Garza	02/06/2003	1,000.00	FJ # 5380	Mayor, City of San Antonio	Ed Garza Campaign
Enrique "Kike" Martin	09/24/2002	500.00	FJ # 5259	City Council, San Antonio District 4 (running for)	Enrique "Kike" Martin Campaign
Bobby Perez	02/21/2002	500.00	FJ # 5042	City Council, San Antonio District 1	Bobby Perez Campaign
Carroll Schubert	04/08/2003	500.00	FJ # 5422	City Council, San Antonio District 9 (running for)	Carroll Schubert Campaign
Roger Flores, Jr.	04/08/2003	250.00	FJ # 5420	City Council, San Antonio District 1 (running for)	Roger Flores Campaign
Joel Williams	07/28/2003	250.00	FJ # 5456	City Council, San Antonio District 2 (running for)	Joel Williams Campaign

Fulbright & Jaworski L.L.P. Texas Committee

	DATE	AMOUNT	CHECK	POSITION	PAYABLE
Art A. Hall	07/10/2003	500.00	FJ # 5451	City Council, San Antonio District 8 (running for)	Art A. Hall Campaign
Chip Haass	09/16/2003	250.00	FJ # 5491	City Council, San Antonio District 10 (running for)	Chip Haass Campaign

City of San Antonio

Attachment J

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:

(2) the identity of any business entity that would be a party to the discretionary contract: _____
McCall, Parkhurst & Horton L.L.P. and the name of:

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

(A) 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:

The following are general partners of McCall, Parkhurst & Horton L.L.P.: Peter M. Tart, Richard C. Porter, G. Charles Kobdich, Alan H. Raynor, Jeffrey A. Leuschel, L.E. (Ted) Brizzolara, Harold T. Flanagan, Thomas K. Spurgeon, Dan S. Culver, Carol (C.D.) Polumbo, Gregory B. Salinas, Mark A. Malveaux, Leroy Grawunder, Jr. and Sara A. Tangen

(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.

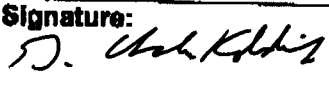
Political Contributions

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:

Disclosure in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question 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.

Signature: 	Title: Partner Company: McCall, Parkhurst & Horton L.L.P.	Date: September 18, 2003

²For 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.

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.*

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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:

Douglas A. Poneck
Pablo Escamilla

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

Escamilla & Poneck, Inc.
711 Navarro, suite 100
San Antonio, TX 78205

and the name of:

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

and the name of:

(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;

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.

- (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.

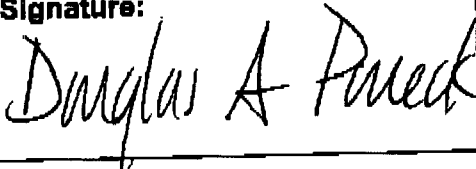
Political Contributions

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:
Ed Garza	\$1,000.00	02/11/02
Ed Garza	\$5,000.00	06/28/02
Kike Martin	\$500.00	10/10/01
Kike Martin	\$500.00	10/10/01
Kike Martin	\$1,000.00	04/29/02
Toni Moorehouse	\$500.00	09/12/01
Toni Moorehouse	\$500.00	09/12/01
Toni Moorehouse	\$500.00	07/15/02
Toni Moorehouse	\$500.00	07/15/02

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.

Signature: 	Title: Vice-President Company: Escamilla & Poneck, Inc.	Date: 09/18/03

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