

CONSENT AGENDA  
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**CITY OF SAN ANTONIO  
INTERDEPARTMENTAL MEMORANDUM  
EXTERNAL RELATIONS DEPARTMENT**

**TO:** Mayor and City Council

**FROM:** Jim Campbell, External Relations Director

**THROUGH:** Terry M. Brechtel, City Manager

**COPIES:** Christopher J. Brady, Assistant City Manager, Veronica M. Zertuche, Deputy City Attorney; File

**SUBJECT:** EXTENSION OF FEDERAL REPRESENTATION CONTRACT

**DATE:** January 20, 2004

**SUMMARY AND RECOMMENDATION**

An ordinance authorizing the City Manager to execute the First Amended and Restated Agreement for Federal Representation Services with Loeffler, Jonas & Tuggey, L.L.P., thereby amending the performance measures of the original Agreement for Federal Representation Services and exercising the remaining (1) one-year contract extension with Loeffler, Jonas & Tuggey, L.L.P., to provide federal government affairs services. These services begin on February 1, 2004 and conclude on January 31, 2005. The annual amount for professional services is \$172,800. The retainer is inclusive of all reasonable and ordinary expenses.

Staff recommends approval of this ordinance.

**BACKGROUND**

The City has retained consultants to represent its federal interests in Washington, D.C. since 1994. As a result of a Request for Qualifications process in 1998, the City retained the firm of Arter & Hadden on a one-year contract with two one-year renewal options. On May 1, 2001, Arter & Hadden informed the City of San Antonio that Tom Loeffler, who had been the principal consultant on the City's contract, would be leaving the firm to establish his own legal/government affairs firm, Loeffler, Jonas & Tuggey, L.L.P. On June 14, 2001, the City Council approved, through Ordinance No. 94008, the assignment of the federal representation contract from Arter & Hadden to Loeffler, Jonas & Tuggey, L.L.P.

On January 24, 2002, City Council executed a one-year contract with Loeffler, Jonas & Tuggey, L.L.P., to provide federal government affairs services with the option of two one-year contract extensions through the adoption of Ordinance No. 95210. On February 6, 2003, City Council exercised its option to renew the first of its two one-year contract extensions by adopting Ordinance No. 97164. The current contract expires January 31, 2004. This amendment revises the performance measures and extends the contract through January 31, 2005. A Request for Proposal will be issued in September 2004 for Federal Representation Services beyond this contract extension.

## POLICY ANALYSIS

A Request for Proposal (RFP) for federal government affairs services was issued on November 2, 2001. Thirty-three firms were mailed RFP packets and advertisements were placed in the *Washington Post* and *Roll Call* newspapers. On November 26, 2001, three firms responded to the RFP. The City Council's State and Federal Initiatives Committee, comprised of Councilmembers Conner (Chair), Barrera, Castro, Perez, and Schubert, interviewed the following firms: (1) *Government Relations Inc.*, (2) *The Ferguson Group L.L.C.*, and (3) *Loeffler, Jonas & Tuggey, L.L.P.* on January 7, 2002. After the interviews, the committee recommended, and the full Council approved on January 24, 2002, engaging the services of *Loeffler, Jonas & Tuggey, L.L.P.* Since January of 2002, the City of San Antonio has been represented by *Loeffler, Jonas & Tuggey, L.L.P.*, with the following principals assigned to the contract: Thomas G. Loeffler, W. James Jonas III, Jon W. Plebani, Daniel L. Cohen, Michael J. Frazier, Robert H. Finney, Jose E. Martinez, and Everett Bierman. All principals have extensive experience in legislative and regulatory affairs. Provided below is a brief biographical summary of each member of the lobby team:

- *Thomas Loeffler* is a former member of the U.S. House of Representatives (1978-1986) serving the 21<sup>st</sup> Congressional District. He served as an advisor to President Ronald Reagan's Administration on Central America foreign policy.
- *W. James Jonas III* began practicing law in 1987 with an emphasis in Texas state, county, and municipal government issues.
- *Jon Plebani* served in President Clinton's Administration as a Special Advisor to the President on Haiti. He also served as the Chief of Staff to the Majority Whip of the House of Representatives and Staff Director for the Chairman of the House Budget Committee.
- *Dan Cohen* served as the legislative liaison for the American Israel Public Affairs Committee from 1986-1993. In addition, Mr. Cohen has held several senior staff positions on the U.S. House of Representatives Appropriations Committee.
- *Michael J. Frazier* served as the Assistant Secretary of Transportation during the Clinton Administration. He also served as the Chief of Staff to U.S. Senator Carol Moseley-Braun and as a legislative assistant to U.S. Senator Edward Kennedy.
- *Robert H. Finney* is a licensed attorney with an active practice in government affairs matters at the federal, state and local levels. He primarily represents clients in government contracts and business strategy.
- *Jose E. Martinez* served as President and CEO of the Free Trade Alliance San Antonio. Mr. Martinez also served as the Director of the United States Trade and Development Agency.

An entire list of the amended performance measures is included as Attachment A. The scope of services for the contract includes: (1) assisting in the formulation and adoption by City Council of the City's Federal Initiatives Program for the Second Session of the 108<sup>th</sup> Congress; (2) effectively communicating City Council policy positions to the Bexar County Congressional Delegation and other members of Congress and the Executive branch; (3) assisting in the passage of such legislative initiatives; (4) informing members of Congress, including but not limited to the Bexar County Congressional Delegation, of provisions of proposed or pending legislation the City opposes due to negative or adverse impact on the City's interests; (5) preparing testimony and assisting with the scheduling of witnesses before congressional committees; (6) assisting with the coordination of the City's legislative program with the National League of Cities and other groups and cities; (7) assisting in affecting regulatory development of City interests; (8) providing timely information and advice on federal funding opportunities to support City programs and services and facilitating federal

consideration of City applications; (9) attending regular meetings of the Council Intergovernmental Relations Committee; and (10) developing a comprehensive itinerary for the City Council's annual trip to Washington, D.C.

### **FINANCIAL IMPACT**

A \$14,400 monthly retainer is the fee for professional services. The annual amount totals \$172,800. The retainer is inclusive of all reasonable and ordinary expenses. Sufficient funds in the amount of \$172,800 have been budgeted in the FY 2003-2004 External Relations budget.

### **SUPPLEMENTAL INFORMATION**

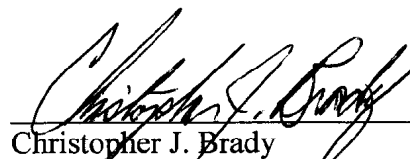
In accordance with Ordinance No. 80329, relating to recently adopted revisions of the City's ethics ordinance, attached are the Disclosure Forms for the firm of *Loeffler, Jonas & Tuggey, L.L.P.*

### **COORDINATION**

This item has been coordinated with the Office of Management and Budget and the City Attorney's Office.

  
Jim Campbell, Director  
External Relations

Approved:

  
Christopher J. Brady  
Assistant City Manager

Approved:

  
Terry M. Brechtel  
City Manager

## **Attachment A**

### **Performances Measures**

1. Provide two comprehensive reports on the status of the City's Federal Initiatives Program. Each report will be submitted to the Director of External Relations or the City Manager.
  - The first report will be due on or about May 30, 2004. The purpose of this report will be to provide City staff with an update of the current federal program initiatives and assist with the development of the briefing book used by City Council members on their annual trip to Washington D.C.
  - The second report will be due on or about November 15, 2004. The purpose of this report will be to provide City staff with an update of the current federal program initiatives and provide City staff with the necessary information to assist with the development of the next Federal Initiatives Program.
2. Attend quarterly meetings with the City Council Intergovernmental Relations Committee. At these quarterly meetings, the lobby team will provide a comprehensive oral report of the federal program initiatives and their legislative/regulatory status. Lobby team will make themselves available, during quarterly visits to San Antonio, to City staff for meetings, site visits and project inspections.
3. Host at least two social gatherings of City Council members and City staff with key members of Congress, including Bexar County and Texas Delegation members to advance the City's Federal Initiatives Program.
  - At least one meeting will be held in Washington, D.C. and one in San Antonio.
4. Identify, unless directed otherwise by the Director of External Relations or the City Manager, at least one opportunity for each initiative in the City's Federal Initiatives Program for oral and/or written testimony before congressional committees and public hearings. This will include providing written comments on executive branch regulatory proceedings. The federal lobby team will assist in the development of all testimony and written communications with the federal government.
5. Provide monthly written reports on the City's entire federal program to the Director of External Relations or the City Manager.
  - The reports will be due on the third Friday of each month.
  - These reports will include all official\* contacts with Members of Congress, their staffs, members of the Executive Branch, their staffs and any other relevant

contacts with any other federal Agencies, Boards and Commissions, and the National League of Cities.

- Reports will include all pending action items relating to the lobby team, Delegation Members and their staffs and City staff.
6. Provide on a quarterly basis, the Texas and San Antonio Congressional Delegation with written updates on the City's entire federal program.
  7. Maintain regular contact with the National League of Cities.
  8. Develop a comprehensive itinerary for the annual City Council trip to Washington, D.C. to include the following:
    - Recommend an agenda for the trip,
    - Provide the necessary background information (i.e. CRS reports, CQ and/or National Journal articles, newspaper articles or other background reports) for each subject in the briefing book, and
    - Arrange for all scheduling, transportation, meeting facilities and meals for trip participants.
  9. A representative of the firm will attend monthly City Council Intergovernmental Relations Committee meetings, unless otherwise directed by the Director of External Relations or the City Manager.

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\* Official contacts will include, but not be limited to, scheduled meetings with delegation members and/or staff and other federal officials, phone calls, e-mails, fax communications and scheduled social events.

## 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**<sup>1</sup> that would be a party to the discretionary contract:

Loeffler Jonas & Tuggey LLP

and the name of:

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

N/A

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:

Tom Loeffler  
W. James Jonas III  
Timothy N. Tuggey  
Robert Rosenthal  
J.D. Pauerstein

(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.

N/A

<sup>1</sup> 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:
See Attached		

**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 question<sup>2</sup> 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: Loeffler Jonas & Tuggey LLP	Date: 1/21/04

<sup>2</sup> 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.

**Discretionary Contracts Disclosure  
Attachment for Political Contributions  
Entity: Loeffler Jonas & Tuggey LLP  
January 21, 2002 – January 21, 2004**

<u>TO WHOM</u>	<u>AMOUNT</u>	<u>DATE</u>
Ed Garza	\$5,000.00	05/14/02
David Garcia	\$1,000.00	06/12/02
Toni Moorhouse	\$500.00	06/20/02
Carroll Schubert	\$2,000.00	08/07/02
Ed Garza	\$9,500.00 (in-kind)	10/01/02
Julian Castro	\$500.00	03/12/03
Toni Moorhouse	\$500.00	03/19/03
Ron Segovia	\$500.00	06/30/03
Art Hall	\$500.00	07/18/03
Carroll Schubert	\$1,000.00	08/18/03
Chip Haass	\$500.00	09/23/03
Joel Williams	\$500.00	10/28/03
Julian Castro	\$500.00	11/04/03
Ron Segovia	\$500.00	11/11/03
Enrique M. Barrera	\$500.00	12/16/03