

# **City of San Antonio**

## **Ethics Review Board**

### **Annual Report – 2009**

City Ordinance 88874, approved on November 19, 1998, created the Ethics Review Board, which met for the first time on April 30, 1999. A City Charter election held in May 2004, and the adoption of a City Campaign Finance Regulation ordinance in August 2004, necessitated the modification of the responsibilities and jurisdiction of the Ethics Review Board. A new ethics ordinance (City Ordinance 100283) was adopted by City Council on January 13, 2005. The Charter amendment formally dissolved the board created by the 1998 ordinance and established an independent board that can deliver binding rulings and impose sanctions and fines. The initial members of this new board were appointed in April 2005.

In the year 2009, the Board met as a body five times. In addition, subcommittees/panels met several times. There were four Complaints or Requests for Opinions, resulting in Determinations/Opinions (see Attachment A), rendered by the Board. The City Attorney's office rendered nine Advisory Opinions and the ERB rendered two (see Attachment B). (The complete text of each Determination and/or Opinion can be obtained from the Office of the City Clerk; the extracts provided in the attachments to this document are for information purposes only). A list of registered lobbyists – current as of December 13, 2009 – has been provided by the City Clerk (see Attachment D).

As an element of our annual report, the Ethics Review Board is charged to submit recommended changes to the Ethics Code and Campaign Finance Regulation. In June of 2009, City Council modified the Ethics Code, adopting all the changes proposed by the Board, the City Attorney's Office and the Office of the City Clerk in previous reports. As a result, this year there are very few proposed changes/corrections to the Code. The majority of these changes are to enhance clarity or to make administrative corrections, and the Board recommends that they be approved and incorporated into the Code. (Red-lined copy of the Code is attached as Attachment F, with proposed changes/corrections.). There are no recommended changes for this year for the Campaign Finance Regulation.

Ethics/Campaign Finance Training in 2009: In March of 2006, the San Antonio City Manager adopted a program of mandatory annual ethics training for all City employees. Refresher training will be performed biannually. Comprehensive training on the Texas Election Code, Municipal Campaign Finance Code and the city's electronic campaign finance filing system was presented by the Texas Ethics Commission, City Attorney's Office, Office of the City Clerk and ITSD in January. Ethics training was conducted at three Municipal Leadership Institute sessions. The City Attorney's Office also made twice-monthly ethics presentations at the mandatory new employee orientation. Additionally, other workshops and presentations on ethics were conducted by the City Attorney's Office in 2009 (see Attachment E).

The members of the Board believe that the Code and the ethics review process will continue to create affirmative change in city governance and in our citizens' perception of the same. The Board also feels that the mandatory ethics training for City employees conducted by the City Attorney's office has been very beneficial in reducing ethics violations.

## **The Ethics Review Board Members – 2009**

The following persons were confirmed by the City Council to serve on the Ethics Review Board for the terms indicated.

<u>NAME</u>	<u>APPOINTED BY</u>	<u>DATE APPOINTED</u>	<u>DATE TERM EXPIRES</u>
Tomas A. Larralde	Mayor	May 5, 2005	Apr. 25, 2008
Steven G. Marquez	District 1	Nov. 5, 2009	Apr. 25, 2011
Dolores Lott	District 2	Apr. 14, 2005	Apr. 25, 2009
Michael S. Ariens**	District 3	Jun. 16, 2005	Apr. 25, 2008
August Stephen Johnson	District 4	Apr. 14, 2005	Apr. 25, 2008
Rosa Maria Rodriguez (Resigned Jan. 2009)	District 5	Nov. 1, 2007	Apr. 25, 2009
Richard Bird	District 6	Apr. 14, 2005	Apr. 25, 2009
Elizabeth Benavides Melson	District 7	Apr. 14, 2005	Apr. 25, 2008
Charles Saxer	District 8	Dec. 4, 2008	Apr. 25, 2009
Arthur J. Downey*	District 9	Apr. 14, 2005	Apr. 25, 2011
Jason Zehner	District 10	Apr. 14, 2005	Apr. 25, 2009
Ron C. Campos	District 10	Nov. 19, 2009	Apr. 25, 2011

\* Chair

\*\* Vice-Chair

**Attachment A**

**Ethics Determinations – 2009**

Number	Date	Questions
09-01	May 5, 2009	<p><i>On March 31, 2009, the Ethics Review Board met to review a complaint by Sharam Khaledi against International Duty Free Stores and its Chief Operating Officer filed on February 19, 2009. Mr. Khaledi alleged violations of Sections 2-59, 2-61 and 2-79 of the city’s Ethics Code. The board found that the allegations as stated if proven to be true would constitute a violation of the Ethics Code and ordered a hearing to take place at its next meeting. On April 14, 2009, Mr. Khaledi submitted a request to withdraw his complaint.</i></p> <p><i>The complaint and information compiled by city staff relevant to the complaint was submitted to outside counsel Benjamin F. Youngblood III for review. The board met again on May 5, 2009 to discuss the complaint and the request to withdraw the complaint. Based on review by outside counsel and the information available to the board, the board concluded that violations if any were de minimus and elected to accept the complainant’s request to withdraw. Accordingly, the complaint against International Duty Free Stores and its Chief Operating Officer is <b>DISMISSED</b>.</i></p>
09-02	May 12, 2009	<p><i>On February 24<sup>th</sup>, 2009, Mr. Lee Talamantez filed an Ethics complaint alleging that Julian Castro, a candidate for the office of Mayor of the City of San Antonio in the election to be held on May 9<sup>th</sup>, 2009, had accepted campaign contributions exceeding the campaign contribution limits set by the Municipal Campaign Finance Regulation as reported in the candidates financial report for the period ending December 31, 2008. If correct, these allegations could indicate a violation of Section 2-79 of the Ethics Code and Section 2-302 of the Municipal Campaign Finance Regulation.</i></p> <p><i>In a meeting of the Ethics Review Board held on May 12, 2009, and based on the sworn complaint and information provided by the Office of the City Clerk, the Board concluded the following: That contributions exceeding the limits had not been accepted and that the purported violations were actually inadvertent administrative errors. These errors were corrected promptly when discovered with an amended report and this was done within the time limits set by the Code; therefore there was no violation of the Ethics Code or of the Municipal Campaign Finance Regulation. The complaint was <b>DISMISSED</b>.</i></p>

<p>09-03</p>	<p>June 30, 2009</p>	<p><i>On the 30<sup>th</sup> day of June 2009, a panel of the whole of the Ethics Review Board of the City of San Antonio convened to consider a request by Debbie Sittre, Assistant Director of the Capital Improvements Management Systems Department (CIMS) for a determination of whether she had an actual direct or indirect interest in a contract sought by her brother with the city. Under Section 141 of the City Charter, no city officer or employee may have a direct or indirect financial interest in any contract with the city. Upon consideration of the application and of the evidence presented by Ms. Sittre, the Ethics Review Board concluded by a vote of 6 to 0 that Ms. Sittre had established by clear and convincing evidence that she had no actual direct or indirect interest in her brother's potential contract with the city. Accordingly, Ms. Sittre has overcome the presumption of having a prohibited interest in her brother's contract with the city. He may, therefore, proceed to seek the contract without creating a prohibited interest for Ms. Sittre. Under Section 2-43 of the Ethics Code, however, Ms. Sittre would have a conflict of interest in any matter regarding her brother's contract. Accordingly this matter must continue to be handled and overseen by other city staff.</i></p>
<p>09-04</p>	<p>August 4, 2009</p>	<p><i>On the 4<sup>th</sup> day of August 2009, a panel of the whole of the Ethics Review Board of the City of San Antonio convened to consider a request by Trey Jacobson, Former Assistant Director of the Economic Development Department (EDD), and former Mayoral staff member, for a determination of whether or not he was prohibited from working in the background on a project before the city, pursuant to Section 2-57 of the Ethics Code.</i></p> <p><i>Upon consideration of the application and of the evidence presented by Mr. Jacobson, the Ethics Review Board concluded by a vote of 6 to 0 that Mr. Jacobson had established that the 2005 tax abatement agreement was never approved or executed, and that a contract did not exist that would create a conflict for him under Section 2-57 of the Ethics Code. He may, therefore, proceed to work, behind the scenes, on the new contract without creating a conflict.</i></p> <p><i>Mr. Jacobson, however, is still obligated to observe and comply with Sections 2-55 and 2-56 of the Ethics Code, requiring continued confidentiality and representation of private interests before the city.</i></p>

**Attachment B**

<b>Ethics Advisory Opinions – 2009 (City Attorney’s Office)</b>		
Number	Date	Questions
09-01	January 6, 2009	<i>Does the City Charter or Ethics Code prohibit an executive officer of a business that contracts with the city from serving on a more-than-advisory board?</i>
09-02	February 5, 2009	<i>May a city employee accept the donation of office equipment by a city contractor?</i>
09-03	March 6, 2009	<i>May an employee accept outside employment with another entity performing work similar to that which he provides to the city?</i>
09-04	May 11, 2009	<i>May the employee of a city contractor be appointed to serve on a more-than-advisory city board? and If appointed, would that employee’s service on the more-than-advisory board preclude the employer from seeking or holding contracts with the city?</i>
09-05	May 12, 2009	<i>May a former city employee work for a business that subcontracts on a city contract? and If so, may the former employee attend public meetings regarding that contract?</i>
09-06	June 12, 2009	<i>May a city employee volunteer to assist a citizen outside of work hours?</i>
09-07	August 20, 2009	<i>May a city official or employee serve as a reference for a private citizen?</i>
09-08	September 24, 2009	<i>May city staff solicit donations from city contractors for charitable or civic purposes?</i>
09-09	October 8, 2009	<i>May a city official or employee accept transportation for city-related business from a private citizen?</i>
<b>Ethics Advisory Opinions – 2009 (Ethics Review Board)</b>		
09-01	May 12, 2009	<i>May a former City Employee accept employment as a sub-contractor for a nonprofit organization to prepare proposals that will be submitted to the City?</i>

Attachment C

**Proposed Amendments to the Ethics Code – 2009**

As an element of our annual report, the Ethics Review Board is charged to submit recommended changes to the Ethics Code and Campaign Finance Regulation. As noted in the Introduction section, many of the changes previously proposed by the Ethics Review Board were adopted by the City Council on June 25, 2010. Below is a summary of these revisions to the Code:

**CODE OF ETHICS**

**A. Conflicts of Interest and Service on Non-Profit Boards by City Officials and Staff**

The City frequently seeks partnerships with non-profit entities to achieve development or community service objectives. With increasing frequency, the city has been involved in the creation of non-profit entities to take on certain functions that have in the past been handled by city departments. The Main Plaza Conservancy is one example of an entity initially created by the city, but designed to be an independent organization with greater freedom to engage in fund-raising from the private sector. Ideally, the city would like to have city officials or staff serve on both city-created and outside non-profits to best look after the city's interests. The Ethics Code currently provided that city officials and employees had a conflict of interest in matters that could affect the financial interests of any business or non-profit entity for which they serve in an executive capacity. This conflict of interest precluded a city official or employee from both serving on non-profits and taking action pertaining to those same non-profits in their capacity as city personnel. Recognizing the inherent conflict in serving two interests and the value of the involvement of city personnel in managing the work carried out by non-profits, the Ethics Review Board proposed a revision that would allow city personnel to be appointed to serve on non-profit boards by City Council or city management, but only as non-voting members. This proposal was adopted by the City Council on June 25, 2010.

**SECTION 2-43 CONFLICTS OF INTEREST**

- (a) **General Rule.** To avoid the appearance and risk of impropriety, a city official or employee shall not take any official action that he or she knows is likely to affect the economic interests of:
  - (8) a business entity or nonprofit entity for which the city official or employee serves as an officer or director or in any other policy making position; **other than non-profit boards to which the official or employee is appointed by the City Council or city management as a non-voting member to represent the best interests of the city.**

## **B. Gifts**

### **1. The Entertainment Exception**

The Ethics Code prohibits city officials and employees from accepting gifts from those individuals or entities that have contracts with the city or who are seeking contracts, from those seeking zoning or platting decisions, and from lobbyists registered with the city. The code, like the state Penal Code, provides a number of exceptions, including items and meals less than \$50 in value, and coverage of valid-business related travel expenses made in connection with official duties. In May 2003, the Council approved an exception for entertainment that allowed city officials and employees to accept gifts of entertainment, transportation and lodging of up to a value of \$500 for a calendar year. The Ethics Review Board made a standing objection to this provision in each of its annual reports since 2004 and recommended the removal of the provision. On June 25, 2010, the City Council amended the Ethics Code to eliminate the “entertainment” exception.

(b) **Special Applications.** Subsection (a)(2) does not include:

~~(13) lodging, transportation, or entertainment that the official or employee accepts as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law, up to \$500 from a single source in a calendar year.~~

### **2. Clarification on the Term “Entities”**

The Ethics Review Board also recommended that the term “business entity” as it is used throughout the gift rule be amended to simply “entity.” Although not common, representatives of non-profit entities have argued that their entities are non-profit organizations rather than business entities and therefore are not subject to the gift restrictions. In the view of the board, a non-profit entity is also a business entity when it seeks contracts from the city, and no distinction should be made. The removal of the word “business” from the term “business entity” will eliminate any confusion. The same change has been suggested for other provisions throughout the Ethics Code as well. On June 25, 2010, the City Council adopted these revisions.

## **C. Reporting of Political Contributions on the Discretionary Contracts Disclosure**

The Ethics Code requires individuals or entities seeking discretionary contracts with the city to submit a Discretionary Contracts Disclosure Form (DCD) listing all political contributions to current and former councilmembers made in the preceding two years from the parties or their representatives. Outside parties commented that if this provision is read literally, contractors would have to report contributions made to former councilmembers who are raising money for other non-city offices. For

example, a contractor would be required to disclose a contribution made to former Councilmember Chip Haass this year in connection with Mr. Haass's campaign for County Commissioner. The proposed revision would adjust this provision to require the disclosure of contributions made to former councilmembers only in connection with fund-raising pertaining to city office. The City Council adopted this revision on June 25, 2010.

## **SECTION 2-59 PERSONS SEEKING DISCRETIONARY CONTRACTS**

- (b) 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, on a form provided by the city, 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 Subsection (a).

Indirect contributions by an individual include, but are not limited to, contributions made by an individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made by the officers, owners, attorneys, or registered lobbyists of the entity.

Indirect contributions do not include contributions by owners of a business entity who hold less than 5% of the fair market value or voting stock of the entity.

**Political contributions made in the preceding 24 months to any individual who is a former councilmember must be disclosed, unless**

**(1) the contributions were made in connection with a campaign or officeholder account not associated with city office; and**

**(2) the former officeholder has terminated the campaign treasurer appointment and filed the final campaign finance report with the Office of the City Clerk; and**

**(3) the former member is not serving in city office at the time the contract was in the solicitation process or under consideration for approval by the city.**

## **D. Proposal to Impose Prohibited Business Relationships Charter Provision on all City Employees Engaged in Contracting or Purchasing**

Section 141 of the City Charter provides that no city officer or employee may have an interest in any contract with the city. Section 2-52 of the Ethics Code has defined the term “officer” to mean any elected official or member of any board that is more than advisory in nature. The term “employee” has been defined to mean any high-level employee who is required to file the city’s full financial disclosure form under Section 2-73 of the Code. These employees include department heads, assistant department heads and other executive level staff. The prohibition against business relationships with the city extends to the official or employee’s immediate family members and the businesses they own. It applies to city contracts and to subcontracts with city contractors. It is not a conflict of interest provision and it is irrelevant that the official or employee is or is not involved in the contracting decision.

The Ethics Code also requires “specified employees” to file a short gift report form. “Specified employees” designated by the Human Resources Department based on input from the other departments are generally employees with high-level responsibilities that do not rise to the level of executive or management level. “Specified employees” are not subject to the charter’s “prohibited business relationships” provision.

Some management level staff has inquired whether employees involved in contracting or purchasing should be required to comply with the full financial disclosure requirement. This would require these employees involved with purchasing to file these annual reports with the Office of the City Clerk, and would have the effect of precluding these employees, their family members and the businesses they own from seeking business with the city. The number of affected employees may be considerable, particularly within the Purchasing Department.

The city has opted to impose this contracting restriction against employees involved in contracting and their families through adoption of Administrative Directive 1.62 (Procurement Ethics) rather than characterizing the employees as city officials subject to Section 141 of the City Charter and Section 2-52 of the Ethics Code.

#### Office of the City Clerk and Court Management Staff

Office of the City Clerk and the Court have made changes in the structure of their management level staff, and revisions within the Code have been recommended to include these managers within the staff that files full financial disclosure reports. The City Attorney’s Office agrees that these proposed revisions are appropriate given the function and duties of these staff members. The City Council adopted this revision on June 25, 2010.

## **CAMPAIGN FINANCE REGULATION**

The Municipal Campaign Finance Code primarily imposes limitations on the amounts of political contributions to city councilmembers and candidates. It also prohibited legal signatories on high-profile contracts with the city from making a political

contribution from the time they or their entity responds to a contract solicitation until 30 days after the contract is awarded by council. A contract cannot be awarded to an individual or entity that violates this provision. The City Council significantly expanded this provision:

**Division 5. CITY CONTRACTORS and ZONING APPLICANTS**

**Sec. 2-309 Contribution Prohibitions**

(a) ~~Any person acting as a legal signatory for a proposed contractual relationship that applies for a~~ **When an individual or entity seeks to obtain a “high-risk profile” discretionary contract as designated by the city, as defined by the City of San Antonio Contracting Policy and Process Manual, may the following individuals shall** not make a political contribution to any councilmember or candidate **or political action committee that supports or opposes a city councilmember or candidate** from **the 10th business day after the time the person submits the response to the Request for Proposal (RFP) or Request for Qualifications (RFQ) or other solicitation is released,** or ~~begins negotiations or discussions~~ for a contract for which no competitive solicitation has been issued by the city **from the time the city begins negotiations or discussions, and ending on the until 30th** calendar days following the contract award-;

- 1. any individual seeking a high-profile contract;**
- 2. any owner or officer of an entity seeking a high-profile contract;**
- 3. the legal signatory of the high-profile contract;**
- 4. any attorney, lobbyist or consultant hired or retained to assist the individual or entity in seeking a high-profile contract;**
- 5. the spouses of any person listed in 1, 2 or 3 of this subsection.**

(b) Any legal signatory for a proposed “high-risk profile” contract must be identified within the response to **a solicitation** ~~the RFP’s or RFQ’s~~, if the identity of the signatory will be different from the individual submitting the response. Where no competitive solicitation is being issued by the city, the legal signatory must be identified in writing at the time negotiations are initiated.

(c) If ~~the legal signatory entering the contract~~ **any individual listed in subsection (a)** has made ~~such~~ a contribution **in violation of this section**, the city may not award the contract to that person, or to the ~~business entity for whom that contributor acted as legal signatory~~. Any contract awarded in violation of this provision shall be voidable at the discretion of the City Council.

**(d) When an individual or entity applies for a zoning change, the following shall not make a political contribution to any councilmember or candidate or political action committee that supports or opposes a city councilmember or candidate from the time the zoning application is submitted to the city until 30 calendar days after final action on the application by the Zoning Commission or City Council:**

- 1. any individual applying for a zoning change; or**
- 2. any owner or officer of an entity applying for a zoning change; or**
- 3. the spouse of an individual listed in 1 or 2 of this subsection**

**(e) If any individual listed in subsection (d) of this section has made a contribution in violation of this section, the city may not approve the requested change in the zoning district boundary. Any zoning change granted in violation of this provision shall be voidable at the discretion of the City Council.**

~~(d)~~**(f)** In the event that a candidate or officeholder unknowingly accepts a contribution in contravention of the provisions of this section, then it shall be the duty of the candidate or officeholder to return the contribution within 5 business days after he or she ~~becomes aware of~~

the violation has received notification from city staff that a contribution in violation of this section has been discovered. Candidates and councilmembers who return contributions within the 5 business days cannot be held liable for violation of this section.

~~(e) The criteria for designation as a “high-risk” contract are:~~

~~(1) Value of the contract over the life of the contract will exceed \$1 million;~~

~~(2) Contracts with value exceeding \$25,000 to be obtained without competitive solicitation;~~

~~(3) Contract is for goods or services of a highly complex nature or the contract terms will be non-standard; or~~

~~(4) Contracts with exceptional community interest.~~

**Attachment D**

**Registered Lobbyists as of December 13, 2009  
City of San Antonio**

**ALLEN BOONE HUMPHRIES ROBINSON, LLP.**

3200 SOUTHWEST FREEWAY, SUITE 2600  
HOUSTON TX 77207-  
Telephone: (713) 860-6408  
Nature of Business: Law Firm  
Registered: 2/14/2005

GREER PAGAN  
ALLEN BOONE HUMPHRIES ROBINSON, LLP  
3200 SOUTHWEST FREEWAY, SUITE 2600  
HOUSTON TX 77027  
Telephone: 713-860-6408  
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Registered: 2/14/2005  
Agent of ALLEN BOONE HUMPHRIES ROBINSON, LLP.

STEPHEN ROBINSON  
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Telephone: 713-860-6408  
Nature of Business: Agent Of The Registrant  
Registered: 2/14/2005  
Agent of ALLEN BOONE HUMPHRIES ROBINSON, LLP

**BALTAZAR R. SERNA, JR.**

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Telephone: (210) 225-6700  
Nature of Business: Attorney at Law  
Registered: 1/10/1999

**BOBBY PEREZ**

600 NAVARRO SUITE 500  
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Nature of Business: ATTORNEYS AT LAW  
Registered: 6/1/2005

**BRACEWELL & GUILIANI LLP**

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SAN ANTONIO TX 78205-  
Telephone: (210) 226-1166  
Nature of Business: LEGAL AND GOVERNMENTAL ISSUES  
Registered: 2/18/2009

JOSEPH KRIER  
TX 78205  
Telephone: 2102261166  
Nature of Business:  
Registered: 2/18/2009  
Agent of BRACEWELL & GUILIANI LLP

PATTI LARSEN  
TX 78205  
Telephone: 2102261166  
Nature of Business:  
Registered: 2/18/2009  
Agent of BRACEWELL & GUILIANI LLP

**Attachment D (Cont.)**

**BROWN & ORTIZ , P.C.**

112 E. PECAN, SUITE 1360  
SAN ANTONIO TX 78205-  
Telephone: (210) 299-3704  
Nature of Business: LAW FIRM  
Registered: 11/18/2004

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Nature of Business: Agent  
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JAMES GRIFFIN  
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PAUL JUAREZ  
112 PECAN, STE. 1360  
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Telephone: (210) 299-3704  
Nature of Business: Agent  
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DANIEL ORTIZ  
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**DEVIN BUCK BENSON**

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Registered: 1/31/2007

BUCK BENSON  
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Nature of Business:  
Registered: 1/31/2007  
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**Attachment D (Cont.)**

**DRENNER & GOLDEN STUART WOLFF, LLP**

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Telephone: (210) 745-3727  
Nature of Business: REAL ESTATE DEVELOPMENT  
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STEPHEN DRENNER  
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**EARL & ASSOCIATES, P.C.**

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SAN ANTONIO TX 78248-  
Telephone: (210) 222-1500  
Nature of Business: ATTORNEY AT LAW  
Registered: 1/17/1999

DAVID I. EARL  
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**Attachment D (Cont.)**

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Registered: 1/22/2004  
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15303 HUEBNER ROAD, BILG. 15  
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Nature of Business: Agent To The Registrant  
Registered: 7/12/2006  
Agent of EARL & ASSOCIATES, P.C.

GREG YOUNGS  
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SAN ANTONIO TX 78248  
Telephone: (210) 222-1500  
Nature of Business: Agent To The Registrant  
Registered: 7/16/2007  
Agent of EARL & ASSOCIATES, P.C.

**FULBRIGHT & JAWORSKI, L.L.P.**

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SAN ANTONIO TX 78205-  
Telephone: (210) 270-7142  
Nature of Business: ATTORNEY  
Registered: 2/16/1999

JANE MACON  
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Telephone: (210)224-5575  
Nature of Business: Lobbyist  
Registered: 7/26/2004  
Agent of FULBRIGHT & JAWORSKI, L.L.P.

JAMES PLUMMER  
300 CONVENT STREET, SUITE 2200  
SAN ANTONIO TX 78205  
Telephone: (210)224-5575  
Nature of Business: Lobbyist  
Registered: 7/26/2004  
Agent of FULBRIGHT & JAWORSKI, L.L.P.

JAMES SUMMERS  
300 CONVENT STREET, SUITE 2200  
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Telephone: (210)224-5575  
Nature of Business: Lobbyist  
Registered: 2/1/2006  
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**GERARDO MENCHACA**

317 LEXINGTON AVENUE, SUITE 3  
SAN ANTONIO, TX 78215  
Telephone: (210)535-0151  
Nature of Business:  
Registered: 3/19/2009

**Attachment D (Cont.)**

**HARRY JEWETT ASSOCIATES**

307 W. RHAPSODY DR.  
SAN ANTONIO TX 78216-3109  
Telephone: (210) 737-3417  
Nature of Business: CIVIL ENGINEERING; FIELD SURVEYING; ARCHITECTURE; PLANNING; LAND DEVELOPMENT  
Registered: 4/3/2008

LAWRENCE GILL  
307 W. RHAPSODY DR.  
SAN ANTONIO TX 78216-3109  
Telephone: 210-737-3417  
Nature of Business:  
Registered: 4/3/2008  
Agent of HARRY JEWETT ASSOCIATES

NORMA MORALES  
307 W. RHAPSODY DR.  
SAN ANTONIO TX 78216-3109  
Telephone: 210-737-3417  
Nature of Business:  
Registered: 4/3/2008  
Agent of HARRY JEWETT ASSOCIATES

M. HARUNOR RASHID  
307 W. RHAPSODY DR.  
SAN ANTONIO TX 78216-3109  
Telephone: 210-737-3417  
Nature of Business:  
Registered: 4/3/2008  
Agent of HARRY JEWETT ASSOCIATES

**JOHN T. MONTFORD**

1 BUCKINGHAM COURT  
SAN ANTONIO TX 78257-  
Telephone: (210) 687-1800  
Nature of Business: TELECOMMUNICATIONS  
Registered: 5/2/2009

**KAUFMAN & KILLEN, INC.**

100 W. HOUSTON, SUITE 1250  
SAN ANTONIO TX 78205-  
Telephone: (210) 227-2000  
Nature of Business: LAW FIRM  
Registered: 2/11/1999

**Attachment D (Cont.)**

WILLIAM T. KAUFMAN  
KAUFMAN & ASSOCIATES, INC.  
100 W. HOUSTON, SUITE 1250  
SAN ANTONIO TX 78205-  
Telephone: (210) 227-2000  
Nature of Business: Agent Of The Registrant  
Registered: 2/2/2004  
Agent of KAUFMAN & KILLEN, INC.

ROB KILLEN  
KAUFMAN & ASSOCIATES, INC.  
100 W. HOUSTON, SUITE 1250  
SAN ANTONIO TX 78205  
Telephone: (210) 227-2000  
Nature of Business: Agent Of The Registrant  
Registered:  
Agent of KAUFMAN & KILLEN, INC.

LUCY M. PEVETO  
KAUFMAN & ASSOCIATES, INC.  
100 W. HOUSTON, SUITE 1250  
SAN ANTONIO TX 78205  
Telephone: (210) 227-2000  
Nature of Business: Agent Of The Registrant  
Registered: 12/2/2004  
Agent of KAUFMAN & KILLEN, INC.

MITSUKO RAMOS  
KAUFMAN & ASSOCIATES, INC.  
100 W. HOUSTON, SUITE 1250  
SAN ANTONIO TX 78205  
Telephone: (210) 227-2000  
Nature of Business: Agent Of The Registrant  
Registered: 7/18/2008  
Agent of KAUFMAN & KILLEN, INC.

JOHN REYNOLDS  
KAUFMAN & ASSOCIATES, INC.  
100 W. HOUSTON, SUITE 1250  
SAN ANTONIO TX 78205  
Telephone: (210) 227-2000  
Nature of Business: Agent Of The Registrant  
Registered: 4/27/2006  
Agent of KAUFMAN & KILLEN, INC.

**M. EDWARD LOPEZ**

PO BOX 691262  
SAN ANTONIO TX 78269-  
Telephone: (210) 697-8658  
Nature of Business: LEGISLATIVE/REGULATORY CONSULTING  
Registered: 11/19/2007

**MARTIN & DROUGHT, P.C.**

300 CONVENT ST., #2500  
SAN ANTONIO TX 78205-  
Telephone: (210) 220-1339  
Nature of Business: LEGAL SERVICES  
Registered: 1/6/2003

FRANK BURNEY  
MARTIN & DROUGHT, P.C.  
300 CONVENT, 25TH FLOOR  
SAN ANTONIO TX 78205-  
Telephone: (210) 220-1339  
Nature of Business: Agent Of The Registrant  
Registered: 1/1/2004  
Agent of MARTIN & DROUGHT, P.C.

**Attachment D (Cont.)**

**PAPE-DAWSON ENGINEERS, INC.**

555 EAST RAMSEY  
SAN ANTONIO TX 78216-  
Telephone: (210) 375-9000  
Nature of Business: CIVIL ENGINEERING  
Registered: 4/5/2002

RUBEN CERVANTES  
PAPE-DAWSON ENGINEERS, INC.  
555 EAST RAMSEY  
SAN ANTONIO TX 78216  
Telephone: (210) 375-9000  
Nature of Business: Agent Of The Registrant(lobbyist)  
Registered: 1/11/2005  
Agent of PAPE-DAWSON ENGINEERS, INC.

SAM DAWSON  
PAPE-DAWSON ENGINEERS, INC.  
555 EAST RAMSEY  
SAN ANTONIO TX 78216  
Telephone: (210) 375-9000  
Nature of Business: Agent Of The Registrant(lobbyist)  
Registered: 1/11/2005  
Agent of PAPE-DAWSON ENGINEERS, INC.

DENNIS RION  
PAPE-DAWSON ENGINEERS, INC.  
555 EAST RAMSEY  
SAN ANTONIO TX 78216  
Telephone: (210) 375-9000  
Nature of Business: Agent Of The Registrant(lobbyist)  
Registered: 1/11/2005  
Agent of PAPE-DAWSON ENGINEERS, INC.

**STELLARGY CONSULTING, LLC**

5316 W. HWY 290., SUITE 200  
AUSTIN TX 78735-  
Telephone: (512) 222-9494  
Nature of Business: ATTORNEYS & COUNSELORS

**THE FRANCIS LAW FIRM**

112 E. PECAN ST., SUITE 200  
SAN ANTONIO TX 78205-  
Telephone: (210) 222-1100  
Nature of Business: ATTORNEYS

**TUGGY ROSENTHAL PAUERSTEIN SANDOLOSKI AGATHER LLP**

755 EAST MULBERRY, SUITE 200  
SAN ANTONIO TX 78212-  
Telephone: (210) 225-5000  
Nature of Business: ATTORNEYS AT LAW

BLAKELY FERNANDEZ  
TUGGY ROSENTHAL PAUERSTEIN SANDOLOSKI AGATHER LLP  
755 EAST MULBERRY, SUITE 200  
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Nature of Business: Attorney At Law  
Registered: 3/19/2008  
Agent of TUGGY ROSENTHAL PAUERSTEIN SANDOLOSKI AGATHER LLP

**Attachment D (Cont.)**

MELISSA KILLEN  
TUGGY ROSENTHAL PAUERSTEIN SANDOLOSKI AGATHER LLP  
755 EAST MULBERRY, SUITE 200  
SAN ANTONIO TX 78212  
Telephone: (210) 225-5000  
Nature of Business: Attorney At Law  
Registered: 8/23/2005  
Agent of TUGGY ROSENTHAL PAUERSTEIN SANDOLOSKI AGATHER LLP

TIM TUGGEY  
TUGGY ROSENTHAL PAUERSTEIN SANDOLOSKI AGATHER LLP  
755 EAST MULBERRY, SUITE 200  
SAN ANTONIO TX 78212  
Telephone: (210) 225-5000  
Nature of Business: Attorney At Law  
Registered: 3/19/2008  
Agent of TUGGY ROSENTHAL PAUERSTEIN SANDOLOSKI AGATHER LLP

**ZACHRY INC.**

P. O. BOX 240130  
SAN ANTONIO TX 78224-0130  
Telephone: (210) 258-2662  
Nature of Business: CONSTRUCTION SERVICES AND PROJECT DEVELOPMENT  
Registered: 4/30/1999

KEN OLESON  
ZACHRY, INC.  
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Telephone: (210) 258-2662  
Nature of Business: Agent To The Registrant  
Registered: 1/15/2002  
Agent of ZACHRY INC.

TARA SNOWDEN  
ZACHRY, INC.  
P.O. BOX 240130  
SAN ANTONIO TX 78224-0130  
Telephone: (210) 258-2662  
Nature of Business: Agent Of The Registrant  
Registered: 1/15/2009  
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VICTORIA WADDY  
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Nature of Business: Agent To The Registrant  
Registered: 1/15/2002  
Agent of ZACHRY INC.

HENRY BARTELL ZACHRY, JR.  
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P.O. BOX 240130  
SAN ANTONIO TX 78224-0130  
Telephone: (210) 258-2662  
Nature of Business: Agent Of The Registrant  
Registered: 1/15/2002  
Agent of ZACHRY INC.

**Attachment E**

**2009 Ethics & Campaign Finance Training**

Twice  
monthly: Mandatory New Employee Orientation Ethics Presentation

January 10, 2009:  
Ethics Workshop for Cultural Affairs Board at the Botanical Gardens (1 hour)

January 12, 2009 (2 sessions)  
Financial Disclosure Reports training for boards and commissions liaisons (2 hours)

January 26, 2009:  
Candidate Workshop on Municipal Campaign Finance Code, Ethics Code and Texas Election Code (2 hours)

January 28, 2009:  
Library Board Ethics Code Overview (1 hour)

February 3, 2009 (2 sessions):  
Boards and Commissions Liaison Workshop on Ethics and Open Government (2 hours)

March 3, 2009:  
Municipal Leadership Institute on Ethics, Parliamentary Procedure, Open Meetings and Open Records Laws (3 hours)

March 9, 2009:  
Elderly Affairs Commission Ethics Orientation (0.5. hours)

April 17, 2009:  
American Institute of Architects (AIA) presentation on city's Ethics regulations to outside architects and engineers (1.5 hours)

April 27, 2009:  
Municipal Leadership Institute on Ethics, Parliamentary Procedure, Open Meetings and Open Records Laws (3 hours)

May 11, 2009:  
Council Aide Staff Workshop on Ethics and Open Government (1 hour)

May 15, 2009:  
New Councilmember Ethics, Open Government Presentation (1 hour)

June 8, 2009:  
Ethics Workshop for Mayor's Office Staff (1 hour)

June 16, 2009:  
New Councilmembers Ethics, Open Government Presentation (1 hour)

July 13, 2009:  
Council Aide Staff Workshop on Ethics and Open Government (1 hour)

July 24, 2009:

Accredited Continuing Legal Education Presentation to City Attorney staff on the City Ethics Code (1 hour)

September 10, 2009:

Real Estate Law Group Accredited Continuing Legal Education Course on City Ethics Code and Municipal Campaign Finance Regulations (1 hour)

September 11, 2009:

Hispanic Chamber of Commerce Overview and Updates on City Ethics Code and Municipal Campaign Finance Regulations (1 hour)

September 18, 2009:

Urban Management Assistants of South Texas (UMAST) Overview and Updates on City Ethics Code and Municipal Campaign Finance Regulations (1 hour)

September 29, 2009

Municipal Leadership Institute on Ethics, Parliamentary Procedure, Open Meetings and Open Records Laws (3 hours)

October 9, 2009:

Hemisfair Park Area Redevelopment Corporation Ethics Code Overview (1 hour)

October 28, 2009:

Co-Presentation at the LBJ School at the University of Texas at Austin with City of Austin Ethics Attorney John Steiner on Establishing Ethics Programs for Local Government Organizations (1 hour)

## Attachment F

The Ethics Review Board recommends the following revisions to the Ethics Code:

### SECTION 2-62 DEFINITIONS

As used in division 5 (Lobbyists), the following words and phrases have the meaning ascribed to them in this section, unless the context requires otherwise:

*City official* means the mayor, members of the city council, municipal court judges and magistrates, the city manager, deputy city manager, city clerk, assistant city clerk, assistant city managers, assistants to the city manager, all department heads, assistant department heads, internal auditor and assistant internal auditors; Market Square superintendent; assistant to city council; assistants to city council, including contract personnel, assistant to mayor; assistants to the mayor, including contract personnel, secretary to city manager; executive secretaries; community action manager; public utilities supervisor, members of bid committees, and members of the following boards and commissions: board of adjustment; board of appeals; city public service; fire fighter's and police officer's civil service commission; electrical examining and supervising board; ethics review board established pursuant to this ethics code; Greater Kelly Development Authority and any authority later created under Chapter ~~379B 378~~ (formerly 378) Defense Base Development Authorities, of Subtitle A, Title 12 of the Texas Local Government Code; historic and design review commission; housing authority of San Antonio; municipal civil service commission; planning commission; plumbing appeals and advisory board; public library board of trustees; San Antonio Water System; Urban Renewal Agency (SADA); zoning commission; and any other board or commission that is more than advisory in nature

### Section 2-66 Quarterly Activity Reports

(b) **No Activity or Changes.** No quarterly activity report is required if there is no activity during the preceding quarter ~~calendar-year~~ and there are no other changes to items required to be reported.

### Section 2-73 Financial Disclosure Report

(b) **Open Records.** Financial disclosure reports are open records subject to the Texas ~~Open Records~~ **Public Information** Act, and shall be maintained in accordance with the Local Government Records Act.

### SECTION 2-84 Ethics compliance officer

(a) **City Attorney's Office.** The city attorney or an assistant city attorney designated by the city attorney shall serve as the ethics compliance officer for the city. The ethics compliance officer shall:

- (1) receive and promptly transmit to the ethics review board complaints and responses filed with the city clerk as set forth in section 2-83;

- (2) investigate, marshal, and present to the ethics review board the evidence bearing upon a complaint;
- (3) act as legal counsel to the ethics review board;
- (4) issue advisory opinions to city officials and employees about the requirements imposed by the ethics laws; ~~and~~
- (5) be responsible for the training and education of city officials and employees with respect to their ethical responsibilities;
- (6) review complaints for legal sufficiency;
- (7) recommend acceptance or rejection of complaint made to the ethics review board; and
- (8) request additional information from complainant as needed.

### **Section 2-87 Disposition**

(f) **Civil Sanctions for Ethics Code Violations.** The following civil remedies may be recommended or imposed by the Ethics Review Board which finds that the ethics laws have been violated:

- (6) **Letter of Notification.** The Ethics Review Board may issue a letter of notification to any person, whether or not an official or employee of the city, when the board finds that a violation of the code of ethics was clearly unintentional or inadvertent. The letter must advise the person to whom it is directed of any steps to be taken to avoid future violations;