

From: "Ivy R. Taylor (Mayor)" <Ivy.R.Taylor@sanantonio.gov>

Date: February 10, 2017 at 6:10:59 PM CST

To: "Sheryl Sculley (CMO)" <Sheryl.Sculley@sanantonio.gov>

Subject: Barge operator RFP

Sheryl,

As you know, City staff presented recommendations regarding the River Barge concession agreement during the B Session Executive Session this past Wednesday (February 8, 2017). This agreement represents a value to the City of tens of millions of dollars over the next 10 years and has been under discussion or the subject of a City request for proposals since 2014. It is classified as a High Profile Discretionary Contract. Furthermore, the San Antonio River is an invaluable, iconic attraction and the experience of visiting the river must be treated with utmost care in order to protect this asset and the economic and cultural benefits it provides.

I am concerned about the integrity of the process through which the staff recommendation was reached. Perceived flaws include a lack of consistency, transparency and accountability within the process itself and conflict between the process and City of San Antonio ordinance and operating procedure. These flaws cast significant doubt upon a very visible process that must be as fair and consistent as possible.

In an effort to address these concerns and to allow me to reassure our community about the validity of the process, please provide a written response to the following questions about this contract:

- Please define "black out period" and summarize the requirements imposed upon staff and respondents during this time.
- My understanding is that in the week before the respondent interviews, respondents were first reminded that, in keeping with City policy, lobbyists were not allowed to attend or participate in the presentations. On the Friday of that week, just before the Monday presentations, respondents were notified in writing that attorneys could attend and observe, but that lobbyists could not. Please detail who requested and authorized these communications, why City procedure was changed to allow attorneys to attend (citing other examples of a similar decision in High Profile Discretionary Contract interviews, if possible), and provide a timeline of these decisions and actions.
- Citing the City's Ethics Code, please explain the difference between a lobbyist and an attorney. Please provide examples of actions an attorney could take that would not trigger the requirement to register with the City of San Antonio as a lobbyist. Please provide examples of actions that would result in an attorney being required to register as a lobbyist.
- Please outline the penalties for acting as a lobbyist without registering as a lobbyist, including whether there are any penalties for an entity that hires an unregistered lobbyist or only for the lobbyist who fails to register.

Given the significance of this contract and the gravity of these concerns, I appreciate receiving the information I have requested as soon as possible. Until such time as the information is received and discussed, I am directing that this item be removed from the City Council meeting forecast and not rescheduled. When it is rescheduled, City Council will receive presentations from each qualified respondent as part of the selection process.

I know that each of us prides ourselves on acting transparently in the best interest of the taxpayers and residents of our city. A delay in acting on this matter is a small price to pay for restoring public trust and the outstanding reputation of our municipal organization.

Thank you

Ivy