

ORDINANCE

2023-02-02-0054

AMENDING THE CITY COUNCIL PROJECT FUND GUIDELINES ELECTION YEAR MORATORIUM.

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WHEREAS, the City Council Project Fund guidelines restrict the use of CCPF and binding and printing, mail and parcel post, and advertising and publications budgeted funds during the campaign period for General Election years during the period of February through June; and

WHEREAS, the restriction limits expenditures during election years to the amount spent during the same period of the previous non-election year; and

WHEREAS, the current formula to determine the cap on these expenses has resulted in some councilmembers not having funds available to send communications to their constituents as established over the course of a calendar year; and

WHEREAS, revised CCPF guidelines could establish a cap for election season spending for binding and printing, mail and parcel post, and advertising and publications based upon the aggregate City Council average per month or the average their District spent per month in the previous non-election year, whichever is higher; and

WHEREAS, City Council to wants to revise the formula for election season spending to accommodate Councilmember's communication practices and maintain an expected level of constituent communications; **NOW THEREFORE:**


BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The formula in the City Council Project Fund Guidelines is revised to establish a cap for election season spending for binding and printing, mail and parcel post, and advertising and publications based upon the aggregate City Council average per month or the average their District spent in the previous non-election year per month, whichever is higher.

SECTION 2. The revised CCPF Guidelines, set out in Attachment 1, are approved, and shall replace the 2018 Guidelines.

SECTION 3. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective 10 days after passage.

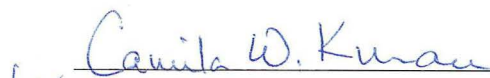
PASSED AND APPROVED this 2nd day of February, 2023.


M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:


Debbie Racca-Sittre, City Clerk
City Clerk


for Andrew Segovia
City Attorney



City of San Antonio

City Council Meeting February 2, 2023

15.

2023-02-02-0054

Ordinance amending the City Council Project Fund election year moratorium guidelines.
[Ben Gorzell Jr., Chief Financial Officer; Emily McGinn, Assistant to City Council]

Councilmember Rocha Garcia moved to Approve on the Consent Agenda. Councilmember Courage seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo,
Cabello Havrda, Pelaez, Courage, Perry
Absent: DISTRICT 7

CITY COUNCIL PROJECT FUND

1.) Eligibility

Allocations of CCPF may be made to City Council District Offices and external applicants provided that the proposed expenditure serves a municipal public purpose, fits into one of the following eligible categories, and satisfies all other criteria set out in these guidelines:

- 1) Education;
- 2) City Council District/community events; or
- 3) Youth or senior activities.

City Council finds that investment of CCPF in programs, activities, events, scholarships, goods or services deemed eligible under these guidelines serve a municipal public purpose. Examples include costs associated with events or programs that promote: (1) the health, safety and welfare of the community; (2) family, social and economic stability; (3) community fitness/recreation; and (4) community education and training, which, in part, prepares the workforce for productive employment and meets the needs of the community.

The following qualify as eligible Applicants for CCPF:

- 1) City Council District Offices for district events;
- 2) Non-profit entities that are: a) exempt from federal income tax or is able to show proof at the time of application for CCPF of having filed for tax exempt status as determined by the Internal Revenue Service under section 501(c)(3) of the United States Internal Revenue Code, or is an affiliate of a non-profit, tax-exempt corporation; b) able to show proof of exemption from franchise taxes by the Texas State Comptroller at the time of application for CCPF; and c) able to demonstrate that the proposed services, programs and events funded by CCPF will be open the public;
- 3) Neighborhood associations or other legally formed entities whose purpose as stated in its organizational documents is defined as serving the community;
- 4) Another governmental entity, such as a municipality, county, school district, or other political subdivision of the State of Texas, which is requesting CCPF for a project it is not required to carry out under its own charter or mandates by state or federal law, unless it involves a joint project with the City.

Applicants shall be required to apply once and select all District offices from which the Applicant is seeking funding in a single application if for the same program, activity, event, good or service. A ninety (90) day deadline, following submission of an application to the Office of the City Council, for Applicants to submit vendor quotes or invoices in support of the CCPF application and for Council District offices to approve an application is hereby established. The Assistant to City Council may, in his or her sole and absolute discretion, waive or extend the application expiration period on a case by case basis.

EXHIBIT 1

City Council Project Funds Guidelines

2) Limitations

- A. City Council finds that CCPF are prohibited for use when expenses do not serve a public purpose. Examples of ineligible expenses are set out Attachment I.
- B. No more than \$10,000 of unallocated City Council Project Funds may be carried forward by the Mayor or Councilperson from one fiscal year into the next fiscal year.
- C. Designated Council staff shall attend monthly meetings scheduled by the City Council Office to review budget reports, CCPF applications and expenses.

3) Elections

- A. Four months of prorated funding based upon the CCPF allocation for the applicable fiscal year shall be reserved for use by the incoming Mayor or Councilperson following a General Election.
 - B. A moratorium on Mayor or Councilperson approval of CCPF expenditures begins with the first day of the filing period for office and ends when the elected official is sworn into office.
 - C. No CCPF events or activity shall occur during the moratorium. The election year moratorium provides an exemption to allow the funding of wellness, arts, cultural and heritage events requested by entities or agencies that are hosting these types of events and that are not branded with elected officials' name, likeness, or logo, including any promotional materials associated with the event.
 - D. Election year spending in binding and printing, mail and parcel post, and advertising and publications from the CCPF and Operating budget between February and June is limited to the higher of:
 - a. Five times the aggregative City Council monthly average during the previous year;
 - b. Five times the monthly average the respective District spent during previous year.
- 4) City Council approval, as evidenced by the adoption of Ordinance, shall be required for allocations exceeding \$10,000 to an Applicant for the same program, activity, events, good or service.
- 5) The City Manager, or designee, or the Assistant to City Council, is authorized to execute contracts in support of the projects, programs approved under these guidelines.

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CITY COUNCIL PROJECT FUND GUIDELINES

ATTACHMENT I

ADDITIONAL EXAMPLES OF INELIGIBLE EXPENSES

- a) Services which are primarily commercial, religious, or political in nature.
- b) Permanent improvements to any non-City owned structure or property so that it becomes an integral part of the real property and its removal would do harm to the building or land, including those improvements that are bolted, nailed, screwed, or wired into the wall, ceiling, or floor.
- c) Expenditures for the operation of City Department or supporting other governmental entities in carrying out functions mandated by their charter or statute, except for joint projects where City programs are also involved.
- d) Funding for tuition at private primary or secondary schools, except funding for scholarship awards for the benefit of students attending an institution of higher education.
- e) Funding for the purchase of gas, gift cards, clothing or apparel that will be owned by an individual unless part of a workforce program; rental or purchase of animals, alcohol, and amusement rides.
- f) General operating expenses or expenses to support the ongoing operation of the applicant, including, but not limited to, salaries, utilities, rent and regular administrative expenses, and travel unless representing the City of San Antonio.
- g) Funding to support the project of an organization already receiving funding, such as a delegate agency, that is duplicative in nature or otherwise deemed ineligible by authorized staff in the Office of the City Council to receive CCPF due to previous misuse of CCPF (or funds previously designated as HDSF) or due to a violation of the policies, rules or guidelines for CCPF.