

RESOLUTION NO. 20141120-035

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

Council authorizes the negotiation and execution of professional services agreements for federal agency and legislative representation services each for a one year term and for a total combined amount not to exceed \$270,000 as set forth in Exhibit A.

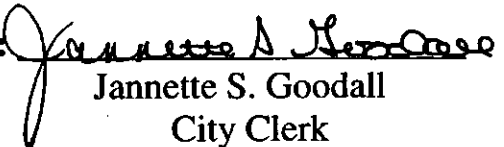
ADOPTED: November 20, 2014 **ATTEST:** 
Jannette S. Goodall
City Clerk

Exhibit A

Consultants – 114th Congress

FY 2014-15

CapitalEdge	\$90,000
Holland & Knight LLP	\$180,000
Total Combined Amount	\$270,000



City of Austin

City Manager's Office

P. O. Box 1088, Austin, TX 78767
(512) 974-2200, Fax (512) 974-2833

Marc A. Ott, *City Manager*
Marc.Ott@ci.austin.tx.us

October 1, 2014

Mr. Ralph Garboushian
CapitalEdge Strategies, LLC
1212 New York Avenue, NW Suite 250
Washington, DC 20005-3953

RE: Lobbyist Engagement Letter

Dear Mr. Garboushian:

This letter confirms our agreement to retain you and your firm ("Lobbyist") to provide the City of Austin ("City") with lobbying and related services. Lobbyist will provide the City with Washington D.C. advocacy assistance before the U.S. Congress, federal executive branch departments, and agencies on matters of concern to the City during the agreement term.

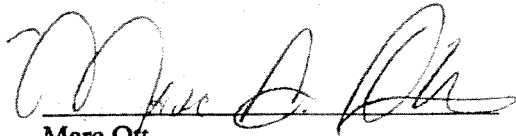
The City will pay for lobbying services your firm provides in a total amount *not to exceed \$90,000* for all fees and expenses billed under this agreement in accordance with the Fee Schedule attached as Exhibit A. The services to be performed by Lobbyist shall include, without limitation, the following:

1. Our agreement incorporates the duties described in the attached Description of Services attached as Exhibit B.
2. Provide recommendations on appropriate methods for pursuing the City's interests before the federal government.
3. Report as directed to the City Manager and to the Mayor and Council members, or designees of Council members as requested, regarding the City's legislative program and any proposed legislative efforts of interest to the City of Austin.
4. Keep the City's Government Relations Officer advised of all contracts made on behalf of the City.

5. The Lobbyist agrees to coordinate the Lobbyist's work under this agreement with the City Manager or his designee. The City agrees to coordinate all contact and communication with the Lobbyist through the City Government Relations Officer.
6. The Lobbyist agrees not to represent any person, group, or entity with an interest in conflict with the City's legislative program without notifying the City Council of such representation, and obtaining authorization from the City Council to represent such person, group, or entity.
7. The Lobbyist agrees not to subcontract the Lobbyist's work to any person not identified in this agreement, except with approval of the City Manager or his designee.
8. The term of this agreement is for a period of twelve months, beginning October 1, 2014, and ending September 30, 2015. Payment shall be subject to appropriation of the necessary funds by the Austin City Council.
9. This agreement may be terminated at any time, for any reason, by either the City or the Lobbyist by giving thirty days notice in writing to the other party.

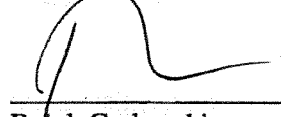
If these arrangements are agreeable to you, please sign this letter below and return it at your earliest convenience. We look forward to working with you.

Very truly yours,



Marc Ott
City Manager

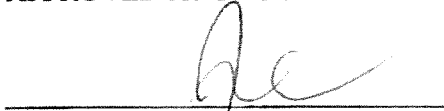
AGREED:



Ralph Garboushian
CapitalEdge Strategies, LLC

Attachments

APPROVED AS TO FORM:



John Steiner
Assistant City Attorney

Exhibit A

**CITY OF AUSTIN AND
CapitalEdge Strategies, LLC
FEE SCHEDULE**

The total amount for lobbying services and expenses shall not exceed \$90,000. A copy of all invoices for services and receipts for reimbursable costs shall be submitted to the City on a monthly basis. The fee schedule for lobbyist and related services will be as follows:

The City will pay a monthly retainer of \$7,500 for twelve months beginning October 1, 2014 and ending September 30, 2015. **Total Retainer amount not to exceed \$90,000.**

Exhibit B

Description of Duties CapitalEdge Strategies, LLC

CapitalEdge Strategies, LLC (CES) proposes to continue representing Austin in Washington, DC, as part of the Texas Cities Legislative Coalition (TCLC). TCLC consists of the cities of Arlington, Austin, Dallas and Denton, which jointly conduct Washington advocacy efforts. TCLC has been operating since 1986 to give Texas cities a stronger voice in Washington. The Austin contract administrator will be a member of TCLC Committee and participate as an equal member in its decisions.

CES will provide the city of Austin with a full scope of lobbying and related services in Washington, DC. In addition, the city would be provided a Washington Office, blocks from the White House and minutes from Capitol Hill, equipped with voice mail telephone service, word processing, fax, photocopying, Internet access, e-mail, and access to a reference library. This office would be available for use by visiting City officials.

CES operates on the premise that the City's officials are the very best advocates for the City's cause. The City's leadership determines policy positions. CES facilitates their efforts and becomes part of the local management team moving the strategic plan forward.

Information Services – At CES, we provide a steady flow of information to our clients about issues of importance to cities. We believe that it is imperative that City officials are informed of developments in a particular area as they occur. We focus on the bottom line—looking for the impact of federal policy on City revenue and operations.

In addition to the relationships we have developed in federal agencies and on Capitol Hill, we have access to a variety of resource materials. In addition to daily newspapers, the *Federal Register* and *Congressional Record*, we have numerous other periodicals available, which cover dozens of issues. CES has broadband Internet access and e-mail capabilities.

In these times of government reinvention and reengineering and partisan rhetoric, information from the nation's capital is frequently confusing. We sort through all of the conflicting communications to help the City chart its course. Information services include:

Weekly Report – The cornerstone of our information services is the *TCLC Washington Report*, which is a weekly compilation of Washington events which affect Texas municipalities. It is published each week that Congress is in session. Issues covered in the *Washington Report* include Budget and Appropriations, Housing and Community Development, Transportation, Environmental Issues, Public Safety, and Human Services. In addition, the report contains a list of *Federal Register* notices of interest to local governments published that week.

Direct contact – Ongoing contact with the City's Office of Intergovernmental Relations (OIR) Director, as well as other persons authorized to request service and exchange information, will be established and maintained on at least a weekly basis and often on a daily basis. This ongoing

two-way contact with one key senior staff member is critical to successful operations. It keeps the City's Washington agenda current and helps us know what the City's policies and priorities are as well as local dynamics that may affect our strategy.

Memoranda – Memoranda on issues of concern to Austin will be researched and prepared by CES. These memoranda will be of two sorts: those on issues or programs of interest to all of the Texas cities and those responding to a specific concern of Austin, as requested by City staff.

Visits to Austin - Planned trips to Austin to meet with elected officials, senior City staff, and department heads are also important to tailoring the information services provided. Such trips afford an opportunity to discuss and plan responses and strategies to federal local initiatives. They are a primary means for identifying legislative and grant opportunity targets. Under the TCLC contract, trips are organized at the request of the City.

Federal legislative briefings – Briefings will be provided at the request of Austin and the other Texas cities. TCLC practice has been to provide federal issues briefings at annual meetings of the National League of Cities, and, if requested, at meetings of the U.S. Conference of Mayors. Individual TCLC cities, including Austin, have also from time to time arranged for briefings of their Council Legislative Committees and/or senior staff and department heads.

Lobbying and Advocacy Services – CES's information services are the foundation of the lobbying services which we provide. CES will provide Austin with Congressional Relations assistance and will maintain regular contact with the Texas Senators and Austin's Representatives in the House of Representatives. Rapport with many members of the Texas Congressional delegation and their staffs are on-going and strong. CES has direct contact with legislators and also supplies information to appropriate staff and orients them to the City's perspective on key issues. In addition to this communication, CES drafts letters and arranges visits or telephone calls for local elected officials to make the City's timely case on an issue.

CES will also provide consulting assistance to Austin regarding relations with the executive branch. "Working the Administration" on an issue or a project can be critical not only to successful grant-getting but also legislative victories.

CES will advise and consult on behalf of the City with the White House and key officials at departments and agencies of the Executive Branch, including but not limited to the following: Commerce, SBA, Treasury, HUD, Labor, HHS, DOT, EPA, Interior, Justice, and DOE.

CES will initiate and pursue research, reports, meetings, consultation, and other activities on behalf of the City on identified priority issues or projects and will respond to requests for similar actions from the City throughout the year. As the capital of Texas and one of the nation's 30 largest cities, Austin has an important role to play in shaping federal policy. We will inform the Administration and Congress of Austin's needs as well as identify and assist the City's pursuit of federal funding sources.

In addition, from time to time it is important to "lobby the lobbyists" and foster the City's relationships with national local government membership organizations such as the U.S. Conference of Mayors (USCM), the National League of Cities (NLC), the International City

Management Association (ICMA), the American Public Power Association (APPA), and the National Community Development Association (NCDA). There are times when CES brings an issue of importance to a client city to the attention of one of these organizations in an attempt to make it part of its policies. In that regard, CES regularly attends weekly meetings at USCM with other city lobbyists in Washington to discuss and exchange information that is of particular interest to urban America.

CES also generates and/or participates in coalitions of these interest groups and others to coordinate efforts to gain passage of major legislation. In addition, when it is to the City's advantage, we collaborate with the Texas State Office of Federal Affairs or other Texas and regional organizations represented in Washington. Building a coalition is a primary way of making things happen in Congress and CES is adept at it.

Visits to Washington – CES is available to help Austin plan and implement visits of Austin's officials to Washington. These trips are a key part of the advocacy process. CES believes that City officials are the most effective lobbyists and makes every effort to facilitate their efforts, assure their timeliness and effectiveness, and follow-through. CES identifies key issue areas or projects and sets target dates for Washington meetings to advance these interests.



City of Austin

City Manager's Office

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Marc A. Ott, City Manager
Marc.Ott@ci.austin.tx.us

October 1, 2014

Mr. Richard M. Gold
Holland & Knight LLP
800 17th Street, N.W.
Washington, D.C. 20006

RE: Lobbyist Engagement Letter

Dear Mr. Gold:

This letter confirms our agreement to retain you and your firm ("Lobbyist") to provide the City of Austin ("City") with lobbying and related services. Lobbyist will provide the City with Washington D.C. advocacy assistance before the U.S. Congress and federal executive branch agencies on matters of concern to the City during the agreement term. You advise that you will be the principal contact for your team.

The term of this agreement is for a period of twelve (12) months, beginning October 1, 2014, and ending September 30, 2015. The City will pay \$15,000.00 per month for lobbying services your firm provides, for a total amount not to exceed \$180,000.00 for all fees and expenses billed under this agreement. The services to be performed by Lobbyist shall include the duties described in the Scope of Services attached as Attachment A. The services to be performed by Lobbyist shall also include the following:

1. Report as directed to the City Manager and to the Mayor and council members regarding the City's legislative program and any proposed legislative efforts of interest to the City.
2. Coordinate the Lobbyist's work under this agreement with the City Manager or his designee. Unless otherwise directed, the City's Government Relations Officer is the City Manager's designee for purposes of this Agreement.
3. Advise the City's Government Relations Officer of all contacts made on behalf of the City.

The Lobbyist agrees not to represent any person, group, or entity with an interest in conflict with the City's legislative program without notifying the City Manager or his designee of such

Holland & Knight LLP
October 1, 2014
Page 2 of 2

representation, and obtaining authorization from the City Manager or his designee to represent such person, group, or entity.

The Lobbyist agrees not to subcontract the Lobbyist's work to any person not identified in this agreement, except with approval of the City Manager or his designee.

This agreement may be terminated at any time, for any reason, by either the City or the Lobbyist by giving thirty days notice in writing to the other party.

If these arrangements are agreeable to you, please sign this letter below and return it at your earliest convenience. We look forward to working with you.

Very truly yours



Marc A. Ott
City Manager

AGREED:



Richard M. Gold
Holland & Knight LLP

Attachment

APPROVED AS TO FORM:



John Steiner
Assistant City Attorney

Attachment A Scope of Services

Lobbyist will work under the direction of the City Manager and act as a liaison with state and federal government officials. It is anticipated that this engagement will include at least the following activities and tasks:

Representation:

- **Work with City Manager's Office and departments to establish the City federal legislative platform, draft sponsor measures and major legislative/regulatory priorities for the City.**
- **Represent the City's interests with members of Congress, legislative staff, administrative agencies, federal delegations and departments.**
- **Sponsor, support, amend or oppose Federal legislation or regulations based on importance to the City.**

Information:

- **Develop a briefing book for the federal delegation on City's federal legislative program.**
- **Provide regular reports on federal legislation and proposed regulations that impact the City.**
- **Respond to any questions from members of the City Council, its Committees, City Manager's Office or designated City officials; participate in conference calls with the City to provide insights and feedback on legislative agenda and federal process.**
- **Analyze legislation and regulations from the City's perspective; review and comment on federal initiatives and assist City departments in developing a federal legislative program.**
- **Assist City departments on means to maximize federal funding of City programs as directed; provide a monthly update on issues/grant opportunities.**

Access:

- **Facilitate, coordinate, and participate with access/visits to federal delegation legislative staff, and/or federal departments for City Council, City Manager's Office and Department Heads.**
- **Identify federal grants and other programs and sources that can provide funding for City programs.**
- **Provide access to key federal administrative officials**
- **Regulatory agencies and staff**
- **Provide access to office and conference space and logistical support for meetings with the federal delegation and for the City to appear or testify in legislative, regulatory or executive settings when in Washington, DC.**

Training:

- **Conduct on-site discussions with departmental representatives as part of a developmental process for a federal legislative program.**
- **Training of designated City staff in the legislative and regulatory process to maximize City resources**

- Training in how to gather information and analyze political situations in connection with developing and implementing City legislative goals.
- Training in how to implement both legislative and regulatory changes.

Urban Rail Consultation:

- Advise City on project development strategies for federal projects.
- Advise City on program management issues for federal projects.
- Provide review and comment as requested on federal agency correspondence, task deliverables, schedules, meeting and public information materials, etc., developed by the City and/or its contractors.
- Participate in monthly project status meetings in person or via phone.
- Participate in on-site meetings with City staff, councilmembers, and other stakeholders.

Urban Rail Deliverables:

- Technical memoranda upon request.
- Participation at monthly project status meetings.
- Quarterly federal legislative updates:
 - * Legislative activities undertaken on behalf of City for previous period;
 - * Anticipated legislative activities on behalf of City for coming period;
 - * Identification and discussion of legislative issues with implications for City transportation policies and activities;
 - * Recommendations for federal strategy implementation.

Travel:

- Travel by Lobbyist to Austin shall not exceed six trips per contract/fiscal year and is subject to the not-to-exceed amount of the contract.