

RESOLUTION NO.

WHEREAS, diverse, senior-level community and public policy expertise is important to the success of Austin's new 10-ONE city government; and

WHEREAS, cities across the nation are utilizing nonprofit grants and foundation partnerships such as the Mayor's Fund for Los Angeles and the Mayor's Fund to Advance New York City to support public initiatives, bolster policy expertise, and expand resources without burdening taxpayers; and

WHEREAS, in 2000, Mayor Kirk Watson formed The Mayor's Better Austin Foundation, Inc., a 501(c)3 nonprofit organization (the "Austin Foundation") to exclusively benefit the City of Austin; and

WHEREAS, for almost fifteen years, the Austin Foundation has funded public initiatives for the Mayor's office, such as the Mayor's Task Force on Aging; and

WHEREAS, the Austin Foundation has retained and has offered to lend senior-level community and public policy experts to the City of Austin at no salary or benefit cost to taxpayers; and

WHEREAS, the Austin Foundation's By-laws contain the following legal provisions to ensure transparency and public accountability:

Section 1.2. Purposes. The Corporation is organized and shall be operated exclusively for charitable, educational, and civic purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or the

corresponding provision(s) of any successor Internal Revenue law or laws (the "Code"). Within the scope of the foregoing purposes, the Corporation is organized and shall be operated exclusively in the public interest for the benefit of the residents of the City of Austin, Texas, a political subdivision of the State of Texas, which is exempt from federal income taxation, described in Section 170(b)(1)(A) of the Code, and classified as other than a private foundation under Section 509(a)(1) of the Code. The Corporation shall support and benefit goals, public purposes and objectives of the City of Austin by, among other things and without limitation, soliciting, receiving, holding, reviewing and evaluating donations to prevent conflicts of interest, investing and managing gifts, grants, donations, and bequests (collectively "donations"), to provide additional capacity, advisors, volunteers and staffing to the city and by hosting, sponsoring and encouraging city activities, programs and initiatives. All donations and their handling shall comply with the provisions of these bylaws to prevent conflicts of interest and to provide transparency and public accountability.

Section 1.5. Restrictions and Limitations on Accepting Donations. In addition to the restrictions on accepting donations that apply to the Corporation as a 501(c)(3) nonprofit organization incorporated in the State of Texas, the Corporation shall not solicit or accept, and will return promptly upon discovery, all funds and in-kind donations of any kind from:

1) entities, and the entities' officers, directors and owners of 5% or greater interest of the entities, that have pending, or received within the preceding 12 months of donating to the Corporation, discretionary or other non-competitively bid professional contracts with the City of Austin other than those described by Local Gov't Code Section 252.022(a)(7)(F);

2) persons and their attorney and firms that have pending litigation against the City of Austin, or which had such litigation within the preceding 6 months of donating to the Corporation;

3) lobbyists registered with the City of Austin and firms that employ such lobbyists; and

4) individuals that own, and entities and the entities' officers, directors and owners that own, 5% or greater interest in real property, as defined by City of Austin Code, Section 1-7-2(10) and (11), and as amended, with a zoning case pending before the City of Austin or in the 6 months preceding the donation.

Section 1.6. Transparency. All donations accepted by the Corporation, all services, funds or other transfers provided to the City of Austin, and the names, business or residence zip codes and donation amounts of all such donors, will all be made available to the public or otherwise posted for the public review.

Section 1.7. Donor Affirmation of No Conflicts of Interest. All donors must affirm that their donation satisfies all the requirements in Section 1.5 at the time of the donation.

Section 1.8. Personnel Disclosure and Recusal. All Corporation employees, volunteers, or independent contractors that work with the City of Austin shall comply with the City of Austin Code's, Sections 2-7-72(E) personal financial disclosure requirements.

In addition prior to employment or contracting, all Corporation employees, volunteers or independent contractors that will be working with the City of Austin shall sign a statement that they will recuse themselves for conflicts of interests, as specified in Austin City Code, Sections 2-7-1, *et. seq.*, including without limitation Sections 2-7-62 through 2-7-67, and Texas Local Government Code, Chapters 171 and 176. Failure to abide by the City's recusal requirements shall result in dismissal from employment and severance from association with the Corporation.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to negotiate and enter into a contract with The Mayor's Better Austin Foundation, Inc., pursuant to which, the nonprofit shall grant the services of its senior-level community and public policy experts to the City of Austin, at no salary or benefit cost to taxpayers and subject to the above provisions in its By-laws for the public purpose of assisting the new council committees and providing other policy support.

ADOPTED: _____, 2015

ATTEST: _____

Jannette S. Goodall
City Clerk