

## **Request for City Council Committee Action from the Department of Intergovernmental Relations**

Date: November 3, 2009  
To: Chair Betsy Hodges and IGR Committee Members  
Referral to: Ways and Means Committee

**Subject: Patton Boggs, LLP, for continued federal representation services in Washington, D.C.**

**Recommendation: That the proper City officers be authorized to execute Amendment #1 to Contract #C-26349 for Patton Boggs, LLP, for continued federal representation services in Washington, D.C., for the following reason: to extend the contract period from September 1, 2009 to September 30, 2011, payable from 00100 8410100. The annual amount of \$144,000 will remain the same and is contingent upon funding.**

**Previous Directives: In the Mayor's 2008 Adopted Budget, \$144,000 was awarded to Patton Boggs, LLP, via an RFP process for additional federal representation services in Washington, D.C.**

Prepared by: IGR Staff

Approved by: Gene Ranieri, IGR Director \_\_\_\_\_

Presenters in Committee: IGR Staff

### **Reviews**

- Permanent Review Committee (PRC): Approval Yes Date July 12, 2007

### **Financial Impact**

- Action is within current department budget.

### **Supporting Information:**

The contract with Patton Boggs for federal representation was for one year. A two-year extension is proposed. Originally, a multiple year contract was considered but a one-year contract was executed. The Firm was engaged to assist the city in its business with the Congress and federal agencies. The scope of services was drafted prior to the Presidential election and the federal response (housing legislation and the stimulus package) to the economic downturn. Therefore, some specific reporting milestones (monthly reports) were not accomplished but were replaced by written reports on pending legislation or grant programs.

The contract outlined two broad functions – Communication/Information and Advocacy (Policy and Resources). Both functions include advice, and consultation with other Firm members, federal officials and staff of national municipal organizations. Among the communication/information activities are meetings with city officials in Washington DC, conference calls, notification of available federal grant opportunities, assisting in developing the city's federal agenda, and liaison with federal agencies to provide or obtain information. Advocacy includes presenting the city's positions and funding requests and concerns to Congressional Offices, federal agencies and non-governmental public interest groups. Advocacy can take numerous forms and during the term of the contract the Firm has arranged for meetings of city officials with Congressional and federal officials, formed ad-hoc coalitions of cities to push for either legislative or administrative changes, and multi-city letters or communications to advance a position. The following are examples of the Firm's activities with the city.

### **Communication/Information**

#### **1. Meet With City Officials.**

During the contract year, the Firm's representatives met in Washington, DC on at least 5 occasions with city elected officials and staff. In addition to accompanying elected officials to events sponsored by the National League of Cities (NLC) and the US Conference of Mayors, the Firm worked with city staff at a US Department of Housing and Urban Development sponsored training session regarding the implementation of the Neighborhood Stabilization Program. The Firm also met with and set meetings with the state's Congressional delegation and staff for city council members during the NLC's Congressional Cities Conference.

Representatives of the Firm also visited the city in November of 2008 to meet with elected officials and city staff. As a result of the meetings, the Firm was able to provide assistance in drafting the federal agenda.

#### **2. Weekly Conference Calls.**

Approximately 45 weekly conference calls have been completed. The calls are organized by the IGR Office. A fixed time (2PM Wednesday) is scheduled for the conference call which usually lasts 45 minutes. The agenda is distributed to a list of city staff. On occasion, staff is added as issues arise. For example, additional CPED staff members were invited on the call for the Longfellow Station discussion and Fire Department staff members joined on SAFER grant discussions. A copy of a recent call-in agenda is attached.

In addition to the weekly conference calls, there have been two conference calls on single topics. For these calls the Firm supplements its city assigned staff with persons specializing in a specific topic. The calls related to wastewater and broadband. The latter call clarified several questions raised by city staff regarding the federal broadband grant program authorized by the American Recovery and Reinvestment Act (ARRA) and prompted the city to submit an application.

A third type of conference call has been the multi-city call. Two calls were scheduled. One was to address policy and technical issues with other city staff related to NSP I. The other call was initiated by the City of Philadelphia. The latter call's purpose was to develop a strategy for cities to receive either TARP funds for operations or pension debt and to request a federal stimulus package to help cities. The call was informative but only three cities agreed to request TARP funds for operations and pension debt. The request was not approved by the Treasury.

### **3. Inform the City of Funding Opportunities and Provide Assistance.**

A major portion of the 2008/2009 contract has been spent on providing information on federal initiatives and obtaining city perspectives on proposed program rules and guidance. This year was unusual in that the Congress adopted in the last half of 2008 legislation to address the mortgage foreclosure crisis and in early 2009 an economic recovery (American Recovery and Reinvestment Act) or stimulus bill. The two federal initiatives have provided the city with several funding opportunities. Soon after the passage of the bills into law, the Firm provided summaries and analysis of the bills. A copy of the ARRA summary, which was sent to council members and department heads, is attached. Also attached is a copy of the periodic update of ARRA grant announcements and submission dates.

The Firm has also reviewed and suggested changes to city prepared responses to a federal grant advisory (Department of Energy), proposed earmarks and letters to federal agencies. A copy of the response to the Department of Energy is attached. On October 19, 2009, the Department of Energy released its program guidance which incorporates some of the city's suggestions. Among the suggestions was a smaller minimum grant amount and additional grantees. The initial advisory included a \$50.0 million minimum grant amount and 4 to 8 possible grants. The minimum grant amount has been dropped to \$5.0 million and the number of possible grants has increased to 8 to 20. The city's concerns were incorporated into the DoE's grant guidance and as a result a grant application is being developed by several partners including the city, St. Paul, utilities and Hennepin and Ramsey Counties.

### **Advocacy (Policy and Resources)**

#### **1. Neighborhood Stabilization Program.**

The initial advocacy occurred in the formation of the distribution formula and guidance for the implementation of the NSP-I program. The Firm met with HUD officials and conveyed the current thinking on the formula development. Being aware of information city staff recommended two key concepts that were incorporated into the program guidelines. One recommended that the formula include data from 2007 as well as 2008. The inclusion of two years enhanced the city's formula allocation. The second recommendation related to the distribution of state administered NSP funds. City staff was concerned that HUD would follow a Community Development Block Grant requirement that prohibits the allocation of state administered funds to entitlement cities such as Minneapolis. The city staff argued that the foreclosure assistance need was prevalent in CDBG entitlement cities and that the NSP guidance should permit the state/entitlement relationship. The Firm was part of a group of organizations including the State Housing Finance Association and cities that proposed the state/entitlement relationship. HUD accepted the proposal. As a result the city received an additional \$5.6 million.

#### **2. ARRA: Community Development Block Grant Inclusion.**

During the debate on the ARRA, city organizations (USCM) and individual cities argued that CDBG met the criteria for inclusion in the ARRA. A copy of the multi-city letter is attached. The cities' advocates including the Firm stated that CDBG could deliver funds quickly, is proven and could create jobs. The Senate bill did not include CDBG funds. The Firm and its fellow advocates continued the effort despite the absence in the Senate bill. The ARRA does include \$1.0 billion for CDBG as well as funding for homeless prevention and public housing capital improvements. The city received an additional \$3.6 million in CDBG.

### **3. ARRA: Broadband Technology Opportunities Program (BTOP).**

The ARRA included \$4.7 billion for broadband improvements. Although a portion of competitive grant funding was dedicated to rural projects, the Firm provided guidance regarding BTOP applications for public computer centers, innovative programs, and related federal opportunities. The staff comments on the grant guidance were reviewed by the Firm and the subsequent guidance permitted projects similar to the one submitted by the city.

### **4. SAFER.**

The Congress has amended the Staffing for Adequate Fire and Emergency Response (SAFER) guidelines for the FY 2009 and FY 2010 appropriations to eliminate the local match and permit the use of funds to retain firefighters. Unfortunately the federal program guidance for the grants has not yet been released. The Firm and the city have advocated for the release of the guidelines so that a timeframe for applications and grant awards could be coordinated with local calendar year budgets. The SAFER office is aware of the issue but has not yet released the guidance. The city through the Office of the Mayor has also contacted the Office of the Vice President to request the expedited release of the guidance. The guidance is expected by November 16 and applications are due by December 18.

### **5. Sustainable Communities.**

The President's budget included a \$400.0 million appropriation to the US Department of Housing and Urban Development (HUD) for the Sustainable Communities program. The program is a joint effort among HUD, the Environmental Protection Agency (EPA) and the US Department of Transportation (USDOT) to stimulate the integration of land use planning with transportation needs and environmental concerns. The appropriation will be used to provide regions with grants to do land use planning.

The Twin Cities region has been engaged on comprehensive planning within a regional framework for approximately thirty years. Unfortunately the region's cities are completing their plan updates. However the Firm and city staff members are developing a strategy that could propose to HUD that regions demonstrating integrated land use planning capacity be able to receive grant support for planning and programming activities along proposed or existing transitways or corridors that could receive federal support. The Firm staff have met with HUD officials and additional contacts including city and regional officials are being discussed.

## **Summary**

The Firm has provided the city with useful information and analysis of federal programs. It has also advocated on the city's behalf on program rules and legislation. While it is difficult to assign a financial benefit to the Firm's efforts, the inclusion of CDBG (\$3.6 million) in the ARRA and the ability for entitlement cities (\$5.6 million) to access state administered NSP funds can be attributed to the efforts of many groups including the Firm.

A recommended addition to the contract would be a periodic (monthly) regularly scheduled contact with the Mayor and Council leadership (Council President, IGR Chair). In addition chairs of committees which have jurisdiction over an agenda item would be included in the discussion. The contact could include but not be limited to conference calls, visits to Minneapolis and written reports.