

**A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AND THE HOUSING AUTHORITY COMMISSION OF THE CITY OF MILPITAS APPROVING THE FINAL BUDGET FOR THE CITY OF MILPITAS FOR THE FISCAL YEAR 2012-2013**

**WHEREAS**, the City Manager submitted a 2012-2013 Proposed Budget and Financial Plan; and

**WHEREAS**, public hearings were held on the Proposed Plan where all interested persons were heard; and

**WHEREAS**, the City Council and Housing Authority Commission (“Authority”) reviewed the City Manager’s 2012-2013 Proposed Budget and Financial Plan; and

**WHEREAS**, on May 8, 2012, the City Council and Authority approved the 2012-2013 Financial Plan and the 2012-2013 Capital Budget.

**NOW, THEREFORE**, the City Council and Authority of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council and Authority have considered the full record before them, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to them. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The annual budget for the City of Milpitas for fiscal 2012-2013 is hereby reaffirmed and adopted totaling \$105,142,850 for all appropriated funds. This budget assumes that certain savings shall be achieved through concessions from City employees on total compensation and/or the elimination or reduction of authorized positions (employee layoffs).
3. Appropriations and estimated fund balances are hereby allocated for the various purposes designated in the 2012-2013 Final Budget.
4. The budgets for all departments for the period July 1, 2012 through June 30, 2013, inclusively contained in this 2012-2013 Final Budget Resolution, are approved as the operating budget for those departments for fiscal 2012-2013.
5. Any unused non-salary and benefits-related appropriations, subject to the approval of the City Manager, at the end of fiscal 2011-2012 may be reappropriated for continued use in fiscal 2012-2013.
6. No office, department, or agency shall expend any amount or incur any liability or enter into any contract, which by its terms involves expenditures of money for any purpose in excess of the amounts appropriated for the particular departments, accounts, and funds set forth herein.
7. The City Manager may authorize, when in his or her judgment such action is consistent with the purposes and intent of the Budget as adopted, budget revisions subject to the following conditions:
  - a. Prior Council Approval Not Required. Prior approval of the City Council is not required under the following circumstances:
    - i. In order to allocate, redistribute and/or appropriate monies between department and non-department funds so as to reflect the budgetary savings achieved through concessions from City employees on total compensation and/or the elimination or reduction of authorized positions (employee layoffs).
    - ii. When revisions, which involve transfers from appropriated contingency reserves, are less than the aggregate amount of 1% of General Fund appropriations, or \$616,000 during fiscal 2012-2013, provided that the Council is notified in writing of the revision, giving the reason, the amount of the revision and the year-to-date total amount of revisions.
    - iii. When revisions involve transfers within various departments or projects within the same fund, provided that the amount of transfer in any single instance does not exceed \$20,000.

iv. For Police goods and services to be purchased from Asset Seizure funds, the City Manager or his/her designee, has the authority to purchase such goods or services if the expenditures of such goods and services do not exceed the amount designated from Asset Seizure funds as approved by the City Council during the fiscal 2012-2013 Budget hearing.

b. Prior Council Approval Required. Prior approval of the City Council is required if any of the following are involved:

i. Changes providing for increases in permanent personnel or changes in classification for personnel from the number of classes or personnel approved in the adopted Budget.

ii. Contract change orders in excess of \$20,000.

iii. Changes when in his or her judgment such action would be inconsistent with the purposes and intent of the Budget as adopted.

iv. Transfers from contingent reserves, which would cause the aggregate amount of 1% of General Fund appropriations, or \$616,000 during fiscal 2012-2013, to be exceeded.

8. In order to balance the budget for fiscal year 2012-2013, it has been necessary to assume as part of the budget solution the elimination of a number of authorized positions within the City service; and

Information establishing the current budget situation and steps to be taken to present balanced City Budgets has been presented during this meeting of May 8, 2012, and in prior budget presentations; and

It is the judgment of the City Council that it has become necessary in the interest of economy that the number of authorized positions within the City service be reduced without the right of appeal of the decision to eliminate or reduce the positions. We find that this decision is a fundamental managerial policy decision of the City Council.

9. Any provision of any resolution adopted prior to the date of adoption of this resolution that is inconsistent with the intent of, or the language of, or which would thwart the immediate implementation of this budget resolution, is hereby repealed and rendered null and void to the extent of any such inconsistency, as an impediment and barrier to the current direction, intent and will of the City Council. Specifically, Subsection D of Section IV and Section VI of Resolution 5981 are hereby repealed immediately.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk/Authority Secretary

\_\_\_\_\_  
Jose S. Esteves, Mayor/ First Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney/Authority Counsel