

**List of Attachments for Public Hearing No. 01**

**– Operating Budget and Fiscal-Related Matters (for Fiscal Year 2015-16)**

**Attachments:**

- 01-A Ordinance No. 197.13: Restructure Departments
- 01-B Ordinance No. 289: City Manager Signature Write-Off Authority
- 01-C Resolution: Adoption of Fiscal Year 2015-16 Budget
- 01-D Resolution: Amend Classification Plan for Fiscal Year 2015-16
- 01-E Resolution: Amend Fiscal Policies for Fiscal Year 2015-16
- 01-F Resolution: Appropriation Limits for Fiscal Year 2015-16

**PLEASE NOTE:**

This copy of Ordinance No. 197.13 is a “redlined” version for your convenience. Text additions are designated by an underline and text deletions are designated with a strikethrough.

**REGULAR**

**NUMBER**                   **197.13**

**TITLE:**                   **AN ORDINANCE OF THE CITY OF MILPITAS AMENDING SECTION 1.00 OF CHAPTER 3, TITLE VI OF THE MILPITAS MUNICIPAL CODE TO SEPARATE ENGINEERING AND PUBLIC WORKS INTO TWO DEPARTMENTS AND ASSIGN THE RECREATION SERVICES DIVISION TO REPORT DIRECTLY TO THE CITY MANAGER DEPARTMENT**

**HISTORY:**               This Ordinance was introduced (first reading) by the City Council at its meeting of \_\_\_\_\_, upon motion by \_\_\_\_\_, and was adopted (second reading) by the City Council at its meeting of \_\_\_\_\_, upon motion by \_\_\_\_\_. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

**RECITALS AND FINDINGS:**

**WHEREAS**, the Milpitas Municipal Code permits the City Manager to assign the work of City government functions to such departments authorized by the City Council; and

**WHEREAS**, it would promote the rational and efficient operation of City government to separate Engineering and Public Works into two departments and assign the Recreation Services Division to directly report to the City Manager Department.

**NOW THEREFORE**, the City Council of the City of Milpitas does ordain as follows:

**SECTION 1. RECORD AND BASIS FOR ACTION**

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

**SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE VI, CHAPTER 3**

Milpitas Municipal Code Section VI-3-1.00 is hereby amended to read as follows:

**VI-3-1.00 - Establishment of Departments of City**

Pursuant to the provision of Section VI-1-2.08 of the Milpitas Municipal Code, the work of the City government shall be distributed among the following departments of the City:

- A. City Manager;
- B. City Attorney;
- C. Finance;
- D. Human Resources;
- E. Information Services;
- F. Planning and Neighborhood Services;
- G. Public Works;
- H. Engineering;
- I. Police;
- J. Fire; and
- I Building and Safety.

**SECTION 3. SEVERABILITY**

In the event any section or portion of this Ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

**SECTION 4. EFFECTIVE DATE AND POSTING**

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.

**NUMBER:** 289

**TITLE:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADDING CHAPTERS 4 AND 5 TO TITLE I OF THE MILPITAS MUNICIPAL CODE RELATING TO CONTRACT AND SETTLEMENT AUTHORITY

**HISTORY:** This Ordinance was introduced (first reading) by the City Council at its meeting of \_\_\_\_\_, upon motion by \_\_\_\_\_ and was adopted (second reading) by the City Council at its meeting of \_\_\_\_\_, upon motion by \_\_\_\_\_. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

**RECITALS AND FINDINGS:**

**WHEREAS**, on May 5, 1998, the Milpitas City Council adopted Resolution No. 6765 authorizing the City Attorney to approve settlement of any legal claim against the City of Milpitas in an amount not to exceed Ten Thousand Dollars (\$10,000), and the City Manager and City Attorney collectively have authority to approve settlement of any claim against the City of Milpitas in an amount not to exceed Thirty-Five Thousand Dollars (\$35,000); and

**WHEREAS**, on August 3, 1999, the City Council adopted Resolution No. 6910 authorizing the Risk Manager of the City of Milpitas to approve settlement of any legal claim against the City of Milpitas in an amount not to exceed Ten Thousand Dollars (\$10,000), and the City Manager and City Attorney collectively have authority to approve settlement of any claim against the City of Milpitas in an amount not to exceed Thirty-Five Thousand Dollars (\$35,000); and

**WHEREAS**, the Milpitas Purchasing Ordinance codified in Chapter 2 of Title I of the Milpitas Municipal Code sets forth the procurement authority and process for purchase of supplies and services; and

**WHEREAS**, the City of Milpitas desires to add Chapters 4 and 5 to Title I of the Milpitas Municipal Code to codify the aforementioned Resolutions, standard operating procedures, and current practices relating contract and settlement authority.

**NOW, THEREFORE**, the City Council of the City of Milpitas does ordain as follows:

**SECTION 1. RECORD AND BASIS FOR ACTION**

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

**SECTION 2. ADDITION OF CHAPTER 4 TO TITLE I OF THE MILPITAS MUNICIPAL CODE**

Chapter 4 of Title I is added to the Milpitas Municipal Code to read as follows:

**CHAPTER 4 - CONTRACT AUTHORITY**

**Sections:**

**Section 1 - Scope of Contract Authority**

**I-4-1.01**

The term "Contract," for the purpose of this Chapter, means the following:

- a. Agreements for the construction of public works projects;
- b. Agreements for the lease or purchase of supplies, materials and equipment;
- c. Leases, licenses and other agreements for the use of real property;
- d. Agreements for professional services;
- e. Agreements for personal services, including agreements with independent contractors and employees;
- f. Agreements relating to the grant of funds by the City and to the City; and
- g. Temporary construction easements not exceeding one year.

**I-4-1.02**

The term "Contract," for the purpose of this Chapter, except as provided in Section I-4-2.02, shall not include:

- a. Unless specifically authorized under Section I-4-2.02, agreements for the transfer of title to or substantial permanent interest in real property, including:

1. Grant deeds;
  2. Quit claim deeds; and
  3. Easements.
- b. Agreements for the acceptance or donation of personal property, real property, or otherwise, to or by the City.

#### I-4-1.03

The term "total cumulative monetary value of" means the contract obligations, including all amendments, involving the transfer to or from the City of money, goods, other value, or tangible or intangible personal property or an interest in real property having a dollar value in the amount stated.

### **Section 2 - Contract Authority of the City Manager**

#### I-4-2.01

The City Manager is authorized to enter into and execute for and on behalf of the City of Milpitas, without the prior approval of the City Council, any Contract, for which:

- a. Funds have been appropriated; and
- b. There is an unexpended and unencumbered balance of such appropriation sufficient to pay the Contract expense; and
- c. The total cumulative monetary value of the Contract does not exceed One Hundred Thousand Dollars (\$100,000).

The contract authority of the City Manager in this Section does not include the authority to execute any Contracts within the authority of the City Attorney.

#### I-4-2.02

In addition, the City Manager is authorized to execute for and on behalf of the City of Milpitas a certificate of acceptance of an instrument conveying to the City any interest in real property, where such conveyance is:

- a. Of real property, or an interest therein, to be used for a public purpose; and
- b. Required as a condition of:
  1. A parcel map or tentative subdivision map approved pursuant to Chapter 1 of Title XI of the Municipal Code; or
  2. A development permit approved pursuant to Chapter 10 of Title XI of the Municipal Code; and
- c. The real property has been determined to present no significant toxics liability.

### **Section 3 - Contract Amendment Authority**

#### I-4-3.01

The City Manager is authorized to enter into and execute for and on behalf of the City of Milpitas, without the prior approval of the City Council, any amendment to a Contract that was executed pursuant to their respective authority under this Chapter, which does not increase the compensation for the Contract to accomplish the following:

- a. To extend the term of the Contract for a period not to exceed six (6) consecutive months from the last City Council approved termination date; or
- b. To make minor revisions to the scope of services; or
- c. To make clerical corrections.

#### I-4-3.02

In addition, the City Manager is authorized to approve assignments to contracts previously approved by the City Council when he or she has determined that the proposed assignee is at least as responsible and capable of performing the agreement as the original contractor.

## **Section 4 - Limitations on Contract Authority**

### **I-4-4.01**

This Chapter shall not authorize any City officer or official to enter into and execute any Contract which such officer or official is otherwise prohibited from entering into and executing under the provisions of the Municipal Code, or any other applicable law, or by any resolution or action of the City Council; or which may expose the City to an extraordinary risk which the City Council has not authorized.

### **I-4-4.02**

The contract authority under this Chapter is in addition to the contract authority set forth in Chapter 2 of Title I of the Municipal Code.

## **SECTION 3. ADDITION OF CHAPTER 5 TO TITLE I OF THE MILPITAS MUNICIPAL CODE**

Chapter 5 of Title I is added to the Milpitas Municipal Code to read as follows:

### **CHAPTER 5 - SETTLEMENT AUTHORITY**

#### **Sections:**

#### **Section 1 - Settlement Authority of City Attorney**

##### **I-5-1.01**

The City Attorney is authorized to compromise and settle claims and actions for damages against the City, and/or against its officers and employees for conduct within the course and scope of their employment with the City where:

- a. The amount to be paid by the City does not exceed Ten Thousand Dollars (\$10,000).
- b. The amount to be paid by the City does not exceed Thirty-Five Thousand Dollars (\$35,000) if the City Manager also concurs with the compromise or settlement.
- c. The City Attorney is authorized to enter into agreements on behalf of the City and its officers and employees as necessary to effectuate any authorized compromise and settlement.
- d. The City Attorney shall report annually to the City Council the claims or actions against the City settled for an amount greater than Ten Thousand Dollars (\$10,000).

#### **Section 2 - Settlement Authority of the Risk Manager**

##### **I-5-2.01**

a. The Risk Manager is authorized to compromise and settle any claims against the City for damages or claims for other money owed to the City where the amount to be paid does not exceed Ten Thousand Dollars (\$10,000), provided the Risk Manager deems the compromise and settlement to be in the City's best interest. For purposes of any compromise and settlement pursuant to this provision, the Risk Manager is authorized to enter into any agreement for or on behalf of the City necessary to effectuate the compromise and settlement. To the extent the full amount owing to the City on any claim is not collected due to a compromise and settlement pursuant to this provision, the uncollected amount shall be deemed written off as uncollectible.

b. The Risk Manager shall report annually to the City Council the claims or actions against the City settled pursuant to this Section I-5-2.01.

#### **Section 3 - Write-off of Uncollectible Accounts**

##### **I-5-3.01**

The City Manager and the Director of Finance, jointly, are authorized to write off as uncollectible up to Fifty Thousand Dollars (\$50,000) in total annually (and up to Ten Thousand Dollars (\$10,000) for any single account or claim) on all accounts or claims which the City may have against all persons when the City Manager and Director of Finance determine that the claim is:

- a. Uncollectible;
- b. Possibly collectible but collection would not be reasonably cost effective taking into consideration the probable necessary cost to the City in pursuing collection and the likelihood of collection; or
- c. Not a valid, enforceable claim of the City.

#### I-5-3.02

Notwithstanding Section I-5-3.01, the Director of Finance is authorized to write-off as uncollectable up to Ten Thousand Dollars (\$10,000) on each unpaid account if the difference between the amount owed to the City on the unpaid account and the settlement amount does not exceed Ten Thousand Dollars (\$10,000), whenever the Director of Finance deems the write off to be in the City's best interest.

#### I-5-3.03

A write-off pursuant to this Section is authorized solely to facilitate the keeping of the books of account of the City, and under no circumstances shall any such write-off be deemed to constitute a relinquishment or abandonment by the City of any such account or claim, and nothing in these sections shall be deemed or construed to prevent the City from collecting or enforcing payment of any such account or claim at any time.

#### I-5-3.04

Except as provided in this Section, no account or claim of the City shall be written off as uncollectible without the express authorization of the City Council.

### **SECTION 4. REPEALING ACTION**

The City Council hereby repeals City Council Resolution No. 6765 adopted on May 5, 1998, and Resolution No. 6910 adopted on August 3, 1999, to be effective when this Ordinance No. 289 is effective.

### **SECTION 5. SEVERABILITY**

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

### **SECTION 6. EFFECTIVE DATE AND POSTING**

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.

**A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AND THE HOUSING AUTHORITY OF THE CITY OF MILPITAS APPROVING THE FINAL BUDGET FOR THE CITY OF MILPITAS FOR THE FISCAL YEAR 2015-16**

**WHEREAS**, the City Manager submitted a 2015-16 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 Milpitas Housing Authority (“Authority”) reviewed the City Manager’s 2015-16 Proposed Budget and Financial Plan; and

**WHEREAS**, on May 19, 2015, the City Council and Authority approved the 2015-16 Financial Plan and the 2015-16 Capital Budget.

**NOW, THEREFORE**, the City Council and Authority of the City of Milpitas hereby find, determine, and resolve 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 year 2015-16 is hereby reaffirmed and adopted totaling \$136,928,456 for all appropriated funds. This budget assumes that certain savings shall be achieved through concessions from City employees on total compensation.
3. Appropriations and estimated fund balances are hereby allocated for the various purposes designated in the 2015-16 Final Budget.
4. The budgets for all departments for the period July 1, 2015 through June 30, 2016, inclusively contained in this 2015-16 Final Budget Resolution, are approved as the operating budget for those departments for fiscal 2015-16.
5. Any unused non-salary and benefits-related appropriations, subject to the approval of the City Manager, at the end of fiscal year 2014-15 may be reappropriated for continued use in fiscal year 2015-16.
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, 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.
    - ii. When revisions, which involve transfers from appropriated contingency reserves, are less than or equal to the aggregate amount of \$550,000 during fiscal year 2015-16, 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 year 2015-16 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 which would cause the aggregate contract amount to exceed \$100,000.
  - 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 appropriated contingent reserves, which would cause the aggregate amount of \$550,000 during fiscal year 2015-16, to be exceeded.
8. Information establishing the current budget situation and steps to be taken to present balanced City Budgets has been presented during this meeting of May 19, 2015 and in prior budget presentations.
9. There is no potential impact on the environment from this action per Section 15061(b)(3) of the CEQA Guidelines.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

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

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

APPROVED AS TO FORM:

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING THE CLASSIFICATION PLAN TO RECLASSIFY TWO FIRE POSITIONS AND ONE OFFICE SPECIALIST POSITION, ADJUST HOURLY RATE FOR SEASONAL MAINTENANCE WORKER POSITION AND VARIOUS TEMPORARY POSITIONS, AND DELETE 15.5 UNFUNDED AND UNFILLED POSITIONS**

**WHEREAS**, the City of Milpitas has a Classification Plan adopted as Resolution No. 1626 on December 17, 1968, which has been from time to time previously amended, and which is in accordance with the Personnel Rules and Regulations of the City of Milpitas (Resolution No. 792, as amended); and

**WHEREAS**, amendments to the Classification Plan are necessary to account for changes within the organization, reductions in staffing, transfer of duties, new job responsibilities, and adjustments to salary ranges.

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

1. The City Council has considered the full record before it, 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 it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. Resolution No. 1626, as amended, is hereby amended effective July 1, 2015, as follows:
  - A. Reclassify one (1) 40 hour Fire Battalion Chief position and one (1) Fire Marshall position to Deputy Fire Chiefs within the Fire Department to improve span of control and service delivery.
  - B. Adjust the hourly rate for seasonal maintenance worker classification to be equivalent to a Maintenance Worker I, Step A and increase the minimum wage of several temporary classifications to comply with the State’s minimum wage requirement, a listing of the classifications is attached hereto as Attachment No. 1 (“Hourly Rate Adjustments”).
  - C. Reclassify one (1) vacant unfunded Confidential Office Specialist position to Office Specialist within the City Clerk’s Office to better align the position’s tasks and responsibilities.
  - D. Delete fifteen and a half (15.5) full time equivalent positions within various departments, all of which have been unfunded and unfilled for several years, a listing of these positions is attached hereto as Attachment No. 2 (“Positions to be deleted from the Departments’ Authorized Positions”). Correspondently, delete thirteen (13) classifications from the Salary Table, a listing of these classifications is attached hereto as Attachment No. 3 (“Classifications to be deleted from Salary Table”).

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

**Attachment No. 1**

**Hourly Rate Adjustments**

<b>Classification</b>	<b>Current Hourly Rates</b>	<b>Revised Hourly Rates</b>
Maintenance Worker/Seasonal	\$11.00 - \$14.89	\$23.98
Lifeguard	\$8.58 - \$11.56	\$10.00 - \$12.15
Rec Leader III	\$8.64 - \$11.11	\$10.00 - \$12.15
Student Intern	\$9.18 - \$17.68	\$10.00 - \$18.56

**Attachment No. 2**

**Positions to be deleted from the Departments' Authorized Positions**

<b>Department/Division</b>	<b>Job Title</b>	<b>FTE's</b>
Information Services	Network Manager	1
Planning & Neighborhood Services	Assistant Planner	0.5
	Assistant Transportation Planner	1
Recreation	Parks & Recreation Director	1
	Program Coordinator	1
	Public Services Assistant II	2
	Recreation Services IV	3
	Recreation Services Assistant III	1
	Recreation Services Assistant II	1
Fire	Captain/Pub Education	1
	Assistant Fire Chief	1
	Assistant Fire Marshall	1
	Office Assistant I/II	1
	<b>TOTAL</b>	<b>15.5</b>

**Attachment No. 3**

**Classifications to be deleted from Salary Table**

<b>Job Title</b>
Network Manager
Assistant Transportation Planner
Junior Transportation Planner
Parks & Recreation Director
Captain/Pub Education
Cashier
Confidential Office Specialist
Water Meter Reader Supervisor
Assistant City Engineer
Assistant Fire Chief
Assistant Fire Marshall
Principal Administrative Analyst
Senior Administrative Analyst

RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE AMENDED FISCAL POLICIES

WHEREAS, the City Council adopted Resolution No. 8260 on May 14, 2013, approving the City of Milpitas amended Fiscal Policies; and

WHEREAS, proposed amendments to the Fiscal Policies were presented to the City Council during the April 7, 2015, Budget Study Session; and

WHEREAS, proposed amendments are included in the attached Exhibit A and consist of:

- (1) Section 29 is updated to reflect the City’s credit rating of AAA; and
- (2) Section 34 is updated to reflect the annual funding alternatives of the PERS contribution amount; and
- (3) Section 40 is deleted to eliminate the Recycled Water Utility Fund reserve requirement as that fund has been merged with the Water Utility Fund and is no longer a separate fund.

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

- 1. The City Council has considered the full record before it, 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 it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
- 2. The amended City of Milpitas Fiscal Policies attached hereto as Exhibit A are hereby approved and replace all prior Fiscal Policies.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING THE APPROPRIATIONS LIMIT FOR THE CITY OF MILPITAS FOR FISCAL YEAR 2015-2016**

**WHEREAS**, Article XIII B, Section 1 of the Constitution of the State of California requires that total annual appropriations subject to limitation of the City of Milpitas shall not exceed the appropriations limit of the City for the prior year adjusted for changes in the cost of living and population except as otherwise provided; and

**WHEREAS**, this Article became effective July 1, 1980, as amended, which requires the City to establish its appropriations limit by resolution each year at a regularly scheduled meeting or a noticed special meeting, commencing after the beginning of each fiscal year; and

**WHEREAS**, the appropriations base for 1978-79 had been determined and adjusted by the changes in population, cost of living, and transfers of financial responsibility, establishing an appropriations limit for fiscal year 2015-2016 of \$86,130,096. The calculation is attached hereto as Attachment No.1 (“FY 2015-2016 APPROPRIATIONS LIMIT”); and

**WHEREAS**, documentation used in determining the appropriations limit has been made available to the public for a period of not less than fifteen (15) days prior to City Council consideration of this Resolution.

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

1. The City Council has considered the full record before it, 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 it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The appropriations limit for fiscal year 2015-2016 shall be \$86,130,096, as set forth herein.
3. Pursuant to Government Code Section 7910, no judicial action or proceeding to attack, review, set aside, void, or annul the action of the City Council in establishing the appropriations limit for fiscal year 2015-2016 shall be brought unless such action or proceeding shall have been commenced within forty-five (45) days of the date of adoption of this Resolution.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney