

RESOLUTION NO. ____

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AND THE HOUSING AUTHORITY COMMISSION OF THE CITY OF MILPITAS APPROVING THE 2016-2021 CAPITAL IMPROVEMENT PROGRAM AND THE FINAL BUDGET FOR THE CITY OF MILPITAS FOR THE FISCAL YEAR 2016-2017

WHEREAS, the City Manager submitted a 2016-2017 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 Commission (“Authority”) reviewed the City Manager’s 2016-2017 Proposed Budget and Financial Plan; and

WHEREAS, the City Council has reviewed the 2016-2021 Capital Improvement Program (“CIP”); and

WHEREAS, on May 17, 2016, the first year, or FY 2016-17, of the CIP is appropriated as part of the 2016-17 Proposed Budget and Financial Plan.

NOW, THEREFORE, the City Council of the City of Milpitas and the Milpitas Housing Authority Commission 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 City Council hereby approves and adopts the 2016-2021 Capital Improvement Program.
3. The annual Budget and Financial Plan, inclusive of capital improvement appropriations, for the City of Milpitas for fiscal 2016-2017 is hereby reaffirmed and adopted totaling \$166,591,225 for all appropriated funds.
4. Appropriations and estimated fund balances are hereby allocated for the various purposes designated in the 2016-2017 Final Budget.
5. The budgets for all departments for the period July 1, 2016 through June 30, 2017, inclusively contained in this 2016-2017 Final Budget Resolution, are approved as the operating budget for those departments for fiscal 2016-2017.
6. Any unused non-salary and benefits-related appropriations, subject to the approval of the City Manager, at the end of fiscal 2015-2016 may be re-appropriated for continued use in fiscal 2016-2017. Furthermore, any outstanding contract and/or purchase order obligations (or encumbrances) remaining at the end of FY 2015-16 are subject to carry-over into FY 2016-17.
7. 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.

8. 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. When revisions involve transfers from appropriated contingency reserves accounts less than or equal to the aggregate amount of amount adopted within the budget in any one fiscal year (\$550,000 in FY 2016-17), 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.
 - ii. When revisions involve transfers, or reallocations, within any one fund among the various departments or projects, provided that the amount of transfer in any single instance does not exceed \$20,000.
 - iii. To allocate, redistribute and/or appropriate monies between department and non-department divisions so as to reflect the budgetary savings achieved through concessions from City employees on total compensation.
 - 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 Budget hearing.
 - b. Prior Council Approval Required. Prior approval of the City Council is required if any of the following are involved:
 - i. An increase in overall appropriation level within any one Fund.
 - ii. The transfers or reallocation of appropriations between different Funds.
 - iii. 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.
 - iv. Contract change orders which would cause the aggregate contract amount to exceed \$100,000 and/or exceed prior approved appropriation levels for the subject contract.
 - v. Changes when in his or her judgment such action would be inconsistent with the purposes and intent of the Budget as adopted.
 - vi. Transfers from appropriated contingent reserves account, which would cause the aggregate amount of \$550,000 during fiscal 2015-2016, to be exceeded.

- c. The City Manager shall have the authority to reasonably deviate from the budgeted personnel allocation schedule provided that at no time will the number of permanent, full-time employees authorized by the City Council be exceeded.
- 9. The Finance Director has determined that certain City Council approved Building & Safety Department fees are in need of adjustment. Pursuant to City Council Resolution No. 8368, passed on May 19, 2015 the Finance Director is authorized to administratively adjust said fees without further City Council approval, provided the adjustment is based on the Cost Allocation Methodology set forth and described in Resolution No. 8368 and does not exceed the cost of providing the services for which they are imposed. The adjustments to certain Building and Safety Department fees are based on the Cost Allocation Methodology set forth in Resolution No. 8368 and do not exceed the cost of providing the services for which they are imposed.
- 10. Information establishing the current budget situation and steps to be taken to present balanced City Budgets has been presented during this meeting of May 17, 2016, and in prior budget presentations.
- 11. There is no potential impact on the environment from this action per Section 15061(b) (3) of the CEQA Guidelines or this action does not constitute a project under CEQA per Section 15378(b)(4).

PASSED AND ADOPTED this ____ day of _____, 2016, 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:

 Christopher J. Diaz,
 City Attorney/Authority Counsel