



NOTICE OF MEETING
STRATEGIC PLANNING & FINANCE COMMITTEE
SEPTEMBER 10, 2014 AT 6:30 P.M.

Notice is hereby given that a special called meeting of the Strategic Planning and Finance Committee of the City of Kyle, Texas will be held on **Wednesday, September 10, 2014 at 6:30 p.m.**, in the City Council Chamber, at Kyle City Hall, 100 West Center Street, Kyle, TX 78640. The following subjects will be considered at the meeting and possible action may be taken.

NOTE: There may be a quorum of the City Council of Kyle, Texas present at the meeting who may participate in the discussion. No official action will be taken by the City Council members in attendance.

Posted this 5th day of September 2014 prior to 6:00 p.m.

MEETING AGENDA

1. Call Meeting to Order
2. Citizen Communications
3. Discussion and possible action regarding a proposed Ordinance defining “annual operating budget” and “reserve fund” as said terms are found in Sec.8.12 of the city charter; providing other definitions; providing transfer of fund balances; repealing section 2, subparagraph (f), subsection (9) of Ordinance No. 648 codified as Article VII (Debt Issuance and Management Policy) of Chapter 2 (Administration) of the Code of Ordinances; establishing that this ordinance shall govern over previously adopted ordinances and resolutions in conflict with said ordinance; providing for severability; providing for codification; providing for publication; providing for public notice pursuant to the Texas Open Meetings Act; providing for an effective date; and making such other findings and provisions related hereto.
4. Next Meeting: Wednesday, October 15, 2014
5. Adjourn

ORDINANCE NO. _____

AN ORDINANCE DEFINING “ANNUAL OPERATING BUDGET” AND “RESERVE FUND” AS SAID TERMS ARE FOUND IN SEC. 8.12 OF THE CITY CHARTER; PROVIDING OTHER DEFINITIONS; PROVIDING TRANSFER OF FUND BALANCES; REPEALING SECTION 2, SUBPARAGRAPH (F), SUBSECTION (9) OF ORDINANCE NO. 648 CODIFIED AS ARTICLE VII (DEBT ISSUANCE AND MANAGEMENT POLICY) OF CHAPTER 2 (ADMINISTRATION) OF THE CODE OF ORDINANCES; ESTABLISHING THAT THIS ORDINANCE SHALL GOVERN OVER PREVIOUSLY ADOPTED ORDINANCES AND RESOLUTIONS IN CONFLICT WITH SAID ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; PROVIDING FOR PUBLIC NOTICE PURSUANT TO THE TEXAS OPEN MEETINGS ACT; PROVIDING FOR AN EFFECTIVE DATE; AND MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO.

WHEREAS, Local Gov’t Code Secs. 101.021 and 101.022 grant a home-rule municipality the discretion and authority to control and manage its own finances and prescribe other fiscal arrangements; and,

WHEREAS, Sec. 4.03 of the city’s charter, not being in conflict with the previous sections of the Local Gov’t Code, states that the city council shall have control of all city finances subject only to the terms and provisions of the charter; and,

WHEREAS, Sec. 1.04 of the charter cites that the city shall possess and may exercise the full power of local self-government and shall have all powers possible and lawful for a home rule city to have under the constitution and laws of the State of Texas, as fully and completely as though each such power were specifically enumerated in the charter, except the city shall not have any authority or power that conflicts with state law; and,

WHEREAS, the city council has the power and authority vested by the charter at Sec. 1.02 to enact legislation, adopt budgets and determine policies; and,

WHEREAS, the charter does not define the terms “annual operating budget” or “reserve fund” as those terms are used in Sec. 8.12 of the charter; and,

WHEREAS, because the city council as the governing body of the city possesses and may exercise the powers and authority identified hereinabove regarding the city’s financial and fiscal arrangements, the city council may define the terms “annual operating budget” and “reserve fund” and other terms and repeal certain sections of Article VII (Debt Issuance and Management Policy) of Chapter 2 of the Code of Ordinances; and,

WHEREAS, by the actions of defining the terms, “annual operating budget” of the city and “reserve fund” and other terms or repealing certain provisions of ordinances, it is not the intention of the city council to alter, modify, change, redefine, bias, or otherwise adjust any word, part, phrase,
Item # 14

paragraph or sentence of Sec. 8.12 (Reserve Fund) of the charter; and,

WHEREAS, as granted by Sec. 1.04 of the city's charter, it is the intention of the city council to diligently and in due course of law exercise its control, authority, responsibility and duty in the matter of the finances and fiscal arrangements of the city in a manner that is useful or desirable to accomplish any public or lawful purpose, or to provide for the advancement of the interest, welfare, health, morals, comfort, safety, economic well being, or convenience of the city and its inhabitants, and that is consistent with the city's charter and state law; and,

WHEREAS, this ordinance shall be read and interpreted to be consistent with all provisions of the charter and state law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, that:

Section 1. Findings. The above foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Definition of Annual Operating Budget. Based upon case law, statutory law, local laws, and industry-standard best practices, the city council defines the term "annual operating budget" as that part of the city's annual budget that pertains to operations of the city and consists of the fund balances of its general fund, utility fund, and all other funds or accounts included in the city's annual budget and, in accordance with state law, all estimated revenues available to cover the city's annual proposed budget and the estimated tax rate required to cover said proposed budget.

Section 3. Definition of Fund Balance. For purposes of this ordinance, "fund balance" means the unexpended and unencumbered monies left over in any fund from previous years and available for appropriation.

Section 4. Definition of Reserve Fund. The term "reserve fund" referenced in Sec. 8.12 of the charter shall mean at least twenty-five percent (25%) of the annual operating budget as defined herein and further, if any line item incorporated in the city's annual budget has a fund balance, that item's fund balance shall be included in determining the actual amount necessary to meet the reserve fund requirement of Sec. 8.12 of the charter, regardless of whether or not such amounts are otherwise designated or set aside as reserve funds or accounts. The amount necessary to meet the reserve fund required under Sec. 8.12 need not be set aside in one particular fund or account but may be kept in separate funds or accounts, so long as said funds and accounts are accessible to meet an emergency as required by Sec. 8.12. Not less than twenty-five percent (25%) of the fund balances or accounts included herein, including said line items included in the annual budget, shall be expended only for an emergency.

Section 5. Transfer of Fund Balances. For the purpose of complying with the percentage or emergency requirements of Sec. 8.12 of the charter, the city council may transfer by majority vote any fund balance or portion thereof from one fund or account to another.

Section 6. Repealed. Ordinance No. 648, Section 2, Subparagraph (f), subsection (9) is hereby REPEALED.

Section 7. Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 8. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

Section 9. Codification. It is the intention of the City Council that this ordinance shall become a part of the Code of Ordinances of the City of Kyle, and it may be renumbered and codified therein accordingly. Upon codification, at least four sections shall be reserved for future use.

Section 10. Publication. The City Secretary is directed to publish this ordinance in a newspaper of general circulation in the City of Kyle in compliance with the provisions of the City Charter.

Section 11. Open Meetings. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Tex. Gov't Code, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon unless otherwise allowed by law to be closed.

Section 12. Effective Date. This Ordinance shall take effect from and after its final passage and publication as required by law.

PASSED and APPROVED on First Reading the _____ day of _____, 2014.

PASSED AND ADOPTED on Second Reading the _____ day of _____, 2014.

R. Todd Webster, Mayor

ATTEST:

APPROVED AS TO FORM:

Amelia Sanchez, City Secretary

W. Ken Johnson, City Attorney

ORDINANCE NO. 648

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ADOPTING A DEBT MANAGEMENT POLICY; AMENDING SECTION 8.11 OF ARTICLE VIII OF THE CODE OF ORDINANCES IN ITS ENTIRETY; AND PROVIDING SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES.

WHEREAS, the City Council of the City of Kyle, Texas (the "City") desires to amend the Code of Ordinances of the City ("Code") to establish a debt management policy and provide guidelines for issuance and effective management of medium and long term debt of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:

Section 1. Findings. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Adoption of Debt Management Policy. Section 8.11 of Article VIII of the Code, is hereby amended and replaced in its entirety to read as follows:

Section 8.11 DEBT ISSUANCE AND MANAGEMENT POLICY

(a) **Purpose.** The City establishes the following policy concerning the issuance and management of the City's debt. This debt policy, as presented to City Council and the citizens, is established to improve the quality of decisions in relation to the City's financing activities, provide a comprehensive view of the City's long term debt picture and make it easier for decision makers to understand issues concerning debt issuance and management.

(b) **Conditions of Debt Issuance.**

(1) **Community Needs** - Debt should be issued for the purpose of meeting the needs of the community through funding of capital projects and equipment but without constituting an unreasonable burden to taxpayers.

(2) **Qualified Projects** - Long term debt is only to be issued to finance the acquisition and/or construction of capital improvements with an economic or useful life greater than five years and the term of the debt. Additionally, only capital needs identified in the capital improvement program will be considered. Refunding bonds will only be issued if the present value of debt service savings exceeds three percent of the par value of the refunded bonds, unless the refunding is intended for tax rate management purposes. Debt for other purposes, such as acquisition of capital assets, is covered separately in this policy.

(3) **Emergency Purposes** – Debt may be issued in compliance with State law to repair or replace an essential public asset, e.g. wastewater trunk line, that has suffered catastrophic damages, or for other purposes if there is immediate risk to the health and/or general safety of the general population of the City. The issuance of debt under this subsection requires an affirmative vote by a majority of the members of the City Council present and voting, provided not less than four affirmative votes shall be required to authorize the issuance of debt under this subsection.

(c) **Types of Debt**

(1) **General Obligation Bonds**- General Obligation Bonds may only be issued with a majority approval of a popular vote. The use of the proceeds from GO Bonds is limited to the acquisition or improvement of real property and other uses allowed by law and applicable bond ordinances. Libraries, parks and public safety facilities are all types of facilities that can be financed with GO Bonds. To the extent that property tax revenues are used to fund debt service, a separate property tax will be levied.

(2) **Enterprise Revenue Bonds** - Enterprise Revenue Bonds finance facilities for a revenue producing enterprise, and are payable from revenue sources within that enterprise. Municipal Water and Sewer and Solid Waste are examples of revenue producing enterprises within the City.

(3) **Certificates of Obligation (CO's) and Limited Tax Notes (Notes)** - Notes will be used in order to fund capital requirements where the useful life does not exceed seven (7) years as authorized by State law or where expedient issuance is required. Debt service for CO's or Notes may be either from general revenues or backed by a specific revenue stream or streams or by a combination of both. The term of the CO's will not exceed the useful life of the major capital projects funded by the certificate issuances and will generally be limited to no more than twenty years. Unless provided otherwise by State law neither CO's nor Notes require a vote of the citizens of the City.

(4) **Refunding Obligations** - Pursuant to the Government Code and various other financing statutes applicable in particular situations, the City Council is authorized to provide for the issuance of bonds for the purpose of refunding any long term obligation of the City. Absent any significant noneconomic factors (such as tax rate management), a refunding should produce minimum debt service savings (net of reserve fund earnings and other offsets) of at least 3% of the par value of the refunded bonds on a net present value basis, using the refunding issue's True Interest Cost (TIC) as the discount rate, unless the Finance Department determines that a lower savings percentage is acceptable for issues or maturities with short maturity dates.

(5) **Tax Anticipation Notes** - Proceeds from Tax Anticipation Notes are

used to fund projects whose source of payment is future tax revenues. These instruments have a term of one to three years and are for a specific purpose such as temporary financing for capital improvements, cash flow needs and major equipment leasing.

(6) **Tax Increment Financing Bonds (TIF)** - The City may use these bonds to finance capital improvements within the tax increment reinvestment zone. Repayment is from property taxes generated on the incremental increases in tax values within the zone.

(7) **Leases and Lease Purchase** - Financing leases and lease purchase agreements may be used to finance major capital purchases, including infrastructure, fleet, major system upgrades and large equipment purchases. The useful life of the asset should not exceed the term of the lease.

(8) **Assessment Bonds** - Proceeds from Assessment Bonds may be used to finance local public improvements, provided that said improvements benefit the parcels of land to be assessed. Local street lights, landscaping, sidewalks and sanitary sewers are some of the examples of local improvements commonly financed by assessment bonds.

(9) **Other Obligations** - There may be special circumstances when other forms of debt are appropriate and may be evaluated on a case by case basis. Such other forms include, but are not limited to limited tax notes, non-enterprise revenue bonds, bond anticipation notes, grant anticipation notes and judgment or settlement obligation bonds.

(d) Restrictions on Debt Issuance.

(1) The City will not use long term debt to finance current operations or normal maintenance.

(2) Derivative products will not be used by the city.

(3) Variable rate debt will not be used to refinance fixed-rate, long term debt.

(4) All debt issuances shall be approved by the City Council.

(5) Before any debt may be issued, the city will perform an analysis of the requirements to determine the impact on future budgets, the sufficiency of revenues to fund the debt service requirements and additional operating costs of the capital asset acquired. The analysis will ensure that debt service payments not tied to a specific revenue source shall be not greater than 40% of budgeted General Fund revenue for the current fiscal year. For calculation purposes, General Fund revenue shall include revenue in both Community Development and Recreation Funds of the City.

Payments on bonds that are tied to a specified revenue stream such as waterworks

bonds or TIF supported bonds are not subject to this 40% limit. This percentage restriction may be waived on a case-by-case basis for emergency purposes.

(e) Limitations on Outstanding Debt.

(1) Limitations on the city's outstanding bonded debt include:

(A) The total of gross bonded debt payable from the General Fund of the City (to include principal portion only) will not exceed six (6) percent of the assessed valuation of the City for the same year.

(B) Certificates of obligation payable from the General Fund shall not exceed three (3) percent of the assessed valuation of the City.

(2) These limitations shall not apply to utility-supported or TIF-supported debt and shall be periodically compared with other cities to determine if the city is still within the norm for comparably sized cities.

(f) Characteristics of Debt Issuance.

When the City finances capital projects by issuing bonds, it will pay back the bonds in a period not exceeding the expected life of those projects. Other standard terms shall include the following:

(1) Term may be up to 30 years depending on cash flow assumptions, and useful life of asset being financed.

(2) Call provisions will be shortest possible optional call consistent with optimal pricing.

(3) The City will seek to retire at least 25 percent of the total General Fund supported principal outstanding within the next 10 fiscal years.

(4) The City will seek level or declining overall debt repayment schedules and will avoid issuing debt that provides for balloon principal payments reserved at the end of the term of the issue, unless such debt issue is originally intended to be refinanced to produce level or declining overall debt repayment.

(5) The City will avoid variable rate debt due to the potential volatility of such instruments. Therefore, the City will avoid the use of variable rate debt for its general obligation bond issues.

(6) Debt service reserves will be in conformity with bond covenants, if applicable.

(7) Commercial insurance or other credit enhancements to the bond rating shall be considered when cost effective.

(8) Repayment of debt shall be made with revenues derived from the projects that benefitted from the bond issuance when possible.

(9) General Fund reserves shall be maintained at a minimum of ninety (90) days equivalent of the prior year's General Fund operating expenditures. This reserve shall be set aside and accounted for in a separate Fund of the City named Emergency Reserve Fund. All disbursements from the Emergency Reserve Fund must be authorized by the City Council and shall only be for emergency purposes as described in Section 8.11 (b) 3. For calculation purposes, General Fund expenditures shall include expenditures in both Community Development and Recreation Funds of the City and shall exclude any transfers-out. To the extent the City does not meet this stated policy minimum, the Council shall separately approve a plan at the time it approves its next required budget to achieve the required reserve amount within the shortest possible number of years (the "ramp-up period"). In no event will this ramp-up period exceed ten (10) years.

(g) Review of Debt Policy. To ensure the City is meeting the expectations of this policy the Strategic Planning & Finance Committee is to review this policy annually, at least three months prior to the beginning of the budget process, and report the findings to Council.

(h) Debt Issuance Process

(1) The City will strive continually achieve a higher Standard and Poor's rating. The City will maintain good communications with bond rating agencies about its financial condition and will follow a policy of full disclosure on every financial report and bond prospectus. The City will also comply with all federal tax law provisions, including arbitrage requirements.

(2) The City shall utilize the services of independent financial advisor(s) on debt financing when deemed prudent. Although not required, the City may utilize an RFP selected pool of underwriters for any negotiated bond sale. Bond counsel will be used for each transaction.

(3) The Finance Department shall review each debt issuance transaction on a case by case basis to determine the most appropriate method of sale.

(4) **Competitive Sale.** In a competitive sale, bids for the purchase of the bonds are opened at a specified place and time and are awarded to the underwriter (or syndicate) whose conforming bid represents the lowest true interest cost to the City (TIC). This method is most advantageous when the debt to be issued is less complex, the municipal bond market for high grade credits is stable, and the sale of the City's bonds is assured.

(A) Bond sales shall be cancelable at any time prior to the time bids are to be received.

(B) Upon award to the bidder whose conforming bid represents the lowest true interest cost, the City may restructure the bonds in accordance with the Official Notice of Sale. The City shall reserve the unfettered right to reject all bids or waive bid irregularities.

(5) **Negotiated Sale.** In a negotiated sale, the City chooses the initial buyer of the bonds in advance of the sale date. The initial buyer is usually an investment banking firm, or a syndicate of investment banking firms interested in reoffering the bonds to investors through an underwriting process. This type of sale allows the City to discuss different financing techniques with the underwriter in advance of the sale date. This method is most advantageous when the debt issue is complex, debt structuring flexibility is required (as would be the case in a bond refunding) or the municipal bond market is unstable or uncertain.

(6) **Private Placement** In a private placement, the City may select a private purchaser willing to bid a below market rate. Such placements often allow debt to be issued more efficiently by eliminating the need for bond ratings and other associated issuance costs. Such financing will be analyzed on a case by case basis, depending primarily on rates prevailing in the placement market from time to time.

(7) Professional services used in conjunction with a bond issuance may be obtained using a request for proposal (RFP). If an RFP is used, selection will be based on experience in the type of issuance and municipal bond activities, ability to perform needed services, conflicts of interest, fees and fee structure.

(i) Permitted Investments of Debt Proceeds

(1) All investments of debt proceeds shall adhere to the city's investment policy. Accordingly, the investment of proceeds is limited to:

(A) securities guaranteed for both principal and interest by the federal government. All securities held in the City's name prior to the effective date of this Ordinance are exempt until such securities mature and funds become available for reinvestment;

(B) collateralized certificates of deposit from banks whose collateral consists of securities of the United States or secured by a letter of credit from the Federal Home Loan Bank Board that guarantee both principal and interest;

(C) local government investments pools; or

(D) collateralized certificates of deposit from banks secured by a combination of collateral and guarantees as provided in (A) and (B), and/or bonds and debt obligations of the State of Texas and other instruments as authorized by State law

(2) A financial advisor may be used to assist in investing bond proceeds. However, the advisor must be independent of the underwriter or financial advisor involved with the sale of the bonds. Bond proceeds may not be commingled with operating funds.

(3) To ensure adequate liquidity and safety of principal, investment maturities shall precede debt service requirements.

Section 4. Severability. If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.


Section 5. Effective Date. This Ordinance shall take effect immediately from and after its passage.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on this the 15th day of March, 2011.

PASSED AND FINALLY APPROVED on this the 5th day of April, 2011.

CITY OF KYL, TEXAS



Lee Johnson, Mayor

ATTEST:



Amelia Sanchez, City Secretary

Kyle, Texas, Code of Ordinances >> PART I - CHARTER >> ARTICLE VIII. FINANCE >>

ARTICLE VIII. FINANCE

Sec. 8.01. Finance Department.

Sec. 8.02. Powers and Duties.

Sec. 8.03. Fiscal Year.

Sec. 8.04. Annual Budget.

Sec. 8.05. Budget Process and Adoption.

Sec. 8.06. Administration of Budget.

Sec. 8.07. Amendment and Supplemental Budgets.

Sec. 8.08. Borrowing to Meet Funding Requirements.

Sec. 8.09. Depository.

Sec. 8.10. Purchase Procedure.

Sec. 8.11. Bonds and Financial Obligations.

Sec. 8.12. Reserve Fund.

Sec. 8.13. Independent Audit.

Section 8.14. Debt Management Policy.

Sec. 8.01. Finance Department.

The department of finance shall be established and maintained and the head of such department shall be the director of finance. The director of finance shall have knowledge of municipal accounting and experience in budgeting and financial control. Such director shall provide a bond with such surety and in such amount as the city manager may require. The premium on such bond shall be paid by the city.

Sec. 8.02. Powers and Duties.

The director of finance shall administer all financial affairs of the city under the direction, control and supervision of the city manager. He or she shall have authority and be required to:

- (a) Maintain a general accounting system for the city and exercise financial control over all offices, departments and agencies thereof;
- (b) Certify the availability of funds for all proposed expenditures, and unless the director of finance shall certify that an unencumbered balance exists in the appropriations and funds available, no appropriation shall be encumbered and no expenditure shall be made;
- (c) Submit to the council through the city manager, not less than quarterly, statements showing the financial condition of the city; the form and content of the statements and schedule for presentation shall be approved by the city council;
- (d) Prepare, as of the end of the fiscal year, a complete financial statement and report.

Sec. 8.03. Fiscal Year.

The fiscal year of the city shall begin on the first day of each October and end on the last day of September of the succeeding year. All funds collected by the City during any fiscal year including both

current and delinquent revenues, shall be accounted for in such fiscal year; and except for funds derived to pay interest and create a sinking fund on the bonded indebtedness of the city, may be applied to the payment of expenses incurred during such fiscal year.

Sec. 8.04. Annual Budget.

The budget shall provide a complete work and financial plan for the city, including all city funds and activities. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the city for the ensuing fiscal year; describe the important features of the budget; indicate any major changes from the current year in financial policies, expenditures, and revenues, with reasons for such changes; summarize the city's debt position and include such other material as the city manager deems desirable or the council requires. The budget shall begin with a clear general summary of its contents; and shall show in detail all estimated revenues, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. The proposed budget expenditures shall not exceed the total of estimated funds available from all sources. The budget shall be so arranged as to show comparative figures for estimated revenues and expenditures of the current fiscal year and the actual revenues and expenditures of the preceding two (2) fiscal years, compared to the estimate for the budgeted year. It shall include in separate sections:

- (a) An itemized estimate of the expense of conducting each department, division and office.
- (b) An estimate of the revenues of the city from taxes by category for the fiscal year.
- (c) Tax levies, rates, and collections for the preceding two years.
- (d) An itemization of all anticipated revenue from utilities and all sources other than the taxes.
- (e) The amount required for interest on the City's debts, for sinking fund and for maturing bonds and other obligations.
- (f) The amounts of the city debts and other obligations, with a schedule of payments and maturities.
- (g) The total amount established for addition to reserve funds.
- (h) A capital program, which may be revised and extended each year to indicate capital expenditures pending or in process of construction or acquisition.
- (i) A provision regarding health coverage for retired employees. This provision may give consideration to the years of service of each retired employee but shall not obligate the city to any specific or continuing level of funding for such benefits.
- (j) Such other information as may be required by the council.

Sec. 8.05. Budget Process and Adoption.

The city manager shall be responsible for the timely preparation and presentation of the budget, and shall present his or her recommended budget to the city council no later than sixty (60) days prior to October 1st of each year. The proposed budget shall become a public document and record when presented to the council. From and after its receipt of the budget, the city council shall:

- (a) At the first council meeting for which timely notice may be given, cause to be posted in city hall and published in a newspaper of general circulation in the city a general summary of the proposed budget and a notice stating the time and places where copies of the budget are available for public inspection; the time and place, not less than fifteen (15) days after such publication, of a public hearing on the budget; and such other public hearings as are necessary.

- (b) After the first public hearing the council may adopt the budget with or without amendment. The council may amend the proposed budget to add, increase, decrease or delete any programs or amounts, except expenditures required by law or for debt service; provided that no amendment shall increase the authorized expenditures to an amount greater than the total of estimated funds available from all sources.
- (c) The budget shall be finally adopted by ordinance not later than the third Thursday of September; provided that if the council takes no final action on or prior to such day, the budget as submitted by the city manager shall be deemed to have been finally adopted by the council.

Sec. 8.06. Administration of Budget.

No payment shall be made or obligation incurred except in accordance with this charter and appropriation duly made, and unless the director of finance first certifies that a sufficient unencumbered balance and sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable. If funds are not currently available to make an appropriate payment, but will become available within the fiscal year, the finance officer may request the council give authority to borrow money to make such payment provided that such money will be repaid by the end of the fiscal year or as provided by state law. Any authorization of payment or incurring of an obligation in violation of the provisions of this charter shall be void and any payment so made illegal; provided this shall not be construed to prevent the council by ordinance from making or authorizing payments or the making of contracts, for capital expenditures to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, certificates of obligation, lease-purchase, or other similar evidence of indebtedness or obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

Sec. 8.07. Amendment and Supplemental Budgets.

To protect the public health, safety, welfare and resources of the city, budget amendments to fund and meet conditions not anticipated in the original budget may be authorized, upon the affirmative vote of four members of the council. Supplements and amendments shall be approved by ordinance and shall be filed with the original budget.

Sec. 8.08. Borrowing to Meet Funding Requirements.

In the absence of available funds to meet emergency conditions and requirements, the council may authorize the borrowing of funds. In any fiscal year in anticipation of the collection of the budgeted revenues or ad valorem property tax for such year, whether levied or to be levied in such year, the council may authorize the borrowing of money by the issuance of notes, warrants or tax anticipation notes. Notes and warrants issued under this section shall be limited to the funds required for the emergency or short-fall and mature and be payable not later than the end of the fiscal year in which issued, or as otherwise provided by statute.

Sec. 8.09. Depository.

The council shall from time to time select a depository or depositories for city funds on the basis of bids received from such institutions; provided that the council may by resolution invest reserve funds in any state or federally chartered bank or savings institution. All monies received by any person, department or agency of the city for or in connection with affairs of the city shall be promptly deposited in the city depository or depositories. All checks, vouchers, or warrants for the withdrawal of money from the city depositories shall be signed by the city manager and the director of finance. The

council may authorize the use of machine imprinted facsimile signatures of such persons on such checks, vouchers and warrants.

Sec. 8.10. Purchase Procedure.

All purchases made and contracts executed by the city shall be pursuant to a requisition from the head of the office, department or agency whose appropriation will be charged; and no contract or order shall be binding upon the city unless the director of finance certifies there is to the credit of such office, department or agency, a sufficient unencumbered appropriation to pay for the supplies, materials, equipment, or contractual services for which the contract or order is to be issued. All contracts and purchases of every nature and kind shall be made in accordance with all applicable state law requirements for competitive bidding.

Sec. 8.11. Bonds and Financial Obligations.

The council may by ordinance authorize the issuance of any tax or revenue bonds, refunding bonds, certificates of obligation, warrants, notes, certificates of participation, tax anticipation notes or other evidence of indebtedness or obligation, for any permanent public improvement or any emergency, or any other public purpose not prohibited by law, subject only to the following limitations:

- (a) no general obligation bonds, other than refunding bonds, shall be issued except as approved by a majority vote at an election held for such purpose;
- (b) no indebtedness or obligation shall be issued except in compliance with the requirements of state law;
- (c) no form of indebtedness other than general obligation bonds approved by public vote may be issued without public notice and a public hearing being held in compliance with state law; the published notice shall clearly summarize the relevant statutory provisions providing for a petition and election, if any; and
- (d) the authorization for bonds authorized but not issued shall expire ten years after the date of authorization.

Charter reference— Debt management policy, § 8.14

Cross reference— Debt management policy, § 2-531 et seq.

Sec. 8.12. Reserve Fund.

A reserve fund shall be established. Except when expended only for an emergency, the reserve fund shall over time be funded in an amount equal to at least twenty-five percent of the annual operating budget. If expended the reserve fund shall be restored as soon thereafter as practicable.

Sec. 8.13. Independent Audit.

At the close of each fiscal year, an independent audit shall be made of all accounts of the city by a certified public accountant experienced in auditing cities. The audit shall be completed on or before March 30th of each year and shall include an audit of all non-profit organizations receiving fifty percent (50%) or more of their income from the city. The audit shall be subject to the following:

- (a) The city shall pay a percentage of the audit costs for all non-profit organizations audited, equal to the percentage of their respective total funding provided by the City;
- (b) The independent auditor shall not otherwise maintain or keep any of the accounts of the city; act as financial advisor to the city; or have any financial interest whatsoever, direct or indirect, in any other financial affairs of the city, any member of the council, the city

- manager or any department head; provided that the auditor may be a resident or routinely utilize the utilities and services offered by the city, or be the owner of less than one percent (1%) of the total outstanding stock in a company contracting with the city;
- (c) The council shall not select the same auditor for more than five (5) consecutive years and the auditor selected shall not be, or have been within the immediate preceding three (3) years, a business associate of the certified public accountant or firm that performed the audit prior to such selection;
 - (d) Upon acceptance of the audit, a summary thereof shall be published immediately in a newspaper of general circulation in the city and copies of the audit shall be placed on file in the city secretary's office as a public record. The summary shall include a balance sheet; an itemization of all income and expenditures by department; and an itemization of all investments and amounts of such investments pledged or encumbered for specific purposes;
 - (e) The auditor shall be available to the council throughout the budget year for special projects, audits, reviews and reports.

Section 8.14. Debt Management Policy.

The city council shall adopt and implement a debt management policy prior to adoption of the 2011-2012 annual budget. The city council shall obtain and consider advice from such professional and financial advisory services as it deems appropriate in adopting, reviewing and implementing the policy. The policy shall be reviewed, modified and amended as appropriate not less often than every fifth year.

(Ord. No. 646, § 1(Prop. 10), 3-1-2011)

Editor's note—

Added by the voters at an election held on May 14, 2011.