

City of San Bernardino FY 2009-2010 Appropriations Limit

Article XIII B of the California Constitution (enacted with the passage of *Proposition 4* in 1979 and modified with the passage of *Proposition 111* in 1990) restricts the appropriations growth rate for cities and other local jurisdictions. The growth rate is tied to changes in the population and the change in *California Per Capita Personal Income*. On May 1, 2009 the State Department of Finance notified each city of the population changes and per capita personal income factor to be used in determining appropriation limits. Effective January 1, 2009, the change in the *California Per Capita Personal Income* is .62% and the change in the City of San Bernardino's population is .13%. Attached is the City's calculation for the permitted appropriations growth rate based on the above information from the State.

In accordance with state law, the FY 1986-87 appropriation limit is to be used as the base year in calculating annual appropriation limits thereafter. The City of San Bernardino's FY 2009-2010 Appropriation Limit is 3.6659 times the base year limit of \$72,956,219 which equals \$267,447,388.

Total appropriations for FY 2009-2010, subject to the limitation (see attached) equal \$93,460,000 which is \$173,987,388 below the City's FY 2009-2010 Appropriations limit of \$267,447,388.

**CITY OF SAN BERNARDINO
2009-2010
APPROPRIATION LIMITATION COMPUTATION**

2009-2010 PERMITTED GROWTH RATE CALCULATION

CPI CHANGE <i>(as of 1/1/09 per State of CA Department of Finance)</i>				0.62%	
POPULATION CHANGE <i>(for San Bernardino as of 1/1/08 per State of CA Department of Finance)</i>				0.13%	
CPI CHANGE CONVERTED TO A RATIO	(.62 + 100) /100	=		1.0429	
POPULATION CHANGE CONVERTED TO A RATIO	(.13 + 100) /100	=		1.0027	
CALCULATION FACTOR <i>(Change in CPI x change in population)</i>	1.0429	X	1.0027	=	1.0457
<u>2008-2009</u> 3.5056	X	<u>CALCULATION FACTOR</u> 1.0457	=	<u>2009-2010 PERMITTED GROWTH RATE</u> 3.6659	

2009-2010 APPROPRIATION LIMIT CALCULATION

<u>BASE YEAR (1986/87)</u> 72,956,219	X	<u>PERMITTED GROWTH RATE</u> 3.6659	=	<u>FY 2009-2010 APPROPRIATION LIMIT</u> 267,447,388
--	---	--	---	--

FY 2009-2010 APPROPRIATION LIMIT **267,447,388**

TOTAL FY 2009-2010 APPROPRIATIONS SUBJECT TO LIMITATIONS *(see attached schedule of exclusions)* **(93,460,000)**

(OVER)/UNDER APPROPRIATION LIMIT **173,987,388**

**CITY OF SAN BERNARDINO
CALCULATION OF APPROPRIATIONS SUBJECT TO LIMITATION
Fiscal Year 2009-2010**

Budget	<u>Proceeds of Taxes</u>	<u>Non-Proceeds of Taxes</u>	<u>Total</u>
Proceeds of Taxes			
Property Tax	34,552,800		34,552,800
Sales & Use Tax	17,757,200		17,757,200
Business License Tax - Revenue	6,600,000		6,600,000
Utility Users Tax	24,500,000		24,500,000
Transient Occupancy Tax	2,600,000		2,600,000
Measure Z District Tax	6,100,000		6,100,000
Sales Tax Public Safety	850,000		850,000
Other	500,000		500,000
From State/Local Agency			
Motor Vehicle In Lieu		725,000	725,000
Homeowners Exemption		140,000	140,000
Off Highway Vehicles		-	-
SB 90 Reimbursements		100,000	100,000
Other		2,508,400	2,508,400
Other Governments			
CDBG Reimbursements		2,807,000	2,807,000
SBIAA Reimbursement		136,400	136,400
Mutual Aid/Disaster Reimbursement		700,000	700,000
Water Department		3,219,600	3,219,600
Locally Raised			
Licenses & Permits		2,850,500	2,850,500
Franchise Fees		3,386,500	3,386,500
Charges for Services		9,316,000	9,316,000
Fines and Penalties		1,995,000	1,995,000
Other Miscellaneous			
Sale of Property		50,000	50,000
Other		2,088,200	2,088,200
Rents/Commissions		522,200	522,200
Subtotal	93,460,000	30,544,800	124,004,800
Interest Earnings		456,200	456,200
Total of these Funds	93,460,000	31,001,000	124,461,000
Other Funds Not Included		85,873,100	85,873,100
Grand Total Budget	93,460,000	116,874,100	210,334,100

Appropriations Subject
to Limitation

1 RESOLUTION OF THE MAYOR AND COMMON COUNCIL APPROVING AND
2 ADOPTING THE CITY OF SAN BERNARDINO'S FINAL BUDGET FOR
3 FISCAL YEAR 2009-2010; AND ESTABLISHING THE CITY'S
4 APPROPRIATION LIMIT AS REQUIRED BY ARTICLE XIII B OF THE
5 CALIFORNIA STATE CONSTITUTION; AND AUTHORIZING THE
6 TRANSFER TO THE GENERAL FUND OF ADMINISTRATIVE CIVIL
PENALTIES REVENUES COLLECTED PURSUANT TO SAN BERNARDINO
MUNICIPAL CODE CHAPTER 9.93 FOR VIOLATIONS OF THE SAN
BERNARDINO MUNICIPAL CODE AND HELD IN TRUST; AND REPEALING
RESOLUTION 2008-116.

7
8 WHEREAS, the Preliminary Annual Budget of the City of San Bernardino for
9 Fiscal Year 2009-2010 as amended and conditioned by orders of the Mayor and Common
10 Council is attached to and incorporated herein as Exhibits A and B, and Schedules 1
11 through 18; and

12 WHEREAS, at the August 17th, 2009 meeting of the Mayor and Council, the
13 motion was made to incorporate and reference herein as Exhibit C the attachment to the
14 memo dated 8/17/09 from the Director of Finance (Funded Full-Time Position Listing-
15 Attachment A); and

16 WHEREAS, at the August 17th, 2009 meeting of the Mayor and Council, the
17 motion was made to remove the proposed Police Impound operation from the Preliminary
18 FY 2009-2010 Budget and that \$483,400 from the General Fund budget reserve be used
19 to replace the net budgeted revenue from the proposed Police Impound operation; and

20
21 WHEREAS, at the August 17th, 2009 meeting of the Mayor and Council, the
22 motion was made to designate a portion of the General Fund budget reserve as a reserve
23 related to Administrative Civil Penalties; and

24 ////

25 ////

26 ////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESOLUTION OF THE MAYOR AND COMMON COUNCIL APPROVING AND ADOPTING THE CITY OF SAN BERNARDINO'S FINAL BUDGET FOR FISCAL YEAR 2009-2010; AND ESTABLISHING THE CITY'S APPROPRIATION LIMIT AS REQUIRED BY ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION; AND AUTHORIZING THE TRANSFER TO THE GENERAL FUND OF ADMINISTRATIVE CIVIL PENALTIES REVENUES COLLECTED PURSUANT TO SAN BERNARDINO MUNICIPAL CODE CHAPTER 9.93 FOR VIOLATIONS OF THE SAN BERNARDINO MUNICIPAL CODE AND HELD IN TRUST; AND REPEALING RESOLUTION 2008-116.

WHEREAS, Article XIII B of the Constitution of the State of California as proposed by the Initiative Measure approved by the people at the special statewide election held on November 6, 1979, provides that the total annual appropriations subject to limitation of each local government shall not exceed the appropriations limit of such entity for the prior year adjusted for changes in the cost of living and population except as otherwise specifically provided for said Article; and

WHEREAS, Section 7910 of the Government Code provides that each year the governing body of each local jurisdiction shall, by resolution, establish its appropriations limit for the following fiscal year pursuant to Article XIII B at a regularly scheduled meeting or a noticed special meeting and that fifteen days prior to such meeting, documentation used in the determination of the appropriations limit shall be available to the public; and

WHEREAS, the City Council of the City of San Bernardino wishes to establish the appropriations limit for fiscal year 2009-2010 for the City of San Bernardino; and

////
////
////
////
////

1 RESOLUTION OF THE MAYOR AND COMMON COUNCIL APPROVING AND
2 ADOPTING THE CITY OF SAN BERNARDINO'S FINAL BUDGET FOR
3 FISCAL YEAR 2009-2010; AND ESTABLISHING THE CITY'S
4 APPROPRIATION LIMIT AS REQUIRED BY ARTICLE XIII B OF THE
5 CALIFORNIA STATE CONSTITUTION; AND AUTHORIZING THE
6 TRANSFER TO THE GENERAL FUND OF ADMINISTRATIVE CIVIL
PENALTIES REVENUES COLLECTED PURSUANT TO SAN BERNARDINO
MUNICIPAL CODE CHAPTER 9.93 FOR VIOLATIONS OF THE SAN
BERNARDINO MUNICIPAL CODE AND HELD IN TRUST; AND REPEALING
RESOLUTION 2008-116.

7 WHEREAS, Pursuant to Resolution 2008-116, all revenues collected as a result
8 of Administrative Civil Penalties imposed pursuant to San Bernardino Municipal Code
9 Chapter 9.93 for violations of the San Bernardino Municipal Code, except for violations
10 of Chapter 8.60 and 8.61 regarding fireworks, shall be deposited into a specific Trust
11 Account created by the City Treasurer or his/her designee solely for the purpose of
12 accounting for these City Funds; and,

13 WHEREAS, Pursuant to Resolution 2008-116 all revenues held in the Trust
14 Account shall be held in said account until such time as the Mayor and Common Council
15 take action to appropriate the funds.

16
17 **BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE CITY
18 OF SAN BERNARDINO AS FOLLOWS:**

19 SECTION 1. That certain document entitled "2009-2010 Preliminary Annual
20 Budget" as amended and conditioned by orders of the Mayor and Common Council at the
21 August 17th, 2009 Council Meeting, as attached hereto and incorporated herein as Exhibits A
22 and B, and C; is hereby approved and adopted as the 2009-2010 Budget of the City of San
23 Bernardino.

24 SECTION 2. That Position Control Resolution 97-244 be updated to reflect the
25 changes in authorized positions that were incorporated in the FY 2009-2010 Preliminary Budget
26 or were authorized by orders of the Mayor and Common Council during budget deliberations.

27 ////
28

1 RESOLUTION OF THE MAYOR AND COMMON COUNCIL APPROVING AND
2 ADOPTING THE CITY OF SAN BERNARDINO'S FINAL BUDGET FOR
3 FISCAL YEAR 2009-2010; AND ESTABLISHING THE CITY'S
4 APPROPRIATION LIMIT AS REQUIRED BY ARTICLE XIII B OF THE
5 CALIFORNIA STATE CONSTITUTION; AND AUTHORIZING THE
6 TRANSFER TO THE GENERAL FUND OF ADMINISTRATIVE CIVIL
PENALTIES REVENUES COLLECTED PURSUANT TO SAN BERNARDINO
MUNICIPAL CODE CHAPTER 9.93 FOR VIOLATIONS OF THE SAN
BERNARDINO MUNICIPAL CODE AND HELD IN TRUST; AND REPEALING
RESOLUTION 2008-116.

7 SECTION 3. That Salary Resolution 6413 be updated to reflect the changes in
8 authorized salary ranges that were incorporated in the FY 2009-2010 Preliminary Budget or
9 were authorized by orders of the Mayor and Common Council during budget deliberations.

10 SECTION 4. That it is hereby found and determined that the documentation used in
11 the determination of the appropriations limit for the City of San Bernardino for fiscal year
12 2009-2010 was available to the public in the Finance Department of said City at least fifteen
13 days prior to this date.

14 SECTION 5. That the Appropriations limit for the City of San Bernardino as
15 established in accordance with Article XIII B of the Constitution of the State of California is
16 \$267,447,388.

17 SECTION 6. That the Director of Finance be authorized to transfer to the General
18 Fund all revenues resulting from the collection of Administrative Civil Penalties and held in
19 trust.

20 SECTION 7. That Resolution 2008-116 be repealed.

21 SECTION 8. That all future revenues collected as a result of Administrative
22 Penalties imposed pursuant to San Bernardino Municipal Code Chapter 9.93 for violations of
23 the San Bernardino Municipal Code shall be deposited in the City's General Fund.
24

25 SECTION 9. This Resolution shall take effect upon the date of its adoption.
26

27 ////
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESOLUTION OF THE MAYOR AND COMMON COUNCIL APPROVING AND ADOPTING THE CITY OF SAN BERNARDINO'S FINAL BUDGET FOR FISCAL YEAR 2009-2010; AND ESTABLISHING THE CITY'S APPROPRIATION LIMIT AS REQUIRED BY ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION; AND AUTHORIZING THE TRANSFER TO THE GENERAL FUND OF ADMINISTRATIVE CIVIL PENALTIES REVENUES COLLECTED PURSUANT TO SAN BERNARDINO MUNICIPAL CODE CHAPTER 9.93 FOR VIOLATIONS OF THE SAN BERNARDINO MUNICIPAL CODE AND HELD IN TRUST; AND REPEALING RESOLUTION 2008-116.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the joint Mayor and Common Council of the City of San Bernardino at a regular meeting thereof, held on the 17th day of August, 2009, by the following vote to wit:

<u>COUNCIL MEMBERS</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
ESTRADA	_____	X _____	_____	_____
BAXTER	X _____	_____	_____	_____
BRINKER	X _____	_____	_____	_____
SHORETT	X _____	_____	_____	_____
KELLEY	_____	X _____	_____	_____
JOHNSON	X _____	_____	_____	_____
MCCAMMACK	_____	X _____	_____	_____

Rachel G. Clark
CITY CLERK

The foregoing resolution is hereby approved this 21st day of August, 2009.

Patrick J. Morris
Patrick J. Morris, Mayor
City of San Bernardino

Approved as to Form:

By: _____
James F. Penman, City Attorney