

ARTICLE V.

BUDGET

5-1. Fiscal year.

The fiscal year of the city government shall begin on the first day of February in one calendar year and end on the last day of January in the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year.

(P.L. 1961, ch. 43)

Cross References: For current fiscal year, see § 2-8 of the Code of Ordinances.

5-2. Submission of budget.

At least forty-five days prior to the beginning of each fiscal year, the mayor shall submit to the council a budget and an explanatory budget message in the form and with the contents provided by this article. The finance department shall assist the mayor in compiling the budget and, for such purpose, at such date as the mayor shall determine, the director of finance shall obtain from the head of each office, department or agency estimates of revenue and expenditure at the office, department or agency, detailed by organization units and character and object of expenditure, and such other supporting data as he may request; together with an estimate of all capital projects pending or which such department head believes should be undertaken (1) within the fiscal year and (2) within the next five succeeding years. In preparing the budget, the mayor shall review the estimates, shall hold departmental hearings thereon and may revise the estimates, as he may deem advisable.

(P.L. 1961, ch. 43; Ref. of 11-3-98)

5-3. Public record.

The budget and budget message and all supporting schedules shall be a public record in the office of the city clerk open to public inspection by anyone. The mayor shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons.

5-4. Public hearing.

Before adopting the annual budget, the city shall give the taxpayers public notice seven days in advance of the date, time and place when the public may be heard by the city council on all matters concerning appropriations and the proposed budget. Copies of the budget shall be made available to the public seven days before the public hearing.

5-5. Budgetary powers of the council.

The council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law. Changes shall be grouped by office, department or agency and voted upon by such category. The council may not vary the titles, descriptions or conditions of the administration specified in the budget. If the council shall increase the total expenditures, it shall also increase the total tax levy to at least equal such increased proposed expenditures.

(P.L. 1961, ch. 43; Ref. of 11-3-98))

5-6. Adoption of budget.

The budget shall be adopted by the favorable votes of at least a majority of all the members of the council, and upon adoption, with the approval of the mayor, shall become and have the full force of the annual appropriation ordinance for the ensuing fiscal year. If any items in the budget originally submitted by the mayor are changed in the budget adopted by the council, the city clerk shall immediately report such changes to the mayor. Within four (4) days after the adoption of the budget, with changes, the mayor shall certify to the city clerk the approval or disapproval of such changes by office, department or agency. Such changed items as are approved by the mayor shall thereupon become part of the adopted budget. If the mayor disapproves any changed items, he shall include in his message of disapproval a statement of the reasons therefore, and the city clerk shall immediately present such message of disapproval to the council.

Not later than the fifteenth day of the last month of the current fiscal year, the council shall reconsider by office, department or agency, the changed items disapproved by the mayor, and if upon such reconsideration the council shall override the mayor's disapproval by an affirmative roll call vote of at least six (6) members of the council, such changed items, by office, department or agency, shall thereupon become part of the adopted budget. Otherwise, such items as they appeared in the budget submitted by the mayor shall become part of the adopted budget.
(Ref. of 11-3-98)

5-7. Final date for adoption.

The budget for the ensuing fiscal year shall be finally adopted not later than the eighth day of the last month of the current fiscal year. Should the council take no final action on or prior to such day, the budget, as submitted by the mayor, shall be deemed to have been finally adopted by the council. However the adoption of the budget on or before the eighth day of the last month of the current fiscal year, with items changed, shall not be deemed a failure to adopt the budget.
(Ref. of 11-3-98)

5-8. Certified copy of budget.

A copy of the budget, as finally adopted, shall be certified by the mayor and city clerk and filed in the office of the city clerk. The budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all offices, departments and agencies and for the use of interested persons.

5-9. Minimum tax levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the minimum amount of the levy for the purposes of the city, in the corresponding tax year.

5-10. Budget message.

The budget message submitted by the mayor to the council shall be explanatory of the budget, shall

contain an outline of the proposed financial policies of the city for the fiscal year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy.

5-11. Capital projects.

As a part of the budget message, with relation to the proposed expenditures for capital projects stated in the budget, the mayor shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts proposed to be raised therefor by the issuance of bonds during the fiscal year. The mayor shall also include in the message, or attach thereto, a capital program of proposed capital projects for the next five fiscal years, prepared by the planning department and any estimates of costs prepared by the department of public works or other office, department, or agency. For the use of the planning department in preparing such capital program, copies of departmental estimates of capital projects, filed with the director of finance pursuant to 5-2 shall be filed with the department.

5-12. Budget contents.

The budget shall provide a complete financial plan for the fiscal year. It shall contain:

- (1) A general summary of the principal sources of anticipated revenue with amounts to be raised from each source.
- (2) Detailed estimates of all anticipated revenues applicable to proposed expenditures and
- (3) All proposed expenditures. The total of such anticipated revenues shall equal the total of such proposed expenditures.

5-13. Classification of revenue.

Anticipated revenues shall be classified as "surplus," "miscellaneous revenues" and "amount to be raised by property tax"; miscellaneous revenues shall be subclassified by sources and shall be estimated as hereinafter prescribed.

5-14. Revenue schedules.

The budget shall include the amount of each revenue item in the budget of the last completed fiscal year, the amounts of such items actually received during the year, the amount of such item in the budget of the current fiscal year, the amount actually received to the time of preparing the budget and receipts for the remainder of the current fiscal year estimated as accurately as may be.

5-15. Classification of surplus.

(Repealed by P.L. 1961, ch. 43)

5-16. Miscellaneous revenues.

Miscellaneous revenues shall include anticipated revenues from the collection of taxes other than the general property tax; the amount of state aid to be received; the amount by which the city is expected to benefit from taxes collected by the state; the amounts estimated to be received from services and sales, fines and forfeitures, pension assessments, special assessments and any other special or nonrecurring sources.

5-17. Utility receipts and expenditures.

The anticipated revenues and proposed expenditures of each utility or other public service enterprise owned, or operated, by the city, shall be stated in a separate section of the budget; and as to each such utility, and anticipated surplus, if legally available for general purposes, shall be stated as an item of miscellaneous revenue in the budget.

5-18. Restrictions: Miscellaneous revenues.

No miscellaneous revenue from any source shall be included in an anticipated revenue in the budget in an amount in excess of the average of the amount actually realized in cash from the same source in the next preceding fiscal year, and that actually realized in the first ten months of the current fiscal year plus that to be received in the remaining two months of the year estimated as accurately as may be, unless the mayor and the director of finance shall determine that the facts clearly warrant the expectation that such excess amount will actually be realized in cash during the fiscal year and shall certify such determination in writing to the council.

5-19. Special assessment revenue.

Revenues from the collection of special assessments on property specially benefited shall not be stated in an amount which is in excess of the amount of the receipts so derived which it is estimated will be held in cash on the first day of the fiscal year.

5-20. Anticipated new revenue.

No revenue from a new source not previously stated in the budget shall be included unless the mayor and the director of finance shall determine that the facts clearly warrant the expectation that such revenue shall be actually realized in cash during the fiscal year in the amount stated and shall certify such determination in writing to the council.

5-21. Expenditure classification.

(Repealed by P.L. 1961, ch. 43)

5-22. Expenditure schedules.

The budget shall include the amount of each expenditure item in the budget of the last completed fiscal year, the amount of such items actually expended during such year, the amount of each such item in the budget of the current year, the amount actually expended to the time of preparing the budget and the expenditures for the remainder of the current fiscal year estimated as accurately as may be.

5-23. Emergency appropriations.

At any time in any fiscal year, the council may make emergency appropriations to meet a pressing need for public expenditure, for other than a regular or recurring requirement, to protect the public health, safety, or welfare. Such appropriation shall be by resolution adopted by the favorable votes of at least five (5) members of the council, and shall be made only upon recommendation of the mayor.

5-24. Expenditure limitations.

No office, department or agency shall expend any money or incur any liability or enter into any agreement which by its terms involves the expenditure of money during the fiscal year in excess of the amounts appropriated, other than for capital improvements to be financed in whole or in part by the issuance of bonds. Any contract, verbal or written, made in violation of this Charter shall be null and void.

5-25. Lapse of appropriations.

All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

5-26. Fees property of city.

All fees received by any officer or employee shall belong to the city government and shall be paid daily to the department of finance.