




THE CITY OF SAN DIEGO

MEMORANDUM

DATE: June 19, 2013  
TO: Elizabeth Maland, City Clerk  
FROM: Honorable Mayor Bob Filner   
SUBJECT: Resolution R-2013-734 REV Adopting the Fiscal Year 2014 Budget

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I have reviewed the Resolution adopting the Fiscal Year 2014 Budget and, pursuant to Charter Section 290(b)(2)(A), I am vetoing the following line items:

*"g. \$508,228 to restore the City Attorney's budget to the Fiscal Year 2013 funding levels."*

*"BE IT FURTHER RESOLVED, that it is the intent of the City Council that the identified expenditure increase for the City Attorney's office shall be funded from SDG&E settlement funds transferred from the Public Liability Fund, which shall be replenished from increased revenue from cash settlements or judicial awards won by the City Attorney's office during the course of the fiscal year to be identified by the City Attorney. If such increased revenue is not realized by the Fiscal Year 2014 Mid-Year Budget Report, it is the intent of the City Council that the City Attorney's budget be cut by the amount of the revenue shortfall."*

The City has not historically funded annual operating expenses based upon anticipated legal settlements. The outcome of cases, both the timing and the amount, are difficult to predict. If and when settlement revenues are collected, the Mayor can propose and the City Council can approve how to expend those funds, not the City Attorney. As such, it would be fiscally irresponsible to allow this item to proceed.

Title 7

RESOLUTION NUMBER R- 308247

DATE OF FINAL PASSAGE JUN 19 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING THE FISCAL YEAR 2014 BUDGET, INCLUDING APPROVING THE MAYOR'S FISCAL YEAR 2014 PROPOSED BUDGET, THE MAY REVISION TO THE PROPOSED BUDGET, THE SUPPLEMENT TO THE MAY REVISION, THE INDEPENDENT BUDGET ANALYST'S RECOMMENDED REVISIONS TO THE PROPOSED BUDGET AND OTHER CHANGES AS APPROVED BY THE CITY COUNCIL.

WHEREAS, pursuant to San Diego Charter section 290(b), prior to June 15 of each year and after holding a minimum of two public hearings, the City Council shall adopt a resolution approving the City's budget as proposed by the Mayor or modified in whole or part; and

WHEREAS, on April 16, 2013, the Mayor's proposed budget (Proposed Budget) was presented to the City Council; and

WHEREAS, on May 22, 2013, the Mayor's May revision (May Revision) to the Proposed Budget was presented to the City Council; and

WHEREAS, on June 5, 2013, the Mayor issued his Supplement to the May Revision to the Fiscal Year 2014 Proposed Budget (Supplement to the May Revision); and

WHEREAS, on June 5, 2013, the Independent Budget Analyst issued her Review of the FY 2014 May Revise and Recommended Revisions to the Mayor's FY 2014 Budget, IBA Report No. 13-23 (IBA FY 2014 Budget Report); and

WHEREAS, between May 1 and May 22, 2013, the City Council held more than two public hearings to consider the City's Fiscal Year 2014 budget in accordance with San Diego Charter sections 290(b) and 71; and

WHEREAS, the City Council has determined to approve the City's Fiscal Year 2014 Budget, including the Mayor's Proposed Budget, as modified by the May Revision, the Supplement to the May Revision, certain recommendations contained in the IBA FY 2014 Budget Report and other changes as approved by the City Council, including restoration of the City Attorney's office budget on the terms set forth below; and

WHEREAS, should the City Attorney's office budget be cut, the manner of achieving such cut shall be in the City Attorney's discretion during the course of the fiscal year and, specifically, neither the Mayor nor City Council may direct how such cut be made, identify positions to be vacant or removed or employees to be laid off; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the Mayor's Proposed Budget, as modified by the May Revision and the Supplement to the May Revision is hereby approved including those recommendations contained in the IBA FY 2014 Budget Report, or otherwise approved by the City Council, with specific expenditure increases as follows:

- a. \$2,000,000 shall be placed in the Appropriated Reserve for the purpose of funding a Police retention program until such time as the program has been approved by the City Council;
- b. \$1,000,000 to fund a sidewalk condition and needs assessment;
- c. \$200,000 to increase hours at the new Central Library from 49 to 52 hours per week;
- d. \$2,900,000 to increase service hours at all branch libraries from 44 to 48 hours per week;

- e. \$712,000 to increase the number of recruits in each of four police academies from 34 to 36 and to allow for funding flexibility in the event that attrition is lower than assumed;
- f. \$200,000 to restore funding for overnight camping at Mission Trails Regional Park and for improvements to the Mission Trails Regional Park Visitor Center; and
- ~~g. \$508,228 to restore the City Attorney's budget to Fiscal Year 2013 funding levels.~~

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BE IT FURTHER RESOLVED, that funding for the additional one-time expenditures items recommended in the IBA FY 2014 Budget Report, identified as items a and b herein, shall be funded by reducing the Capital Improvements Program Budget in CIP S13100, CAD Replacement Project, by \$3,000,000.

BE IT FURTHER RESOLVED, that it is the intent of the City Council that additional ongoing expenditure items recommended in the IBA FY 2014 Budget Report, identified as items c, d, e, and f, herein, shall be funded from General Fund Reserves/Fund Balance, which shall be replenished from any budgetary savings resulting from the Board of the San Diego Employees' Retirement System reducing City's required pension contribution prior to July 1, 2013. If the City's required pension contribution is not reduced by an amount sufficient to fully fund the identified items, expenditures related to such items shall not be made.

~~BE IT FURTHER RESOLVED, that it is the intent of the City Council that the identified expenditure increase for the City Attorney's office shall be funded from SDG&E settlement funds transferred from the Public Liability Fund, which shall be replenished from increased revenue from cash settlements or judicial awards won by the City Attorney's office during the~~

*BT*

~~course of the fiscal year to be identified by the City Attorney. If such increased revenue is not realized by the Fiscal Year 2014 Mid Year Budget Report, it is the intent of the City Council that the City Attorney's budget be cut by the amount of the revenue shortfall.~~

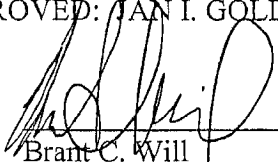
BE IT FURTHER RESOLVED, that the Mayor is directed to present to the City Council the Fiscal Year 2014 First Quarter Budget Monitoring Report (First Quarter Budget Monitoring Report), along with the Five Year Financial Outlook, no later than November 30, 2013.

BE IT FURTHER RESOLVED, that the Mayor is requested to recommend to the City Council amendments to the Fiscal Year 2014 Adopted Budget in conjunction with the presentation of the First Quarter Budget Monitoring Report and in consideration of the Fiscal Year 2014 Councilmember Budget Priority Memoranda, as attached to IBA Report No. 13-24, dated June 5, 2013.

BE IT FURTHER RESOLVED; that the City Clerk is hereby authorized and directed to return, as soon as practicable, the Approved Budget to the Mayor in accordance with section 290(b)(2)(A) of the Charter.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
\_\_\_\_\_  
Brant C. Will  
Deputy City Attorney

BCW:jdf:sc  
05/30/13  
06/06/13 COR. COPY  
06/10/13 REV.  
Or.Dept:IBA  
Doc. No. 571795\_6

**Attachment G**

(R-2013-734 REV.)

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 10 2013.

ELIZABETH S. MALAND  
City Clerk

By *[Signature]*  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
BOB FILNER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
BOB FILNER, Mayor

Approved except for the  
line items vetoed as  
shown: 6/19/13  
(date)

*[Signature]*  
BOB FILNER, Mayor

On Monday, June 10, 2013, Resolution Number R-308247 was passed by the Council of the City of San Diego. The Mayor returned the resolution with line items vetoed to the City Clerk with his written objections on Thursday, June 20, 2013.

On June 25, 2013, the City Council reconsidered the Mayor's Line Item Veto of the Mayor's Fiscal Year 2014 Proposed Budget; pursuant to Charter C Section 290 (b) (2) (B). The Resolution did not receive sufficient votes to override the Mayor's veto. Pursuant to Charter Section 290 (b) (2) (c), the Resolution with the Mayor's veto is deemed approved. The date of final passage is June 19, 2013.