

MEETING DATE:

03/09/09

AGENDA ITEM:

Introduction of an Ordinance Amending Chapter 3.07, Finance and Revenue, of the Culver City Municipal Code to Add a New Subchapter 3.07.400, et seq., Entitled "Budget Restrictions," Relating to Regulating the Adoption of Balanced City Budgets and the Use of Reserve Funds

ATTACHMENTS

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1. Ordinance	1-4
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ORDINANCE NO. 2009-

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING CHAPTER 3.07, FINANCE AND REVENUE, OF THE CULVER CITY MUNICIPAL CODE, TO ADD A NEW SUBCHAPTER 3.07.400, et seq., ENTITLED "BUDGET RESTRICTIONS," RELATING TO THE ADOPTION OF BALANCED CITY BUDGETS AND THE USE OF RESERVE FUNDS

WHEREAS, the City of Culver City is committed to operating in a financially responsible manner; and,

WHEREAS, it is critical for the City to maintain a structural balance and avoid operating deficits in order to preserve its General Fund reserves, maintain favorable ratings with the bond rating agencies and ensure its long-term ability to provide necessary services; and,

WHEREAS, structural balance is achieved when budgeted ongoing revenues meet or exceed budgeted ongoing expenditures; and,

WHEREAS, the City is projecting an operating deficit in Fiscal Year 2009/2010 and beyond; and,

WHEREAS, unfunded liabilities and mandates threaten the City's ability to maintain a structural balance; and,

WHEREAS, the City desires to avoid drawing down on its General Fund reserves in order to balance its budgets; and,

WHEREAS, the City Council has already adopted a policy of maintaining a General Fund reserve equal to at least thirty (30%) percent of appropriated ongoing expenditures; and,

1 WHEREAS, it is the intent of this ordinance to restrict the adoption of budgets
2 that rely on the use of General Fund reserves to achieve balanced budgets.

3 NOW, THEREFORE, the City Council of the City of Culver City, California,
4 DOES HEREBY ORDAIN as follows:

5 SECTION 1. Chapter 3.07, Finance and Revenue, of the Culver City Municipal
6 Code is hereby amended to add a new subchapter 3.07.400, et seq. entitled "Budget
7 Restrictions," to read as follows:

8
9
10 **BUDGET RESTRICTIONS**

- 11 **§ 3.07.400 Balanced budget requirement**
12 **§ 3.07.405 Required reserves**
13 **§ 3.07.410 Use of required reserves for financial emergencies**
14 **§ 3.07.415 Use of amounts in excess of required reserves**

15 **§ 3.07.400 BALANCED BUDGET REQUIREMENT.**

16 For each budget year, budgeted General Fund ongoing expenditures
17 shall not exceed budgeted ongoing revenues.

18 **§ 3.07.405 REQUIRED RESERVES.**

19 For each budget year, the City's projected ending General Fund
20 reserves shall not be less than thirty (30%) percent of budgeted operating
21 expenditures.

22 **§ 3.07.410 USE OF REQUIRED RESERVES FOR FINANCIAL
23 EMERGENCIES.**

24 During a financial emergency, as declared by the City Manager and
25 approved by four-fifths (4/5) vote of the City Council, the City's General Fund
26 reserves may be used to balance the budget for a single budget year, provided
27 that the projected ending General Fund reserves not fall below twenty-five

(25%) percent of budgeted operating expenditures. The City shall implement measures to restore the projected ending General Fund reserves to thirty (30%) percent of budgeted operating expenditures by the budget year occurring immediately after the budget year in which any such financial emergency was declared by the City Council. Upon a finding of special circumstances, the City Council may by four-fifths (4/5) vote approve an extension to the time period to restore the projected ending General Fund reserves to thirty (30%) percent of budgeted operating expenditures.

§ 3.07.415 USE OF AMOUNTS IN EXCESS OF REQUIRED RESERVES.

Projected ending General Fund reserves in excess of thirty (30%) percent of budgeted operating expenditures may be appropriated only for one-time, non-recurring expenditures that will not increase future operating expenditures. Any other use of those General Fund reserves exceeding thirty (30%) percent of budgeted operating expenditures shall require approval by a four-fifths (4/5) vote of the City Council.

SECTION 2. Pursuant to Section 619 of the Culver City City Charter, this ordinance shall take effect thirty (30) days after its adoption. Pursuant to Sections 616 and 621 of the Culver City City Charter, prior to the expiration of fifteen (15) days after the adoption of this ordinance, the City Clerk shall cause this ordinance, or a summary thereof, to be published in the Culver City News and shall post this ordinance or a summary thereof in at least three (3) places within the City.

APPROVED and ADOPTED this _____ day of _____, 2009

D. SCOTT MALSIN, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

MARTIN R. COLE,
City Clerk

CAROL A. SCHWAB,
City Attorney

APPENDIX B

CITY OF CULVER CITY COUNCIL POLICY STATEMENT

Policy Number **5002**

General Subject: Finance

Date Issued 1/23/1995

Specific Subject: Financial Policies

Date Revised 7/16/2007

Effective Date 7/17/2007

Resolution No. 2007-R043

PURPOSE:

To establish a comprehensive set of financial policies for the City that will serve as a guideline for operational and strategic decision making related to financial matters.

STATEMENT OF POLICY:

The following financial policies are intended to establish a comprehensive set of guidelines for use by the City Council and City staff on decision-making that has a fiscal impact. The goal is to maintain the City's financial stability in order to be able to continually adapt to local and regional economic changes. Such policies will allow the City to maintain and enhance a sound fiscal condition. This policy should be implemented in conjunction with associated subsidiary policies, i.e. Mission Driven Budgeting Policy (5001), Purchasing Policy, Investment Policy, Grants Policy, etc.

This financial policy will be reviewed annually to ensure that it remains current. The policy will be included as part of the City's annual Adopted Budget. The City's comprehensive financial policies shall be in conformance with all state and federal laws, generally accepted accounting principles (GAAP) and standards of the Governmental Accounting Standards Board (GASB) and the Government Finance Officers Association (GFOA).

LONG-TERM FINANCIAL PLANNING

1. The City shall seek a balance in the overall revenue structure between more stable revenue sources (e.g. Property Tax and Utility Taxes) and economically sensitive revenue sources (e.g. Sales Tax and Transient Occupancy Tax). When new revenue sources are proposed, they should be designed to achieve a desirable balance.
2. The City shall encourage the economic development of the community as a whole in order to provide stable and increasing revenue streams. It should be the City's goal to not only attract new businesses but also to retain successful businesses in the City. Objectives of the revenue strategy should also include: avoiding an over reliance on revenue from any one particular industry; recruitment and retention efforts to ensure a balance of revenue sources;

ensuring compatible uses; encouraging business synergies; and promoting the growth of amenities and ancillary services to support business districts and established industries.

3. The City shall develop and maintain methods for the evaluation of future development and related fiscal impacts on the City budget.
4. The City shall develop and implement a five-year infrastructure, facilities and equipment maintenance/replacement plan, which shall be updated annually and included in the City's Comprehensive Financial Plan. From this plan a maintenance and replacement schedule will be developed and followed.
5. The City shall develop and implement a financial plan to address its funding needs for issues like deferred maintenance and unfunded liabilities, which will be included in the City's Comprehensive Financial Plan.

OPERATING BUDGET POLICIES

1. The City Manager shall prepare and present a proposed two-year budget to the City Council within all statutorily prescribed deadlines. The City Council will adopt the first year budget with conceptual approval of the second year budget. A public hearing will be conducted in June of each year to adopt the budget.
2. A Budget Resolution will be adopted by the City Council annually, which describes the budget amendment process and also specifies budget amendment authority.
3. All departments will participate in the responsibility of meeting the City's financial policy goals and ensure the City's long-term financial health. Budget control is maintained at the department level.
4. It is the City's policy to adopt a balanced budget where operating revenue is equal to, or exceeds, operating expenditures. In the event a balanced budget is not attainable, and the cause of the imbalance is expected to last for no more than one year, the planned use of reserves to balance the budget is permitted. In the event that a budget shortfall is expected to continue beyond one year, the planned use of reserves must be developed as part of a corresponding strategic financial plan to close the gap through revenue increases and/or expenditure decreases.
5. The operating budget shall serve as the annual financial plan for the City. It shall serve as the City's management plan for implementing goals and objectives of the City Council, City Manager and departments. The budget shall provide staff the resources necessary to accomplish City Council determined service levels.

6. During the annual budget development process, the existing base budget should be thoroughly examined to assure removal or reduction of any services or programs that could be eliminated or reduced in cost.
7. The annual review process should include an assessment to determine if funds are available to operate and maintain proposed capital facilities and other public improvements. If funding is not available for operations and maintenance costs, the City will delay construction of new projects.
8. Any year-end operating surpluses will revert to unappropriated balances for use in maintaining reserve levels set by policy and will be available for capital projects and/or one-time General Fund expenditures upon approval of the City Council.
9. Where practical, the City's annual budget will include performance measures of workload, efficiency, and effectiveness.
10. The City's Comprehensive Financial Plan (Plan) is a long-term picture of the City's finances and will be updated annually as part of the annual budget development. The Plan shall include forecasted expenditures and revenues of at least five (5) years for each fund; however, a ten (10) year forecast is preferred. The update will include an analysis of any substantial discrepancies of previous projections.

Revenues:

1. The City will estimate annual General Fund revenues using an objective, analytical process; specific assumptions will be documented and maintained. Budgeted revenues will be estimated conservatively using accepted standards and estimates provided by the state, other governmental agencies, and/or reliable economic forecasters when available.
2. Specific revenue sources will not be dedicated for specific purposes, unless required by law or Generally Accepted Accounting Principles (GAAP). All non-restricted revenues will be deposited in the General Fund and appropriated through the budget process.
3. On-going revenues will fund on-going expenditures and a diversified and stable revenue system will be developed and maintained to protect programs from short-term fluctuations in any single revenue source.
4. The City shall prepare quarterly reports which discuss revenue projections in light of actual receipts, and shall provide new projections, as appropriate.

Appropriations:

1. The City shall, to the extent possible, pay for current year expenditures with current year revenues. Where authorized activities/equipment remain incomplete and/or unpurchased, revenues and/or fund balance may be carried forward at the City Manager's direction to the next fiscal year to support such an activity/purchase.
2. The City shall avoid budgetary procedures which rely on financial strategies that defer payment of current operating expenses to future years.
3. Department Heads are responsible for ensuring department expenditures stay within the department's budgeted appropriation.
4. The City Manager will notify the City Council immediately of the necessity to increase any departmental appropriation; a budget amendment needs to be approved by a 4/5th vote of the City Council prior to such over-expenditure.

GENERAL FUND RESERVE POLICY

1. It is a goal of the City to maintain a general operating reserve of, at a minimum, 25% of projected General Fund operating expenditures for each fiscal year and an additional 5% for emergency situations (excluding debt service, fund transfers, and encumbered funds). These reserves are designed to be used in the event of a significant financial emergency. Should the General Fund reserve fall below 30%, the City will implement measures to restore the reserve percentage to 30% in the following fiscal year.
2. The unreserved portion of General Fund Fund Balances can be loaned to the Redevelopment Agency or to the Refuse or Sewer Funds for a total amount not to exceed 50% of the "Unreserved" fund balance shown in the most current Comprehensive Annual Financial Report (CAFR).
 - a. Such loans should be for a term of five years or less and have a call provision of no more than 120 days. Furthermore, the loan must be secured by assets such as real property, tax increment fund, or secured by the user fee and/or other sound funding source.
 - b. The interest rate for a loan originated by the City will be determined by the Chief Financial Officer and should be set based on rates of investments and/or loans with comparable terms on or about the date the loan is executed.
 - c. Such loan shall be considered as part of the reserve calculation.
3. The City shall establish, at the beginning of each fiscal year, an "appropriated reserve" to provide funding for special projects/programs approved by City Council after the annual budget is adopted, for unanticipated expenditures of a nonrecurring nature, or to meet unexpected increases in current service delivery costs. The amount of this reserve will be approved annually by the City Council.

4. A portion of any uncommitted fund balance in excess of 30% of annual revenues resulting from the previous fiscal year's operations should be committed to capital improvement projects or should be used to retire existing debt, fund future liabilities or potential legislative impacts, establish or replenish equipment replacement funds, and/or establish or replenish deferred maintenance funds.
5. One-time funds should **not** be used to fund ongoing City programs. Any one-time revenue receipt during the fiscal year should be recognized and recorded in a "non-recurring revenue source" category. One-time revenue windfalls include: sales of city-owned real estate, CalPERS rebates, lump sum (net present value) savings from debt restructuring, litigation settlement, unexpected revenues, and other similar sources of revenue as designated by the City Council.
6. The City should establish and maintain a designated reserve fund for any anticipated future expenses that will require a certain level of steady funding source, i.e. unfunded future retiree medical cost and pension cost. It is prudent to set aside these funding needs each year in order to maintain City's financial stability.

FINANCIAL REPORTING POLICIES

Accounting Standards:

1. The City's accounting and financial reporting systems shall be maintained in conformance with all state and federal laws, generally accepted accounting principles (GAAP) and standards of the Governmental Accounting Standards Board (GASB) and the Government Finance Officers Association (GFOA). The City will make every attempt to implement all changes to governmental accounting practices at the earliest practicable time.

Annual Audit:

1. An annual audit will be performed by an independent public accounting firm with an audit opinion to be included with the City's published Comprehensive Annual Financial Report (CAFR).
2. The independent firm will be selected through a competitive bidding process at least once every five years. The contract will be for an initial period of three years with two additional one-year options at the City Council's discretion. The Budget & Finance subcommittee and City Manager will review the qualifications of prospective firms and make a recommendation to the City Council. The audit contract, and any extensions, will be awarded by the City Council.

OPERATIONAL MANAGEMENT POLICIES

1. The City shall endeavor to avoid committing to new spending for operating or capital improvement purposes until an analysis of all current and future cost implications relating to those programs and projects is completed.
2. All departments will participate in the responsibility of meeting policy goals and ensuring long-term financial health. Future service plans and program initiatives will be developed to reflect current policy directives, projected resources and future service requirements.
3. Departmental requests for increases in staffing will be thoroughly analyzed; only those that meet adopted program initiatives and policy directives will be considered. To the extent feasible, personnel cost reductions will be achieved through attrition.

User Fees and Charges and Development Impact Fees:

1. All non-enterprise user fees and charges will be examined or adjusted annually to determine the direct and indirect cost of service recovery rate. Where direct services to users can be measured, the City shall consider use of appropriate fees, charges or assessments rather than general tax funds.
2. User fees and charges for specialized services shall be established at a level related to the cost of providing such service except where the City Council has determined there is a public benefit to subsidize the service with tax based revenue. The acceptable recovery rate and any associated changes to user fees and charges will be approved by the City Council following public review.
3. The City shall identify the costs associated with new development as a basis for establishing development impact fees. The long-term benefit of the development to the City should be considered in establishing such fees.

Grant Management:

1. The City shall actively pursue federal, state and other grant opportunities when deemed appropriate. Before accepting any grant, the City shall thoroughly consider the implications in terms of ongoing obligations that will be required in connection with acceptance of said grant.
2. The term of Grant funded positions should be clearly identified and presented to the City Council for approval. It is mandatory to disclose if General Fund revenues will be needed to fund a position after the Grant expires.
3. Grant funding will be considered to leverage City funds. Inconsistent and/or fluctuating grants should not be used to fund ongoing programs. Programs financed with grant monies will be budgeted in separate cost centers, and the service program will be adjusted to reflect the level of available funding. In the event of reduced grant funding, City resources may be substituted only after all program priorities and alternatives are considered.

4. All externally mandated services for which funding is available shall be fully costed out, including overhead, to allow for complete reimbursement of expenses.

Revenue Collection Policy:

1. The City will pursue revenue collection and auditing to assure that monies due the City are accurately received in a timely manner.
2. The City will seek reimbursement from the appropriate agency for State and Federal mandated costs whenever possible.
3. The City should centralize accounts receivable/collection activities so that all receivables are handled consistently.
4. Accounts receivable management and diligent oversight of collections from all revenue sources are imperative. Sound financial management principles include the establishment of an allowance for doubtful accounts. Efforts should be made to pursue the timely collection of delinquent accounts. When such accounts are deemed uncollectible, they should be written-off from the financial statements.

FINANCIAL MANAGEMENT POLICIES

1. Staff shall keep City Council apprised of financial opportunities available to the City and shall develop appropriate recommendations.
2. All requests for City Council action shall include an analysis of the immediate and future fiscal impact of such action. No appropriation for new or expanded programs or staffing levels shall be approved without identifying the amount and source of available funds.
3. All externally mandated services for which funding is available shall be fully costed out, including overhead, to allow for complete reimbursement of expenses.

Cash Management Investment:

1. Cash and investment programs will be maintained in accordance with California Government Code Section 53600 et seq. and the City's adopted investment policy and will ensure that proper controls and safeguards are maintained. Pursuant to State law, the City, at least annually, revises, and the City Council affirms, a detailed investment policy.
2. Reports on the City's investment portfolio and cash position will be developed and presented to the City Council on a quarterly basis, in conformity with the California Government Code.

3. City funds will be managed in a prudent and diligent manner with emphasis on safety, liquidity, and yield, in that order.

CAPITAL IMPROVEMENT PROJECT POLICIES

1. A five-year Capital Improvement Plan must be developed and updated annually, including anticipated funding sources. Capital improvement projects are defined as infrastructure or equipment purchases or construction which result in a capitalized asset and have a useful (depreciable) life of two years or more.
2. The capital improvement plan will identify, where applicable, current operating maintenance costs and funding streams available to repair and/or replace deteriorating infrastructure and to avoid significant unfunded liabilities.
3. The City should develop and implement a post-implementation evaluation of its infrastructures condition on a specified periodic basis, estimating the remaining useful life, and projecting replacement costs.
4. The City shall actively pursue outside funding sources for all Capital Improvement Projects. Outside funding sources, such as grants, shall be used to finance only those Capital Improvement Projects that are consistent with the five-year Capital Improvement Project and local governmental priorities, and whose operating and maintenance costs have been included in future operating budget forecasts.
5. Capital improvement lifecycle costs will be coordinated with the development of the Operating Budget. Future operating, maintenance and replacement costs associated with new capital improvements will be forecasted, matched to available revenue sources, and included in the Operating Budget. Capital project contract awards will include a fiscal impact statement disclosing the expected operating impact of the project and when such cost is expected to occur.
6. The City must carefully seek and analyze the appropriate type of financing instrument appropriate for financing capital projects. Several options are available – general obligation debt, fee-supported debt, fund reserves, etc. All debt financing mechanisms shall be carefully considered and analyzed for fiscal benefit and cost effectiveness. Long-term borrowing shall be restricted to projects too large to be financed from current revenues (pay-as-you-go). Where possible, special assessment, revenue or other self-supporting bonds shall be used in lieu of general obligation bonds.

DEBT MANAGEMENT POLICIES

Issuance of Debt:

1. The City will not use long-term debt to pay for on-going operations. The use of bonds or certificates of participation will only be considered for significant capital and infrastructure improvements.
2. New debt issues, and refinancing of existing debt, must be analyzed for compatibility within the City's overall financial planning within the Comprehensive Financial Plan. The review shall include, but not be limited to, cash flow analysis and the maintenance of the City's bond rating. Annual debt service shall not produce an adverse impact upon future operations.
3. Debt financing should not exceed the useful life of the infrastructure improvement with the average (weighted) bond maturities at or below twenty years.
4. A ratio of current assets to current liabilities of at least 2 to 1 will be maintained to ensure the City's ability to pay short-term obligations (i.e. current assets/current liabilities $\geq$ 2).

Credit Rating:

1. The City will seek to maintain and, if possible, improve its current bond rating(s) in order to minimize costs and preserve access to credit.
2. It is the City's goal to maintain an AAA/Aaa credit rating from all three major rating agencies. The City may pay the bond insurance which is considered as part of the rating, however, the rating agency does evaluate the structure of the bond to validate the bond rating. The factors that contribute to a high rating include the City's financial management practices, low debt levels, budgetary and fiscal controls, and accountability. To support this policy, the City will continue to maintain its position of full financial disclosure and proactive fiscal planning.

INTERNAL SERVICE FUNDS

Self Insurance Fund:

1. The Self-insurance fund pays for insurance premiums, benefit and settlement payments, and administrative and operating expenses. It is supported by charges to other City funds for the services it provides. These annual charges for service shall reflect the five-year historical experience and shall be set to equal the annual expenses of the fund.
2. Self-insurance reserves (Liability and Workers' compensation) will be maintained at a level which, together with purchased insurance policies, adequately indemnify the City's property, liability, and health benefit risk. A qualified actuarial firm shall be retained on an annual basis in order to recommend appropriate funding levels, which will be approved by Council. The City shall endeavor to maintain reserves equal to 30% of the net present value

of such future liabilities, with no less than \$2 million to cover potential swings in working capital.

Equipment Replacement Fund:

1. The City shall maintain a fund with a sufficient balance for replacement of vehicles, equipment (including technology and communication equipment)
2. Vehicle replacement will be accomplished through the use of an amortization methodology structure. The rates will be revised annually to ensure that charges to operating departments are sufficient for operation and replacement of vehicles and other capital equipment (fleet, computers, phones, copiers, etc.). Replacement costs will be based upon equipment lifecycle financial analysis.

ENTERPRISE FUNDS (Includes Sewer Fund, Refuse Fund and Transportation Fund)

1. All Enterprise Funds user fees will be examined annually to ensure that they recover all direct and indirect costs of service, provide for capital improvements and maintenance, and maintain adequate reserves.
2. Rate increases shall be approved by the City Council following formal noticing and a public hearing. Rate adjustments for Sewer Fund operations will be based on five-year financial plans unless the City Council directs otherwise.