

Mayor's Office

To the Honorable City Council of the City of Houston:

In accordance with the provisions of Article VII, Section 7 of the Charter of the City of Houston, I submit and introduce to you the Ordinance set out below with the request that it be passed finally on the date of its introduction. There exists a public emergency requiring such action and I accordingly request that you pass the same if it meets with your approval.

Date: June 22, 2005

Bill White
Mayor of the City of Houston

City of Houston, Texas Ordinance No. 2005-820

AN ORDINANCE RELATED TO THE FISCAL AFFAIRS OF THE CITY; APPROVING THE ANNUAL BUDGETS OF THE CITY OF HOUSTON, TEXAS, FOR FISCAL YEAR 2006 FOR THE GENERAL, ENTERPRISE, SPECIAL REVENUE, INTERNAL SERVICE AND REVOLVING FUNDS; PROVIDING FOR FUTURE ADJUSTMENT TO THE BEGINNING FUND BALANCES; MAKING VARIOUS AMENDMENTS TO THE PROPOSED BUDGETS; RE-DESIGNATING A CASH RESERVE IN THE FUND BALANCE; ESTABLISHING A COST FOR COPIES OF THE BUDGET; MAKING OTHER PROVISIONS RELATED TO THE SUBJECT; MAKING CERTAIN FINDINGS RELATED THERETO; PROVIDING A REPEALING CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * *

WHEREAS, on May 23, 2005, the Mayor of the City of Houston, Texas, filed with the City Secretary a proposed budget of the expenditures of the City of Houston General, Enterprise, Special Revenue, Internal Service and Revolving Funds for the Fiscal Year beginning July 1, 2005 and ending June 30, 2006, (the "Proposed Budget"); and

WHEREAS, pursuant to a resolution of the City Council of the City of Houston, and after notice was provided as required by law, a public hearing on the Proposed Budget was held in the Council Chamber in the City Hall on Tuesday, June 14, 2005, continued on Wednesday, June 15, 2005, at which hearing all residents and all taxpayers, had the right to be present and to be heard, and those who requested to be heard were heard; and

WHEREAS, the City Council has considered the Proposed Budget and has made those changes to the Proposed Budget that in the City Council's judgment are warranted by law and demanded by the best interest of the taxpayers of the City; and

WHEREAS, the City Council desires to approve and adopt the final Budget as set out herein; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are adopted as a part of this Ordinance.

Section 2. That in accordance with the City Charter and Sections 102.001 through 102.011, Tex. Loc. Gov't Code (Vernon's), the City Council hereby approves and adopts the Proposed Budget as amended and supplemented herein as the Fiscal Year 2006 City of Houston, Texas, Budget, the same being contained in the budget document on file with the City Secretary in a volume entitled "Proposed Budget For Fiscal Year Ending June 30, 2006", as amended and supplemented herein, but specifically not including as part of the Budget, the Overview, the description of the General Fund other than the Fund Summary, data relative to any Fiscal Years prior to 2006, the General Obligation Debt Service Fund, the Tax Increment Reinvestment Zone budgets and the Appendices or information concerning Full-Time Equivalents, all of which is provided for background and reference purposes only (the "Budget"). The City Secretary is hereby directed to attach to the Budget a copy of this ordinance, any motions amending the Proposed Budget and an endorsement reading: "The Official Budget of the City of Houston, for the General, Enterprise, Special

Revenue, Internal Service and Revolving Funds for the Fiscal Year Beginning July 1, 2005 and ending June 30, 2006" and to keep the Budget on file in her office as a public record. In addition, in accordance with Section 102.009(d), Tex. Loc. Gov't Code (Vernon's), the City Secretary is hereby directed to file a true copy of the approved Budget in the offices of the county clerks of the counties in which the City is located.

Section 3. That the City Council hereby incorporates into the final approved Budget the revisions to the Proposed Budget contained in Exhibit A, attached hereto and incorporated herein for all purposes. Further, the City Council hereby incorporates into the final approved Budget revisions included in Motions adopted in connection with approval of the Budgets, attached hereto as Exhibit C and incorporated herein for all purposes.

Section 4. That the Beginning Fund Balance reflected in the Budget for each fund for which a budget is adopted hereby shall automatically be adjusted to be the amount of the Ending Fund Balance included in the final Comprehensive Annual Financial Report for Fiscal Year 2005 for each respective fund. The revised Beginning Fund Balance shall thereafter be used to calculate the Ending Fund Balance for each such fund, which shall also be adjusted automatically. No adjustment to the expenditure budgets is authorized by this Section.

Section 5. That the City Council hereby re-designates the cash reserve of \$20,000,000 in the General Fund fund balance, the Rainy Day Fund, to be available for unforeseen contingencies consistent with City of Houston Ordinance No. 2003-0474. Each use of this designated portion of the fund balance must be approved and funds appropriated therefor by City Council.

Section 6. That the City Council hereby authorizes for each City Department the positions listed for that Department on the Personnel Summary included in the budget for that Department. In addition, the City Council previously has authorized classified positions subject to Chapter 143, Tex. Loc. Gov't Code, through individual personnel ordinances, which shall continue to regulate those positions. The City Council further authorizes the currently existing grant funded positions. In the future, additional grant funded positions will be authorized by acceptance or modification of a grant whether by City Council or administratively. The City Council takes cognizance of the fact that in order to facilitate the operations of the various City departments the numbers and types of positions needed to carry out the functions of the departments may vary through the year. Accordingly, the Mayor is hereby authorized to alter the numbers and types of positions authorized herein (classified positions subject to Chapter 143, Tex. Loc. Gov't Code not being authorized herein, but by separate personnel ordinances) in order to accomplish the program goals of each department; provided, however, that in so doing, all such positions must have been established by City Council in the Master Classification Ordinance and the total departmental expenditures for the affected department must remain within authorized budgetary limits, or in the case of grant funded positions, within the funding levels of the grant. The Personnel Summaries adopted by this Section are not to be considered part of the Budget adopted by this Ordinance for purposes of amendments to the Budget.

Section 7. That all expenditures heretofore made for Fiscal Year 2006, if any, are hereby approved, ratified and confirmed and because it is the intention of the City Council that the Budget hereby approved be inclusive of previous expenditures and commitments

for Fiscal Year 2006, the City Controller is hereby directed to apply the amounts thereof to the appropriate accounts in the Budget.

Section 8. That the City Council takes cognizance of the fact that in order to facilitate operations of the various City departments established in the Code of Ordinances of the City of Houston (singularly "department"), and to make adjustments occasioned by events transpiring during the year, some transfers will be necessary to and from some of the accounts contained in the Budget as adopted herein. Accordingly, the Mayor shall have authority to transfer funds to and from the Budget accounts within any department without limitation. In addition, for transfers among departments within a Fund, the Mayor shall have authority to transfer funds from any Budget account (whether one or more) in one department to any other account or accounts in any other department within the Fund, but for each department such aggregate interdepartmental transfers from any Budget Expenditure Account Group in that department's budget shall not exceed 5% of the total amount shown for such Budget Expenditure Account group in the adopted budget for such department. Provided, however, that any such transfers shall not be subjected to or be included within the foregoing 5% limit if such transfers are approved by City Council in compliance with Section 102.001 through 102.011, Local Government Code (Vernon's).

As used in this Section the term "Budget Expenditure Account Group" means a group of accounts within a department or a group of nondepartmental accounts which have similar purposes (for example, the Budget Expenditure Account Group for "Personnel Services" within a given department might include all of the following accounts: 1100, 1105, 1110, 1113, 1115, 1120, 1125, 1130, 1135, 1140, 1145, 1146, 1150, 1155, 1160,

1199, 1200, 1201, 1205, 1207, 1210, 1211, 1213, 1215, 1220, 1225, 1230, 1235, 1240, 1245, 1250, 1255, 1260, 1265, 1266, 1270, 1275, 1280, 1300, 1400, 1405, 1410, 1415, 1420, 1425, 1980, 1981, 1997, 1998, 1999).

Section 9. That the City Council hereby establishes the CIP Salary Recovery Fund (Fund 10D) to account for consulting services performed by City employees related to Capital Improvement Projects. All expenses for activities within this fund are recovered from appropriate CIP funds. Additional funds are recovered which represent a proportional share of the indirect cost allocation for the General Fund.

Section 10. That the volume of the City of Houston Construction Code known as the City of Houston Building Code, as adopted by Ordinance 2002-399, and previously amended by Ordinances No. 2002-625, No. 2003-645, No. 2004-1015, and No. 2004-1065, is hereby amended as follows:

A. Section 108.6 is hereby amended to read as follows:

"108.6 Refunds. The building official may authorize refunding of any fee paid hereunder that was erroneously paid or collected due to an error by one or more city employees. This provision shall not be applicable if the error occurred because of incorrect information provided by the applicant.

The building official may authorize the refunding of not more than 90 percent of the amount in excess of \$25.00 of the permit fee paid when no work has been done under a permit issued in accordance with this code. If work has been done under the permit, no refund may be authorized. The plan review portion of the permit fee is nonrefundable.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment."

B. Sections 117.1.12 and 117.1.13 are hereby renumbered as Sections 117.1.13 and 117.1.14, respectively, and a new Section 117.1.12 is added to read as follows:

"117.1.12 Commercial plan review fee. Plans submitted for a commercial building permit shall be charged a plan review fee. The fee shall be charged at a rate of 25 percent of the estimated building permit fee calculated as provided in section 117.2. This portion of the fee shall be paid upon submittal for the initial review of plans. The balance of the permit fee shall be collected when the permit is issued.

Exceptions:

1. Projects for which an expedited plan review has been paid.
2. Projects subject to limited walk through review."

Section 11a. That Article VIII of Chapter 2 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 2-283 that reads as follows:

"Sec. 2-283. Fees for review of plans or specifications.

The director shall, from time to time, prepare and submit for approval by motion of the city council a schedule of fees that shall be charged in any instance in which city engineer is requested to review plans or specifications to ensure compliance with the city's water, wastewater, drainage, street paving, and traffic infrastructure standards. An administrative fee shall be payable in full upon submission of plans or specifications to the city engineer. Plan review fees for the initial submittal shall be payable as follows: (1) 25 percent of the total plan review fee (nonrefundable) shall be paid upon submission of plans or specifications for review, and (2) the remainder of the total plan review fee shall be paid upon completion of the review. Plan review fees for additional pages for a resubmittal shall be paid in full upon resubmission of plans or specifications for review. Payment of the fees is a condition of the processing of any request for review of plans or specifications."

Section 11b. That the City Council hereby approves the initial schedule of fees for review of plans or specifications that is attached to and made a part of this Ordinance as Exhibit B.

Section 12. That the City Council hereby authorizes expenditures in the Building Inspection Fund (Fund 214) budget in addition to those included in the Proposed Budget in

an amount not to exceed \$2,500,000 for additional plan review activities, subject to the prior appropriation of funds sufficient to cover the expenditures.

Section 13. That the City Council hereby authorizes during FY2006, a transfer of \$1,000,000 from the General Fund – Health Department budget to the General Fund – Building Services Department budget, as well as associated personnel, in connection with a transfer of building maintenance activities for Health Department facilities from the Health Department to the Building Services Department.

Section 14. That the City Council approves the payment of the City's general debt service obligations created elsewhere by separate Council action from funds in the General Obligation Debt Service Fund.

Section 15. That the City Council hereby establishes the price for the Budget at \$35.00 plus tax and postage, if any.

Section 16. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only. The Budget adopted by this ordinance replaces the FY2005 Budget.

Section 17. That the City Council officially finds, determines, recites and declares 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,

'551.001 et. seq. Texas Government 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. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 18. That if any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 19. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor or July 1, 2005, whichever is later.

PASSED AND ADOPTED this 22nd day of June, 2005.

APPROVED this 22nd day of June, 2005.



Mayor of the City of Houston, Texas

(Prepared by Legal Dept. *Susan O'Keefe*)
 (STT:pas 6/14/05) Deputy City Attorney
 (Requested by Judy Gray Johnson, Director of Finance & Administration Department)
 U:\WPFILES\BUDGET\fy2006\stt20402.doc

Roll Call Vote

AYE	NO	
✓		MAYOR WHITE
....	COUNCIL MEMBERS
✓		LAWRENCE
✓		GALLOWAY
✓		GOLDBERG
✓		EDWARDS
	✓	WISEMAN
✓		KHAN
✓		HOLM
✓		GARCIA
✓		ALVARADO
✓		ELLIS
	ABSENT	QUAN
	✓	SEKULA-GIBBS
✓		GREEN
✓		BERRY
CAPTION	ADOPTED	

CAPTION PUBLISHED IN DAILY COURT
 REVIEW
 DATE: JUN 28 2005