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**HONORABLE CITY COUNCIL**

**FROM:** Marcell R. Todd, Jr., Director *MT by LG.*  
**RE:** Proposed Capital Agenda FY 2019-20 through 2023-24  
**DATE:** January 9, 2019

On November 1, 2018 the Proposed Capital Agenda FY 2019-20 through FY 2023-24 was submitted by the Budget Department consistent with Article 8, Chapter 2 of the City Charter (attached). The Legislative Policy Division and the staff of the City Planning Commission have been in review of the document since that time and LPD has submitted an initial report focusing primarily on the financial aspects of the document. Despite the general appearance of the document it is not a budget, but rather a plan for capital improvements. The CPC will take the matter up at its first meeting of the new year, this Thursday, January 10<sup>th</sup> and is expected to prepare its recommendations for the document at the following meeting on the 17<sup>th</sup>.

As City Council begins to consider of this proposed Capital Agenda LPD/CPC staff make the following suggestions as it concerns the review and approval process prescribed by the City Charter. As you will recall City Council may delete projects from the proposed document as Your Honorable Body may deem appropriate. However, in order to alter the proposed projects or add projects to the Proposed Capital Agenda as submitted, Council must first request recommendations from the Planning and Development Department Director and provide a 30 day window to receive a response. Upon receipt, the Council would not be bound by those recommendations and may act as it sees fit. Further, the Council may act without the requested recommendations if they are not received within the 30 day window for response. In order to meet these requirements we suggest City Council's initial questions, concerns and suggested amendments to the document be compiled, assessed and formulated into a resolution making said request of the PDD Director and acted upon at the Formal Session of January 22<sup>nd</sup> or at an Adjourned/Special Session no later than January 25<sup>th</sup>.

City Council is also required to hold a public hearing on the Proposed Capital Agenda making copies available for public review at various locations. The hearing may be held before the a meeting of the Committee of the Whole, an Expanded Budget Finance and Audit Standing Committee or an Expanded Planning and Economic Development Standing Committee. In 2017 this was accomplished before an Adjourned or Special Session of the Budget Finance and Audit Standing Committee. Staff suggests the same be done this year via action on January 22<sup>nd</sup> setting the hearing for Wednesday, February 13<sup>th</sup>. Publication of the public notice would be required by January 29<sup>th</sup>.

Council must act on the Proposed Capital Agenda no later than Friday, March 1<sup>st</sup> or the matter will be considered approved as submitted.

Let us now if you have any questions.

**Sec. 8-202. Capital Agenda.**

1. On or before November 1 of each even numbered year, the Mayor shall submit a proposed Capital Agenda for the next five (5) fiscal years to the City Council.

2. The Capital Agenda shall state:

- a. All physical improvements and related studies and surveys, all property of a permanent nature, and all equipment for any improvement when first erected or acquired, to be financed during the next five (5) fiscal years in whole or in part from funds subject to control or appropriation by the city, along with information as to the necessity for these facilities;
- b. Capital expenditures which are planned for each of the next five (5) fiscal years;
- c. The estimated annual cost of operating the facilities to be constructed or acquired; and
- d. Other information pertinent to the evaluation of the capital agenda.

For each separate purpose, project, facility, or other property there shall be shown the amount and the source of any money that has been spent or encumbered, or is intended to be spent or encumbered before the beginning of the next fiscal year and also the amount and the source of any money that is intended to be spent during each of the next five (5) years. This information may be revised and extended each year for capital improvements still pending or in process of construction or acquisition.

The City Council may delete projects from the capital agenda as submitted but it may not otherwise amend the capital agenda until it has requested the recommendations of the Planning and Development Director. The City Council shall not be bound by those recommendations and may act without them if they are not received within thirty (30) days from the date requested.

3. The City Council shall publish in one (1) or more daily newspapers of general circulation in the city a general summary of the capital agenda and a notice stating:

- a. The time and places where copies of the proposed capital agenda are available for public inspection; and
- b. The time and places, not less than two (2) weeks after the publication, for a public hearing on the proposed capital agenda.

The head of any agency has the right, and it shall be a duty when requested by the City Council, to appear and be heard.

4. At the conclusion of its deliberation, but not later than March 1 of the following year, the City Council shall approve a five (5) year capital agenda for the City. If the City Council fails to take action by March 1, the proposed Capital Agenda shall be deemed approved.