

Budget Procedures/Rules:

From City Council Rules:

Rule XXIII - Budget Procedures (30154 3/3/2021)

Budget Meetings: Council shall establish public meetings on the budget to correspond to the standing committees that have jurisdiction over the administration in their respective areas: Budget and Finance, Human Resources, Community and Economic Development, Appointments and Administration, Parks and Recreation, Public Safety, and Public Works. Each of the budget meetings shall be chaired by the respective Chairperson of that committee. Council may set up other meetings at the request of four members of Council or by the Council President.

Budget Amendments: Budget amendments shall be in writing and be made available to the public, administration and Council at least two days prior to the public meeting at which they will be discussed and voted on.

Adoption of Amendments: Budget amendments shall be acted on prior to the meeting at which the budget is adopted unless four Councilpersons waive this rule. (28797 9/21/2011)

Home Rule Charter Provisions

SECTION 308. Powers and duties of the Mayor.

The Mayor shall have the following powers and duties:

- A. Execute, enforce and obey the ordinances of the City, the laws of the Commonwealth of Pennsylvania and the United States of America.
- B. Prepare and present a budget to City Council in accordance with the provisions of this Charter.
- C. Inform City Council and the public each January of the financial and general condition of the City.
- D. Provide Council with all information concerning finances and general conditions of the City as may be requested by Council.
- E. Prepare and submit, to City Council, on an annual basis a five year financial plan and budget.
- F. Introduce proposed legislation to Council and make recommendations to City Council concerning the affairs of the City.
- G. Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by the Charter or by law.
- H. Supervise and direct the negotiation and administration of any collective bargaining agreements with City employees.
- I. Ensure that all laws, provisions of this Charter and acts of City Council are faithfully executed.
- J. Be responsible for the establishment and development of the administrative policy.

- K. Be present or represented at all regular City council meetings. The Mayor may participate in all regular City Council discussions but shall have no vote.
- L. Execute all bonds, notes, contracts, and written obligations of the City.
- M. Issue subpoenas and compulsory processes, under the official seal of the Mayor, for the attendance of such persons and the production of such books and records as deemed necessary by the Mayor, and seek enforcement of such subpoenas by the Court of Common Pleas of Lehigh County.
- N. Appoint, suspend or remove any City employee, except as otherwise provided by this Charter or by law, and unless otherwise provided, be responsible for the employment of personnel necessary for the effective operation of city government.
- O. Perform such other duties and exercise such other powers as stated in this Charter, by law, or ordinance.

ARTICLE VIII **Financial Procedures**

SECTION 801. Fiscal year.

The fiscal year of the City shall be the calendar year. If not prohibited by law, the Council may, by ordinance, adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making such transition.

SECTION 802. Submission of balanced budget and capital program. [Amended 11-5-2019 (6-20-2019 by Ord. No. 15543)]

On or before 90 days prior to the ensuing fiscal year, the Department Heads will submit Proposed Budget and Capital Program to the Mayor. On or before 75 days prior to the ensuing fiscal year, the Mayor will submit to the City Council a balanced budget, Capital Program and an accompanying message. The Proposed Balanced Budget and Capital Program shall be in such form as the Mayor deems desirable, unless otherwise required by Council.

SECTION 803. Budget message.

The Budget shall be accompanied by a message which shall include:

- A. An explanation of the expenditures and revenues in the proposed budget, indicating and explaining major changes from the current year and the prior year.
- B. An outline of proposed programs and an explanation of new, expanded or abolished programs or functions.
- C. A summary of the City's debt position.
- D. Such other material, as required by Council that will inform the Council and the public of municipal goals.

SECTION 804. Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing

fiscal year in accordance with all Generally Accepted Accounting Principles and, except as required by this Charter, shall be in such form as the Mayor deems desirable or the Council may require. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The Budget shall contain, among other things, the following:

- A. It shall begin with a general summary of its contents.
- B. It shall show, in detail, all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.
- C. It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.
- D. It shall show the number of proposed employees in every job classification.
- E. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding four fiscal years.
- F. It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.
- G. It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by office, departments and agencies when practicable, and the proposed method of financing each such capital expenditure. The Mayor will include this separate Capital Program section in the annual Budget and submit to Council with appropriate supporting information as to the necessity for such programs.
- H. It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility, i.e., water, sewer and enterprise funds, owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

SECTION 805. City Council action on budget.

- A. Public access to budget. The proposed budget shall be available for public inspection at City Hall and at the Allentown Public Library and the Lehigh County Law Library, and copies shall be available for the public at a reasonable fee to be set by the Council. **[Amended 11-6-2001]**
- B. Amendment before adoption. After the public hearing, the City Council may adopt the budget with or without amendments. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the City Council.

If the amended Budget increases, decreases or readjusts funding requirements by more than 5%, or adds or deletes a program, the Budget shall be returned to the Mayor immediately for comment and resubmission to the Council within three normal City work days.

Council shall provide for another public hearing to be held within five days after the Mayor has resubmitted the Budget.

- C. Adoption. Council and the Administration must adopt an annual budget by no later than December 31st of the fiscal year currently ending. See this Charter, Sections 219 and 221 for discussion of effective dates. **[Amended 11-5-2019 (6-20-2019 by Ord. No. 15544)]**

SECTION 806. (Reserved)¹

SECTION 807. Revenue.

- A. Council shall establish no new tax except for the Emergency and Municipal Service Tax.

[Amended 5-16-2006 (2-2-2006 by Ord. No. 14356)]

- B. Council shall not raise the rates of the deed transfer, earned income, business privilege, the Emergency and Municipal Services Tax beyond \$52, amusement devices, and resident taxes above their respective 1996 levels. **[Amended 5-16-2006]**

- C. Property Development Incentive Taxation System.

- (1) Beginning in 1997, the City of Allentown will adopt a property taxation system designed to encourage development of new properties and improvements to existing properties. The system will accomplish this by gradually reducing the tax rate applied to all buildings relative to the tax rate applied to all land (whether developed or undeveloped).

- (2) The following shall be the minimum ratios of the land tax rate to the building rate for the respective years:

1997	1.49
1998	2.06
1999	2.76
2000	3.62
2001 and beyond	4.70

- (3) Council may establish a ratio of the land tax rate to the building tax rate higher than 4.70 after 2001.

- D. Council may reduce any tax rate or fee (provided it maintains the minimum ratios for property taxes as in Section 807(C)(2)) by a majority vote. Council may increase property tax rates or fees (provided it maintains the minimum ratios for property taxes as in Section 807(C)(2)) by four votes. **[Amended 5-18-1999; 11-5-2019 (6-20-2019 by Ord. No. 15544)]**

- E. The citizens of Allentown may increase or decrease property tax rates through the referendum process defined in Sections 1002-1009 (provided that, as long as the Property Development Incentive Taxation System is in effect, the resulting ratio meets or exceeds the minimum ratio set by this Charter or by Council).

- F. After the year 2001, the citizens of Allentown may amend or terminate the Property Development Incentive Taxation System by reducing the ratio of the land tax rate to the building tax rate or by reverting to a single tax rate for land and buildings through the

referendum process defined in Sections 1002-1009.

1. Editor's Note: Former Section 806, Revised budget, was deleted per ballot question 11-6-2001.

SECTION 808. Amendments after adoption.

- A. Emergency appropriations may be made by the Council to meet a public emergency posing a sudden, clear and present danger to life or property. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 220 of this Charter.
- B. Supplemental appropriations may be made by the Council by ordinance upon certification by the Mayor that there are available for appropriation revenues in excess of those estimated in the Budget.
- C. Transfer of appropriations may be made in accordance with provisions of the Administrative Code.

SECTION 809. Lapse of appropriations.

Every appropriation, except an appropriation for a Capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.

SECTION 810. Administration of the budget and capital plan.

The Mayor shall be responsible for and shall supervise the administration of the Annual and Capital Budgets.

SECTION 811. Capital plan.

- A. Submission to City Council. The Mayor shall prepare and submit to the City Council a five year capital program no later than the final date for submission of the budget.
- B. Contents of capital plan. The capital plan shall include:
 - (1) A clear general summary of its contents;
 - (2) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
 - (3) Cost estimates and recommended time schedules for each improvements or other capital expenditure;
 - (4) Method of financing, upon which each capital expenditure is to be reliant;
 - (5) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and
 - (6) All Capital Projects must be included in the Capital Plan Budget.

The above shall be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

- C. Financing capital projects. Financing for Capital Projects shall be obtained by Competitive Bidding.

D. Capital projects approved. Proposed Capital Projects in the Capital Plan must be considered on their own individual merits by the Director of Finance, the City Controller, and the Proposer of the project. The procedures to approve the individual Capital Projects are:

(1) Preliminary feasibility study.

The Capital Project preliminary feasibility study shall include:

- (a) A clear general summary of its purpose and justification.
- (b) The cost estimates and time schedule for the Capital Project including the cost of the Post Project Completion Audit.
- (c) The method of financing and sources upon which this Capital Project is reliant.
- (d) The annual cost of operating and maintaining the project to be constructed or acquired.

The Council approval of Capital Projects in this preliminary feasibility study will require a simple majority vote in order to move on to a final approval and funding acceptance.

(2) Final proposal and financing.

The Final Capital Project proposal and financing shall include:

- (a) A clear general summary of its purpose and justification.
 - (b) The cost estimates and time schedule for the Capital Project including the cost of the Post Project Completion Audit.
 - (c) The method of financing and sources upon which this Capital Project is reliant.
 - (d) The annual cost of operating and maintaining the project to be constructed or acquired.
 - (e) This final Capital Project Proposal will be published and made available for the public to review. Capital Project replaces Capital Program. The final Council approval of Capital Projects will require five votes to approve.
- (3) Capital project reporting.
- (a) Current projects. All Capital Projects in process must be reported on a quarterly basis and provide an update on cost, completion date, and estimated revised operating costs. This information is to be supplied by the Director of Finance and the Project Manager to the City Council in such a form that it is available to the public.
 - (b) Extended projects. If commencement of a Capital Project does not begin by end of the fiscal year, following the year in which final approval is obtained, the project must go through Section 811(D)(1) and (2).
- (4) Post project completion audit. Following completion of the Capital project, a complete and detailed audit must be published and made available to the public. This Post Audit

is to be completed by an independent auditor appointed by the Council. The purpose of the Post Audit is to confirm the estimates of costs and explain any deviation between actual and estimated costs.

SECTION 812. City Council action on capital plan.

- A. Public access to capital plan. The proposed Capital Plan shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council. **[Amended 11-6-2001]**
- B. Adoption. Council must adopt an annual Capital Plan, with or without amendment, no later than December 15th of the fiscal year, currently ending. If Council fails to adopt a Capital Plan by December 15th then the Mayor's original Capital Plan shall become the official Capital Plan of the City for the ensuing fiscal year. **(Darn, this was probably forgotten when the change was made to the default budget.)**

CITY CODE

ARTICLE IV

Financial Procedures¹

[Adopted as Article 130 of the 1962 Codified Ordinances]

§ 5-14. Budget. [Added 6-8-1995 by Ord. No. 13337]

- A. The budget shall be in such form as is required by Council for City budgets and shall, in addition, have appended thereto a detailed analysis of the various items of expenditures and revenue. Position classification titles, pay grades and salaries for each specific position shall be components of the program detail in the budget that is presented to and adopted by City Council.
- B. The budget submitted to Council and the public shall include budget detail sheets which list each and every program account with the items that justify the respective account expenditure. **[Added 6-7-2013 by Ord. No. 15076]**

§ 5-15. City Council action on budget. [Amended 4-17-2003 by Ord. No. 14078]

- A. The Mayor may propose amendments to the original proposed balanced budget. **Any amendment which increases any tax rate or fee shall become part of the original budget, provided City Council approves each amendment by five votes.** Other Mayoral amendments which do not increase any tax rate or fee shall become part of the original budget, provided City Council approves each amendment by four votes.
- B. The Mayor's original proposed balanced budget is that budget which was submitted on or before 75 days prior to the ensuing fiscal year pursuant to the Charter. **[Amended 9-14-2022 by Ord. No. 15836]**

§ 5-16. Amendments after adoption.

- A. **Council may authorize by ordinance supplemental appropriations or revenue changes for any lawful purpose from funds on hand or estimated to be received within the fiscal year**

as follows: **[Amended 10-20-1993 by Ord. No. 13221; 4-7-1994 by Ord. No. 13252; 7-17-1997 by Ord. No. 13592]**

- (1) Council may authorize a transfer of the unexpended balance or portion thereof of any appropriation item.
- (2) Council may authorize an appropriation from the unappropriated balance of any fund.
- (3) Council may increase any revenue or income budget account to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.
- (4) Council must approve, by ordinance, any transfer of any funds which results in a change in salary for any City employee.

B. Positions created by ordinance. No permanent or permanent part-time position not explicitly provided for in the Budget shall be created; nor shall any budgeted position be deleted or transferred from its budgeted program, unless City Council, by ordinance, authorizes the same position. **[Amended 3-16-1983 by Ord. No. 12548; 6-20-1990 by Ord. No. 12979]**

C. Rules and regulations on transfers. **[Amended 6-20-1990 by Ord. No. 12979]**

- (1) Interfund transfers. City Council may, by ordinance, approve transfers between funds during a budget year.
- (2) Budgeted transfers. The Administration shall issue a monthly report, no later than the 15th of each month, on the transfer of funds into the Risk Management Fund. **[Amended 9-16-2011 by Ord. No. 14922]**
- (3) Intrafund transfers. Subject to the above limitation, the Director of Finance shall have the power within a given account to authorize the transfer of any unexpended balance or any portion thereof, provided such transfers do not exceed \$10,000 and the City Controller signs off on the transfer. Transfers that exceed \$10,000 must be approved by Council by resolution at the public meeting. **[Amended 10-7-2004 by Ord. No. 14215; 5-17-2023 by Ord. No. 15909]**
- (4) The Director of Finance must establish administrative procedures which require information on the request forms proving that such transfer requests comply with this section. **[Amended 6-22-1993 by Ord. No. 13205; 10-20-1993 by Ord. No. 13221; 10-20-1994 by Ord. No. 13284; 7-17-1997 by Ord. No. 13592]**

§ 5-17. Administration of budget and capital plan. [Amended 6-3-2009 by Ord. No. 14721]

The Department of Finance shall submit a monthly financial report to City Council and the Controller showing the financial condition of the various funds of the City, inclusive of authorized, year-to-date and monthly expenditures and revenues of the current and previous fiscal years. The report shall be delivered to Council, and the Controller, no later than two weeks or the first business day thereafter at the close of the month. Should the report not be available within the time frame stated in this section, an explanation must be provided to City Council and the Controller by the first business day after the stated deadline.

§ 5-18. Capital projects.

- A. No expenditure for any capital project shall take place unless a specific authorization has been approved by Council that contains a specific revenue source except in the case of a declared emergency by the Mayor and or his designee. **[Amended 9-3-2014 by Ord. No. 15146]**
- B. Capital project reporting. Status reports to Council: **[Amended 6-7-1996 by Ord. No. 13401; 9-3-2014 by Ord. No. 15145]**
- (1) Biweekly report. A biweekly report of the active capital improvement projects shall be distributed to the City Controller and City Council upon their request.
 - (2) Report to Council. In addition, the Administration shall provide quarterly reports (March, June, September and December) to City Council. The report shall be delivered to Council, and the Controller, no later than two weeks or the first business day thereafter at the close of the month. The report shall include the project number, name, start date, funding source, authorizing legislation, initial authorization, adjustments to the original authorization, encumbrances, remaining balance, and projected completion date.
 - (3) No later than 45 days after the completion of a capital project, the Administration shall prepare and submit to City Council and the Controller, a report on the completed capital project. The report shall include the project number, name, start date, funding source, authorizing legislation, initial authorization, adjustments to the original authorization, encumbrances, remaining balance, and completion date. The report shall include a review of the estimated cost of the project with the final cost, and explain any deviation between the actual and estimated costs. The report shall be submitted with the monthly financial reports.
- C. Capital project transfers. Once a capital project is completed, the authorization for that capital project shall cease and the "appropriate surplus" shall not apply to any other project. There shall be no transfer of funds from any capital projects unless specifically approved by Council as an amendment to the capital budget. **[Amended 6-7-1996 by Ord. No. 13401]**

§ 5-19. Appropriations. [Amended 2-1-1984 by Ord. No. 12592; 6-20-1990 by Ord. No. 12979]

No monies shall be paid out of the City treasury except upon appropriation previously made by Council and upon warrant pursuant thereto, which warrant shall explicitly state the purpose for which the money is to be drawn. No work shall be hired to be done, no materials purchased, no contracts made, and no order issued for the payment of any monies in any amount which will cause the sums appropriated to specific purposes to be exceeded. In an emergency, however, defined as a situation which endangers or has the potential to endanger the life, safety or well-being of persons, and where expedient action must be taken to preserve and protect property and to avoid a significant potential for financial loss to the City as determined by the City's Emergency Management Committee and based upon the action recommended by them subject to the approval of the Mayor, the Director of Finance shall have the authority to transfer funds from the unappropriated balance of the various funds of the City to a maximum of \$50,000 per emergency to the appropriate bureau(s) responsible for responding to the emergency situation. Within 24 hours of the decision by the Emergency Management Committee to respond to an emergency as outlined above, a representative of the Committee shall notify the President of City Council of its action. Within 10 days from the time of this appropriation, the Director of Finance

shall submit a written report to City Council referencing the full details of the emergency, the effect on public safety resulting from this emergency, the action taken to correct the emergency, and the estimated cost of the required action. At no time, except as herein detailed, shall this action be utilized to circumvent the normal appropriation powers and procedures of City Council.

§ 5-20. Contributions. [Amended 8-4-1993 by Ord. No. 13209]

- A. The Administration shall furnish, to City Council, a list of all contributions of any nature, cash or non-cash, made to the City. The list shall be furnished on a quarterly basis.
- B. The Administration shall not accept any contributions which contain a spending restriction and causes an expenditure of City funds unless specifically authorized by City Council by a resolution passed at a Council meeting.²

§ 5-32. Stabilization Fund. [Amended 11-7-2006 by Ord. No. 14434; 6-10-2007 by Ord. No. 14493; 9-19-2018 by Ord. No. 15482]

- A. The Administration shall consolidate \$4.8 million as reserves into one fund entitled, "the Stabilization Fund," from the proceeds of the bank note authorized by Ordinance No. 14422;
- B. The Stabilization Fund shall only be comprised of unreserved, undesignated reserves;
- C. All transfers from the Stabilization Fund shall be upon approval of City Council; however, this will not preclude the use of the funds for cash flow purposes by other City funds during a given budget year, provided documented revenue receivables for the borrowing fund exceed budgeted expenditures and the monies transferred, and all such borrowed monies are returned to the Stabilization Fund before the close of the applicable budget year. Transfers for cash flow purposes shall be allowed, provided that they do not go beyond a fiscal year. Council shall be notified that this has occurred within seven days of the "borrowing";
- D. The annual budget documents submitted by the Mayor shall disclose the beginning and ending balance of the Stabilization Fund for the fiscal year;
- E. In addition to adopting the budget and setting the rate of taxation for the fiscal year, City Council's ordinance to adopt a budget shall state the beginning and ending balance of the Stabilization Fund for the fiscal year;
- F. Once established, the historical data of the Stabilization Fund shall be included as an appendix in all future budgets submitted by the Mayor;
- G. The Mayor shall distribute copies of this section to the proper officers and other personnel of the City of Allentown whose action is required to achieve the purpose of this section;
- H. As a part of any resolution seeking the authority of City Council to sell City-owned real property, the Mayor shall include a proposed fund distribution of monies to be received from such sale, and at least 10% shall be committed toward repayment of this loan beginning in 2008.