

<u>City</u>	<u>Name</u>	<u>Title</u>	<u>Department</u>	<u>Phone</u>	<u>Comments</u>
Baltimore, MD	Raymond S. Wacks	Chief	Bureau of Budget and Management Research, Department of Finance	410-396-4941	Contact related that Article 7, Section 7.c provides the Mayor with the power to shift funds within a department. Unless the mayor wants to transfer money out of the department he does not have to seek further approval.
Boston, MA	Gail Hackett	Chief of Staff	Office of the Chief Financial Officer, Lisa Signori	617-635-2840	Our contact pointed us to the following provision: “. . . the city auditor, with the approval in each instance of the mayor, may make transfers, other than for personal services, from any item to any other item within the appropriations for a department, division of a department or county office.” (Section 23 of Chapter 190 of the Acts of 1982, as amended by section 3 of chapter 701 of the acts of 1986)

Columbus, OH	Joel S. Taylor	Director of Finance and Management	Finance and Management	614-645-8200	<p>Charter Section 30 prohibits appropriations ABOVE those called out by the appropriations ordinance. Our contact stated that specific programs within a department are not separately funded. The City views the appropriation as an authorization to expend money, not a requirement. However, some spending itself may require, by City Code and hence Council action if mid-year changes are made (purchases of a particular good or professional service over \$20,000 so that if the Mayor proposes to spend less than Council authorized, legislative action would be required).</p>
Denver city, CO	David W. Broadwell	Assistant City Attorney	Department of Law	720-865-8600	<p>Charter section 7.1.8 gives the Mayor wide discretion to change the allotments within a spending agency. Our contact said that in Denver spending authority is just that—a ceiling above which the executive branch cannot exceed for the various departments and agencies in the city. The Mayor could suspend a program and not spend the full amount authorized for that program without needing the approval of council. There are, however, some checks on unfettered discretion. For example, in Denver the mayor cannot enter into any contract in excess of \$500,000 without submitting it to council for approval. Thus, council could in effect veto a decision to contract out certain services by disapproving such a contract.</p>

Detroit, MI	James Canning	Deputy Press Secretary	Kwame M. Kilpatrick, Mayor of the City of Detroit	313-224-0526	Our contact related that the Mayor cannot increase the budget without Council approval but is not obligated to spend the appropriated funds. In that instance, the funds could not be spent for anything else and would go to surplus at the end of the year.
Houston, TX	Appropriations ordinance is clear and precise				“The Mayor shall have authority to transfer funds to and from the spending plan accounts within any department without limitations and also discretion to move money between departments but the reductions can’t exceed more than 5% from any single Budget Expenditure Account Group.” Appropriations Ordinance (City of Houston, Texas Ordinance No 2006-710, section 6).

Indianapolis, IN	Bob Clifford	City Controller	Office of the Controller	317-327-5722	<p>The City/County Council of Indianapolis is the fiscal body of the City, and approves the budget for the City. Once the budget is passed and signed into law, it is the Mayor that is responsible for overseeing it through his Office of Finance and Management. The Mayor cannot spend more than what is appropriated, but he/she can spend less than what is appropriated. For example, in 2005, it was determined that because of projected revenue shortfalls we need to cut back on general fund expenditures. The City opened swimming pools later in the spring and closed them earlier in the summer to save money. They also reduced trail maintenance and the cycle of grass cutting in parks as well. Street cleaning was cut back, and we went as far as canceling fire and police recruit classes and retiring certain fire apparatus. None of the cutbacks were popular, and opposition councilors complained. We were able to force the budget cuts in departments under the Mayor's direction through my office's ability to "reserve" appropriations in our accounting and budgeting system.</p>
Jacksonville, FL	Kirk Sherman	Auditor	City of Jacksonville	904-630-1625 ext.1	<p>Charter Section 14.03 and Municipal Code 106.30 provides Mayor with authority to move money within agencies as long as this does not result in abolishing agency or "functions" or "activities". Prior to 2006, transfers between departments: Under \$500K reported to finance committee; \$500K to 1 million approval by finance committee needed and 1 million+ full council approval. The 2006 state law change (to Charter) allowed the Mayor discretion to make changes that were under \$750,000 but also required that the program "continue to exist."</p>

Los Angeles, CA	Lynne Ozawa	Assistant Chief Legislative Analyst to the City Council	Budget and Finance Committee	213-473-5744	The Mayor of Los Angeles cannot unilaterally eliminate or add programs to the budget through mid-year adjustments. Any appropriations require the council's approval. Alternatively, if the council wishes to appropriate funds for a new program or other purpose in the mid year, the mayor must concur. If the mayor wishes to eliminate a program, the council's approval would be required because the budget includes the personnel authorities and units of work to be accomplished for each program during the fiscal year.
Memphis, TN	Pamela Crislip	Staff Aid Councilman Jack Sammons		901-576-6793	Our contact told us that the Mayor can make reductions within departments as long as programs are not eliminated. For example, Mayor was stopped from "de-funding" golf courses since that would have eliminated the program.
Milwaukee, WI	Barry Zalben	Manger	Legislation Reference Bureau, Office of the Common Council	414-286-2267	Approximately a dozen years ago the City Attorney provided an opinion that stated that actions to appropriate funds does not mandate their expenditure. However Council can take PROACTIVE action to mandate a specific expenditure. Between departments Budget Office/Mayor can make changes of up to 20K without council approval and, more than 20K requires council's finance committee approval.

<p>New York City, NY</p>	<p>Doug Turetsky and Lisa Neary</p>	<p>Chief of Staff and Communications Director and (Neary) General Counsel</p>	<p>NYC Independent Budget Office</p>	<p>212-442-0629</p>	<p>Doug Turetsky related that in terms of mid-year budget modifications, the Mayor largely holds the upper hand. Lisa Neary went onto add that Chapter 6 ("Expense Budget") of the New York City Charter deals generally with the administration of the city's expense budget once it is adopted. Chapter 10 ("Budget Process") lays out the budget adoption process (see specifically sections 254 and 255 for adoption and veto requirements). Section 107(b) of chapter 6 requires the mayor to seek council approval of expense budget modifications that are either over a certain dollar or percentage amount, or involve transferring funds from one agency to another. Section 107(e) (revenue modification) addresses modification of the budget when "new revenue" is being recognized (the mayor's revenue estimates must be used in the city's budget process—a mighty sword in budget-land). Other changes to the budget are not subject to council approval (see section 106(b)- which allows the mayor to set and modify quarterly spending allotments, and section 106(e) which allows the mayor to impound appropriations whenever "he determines that the full amount of any appropriation should not be available...". Impoundment requires notice to the council. Council lawyers would also argue that impoundment requires that there be some fiscal strain on the city in order for the mayor to exercise this authority. The section, however, does not say anything about how the mayor determines it is necessary to impound.</p>
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Philadelphia, PA	Richie Feder	Chief Deputy	Legislation in the City's Law Department	215-683-5013	Our contact relayed that the Council passes appropriations and the budget ordinances. These make broad based appropriations to each department in three different manners: personnel, outside contracts, and equipment. Mayors then have wide discretion for how they spend in these broad categories within each department's budget.
San Francisco, CA	Becca Prowda	Confidential Assistant to the Mayor & Chief of Staff	Mayor's Office	415-554-6659	Our contact stated that the Mayor may authorize transfer previously appropriated within the same fund within the same governmental unit without approval of the Board of Supervisors. Money approved by the Board of Supervisors does not have to be spent by the Mayor. If the Mayor wants to eliminate a program that was underperforming without needing City Council approval, this wouldn't go through the Supervisors.
Oakland, CA	William Noland	Director	Financial and Management Agency	510-238-2220	Our contact provided us the following language which was used during the most recent mid-cycle budget changes. "City Council approval would be required for elimination of a major program. Page 89 of PDF Further Resolved: that the City Administrator must obtain approval from the City Council before he/she (1) substantially or materially alters the relative agency allocations of funding set out in the Policy Budget, (2) substantially or materially changes the levels of service expressly prioritized and funded by the Policy Budget, including but not limited to layoffs and/or freezes that would substantially or materially (a) change levels of service or (b) affect programs, or (3) eliminates or suspends entirely programs funded by the Policy Budget."