

## ARTICLE 12: CAPITAL IMPROVEMENTS

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### § 2-12-1 CAPITAL IMPROVEMENTS PROGRAM INTENT; SCOPE.

(A) The Capital Improvement Program (CIP) plan shall include, and take as a starting point, an inclusive perspective of all capital expenditures regardless of fund source (including, but not limited to City, State, Federal funds, and private contributions-in-aid) including those expended by the City directly and those undertaken by other public agencies within the city limits that are related to the City's adopted goals. The City-funded public purposes capital improvements shall be considered as a component of this over-all perspective.

(B) The Capital Improvement Program shall be linked to the City's adopted Five Year Goals, Program Strategies, and to the Performance Plan of city departments.

(C) The Capital Improvement Program shall be consistent with and carry out the policies contained in the City/County Comprehensive Plan.

(D) The first priority of the City's Capital Improvement Program shall be to rehabilitate, replace, and maintain in good condition the capital assets of the City. Pursuant to this priority, facility plans shall be developed and maintained by all City departments, coordinated according to a common set of standards by the CIP office. These plans shall include the condition of the City's major capital assets and a program of necessary annual capital expenditures to restore, replace, and maintain the facilities, vehicles and equipment in good condition. These inventories and plans shall be completed by the 2003 CIP. The plan for water, wastewater, streets, and hydrology shall be based on the Planned Growth Strategy findings.

(E) City-funded public-purpose capital improvements are undertaken in order to implement the city's adopted goals and objectives: normally, these have been adopted in city plans for urban development and conservation. In order to maximize the effectiveness of capital improvements in advancing such goals and objectives in a coordinated manner, and in order to efficiently use public funds, the Mayor shall develop and submit to the Council a proposed Capital Improvements Program, which shall include all city-funded public-purpose capital projects proposed to be built within ten years. The program shall include but is not limited to all projects financed by general obligation bonds, revenue bonds, Urban Enhancement Fund monies, Tax Increment Fund monies, Consolidated Plan monies, tax and rate revenues, Federal and State grants,

metropolitan redevelopment bonds and special assessment districts. Projects built with industrial development bonds are not normally included.

(F) The proposed Capital Improvements Program shall consist of a ten-year plan of capital expenditures, including a more detailed two-year Capital Improvements Budget. The proposed Capital Improvements Program shall include a listing of projects in order of priority and proposed year of construction or acquisition. Data on each project shall include:

- (1) The anticipated capital cost of each project;
- (2) The anticipated source of capital funds for each project;
- (3) The estimated annual operating cost or savings for each project;
- (4) The estimated completion date of each project;
- (5) The adopted plan or policy, if any, which each project would help to implement;
- (6) The viable alternatives that were considered for each project and the reasons the proposed project is the most cost-effective and practical alternative for meeting the stated objective;
- (7) The project's ranking in whatever sequencing/priority-setting system is used as a basis for proposed programming; and
- (8) The impacts of proposed capital improvements on user rates (for enterprise fund projects); and
- (9) The percentage allocations of each project as “growth”, “rehabilitation”, “deficiency”, and “mandate”, which categories are defined in Bill No. F/S R-37 (Enactment 118-2000), establishing priorities for the 2001 Capital Improvement Plan; and
- (10) The capital projects of the enterprise funds shall be evaluated by the Capital Improvements Program staff in a similar manner as those for the General Fund.

(G) All assets included in projects to be funded in part or in total from proceeds of general obligation bond issues or revenue bond issues shall have a minimum service life expectancy at least equal to the term of the relevant bond issue.

(H) All CIP project items with a two year programmed amount in the General Fund and a one year programmed amount in the Enterprise Funds of \$100,000 or more shall be included in the CIP bill as a separate line item.

(I) Separate bond issues shall be sold to fund vehicles and equipment, the term of which bonds shall not exceed five years.

(J) One percent of the CIP for the general fund in the 2003, 2005 and 2007 bond elections shall be reserved to fund the purchase of energy conservation equipment and building materials used to reduce energy costs for General Fund Programs that will demonstrably reduce energy consumption. This fund shall be known as the 1% for Energy Conservation Set-A-Side for Capital Improvements. The Planning for the fund shall be consistent with the requirements established in Paragraph (D) of this Section.

(K) The Department of Finance and Administrative Services will budget 1% of the General Obligation Bond Program for the Energy Conservation Set-A-Side for Capital Improvements.

(L) Departmental applications for the 1% for Energy Conservation Set-A-Side for Capital Improvements shall be submitted to the Facility, Energy & Security Management Division. The Division Manager shall appoint a committee of staff technical experts who will approve the savings. The Manager for the Facility, Energy & Security Management Division shall chair the committee. The Committee shall establish criteria to select the projects that include but are not limited to:

(1) The capital expenses of a project should be regained from energy savings generated from the project within 10 years, using the average cost per unit for an energy resource(s). The cost per unit will be derived by averaging the cost for the energy source(s) that will be conserved, over the previous three fiscal years prior to the submission of the application.

(2) If a proposal is for construction or installation the scope of the project shall only be for energy conservation.

(3) The monetary amount distributed to any one project shall not exceed 40% of the funding available in the 1% Energy Conservation Set-A-Side.

(4) The project shall be consistent with the requirements set forth in Paragraph (D) of this Section.

('74 Code, § 1-10-1) (Ord. 34-1975; Am. Ord. 8-1986; Am. Ord. 56-1988; Am. Ord. 23-1992; Am. Ord. 16-2001; Am. Ord. 52-2002)

#### § 2-12-2 ADOPTING THE CAPITAL IMPROVEMENTS PROGRAM; PUBLICATION.

(A) The Mayor shall submit by November 21 of each even-numbered year, except as provided by division (C) of this section, the proposed Capital Improvements Program to the Environmental Planning Commission. The Environmental Planning Commission shall conduct at least one public hearing on responsibilities of the

Commission for plans and policies on development and on protection of the environment as delineated §§ 14-13-3-1 et seq. The Environmental Planning Commission shall submit its recommendations on the proposed program to the Mayor by December 1 of each even-numbered year. The Mayor is not required to revise the proposed Capital Improvements Program to incorporate the recommendations of the Environmental Planning Commission but may do so.

(B) The Mayor shall submit the proposed Capital Improvements Program, including any recommendations of the Environmental Planning Commission, to the Council by January 3 of each odd-numbered year, except as provided by division (C) of this section.

(C) The Capital Improvements Programs for the refuse utility and the water utilities shall be developed in accordance with the following procedure:

(1) The capital improvements appropriations for the city refuse utility and the water utilities shall, as required by § 2-11-19, be developed by the Mayor in conjunction with operating budgets and supporting rate proposals, called respectively the “Refuse Division Combined Budget and Rate Proposal” and the “Water Utilities Department Combined Budget and Rate Proposal.”

(2) The Water Utilities Capital Improvements Program shall be included as a regular part of the Capital Improvements Program and submitted after a review by the CIP Office to the Environmental Planning Commission by November 1 of each year, which commission shall conduct at least one hearing on the portion of the program which pertains to the responsibilities of the commission for plans and policies on development and on protection of the environment, as delineated in §§ 14-13-3-1 et seq. The Environmental Planning Commission shall submit its recommendations on the proposed programs to the Mayor. The Mayor is not required to revise the proposed program or to incorporate the recommendations of the Environmental Planning Commission but may do so.

(3) The Mayor shall submit to the Council any proposed rate increases required for the proposed Capital Improvements Programs of the Water and Wastewater projects of the Public Works Department and Refuse projects of the Solid Waste and Beautification Department within the operating budget no later than March 1st of each year. These Capital Improvement Program budgets shall be fully integrated into the proposed ten year program by the CIP Office.

(D) The Council shall approve the Capital Improvements Program as proposed or shall amend and approve it. Council action shall be within 60 days after it has been submitted by the Mayor. This period begins on the date of introduction of the CIP bill at a City Council meeting. The Council shall hold at least one public hearing on the proposed program.

(E) The city shall promptly publish the Capital Improvements Program as approved.  
(74 Code, § 1-10-2) (Ord. 34-1975; Am. Ord. 8-1986; Am. Ord. 56-1988; Am. Ord. 35-1994; Am. Ord. 40-1995; Am. Ord. 16-2001)

#### § 2-12-3 CITY COUNCIL PARTICIPATION.

(A) Prior to January 31 of even-numbered years, the City Council shall adopt a resolution providing policy guidelines for the upcoming Capital Improvements Program. Should the Council fail to provide policy guidelines by the end of January, the Mayor's guidelines shall direct the development of the Capital Improvements Program.

(B) During the preparation of the proposed Capital Improvements Program by the Mayor, he shall furnish any requested information on departmental requests to the staff of the City Council and shall cooperate with City Council staff so that it may monitor the program development process and prepare preliminary analyses and other information for the City Council.

(C) A representative of the Council shall be allowed to attend the meetings during which the Mayor and CAO formally review the program recommendations by the CIP Review Group or other similar body.  
(Ord. 26-1993; Am. Ord. 40-1995; Am. Ord. 16-2001)

#### § 2-12-4 AMENDING THE CAPITAL IMPROVEMENTS PROGRAM.

(A) When it appears to the Mayor that sound Capital Improvements Planning requires amending that part of the Capital Improvements Program which is included in the two-year Capital Improvements Budget before presentation of a new program is due, he may change the amount designated for a specific project without Council approval under any of the following circumstances. For purposes of this section, a "project" is defined as a capital-related activity for which there is a specific and unique Council appropriation.

(1) The change does not significantly alter the project's scope and the total change:

(a) Does not exceed 20% of the amount appropriated for that project in the Capital Improvements Program as approved if the appropriated amount for the project is less than one million dollars, and

(b) Does not exceed 10% of the amount appropriated for that project in the Capital Improvements Program as approved if the appropriated amount for the project is between one million dollars and five million dollars, and

(c) If the amount appropriated for the project is greater than five million dollars or the total increase or reduction will exceed the applicable percentage in

subsections a and b herein of the amount designated for that project in the Capital Improvements Program, the Mayor shall submit his proposed change to the Council for approval.

(2) The change combines parallel projects, usually in succeeding bonding years, and does not change the nature of any project involved in the combination. The Mayor shall notify the Council of the change in writing at the next regularly scheduled Council meeting after the change takes place.

(3) The change combines all or parts of several projects into an approved or new project and does not change the nature of any project involved in the combination. The Mayor shall notify the Council of the change in writing at the next regularly scheduled Council meeting after the change takes place.

(B) When it appears to the Mayor that sound Capital Improvements Planning requires amending that part of the Capital Improvements Program which is included in the two-year Capital Improvements Budget before presentation of a new program is due, and the Mayor is not permitted to make the change under the terms of division (A) of this section, he shall act as follows:

(1) Before submitting an amendment to the Council the Mayor shall submit it to the Environmental Planning Commission for its evaluation; this need not involve a public hearing. However, this evaluation by the Environmental Planning Commission is not required in the following situations:

(a) The project is not contrary to adopted city plans, and would not significantly affect city public utility systems, neighborhood land use, transportation, or the environment; or

(b) The Environmental Planning Commission could not or does not provide an evaluation within the time that the Mayor feels is available in order for the city to respond to the special opportunity or need.

(2) The Mayor shall submit to the Council for approval his proposed amendment, including any recommendations of the Environmental Planning Commission, according to the following schedule:

(a) In March, he shall submit amendments to the Council.

(b) In October, he shall submit amendments to the Council which could not be foreseen when either the previous Capital Improvements Program or the previous March's amendments were presented to the Council, and in addition he finds that the amendments cannot prudently be delayed until the next Capital Improvements Program or March amendments.

(c) At other times, he shall submit amendments only in unforeseen emergency or opportunity situations which cannot prudently be delayed until the following regularly scheduled submissions of changes.

(C) Unless an amendment falls within division (A) or (B) above, the Capital Improvements Program shall not be amended until the next Capital Improvements Program is adopted.

(D) In no case shall funds be designated or transferred under the provisions of this section without said funds having been previously appropriated by the City Council, either to a project or to the contingency activity within the respective purpose. ('74 Code, § 1-10-6) (Ord. 76-1975; Am. Ord. 47-1981; Am. Ord. 12-1983; Am. Ord. 84-1985; Am. Ord. 40-1995; Am. Ord. 52-1999; Am. Ord. 16-2001)

#### § 2-12-5 PROGRESS REPORTS.

The Mayor shall submit a status report to the Council summarizing the implementation of each Capital Improvements Program at annual intervals until all projects in the approved Capital Improvements Program are completed. The annual report shall be submitted by the first Council meeting in September of each year.

(A) The annual report shall contain the following information for each current project in the Capital Improvements Program: (These requirements shall be included first in the September 2002 annual report.)

- (1) Project name.
- (2) Total estimate project cost.
- (3) Total funding appropriated to project and also itemized as to source.
- (4) Status, e.g. feasibility study completed, design completed, date construction began or is anticipated to begin.
- (5) Estimated completion date of project.

(B) The status report shall also list every change made pursuant to §2-12-4 and shall include the following information about each change:

- (1) The specific project that was changed;
- (2) The total amount originally approved by the Council for the project;

(3) The amount of the increase or decrease that was authorized without prior Council approval;

(4) The reason(s) for the change; and

(5) If the amount designated for a project was increased, the account(s) and project(s) from which the funds were transferred, or if the amount designated for a project was decreased, the account(s) and project(s) to which the funds were transferred.

(6) If a change combines all or parts of projects, the individual account(s) and project(s) which were combined and the amount of funds involved from each.

('74 Code, § 1-10-7) (Ord. 12-1983; Am. Ord. 11-1991; Am. Ord. 52-1999; Am. Ord. 16-2001)

#### § 2-12-6 TRAILS AND BIKEWAYS SET ASIDE.

An amount not less than five percent of funding for the Public Works - Street purpose of the Public Works Department in the Capital Improvement Program shall be dedicated to trails and bikeways. The projects funded through this set aside shall be consistent with the adopted 1993 Rank II Trails and Bikeways Facility Plan or any subsequent updates to the plan. The funds shall be administered by the Capital Improvements Division of the Office of Management and Budget. A memorandum of understanding shall be developed between the Public Works Department, the Parks and Recreation Department, and the Planning Department for the purpose of administering the funds. The trails and bikeways set aside shall not be used as a justification to decrease funding for this purpose from other sources.

(Ord. 20-1994; Am. Ord. 16-2001)