

**ORDINANCE NO. MC-1568**

**ORDINANCE OF THE MAYOR AND CITY COUNCIL OF  
THE CITY OF SAN BERNARDINO, CALIFORNIA,  
AMENDING CHAPTER 3.05 OF THE CITY OF SAN  
BERNARDINO MUNICIPAL CODE RELATING TO  
BUDGET TRANSFERS**

**WHEREAS**, the City of San Bernardino intends to implement a biennial budget for FY 2022/23-2023/24; and

**WHEREAS**, the City of San Bernardino is dedicated to operating efficiently, effectively and streamlining operations wherever possible; and

**WHEREAS**, allowing more latitude in administrative budget transfers within departments will create efficiency and enable more effective use of available budgeted funds; and

**WHEREAS**, the ability to make administrative budget transfers between departments within a fund encourages interdepartmental cooperation, collaborative budget evaluation, and discourages silos; and

**WHEREAS**, cooperative budgeting, city-wide visioning and long-range collaborative planning are critical to a successful implementation of a biennial budget.

**NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO DO ORDAIN AS FOLLOWS:**

**SECTION 1. Incorporation of Recitals.** The above recitals are true and correct and are hereby incorporated into this Ordinance is if fully set forth herein.

**SECTION 2. Amendment of Chapter 3.05.** Chapter 3..05 of Title 3 of the San Bernardino Municipal Code is hereby amended in its entirety to read as follows:

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**Chapter 3.05  
BUDGET TRANSFERS**

**Sections:**

- 3.05.010 Approval of Budget Transfer**
- 3.05.020 Exception; Restricted Funds**
- 3.05.030 Exception; Elected Officials**
- 3.05.040 Mayor and Council Approval**
- 3.05.050 Transferring Restricted Funds- Violation**

**3.05.010. Approval of Budget Transfer**

Following approval of the Final Budget by the Mayor and City Council, the following types of budget transfer may be made administratively (without action by the Mayor and City Council), shall be approved or disapproved according to established Finance policies and procedures and on forms approved by the Finance Department. Only those types of transfers listed in this section may be made administratively.

- A. Budget transfers within a department's operating (non-personnel salary or benefits) budget may be made with the approval of the Budget Division.
- B. Budget transfers including allocations within the department's personnel (salary or benefits) budget may be made with the approval of the Budget Division, Position Control, and the Director of Finance.
- C. Budget transfers between departments within the same fund may be made with the approval of the Director of each Department, the Budget Division, and the Director of Finance.
- D. Budget transfers within a department must not increase the department's budget.
- E. Budget transfers between departments in the same fund will increase or decrease individual department budgets but shall not increase the fund budget.
- F. Any cumulative amount of more than \$5,000 transferred between departments in a 12-month period shall be reported to the Mayor and City Council during the regular Quarterly Report.

#### **3.05.020. Exception; Restricted Funds**

The authority of Section 3.05.010 of this Chapter does not include transfers into or out of funds, the use of which is restricted by law.

#### **3.05.030 Exception; Elected Officials**

The authority of Section 3.05.010 of this Chapter does not restrict the discretion of elected officials who may transfer or allocate funds within their departments as they see fit, with notice to the Finance Director.

#### **3.05.040 Mayor and Council Approval**

Any other budget transfers must be approved by the Mayor and City Council.

#### **3.05.050 Transferring Restricted Funds- Violation**

It shall be unlawful for the City Manager and/or the Finance Director or anyone under the City Manager's or Finance Director's direction and/or control to transfer restricted funds, as defined by law or as shall be defined by Resolution of the Mayor and City Council, to any other fund without authorization of the Mayor and City Council or to pay any bill, invoice, or charges from any

restricted fund when said bill, invoice or charges are not appropriate to be paid from any such restricted fund without said approval.”

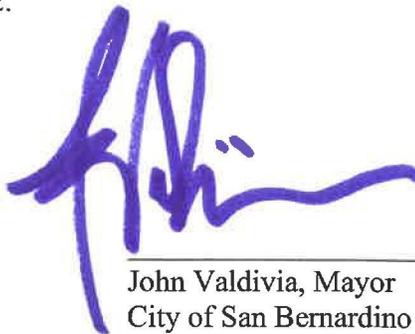
**SECTION 3. CEQA.** The City Council determines that the Ordinance is categorically exempt from further review per State CEQA Guidelines (14 Cal. Code Regs., § 15000 et seq.). The whole of the Ordinance is exempt, because the code amendment is an administrative activity which will not result in a direct or reasonably foreseeable indirect physical change to the environment. (§ 15060(c)(2).) The whole of the Ordinance is also exempt because the code amendment is not a “project” as defined by section 15378, since it has no potential for resulting in a direct or indirect physical change to the environment. (§ 15060(c)(3).) The City Council hereby directs City staff to file a Notice of Exemption within five days of the adoption of this Ordinance.

**SECTION 4. Severability.** If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

**SECTION 5. Effective Date.** This Ordinance shall become effective 30 days after the date of its adoption.

**SECTION 6. Notice of Adoption.** The City Clerk of the City of San Bernardino shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under section 36933 of the Government Code of the State of California.

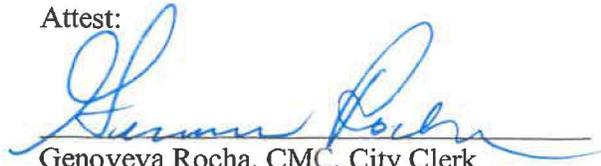
**APPROVED and ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 4<sup>th</sup> day of May 2022.



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John Valdivia, Mayor  
City of San Bernardino

Attest:

  
Genoveva Rocha, CMC, City Clerk

Approved as to form:

PP.  
  
Sonia R. Carvalho, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO )ss.  
CITY OF SAN BERNARDINO )

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Ordinance No. MC-1568, introduced by the City Council of the City of San Bernardino, California, at a regular meeting held the 1<sup>st</sup> day of December 2022. Ordinance No. MC-1568 was approved, passed and adopted at a regular meeting held the 4<sup>th</sup> day of May 2022 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
IBARRA	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
FIGUEROA	<u>      </u>	<u>      </u>	<u>      </u>	<u>X</u>
SHORETT	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
REYNOSO	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
CALVIN	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
ALEXANDER	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>

WITNESS my hand and official seal of the City of San Bernardino this 5<sup>th</sup> day of May 2022.



Genoveva Rocha, CMC, City Clerk