



Legislation Details (With Text)

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**File created:** 4/2/2012      **In control:** City Council  
**On agenda:** 4/2/2012      **Final action:** 4/2/2012  
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**Title:** Resolution Requiring City Attorney Written Opinion on Legality of Transferring Voter Approved Street Millage Funds to Public Art Fund  
**Sponsors:** Stephen Kunselman, Sabra Briere

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
4/2/2012	1	City Council	Approved	Fail

Resolution Requiring City Attorney Written Opinion on Legality of Transferring Voter Approved Street Millage Funds to Public Art Fund

Whereas, The previous City Administrator prepared and submitted to City Council a draft FY13 budget; and

Whereas, The draft FY13 budget includes a transfer of funds from the voter approved "street millage" fund to the "public art" fund; and

Whereas, The previous City Administrator and his staff publically acknowledged that advice was sought and attained from the City Attorney on the legality of transferring funds from the voter approved "street millage" fund to the "public art" fund; and

Whereas, The City Charter states that the City Attorney may "advise the heads of administrative units in matters relating to their official duties when so requested, and shall file with the Clerk a copy of all the Attorney's written opinions"; and

Whereas, The Clerk does not have a record of the City Attorney's written opinion on the legality of transferring funds from the voter approved "street millage" fund to the "public art" fund; and

Whereas, State law requires that voters have, "A clear statement of the purpose for the millage" when asked for a tax levy; and

Whereas, The voter approved street and bridge reconstruction millage did not include a clear statement that funds would be used for public art;

RESOLVED, City Council directs the City Attorney to provide a written opinion on the legality of transferring funds from the "street millage" fund to the "public art" fund as proposed in the FY 13 draft budget; and

RESOLVED, The City Attorney shall provide the written opinion to City Council by Monday, April 16, 2012; and

RESOLVED, The City Attorney shall file said written opinion with the Clerk in accordance with the City Charter.

Sponsored by: Councilmembers Kunselman and Briere