

Legislation Text

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June 5, 2013

To the President and Members of the Council:

I am returning herewith as *disapproved* Bill No. 130185, entitled "An Ordinance authorizing and directing the use of the Fiscal Year 2013 General Fund positive fund balance to increase an appropriation for the Fire Department for the undisputed \$66,000,000 of the Fire Fighters' Contract."

This bill would increase appropriations to the Fire Department for fiscal year 2013 without any offsetting decrease in appropriations to another office or department; and then directs that the increased appropriations be used to pay the costs of the recent Fire Department arbitration award, which is currently on appeal.

I am disapproving this bill, primarily, because the City cannot afford it. The City has, however, put aside \$31million in FY2013 as shown in our most recent Quarterly City Managers' Report, for a portion of the International Association of Fire Fighters ("IAFF") award, currently, under appeal.

In addition to the significant financial issues presented by the bill and the conflict with the PICA Act, I also note that I have been advised by the City Solicitor that the bill violates the Home Rule Charter in at least, two ways. First, the bill would increase appropriations in the middle of the fiscal year, without an offsetting decrease elsewhere in the budget; this is strictly forbidden by the Charter. Second, the bill gives explicit instructions as to how the increased appropriations are to be spent; this, too, is prohibited by the Charter, which only allows Council to appropriate in "lump sums." For these independent reasons, the bill cannot become effective, in any event.

Finally, I am advised by the Solicitor that Council is without power to revise appropriations in the final four months of the fiscal year, except upon the recommendation of the Mayor.

Very truly yours,
Michael A. Nutter, Mayor