PSFSS COMMITTEE: 12/12/2019

ITEM: (c) 1



Memorandum

TO: PUBLIC SAFETY, FINANCE, AND

FROM: Jim Shannon

BI-MONTHLY FINANCIAL REPORT

STRATEGIC SUPPORT COMMITTEE

DATE: December 4, 2019

SUBJECT:

Approved

FOR SEPTEMBER/OCTOBER 2019

Date

RECOMMENDATION

Accept the Bi-Monthly Financial Report on actual revenues and expenditures as compared to the 2019-2020 Budget for the four months ending October 2019.

OVERVIEW

The Bi-Monthly Financial Report for September/October 2019 was jointly prepared by the City Manager's Budget Office and the Finance Department and is presented for the Public Safety, Finance and Strategic Support Committee's review. The City Manager's Budget Office has analyzed actual expenditures as compared to the 2019-2020 Modified Budget and the Finance Department has prepared a report that reflects the financial results for the four months ending October 2019.

Through the first four months of the fiscal year, revenues and expenditures were generally tracking within the budgeted estimates in the majority of City funds. The Administration will continue to closely monitor economic conditions and the performance in all City funds through future Bi-Monthly Financial Reports and the 2019-2020 Mid-Year Budget Review, bringing forward budget adjustments to the City Council during the year as appropriate. Following are key highlights in this report:

- While it is early in the fiscal year, overall, General Fund revenues are anticipated to meet or exceed budgeted levels. Property Tax revenues are anticipated to exceed the budgeted estimate by approximately \$10 million, due to higher Secured Property Tax. Partially offsetting this increase, Transient Occupancy Tax collections are trending below the budgeted estimate by approximately \$1 million.
- Overall, General Fund expenditures are within estimated levels through October. Expenditures will continue to be controlled and monitored to ensure appropriations stay within approved levels.

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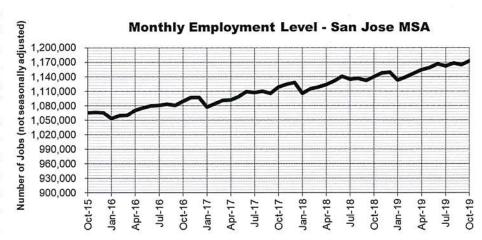
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- Construction and Conveyance Tax, Building and Structure Construction Tax, and Construction
 Excise Tax collections are performing at or above anticipated levels. The Construction and
 Conveyance Tax is anticipated to end the year at budgeted levels. However, the Building and
 Structure Construction Tax and the Construction Excise Tax may exceed budgeted levels.
- Development-related revenues in the General Fund through October 2019 have generally
 grown from the same time period in the prior fiscal year and, with the exception of the Public
 Works Development Fee Program, are anticipated to meet budgeted levels by year-end.
- The Norman Y. Mineta San José International Airport (SJC) has enplaned and deplaned close to 5.6 million passengers through October, an increase of 9.3% from the figures reported through October of the prior year.
- In Silicon Valley, economic conditions remain positive with pockets of strong activity such as private sector construction but economic indicators are continuing to moderate from the strong levels experienced in recent years. Overall, "sluggish" economic growth was anticipated and for the most part, the corresponding revenues have been budgeted accordingly. In addition, several economically sensitive revenues such as the Construction and Conveyance (C&C) Tax and the Transient Occupancy Tax (TOT), are experiencing declines from prior year levels. As described above, the drop in the C&C Tax was anticipated and is currently expected to meet budgeted levels; however, a decline in TOT was not anticipated. The Administration will continue to closely monitor the City's economically sensitive revenues and will identify any changes in collection trends as appropriate.

Economic Environment

As mentioned above, while overall economic conditions in the Silicon Valley remain positive, the growth is continuing to moderate. The October 2019 employment level in the San José-Sunnyvale-Santa Clara Metropolitan Statistical Area (San José MSA) of 1.10 million was 1.4% above the October 2018 level of 1.09 million.



Between October 2018 and October 2019, employment in the San José MSA expanded by 32,800 jobs (2.9%). This growth includes an increase of 6,900 jobs in the information sector; 6,700 jobs

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in government; professional and business industries was up 6,300 jobs; and manufacturing was up 5,600.1

The unemployment rates at the local, State, and national levels have continued to be lower compared to the prior year. In October 2019, the unemployment rate for the San José Metropolitan Statistical Area of 2.3% is below the October 2018 unemployment rate of 2.5%, but is marginally above the September 2019 unemployment rate of 2.2%. In this region, the October 2019 unemployment

	October 2018	September 2019	October 2019**
San Jose Metropolitan Statistical Area*	2.5%	2.2%	2.3%
State of California	4.0%	3.5%	3.7%
United States	3.5%	3.3%	3.3%

^{*} San Benito and Santa Clara Counties

rate continues to be lower than the unadjusted unemployment rate for the State (3.7%) and the nation (3.3%).

Overall construction activity through October 2019 has increased 103.3% from 2018-2019 levels. The increase is primarily due to strong commercial activity that has occurred since the beginning of the fiscal year, coupled with an extremely high level of industrial activity in July 2019. The 2019-2020 Adopted Budget was developed with the expectation that private development activity would remain strong, though will likely moderate over the course of the year.

Priva	te Sector Consti (Valuation in \$		Y
	YTD October 2018	YTD October 2019	% Change
Residential	\$ 163.6	\$ 150.8	(7.9%)
Commercial	\$ 157.8	\$ 316.8	100.7%
Industrial	\$ 129.7	\$ 449.5	246.7%
TOTAL	\$ 451.1	\$ 917.1	103.3%

Through October, residential permit valuation has decreased from prior year levels (\$150.8 million in 2019-2020 and \$163.6 million in 2018-2019). Residential activity through October included 493 multifamily units and 203 units for single-family construction for a total of 696 units. Notable projects for September and October included a construction permit for three 8-unit condominium buildings near the intersection

of Cottle Road and Highway 85 and permits issued for 6 (four 10-unit and two 6-unit) condominium buildings that are part of the Communications Hill Phase II project.

Commercial valuation through October 2019 is higher than the 2018-2019 level (\$316.8 million in 2019-2020 and \$157.8 million in 2018-2019). The commercial activity in the month of October was strong (\$92.4 million) with new construction accounting for most of the commercial activity (\$60.5 million). Notable projects in September and October included a foundation only permit for

Source: California Employment Development Department.

^{**} October 2019 estimates are preliminary and may be updated.

¹ State of California Employment Development: Labor Market Information Division Press Release, November 15, 2019

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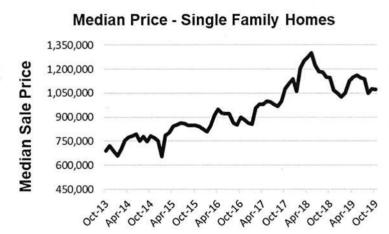
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an 18-story building that is approximately 700,000 square feet (located on West San Fernando Street), and a permit to finish the interior of a 22,889 square foot office building (located on Coleman Avenue across the street from the San José International Airport).

Industrial construction valuation through October was much higher than prior year levels (\$449.5 million in 2019-2020 vs. \$129.7 million in 2018-2019). This increase is primarily due to an extremely high level of new construction activity in July that is attributable to exceptional industrial activity, setting a record of valuations of \$100 million, which included a five-story data center building with 238,000 square feet of space for the data center and 67,000 square feet of office space (located south of Highway 85 and west of Monterey Road). Alterations accounted for most industrial activity in September and October.

Beginning in spring 2012, the median sale price for homes had consistently experienced year-over-year growth, which continued through October 2018. Over the past 1 ½ years, however, Santa Clara County has been experiencing a slow down in the local real estate market, which included

median sale prices dropping, the average days on market increasing, and the number of sales decreasing. According to data from the Santa Clara County Association Realtors, the single-family home price peaked at \$1.3 million in May 2018 (which represented a 30.0% increase from the May 2017 home price), but then began steadily decreasing. In addition, year-overyear median prices have steadily decreased each since month



November 2018, with drops ranging from 3%-13% compared to the prior year level. In October 2019, the median single-family home price totaled \$1.07 million, which represents a 6.3% decrease from the October 2018 price of \$1.15 million.

In addition to the median home prices dropping, the number of property transfers (sales) has also been declining. Year-to-date sales through October 2019 has decreased almost 4% compared to same period in the prior fiscal year. Furthermore, these transfers have dropped almost 17% when compared to the first quarter of 2017-2018. In addition, while single-family and multi-family dwellings are continuing to sell relatively quickly, they are on the market significantly longer than the prior year. The average days-on-market for single-family and multi-family dwellings through October 2019 totaled 35 days, compared to an average 22 days experienced in the first quarter of 2018-2019. The increase in 2018-2019 represents growth of almost 60% from the extremely short number of days homes were active on the market in the prior year.

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On a national level, consumer confidence declined marginally in October, following a decline in September. Lynn Franco, Senior Director of Economic Indicators at The Conference Board, stated "Consumer confidence was relatively flat in October, following a decrease in September. The Present Situation Index improved, but Expectations weakened slightly as consumers expressed some concerns about business conditions and job prospects. However, confidence levels remain high and there are no indications that consumers will curtail their holiday spending."²

Economic conditions will continue to be closely monitored and will be factored into the assessment of the City's performance in 2019-2020 as well as the development of the 2021-2025 General Fund Forecast that will be released in February 2020.

GENERAL FUND

REVENUES

General Fund revenues through October 2019 totaled \$269.3 million, which represents a decrease of \$75.0 million (21.8%) from the October 2018 level of \$344.3 million. This decrease is primarily attributable to the City no longer borrowing proceeds from the Tax and Revenue Anticipation Notes (TRANs), which were previously issued for cash flow purposes to facilitate the annual prefunding of employer retirement contributions for pension benefits. However, beginning in 2019-2020, this prefunding, which totaled \$150.0 million in 2018-2019, is no longer occurring. Excluding the TRANs revenue in 2018-2019, revenue in 2019-2020 has grown approximately \$75.0 million from the prior year. This increase is primarily due to higher receipts in the Transfers and Reimbursements category (\$48.5 million), as these reimbursements were not processed until later in the year in 2018-2019. In addition, several other categories are experiencing growth compared to prior year levels, including Revenue from the State of California (\$6.4 million), Sales Tax (\$6.0 million), Licenses and Permits (\$5.1 million), Use of Money and Property (\$2.3 million), and Property Tax (\$1.3 million). The majority of these increases are due to moderately stronger collection levels than originally estimated, with the exception of Sales Tax, which shows growth through October due to the timing of payments. In addition, while most revenues are performing stronger than the prior year, there are several categories experiencing declines; including, Fees, Rates, and Charges, Franchise Fees, Revenue from the Federal Government, and Transient Occupancy Tax. The lower collections in these categories are primarily due to timing of payments.

Overall, through the first third of the fiscal year, General Fund revenues are anticipated to meet or slightly exceed budgeted estimates. The following discussion highlights General Fund revenue activities through October.

² The Conference Board, Consumer Confidence Survey, October 29, 2019

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KEY GENERAL FUND REVENUES

	2019-2020	YTD	Prior YTD
Revenue	Budget Estimate	Actual	Collections
Property Tax	\$ 354,000,000	\$ 18,356,061	\$ 17,040,991

The Property Tax category consists of Secured Property Tax, Unsecured Property Tax, SB 813 Property Tax (retroactive collections back to the point of sale for reassessments of value due to property resale), Aircraft Property Tax, and Homeowner's Property Tax Relief. In 2019-2020, Property Tax receipts are estimated at \$354.0 million, which reflects growth of 7.2% from the 2018-2019 collection level of \$330.2 million. The anticipated growth in Property Tax revenue is primarily attributed to Secured Property Tax, which is estimated at \$329.4 million in 2019-2020 (9.0% above the 2018-2019 collection level). Based on the most recent information provided by the County of Santa Clara, it is anticipated Property Tax revenue will exceed the budgeted level by approximately \$10 million (approximately 3%), which is primarily due to higher Secured Property Tax. This revenue will be closely monitored, and if necessary, a recommendation may be brought forward for City Council consideration to increase the Property Tax budgeted estimate later in the fiscal year. Additional information about each of the Property Tax sub-categories is provided below.

Secured Property Tax represent over 90% of the revenue in the Property Tax category. The Secured Property Tax category includes general Secured Property Tax, Educational Revenue Augmentation Fund (ERAF) revenues, and Successor Agency to the Redevelopment Agency (SARA) Residual Property Tax. The 2019-2020 Secured Property Tax estimate of \$329.4 million was built on assumed growth of 5.5% for general Secured Property Tax receipts (\$293.6 million), estimated revenue of \$19.8 million for ERAF receipts, and \$16.0 million for SARA revenue. As mentioned above, based on the most recent information provided by the County of Santa Clara, Secured Property Tax is anticipated to exceed the budgeted level by approximately \$10 million. This increase is due to higher general Secured Property Tax (\$5 million), ERAF revenue (\$3 million), and SARA Residual Property Tax (\$2 million).

As mentioned above, the general Secured Property Tax estimate totals \$293.6 million in 2019-2020, which assumes growth of 5.5% from the 2018-2019 collection level. This growth primarily reflects an increase in assessed value due to the California Consumer Price Index (CCPI) increase of 2% and increased valuation due to changes in ownership or new construction. Under Proposition 13, assessed values of all real property adjust with the CCPI, with a 2% limit, unless there is a change in ownership, new construction, or a property has received a Proposition 8 adjustment. The preliminary general Secured Property Tax estimate provided by the County totals \$298.5 million, which is approximately \$5 million above the budgeted estimate.

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Beginning in 1992, agencies have been required to reallocate a portion of property tax receipts to the ERAF, which offsets the State's General Fund contributions to school districts under Proposition 98. However, once there are sufficient funds in ERAF to fulfill obligations, the remainder of the funding is returned to the taxing entities that contributed to it, which generally occurs in March of each fiscal year. The 2019-2020 budget assumes the excess ERAF collections the City will receive in the current year will total \$19.8 million; however, the County recently provided preliminary information that a payment of approximately \$23 million may actually be received in the current year.

As a result of the SARA bond refunding that occurred in December 2017, the City began receiving a residual property tax distribution. In 2017-2018, receipts totaled \$11.8 million, but dropped to \$8.2 million in 2018-2019. This decrease was due to outstanding Supplemental Education Revenue Augmentation Fund (SERAF) loans that were paid off in 2019. In 2019-2020, SARA residual property tax revenue is budgeted at \$16.0 million; however, the County recently provided preliminary information that approximately \$18 million may actually be received in the current year.

In the **Unsecured Property Tax** category, collections through October of \$14.6 million were approximately 5% above the prior year collections. A majority of the revenue received in this category is received in October of each year, with the final payment being received in April. The 2019-2020 Adopted Budget revenue estimate of \$15.0 million allows for an approximate 5% drop from the unusually high 2018-2019 collection level of \$15.8 million. The preliminary estimate from the County of Santa Clara for 2019-2020 totals \$14.8 million, which is slightly lower than the budgeted estimate.

For the **SB 813 Property Tax** category, collections totaled \$864,000 through October, while \$820,000 had been received last year at this time. The 2019-2020 Adopted Budget estimate of \$6.3 million is well below the 2018-2019 actual collection level of \$8.6 million as collections in this category ended 2018-2019 stronger than anticipated. However, the preliminary 2019-2020 estimate from the County for this category of \$6.0 million is approximately \$300,000 below the budgeted estimate.

The **Aircraft Property Tax** payment is historically received in October of each year. In October 2019, revenue of \$2.9 million was received through October, which is above the prior year receipts of \$2.3 million. The 2019-2020 receipts are anticipated to be approximately \$550,000 above the 2019-2020 Adopted Budget estimate of \$2.4 million.

In the **Homeowners Property Tax Relief** category, revenues in 2019-2020 are expected to be at the budgeted estimate of \$900,000, which is consistent with the 2018-2019 collection level.

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GENERAL FUND (CO	ONT'D.)	7	
	2019-2020	YTD	Prior YTD
Revenue	Budget Estimate	Actual	Collections
Sales Tax	\$ 258,300,000	\$ 44,485,979	\$ 38,522,714

The Sales Tax category includes General Sales Taxes, Local Sales Taxes, and Proposition 172 Sales Taxes. The 2019-2020 Adopted Budget for Sales Tax totals \$258.3 million, which allows for a 2.0% drop from the 2018-2019 collection level of \$263.5 million as a result of a series of adjustments described below. It is important to note that the 2019-2020 Sales Tax estimate does not include any revenue related to the Revenue Capture Agreement between the City and eBay that was approved by the City Council on September 24, 2019. Any funding the City may receive as a result of the agreement would not be disbursed by the California Department of Tax and Fee Administration (CDTFA) until February 2020; and as there continues to be uncertainty regarding the revenue, a revenue adjustment will not be recommended until the funds are received from the CDTFA.

In June 2018, the United States Supreme Court made a historic ruling with the South Dakota vs. Wayfair, Inc. decision, which provides states with the authority to require online retailers to collect sales tax even without a local presence in that state. The 2019-2020 budget was built on the assumption revenue totaling \$5.0 million would be received (\$4.0 million for General Sales Tax and \$1.0 million for Local Sales Tax) as a result of the Supreme Court's ruling. Out-of-state online retailers began complying with the new Sales Tax guidelines beginning in April 2019; however, marketplace facilitators were not required to comply until October 2019. The impact of marketplace facilitators is still unknown as compliance just recently began. However, preliminary information regarding the impact of out-of-state online retailers suggests revenue may total at least \$6 million through 2019-2020. Additional information is anticipated to be received and analyzed over the next several months and will be included in future Bi-Monthly Financial Reports and the 2019-2020 Mid-Year Budget Review.

Below is a discussion of the three Sales Tax sub-categories; General Sales Tax, Local Sales Tax, and Proposition 172 Sales Tax.

When the 2019-2020 Adopted Budget was developed, **General Sales Tax** was anticipated to total \$204.8 million in 2018-2019 and drop slightly to \$204.6 million in 2019-2020. The 2019-2020 estimate was the result of factoring out one-time adjustments related to a 2018-2019 overpayment from the CDTFA attributable to 2017-2018 activity (\$9.0 million), assumed 2.5% underlying growth from the 2018-2019 estimate, and an estimated \$4.0 million anticipated to be received for out-of-state internet sales. However, because 2018-2019 receipts ended the year at \$209.8 million, the 2019-2020 budget allows for a 2.5% decline. The first quarter General Sales Tax receipts (which represents sales tax activity for July-September) was received in November 2019. Receipts totaled \$51.1 million, which is 11.8% below the prior year level. However, prior year receipts included revenue of approximately \$8 million that is attributed to 2017-2018 sales

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tax activity. After adjusting the prior year receipts to exclude this amount, growth of almost 5% was experienced in 2019-2020. Due to the limited information currently known about Sales Tax, it is too early to determine how year-end General Sales Tax receipts will perform compared to budgeted levels.

On September 24, 2019 the City Council approved the Revenue Capture Agreement Between City of San José and eBay Inc. memorandum. As part of this memorandum, the City Council adopted a resolution authorizing the City Manager to negotiate and execute a Revenue Capture Agreement between the City and eBay, beginning in 2019 and ending in 2034. This agreement may result in the City receiving additional General Sales Tax ranging from \$5.0 million up to possibly \$29.5 million annually. As previously discussed, revenue adjustments related to this category will not be brought forward for City Council consideration until the funds are distributed from the CDTFA (anticipated in February 2020).

In June 2016, San José voters approved a ¼ cent **Local Sales Tax**, which was implemented in October 2016. The 2019-2020 Local Sales Tax budget was built on the assumption 2018-2019 receipts would total \$47.7 million and drop slightly to \$47.0 million in 2019-2020. The 2019-2020 estimate was the result of factoring out one-time adjustments of approximately \$2 million related to the 2018-2019 overpayment from the CDTFA attributable to 2017-2018 activity, assumed 2.5% underlying growth from the 2018-2019 estimate, and an estimated \$1.0 million anticipated to be received for out-of-state internet sales. The 1st quarter Local Sales Tax receipts (which represents sales tax activity for July-September) was received in November 2019. Receipts totaled \$11.7 million, which is 10.0% below the prior year level. However, prior year receipts included revenue of approximately \$2 million that is attributed to 2017-2018 sales tax activity. After adjusting the prior year receipts to exclude this amount, growth of over 10% was experienced for the first quarter in 2019-2020. Due to the limited information currently known about Sales Tax, it is too early to determine how year-end Local Sales Tax receipts will perform compared to budgeted levels.

Proposition 172 Sales Tax collections represents the ½ cent tax that is allocated to counties and cities on an ongoing basis for funding public safety programs. The 2019-2020 budgeted estimate of \$6.7 million requires growth of approximately 2.5% from the 2018-2019 collection level of \$6.5 million. It is currently anticipated that collections will meet the budgeted estimate by year-end.

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GENERAL FUND (CONT'D.)			*
	2019-2020	YTD	Prior YTD
Revenue	Budget Estimate	Actual	Collections
Transient Occupancy Tax	\$ 22,500,000	\$ 4,701,147	\$ 5,015,053

The 2019-2020 budget estimate for the General Fund **Transient Occupancy Tax** (TOT) allocation (40% of the total tax) is \$22.5 million, which was built assuming growth of approximately 8.7% from the 2018-2019 estimated collection level of \$20.7 million. However, since actual 2018-2019 receipts were slightly below at \$20.5 million, growth of approximately 9.6% is needed to meet the 2019-2020 budget estimate. While year-to-date revenue performance through September aligned with the budgeted estimate, lower TOT receipts in October 2019 resulted in year-to-date collections of \$4.7 million, which is 6.3% below the prior year collection level of \$5.0 million. This monthly fluctuation, coupled with lower overall occupancy through September (down 5.5%) and lower average room rates (down 1.7%), does not fit the typical seasonal pattern and is suggestive of slowing growth rates. This slowing trend also holds after adjusting for hotel room supply increases from the openings of three hotels in North San José – Fairfield Inn & Suites, Residence Inn, and Hyatt Place.

Through September 2019, the average hotel occupancy rate reported for the San José market was 77.8%, a decrease of 5.5% over the same period in 2018-2019. Average room rates also decreased by 1.7%, from \$199.66 to \$196.24, and the year-to-date average revenue-per-available room (RevPAR) decreased 13.7%, from \$166.42 to \$152.72, relative to the same period in 2018-2019. Since some of the recent revenue performance through October may be attributable to the timing of receipts from the newly opened hotels, factors contributing to lower than expected year-to-date revenue will continue to be monitored. It is currently anticipated that TOT revenue may fall short of the budgeted estimate by approximately \$1 million.

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GENERAL FUND (CONT'D.)			
	2019-2020	YTD	Prior YTD
Revenue	Budget Estimate	Actual	Collections
Utility Tax	\$ 99,645,000	\$ 22,187,497	\$ 22,085,336

The **Utility Tax** category includes the Electricity Utility Tax, Gas Utility Tax, Water Utility Tax, and the Telephone Utility Tax. Through October, Utility Tax receipts of \$22.2 million are consistent with the prior year level. The 2019-2020 Adopted Budget was built on the assumption that 2018-2019 Utility Tax revenue would end the year at \$99.0 million and grow less than 1% to \$99.6 million in 2018-2019. However, since 2018-2019 ended the year at \$99.3 million, growth of less than 0.5% is needed in 2019-2020 to meet the budgeted estimate. Based on historical collection trends and performance through this early point in the year, it is anticipated overall Utility Taxes will meet budgeted levels by year-end.

In the **Electricity Utility Tax** category, collections through October totaled \$10.6 million, which is approximately \$600,000 above the prior fiscal year. The 2019-2020 Adopted Budget assumed that 2018-2019 receipts would total \$46.0 million, and grow approximately 2% to \$46.9 million in 2019-2020. However, since 2018-2019 ended the year slightly below budget (\$45.6 million), growth of almost 3% is needed to meet the budgeted estimate. Based on the preliminary information known at this early point in the year, receipts are anticipated to meet or slightly exceed the budgeted estimate by year-end.

In the **Gas Utility Tax** category, receipts through October totaled \$1.2 million, which is fairly consistent with the prior year level. The 2019-2020 Adopted Budget estimate of \$10.4 million allows for an almost 7% decline from actual 2018-2019 collections (\$11.1 million) due to receipts performing stronger than anticipated at the end of 2018-2019. Based on the preliminary information known at this early point in the year, receipts are anticipated to exceed the budgeted estimate by year-end.

Water Utility Tax collections of \$4.6 million through October are fairly consistent with the prior year level. The 2019-2020 Adopted Budget was built on the assumption that \$16.3 million would be received in 2018-2019, then grow approximately 2.5% to \$16.7 million in 2019-2020. However, since 2018-2019 receipts totaled \$16.6 million, growth of less than 1% is required to meet the 2019-2020 budgeted level. Based on the preliminary information known at this early point in the year, receipts are anticipated to meet the budgeted estimate by year-end.

Collections in the **Telephone Utility Tax** category of \$5.7 million through October are approximately \$600,000 below the prior year collections. The 2019-2020 Adopted Budget estimate of \$25.6 million allows for a slight decline (1.2%) from the 2018-2019 actual collection level of \$26.0 million. Based on current collection trends, receipts in this category are anticipated to fall below the budgeted estimate by year-end.

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GENERAL FUND (CON	Г'D.)		1
	2019-2020	YTD	Prior YTD
Revenue	Budget Estimate	Actual	Collections
Business Taxes	\$ 72,200,000	\$ 23,761,962	\$ 23,356,371

The Business Taxes category consists of the Cannabis Business Tax, Cardroom Tax, Disposal Facility Tax, and General Business Tax. Through October, overall collections of \$23.8 million are slightly (1.7%) above the prior year collection levels of \$23.4 million, primarily reflecting higher collections in the Cannabis Business Tax category. The 2019-2020 Adopted Budget estimate of \$72.2 million allows for a 3.6% decline from 2018-2019 levels as the result of revenues performing stronger than anticipated at the end of 2018-2019. It is currently anticipated that Business Taxes revenue will slightly exceed the budgeted level by year-end.

Cannabis Business Tax collections reflect cannabis business tax as well as cannabis business tax compliance revenues. Through October, receipts of \$4.1 million are 9.3% above the prior year level. In November 2016, the California Marijuana Legalization Initiative (Proposition 64) legalized recreational marijuana use in the State of California. As a result, the sale of recreational cannabis at the 16 licenses dispensaries in San José began in January 2018. The 2019-2020 Adopted Budget estimate of \$13.5 million allows for a 15.0% drop from 2018-2019 actual collection levels. This decrease was anticipated as a result of neighboring cities passing Cannabis taxes in the November 2018 election, which will provide competition for San José when the dispensaries are open in other jurisdictions. Although it is early in the fiscal year, it is anticipated revenue will exceed the budgeted level by year end.

Through October, **Cardroom Tax** receipts of \$4.7 million are consistent with the prior year collections and are projected to meet the budgeted estimate of \$18.7 million by year-end. Because receipts in 2018-2019 slightly exceeded expectations, collections in the category can drop by approximately 1% in 2019-2020 and reach the budgeted estimate.

Disposal Facility Tax revenue of \$3.2 is slightly (\$180,000) above the prior year level. The 2019-2020 budgeted estimate of \$12.0 million is fairly consistent with the 2018-2019 actual collection level of \$12.1 million. Based on the preliminary information known at this point in the year, receipts are anticipated to meet the budgeted estimate by year-end. Multiple factors impact collections including construction activity, population density, and the hauling of solid waste from outside the immediate area as other facilities might be farther away or costlier. Therefore, this revenue source can fluctuate from year to year.

Through October, **General Business Tax** receipts of \$11.8 million are 1.7% below prior year collection levels. The 2019-2020 budget estimate for General Business Tax revenue totals \$28.0 million, which is consistent with the 2018-2019 actual collection level. Based on historical collection trends, coupled with the recent launch of the Business Tax Amnesty Program (which runs through March 27, 2020) that is expected to increase receipts, General Business Tax revenue is anticipated to meet budgeted levels by year-end.

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GENERAL FUND (CONT'D	.)		
	2019-2020	YTD	Prior YTD
Revenue	Budget Estimate	Actual	Collections
Licenses and Permits	\$ 62,009,468	\$ 30,705,488	\$ 25,599,075

The Licenses and Permits category contains fees and charges collected by various departments. The most significant revenue sources are development-related fees, which include Building Permits and Fire Permits. Through October, revenues of \$30.7 million are 19.9% above the prior year level of \$25.6 million. The 2019-2020 Adopted Budget estimate of \$62.0 million allows for a 5.0% drop from prior year collections of \$65.3 million. Based on activity through October, Licenses and Permits receipts are estimated to exceed the budgeted levels by year-end. This revenue category, which is largely attributable to the pace of development projects, will be monitored closely throughout the year and adjustments to budgeted estimates will be recommended as necessary.

Building Permit revenues of \$13.7 million through October are 19.0% higher than the 2018-2019 collection level for the same period. The 2019-2020 Adopted Budget estimate of \$33.8 million allows for an 8.0% drop from the 2018-2019 actual collection level of \$36.7 million due to collections performing stronger than anticipated at the end of 2018-2019. It is currently anticipated revenues will exceed the budgeted estimate by year-end.

All Building Permit categories are performing at or above expected levels with the exception of new residential building plan checks, new residential building permits, new residential mechanical permits, and new residential electrical permits, which are performing below anticipated levels.

As discussed in the Economic Impact section of this report, residential activity through October 2019 consisted of 493 multi-family units and 203 single-family units for a total of 696 units. Commercial activity amounted to a valuation of \$316.8 million (new construction of \$215.2 million, alterations of \$101.6 million). Industrial activity through October reached a valuation of \$449.5 million (new construction of \$372.9 million, alterations of \$76.6 million).

Fire Permits, which consist of development and non-development related permits, totaled \$6.1 million through October, which represents a 11.9% increase from the prior year collections. The 2019-2020 budget estimate of \$14.0 million is consistent with the actual 2018-2019 collection level. It is currently anticipated collections will exceed the budgeted levels by year-end.

Development related receipts through October of \$3.3 million are \$516,000 higher than the prior year collections. The budgeted estimate of \$8.4 million is lower than the prior year collections of \$8.6 million; it is currently anticipated that receipts will exceed the budget by year-end.

Non-Development receipts of \$2.8 million are 4.8% above revenues received through October 2018. This collection includes two of four major billing cycles for non-development fire permits for this fiscal year. To meet the 2019-2020 budgeted estimate of \$5.6 million, growth of 3% from the 2018-2019 actual collection level of \$5.4 million is needed; at this point of the year, collections are anticipated to meet or exceed budgeted levels by year-end.

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GENERAL FUND (CONT'D.)			6
Revenue	2019-2020 Budget Estimate	YTD Actual	Prior YTD Collections
Fees, Rates, and Charges	\$ 59,101,740	\$ 18,900,589	\$ 20,086,951

The Fees, Rates, and Charges category contains various fees and charges levied to recover costs of services provided by several City departments, including Library; Parks, Recreation and Neighborhood Services; Planning, Building and Code Enforcement; Police; Public Works; and Transportation. Through October, revenues totaled \$18.9 million, which is 5.9% below the \$20.1 million received in the prior year. The year-over-year drop is primarily attributable to Public Works Fees (discussed further below), which is down \$2.2 million, or 41.8%, compared to the prior year. The 2019-2020 budget estimate of \$59.1 million requires a 6.1% increase from the actual 2018-2019 collection level. At this early point in the year it is anticipated the overall Fees, Rates, and Charges category will meet or fall below budgeted levels by year-end.

Through October, **Planning Fee** revenues of \$2.6 million are 5.0% above the prior year collection level of \$2.5 million. Revenue was stable or strong for several fees, including residential General Plan amendments, non-residential conventional prezonings/rezonings, residential and non-residential environmental clearances, and annexations. Partially offsetting this growth in activity, are several fees that are performing below anticipated levels. These fees include non-residential tentative maps, public noticing, non-residential General Plan amendments, residential and non-residential planned development prezonings/rezonings, and miscellaneous permits. Based on current collection trends, Planning Fee revenues are anticipated to exceed the 2019-2020 budget revenue estimate of \$8.1 million. Revenues will continue to be monitored closely to determine if any actions need to take place during the year to align the budgeted estimate with actual revenues.

Public Works revenues through October of \$3.1 million decreased 41.8% from the prior year level of \$5.4 million. Public Works fee revenue collections through October 2019 are comprised of \$2.0 million from the Development Services Fee Program (compared to \$2.7 million in the prior year), \$870,000 from the Utility Fee Program (compared to \$1.9 million in the prior year), and \$250,000 from Small Cell Permitting (compared to \$700,000 in the prior year, which may be attributable to the timing of payments). Based on activity through October, Public Works fee collections are anticipated to end the year below budgeted levels.

As mentioned above, Development Services Fee Program revenue collections are below anticipated year-to-date levels, primarily in engineering residential and non-residential fees, due to lower activity levels. Utility Fee collections are also lower than anticipated year-to-date estimates. Based on current collections, Public Works' Development and Utility Fee revenues are anticipated to end the year below the budgeted estimate. Revenues will continue to be monitored closely to determine if any actions need to take place during the year to align the budgeted estimate with actual revenues.

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GENERAL FUND (CONT'D.)

EXPENDITURES

Through October, General Fund expenditures (without encumbrances) of \$381.9 million were 3.4% above the prior year level of \$369.4 million. Encumbrances of \$74.6 million were 21.6% above the prior year level of \$61.3 million. General Fund expenditures and encumbrances through October of \$456.5 million constitute 28.5% of the total budget including reserves, and 32.9% of the budget excluding reserves. Overall, expenditures are in line with estimated levels through October. Expenditures will continue to be controlled and monitored to ensure appropriations stay within approved levels. Following is a discussion of the performance of the Police and Fire Departments, the largest General Fund departments.

KEY GENERAL FUND EXPENDITURES

	2019-2020	YTD	Prior YTD
Department	Budget	Actual	Actual
Police	\$ 452,337,913	\$ 138,416,562	\$ 129,967,299

Overall, the Police Department's expenditures are currently anticipated to end the year within budgeted levels. Personal services expenditures through October of \$126.3 million were 0.3% below the anticipated level at this point of the year (30.03% expended, compared to the par level of 30.34%). Overtime expenditures of \$12.3 million reflect 39.05% of the total \$31.6 million budget. In addition, non-personal/equipment expenditures of \$12.0 million are 1.7% higher than the prior year (due to the timing of payments), and are anticipated to end the year within budgeted levels.

The Police Department Personal Services budget includes \$7.0 million for the Hire Ahead program that began in 2019-2020, which provides funding to hire new recruits in advance of pending retirements. As described in the below sworn staffing discussion, this funding is anticipated to allow the Department to conduct full recruit academies even while the Department has no sworn vacancies (as of the end of October). Personal Services funding also includes \$3.0 million in overtime funding related to the Guardian Rapid Response Program, which is designed to enhance the state of readiness for an active shooter attack at school campuses and at large special events. This program began in summer 2019, and the over-time funding related to the program was allocated as part of the 2018-2019 Annual Report, which was approved by the City Council on October 22, 2019.

The Police Department has worked diligently to fill vacancies in both sworn and civilian positions, using vacancy savings in the meantime to pay for Police Academy Recruits as well as to backfill patrol and investigative positions on overtime. While the goal is to fill the vacancies and eliminate the need to backfill positions, academy and field training of new recruits takes 10-12 months, necessitating overtime to backfill until the new recruits are ready to serve as solo beat officers.

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GENERAL FUND (CONT'D.)

Vacancy levels have also contributed to the build-up of compensatory time balances for sworn personnel. There is a limit of 480 hours of compensatory time balances after which sworn personnel are paid in overtime for any additional hours worked. Currently, 351 sworn personnel are at the 480-hour limit.

Overtime consists of overtime expenditures and compensatory time. The Memorandum of Agreement (MOA) with the Police Officer's Association (POA) limits how much overtime can be earned for pay versus compensatory time. The compensatory time balance at the end of October 2019 was 311,508 hours for sworn personnel. This represents an increase of 37,077 hours or 13.5% compared to the October 2018 balance of 274,431. As described above, 351 sworn personnel, of which 43% are in the Bureau of Field Patrol (BFO), have reached the compensatory balance limit of 480 hours and all overtime worked by these employees is paid overtime. The Police Department is enforcing compensatory time controls by requiring all sworn staff, outside of the BFO, to reduce compensatory time balances by the end of the calendar year or submit a request for an extension, per the MOA. Due to staffing levels needed to respond to calls for service, BFO is currently exempted until such time the Department reaches full street-ready sworn staffing (sworn who are fully trained and able to work as solo beat officers). While overtime hours are still at elevated levels, they have dropped approximately 13% from 2016-2017 through 2018-2019 as vacancies have been filled.

The table below provides a summary of sworn staffing vacancies and street-ready positions. While the sworn positions are filled, there is still a significant gap between filled positions and working street-ready positions. Further, the Department anticipates additional retirements later in the year that will increase vacancy levels. The Hire Ahead program is expected to mitigate these expected vacancies.

	2018-2019 (as of 10/26/2018)	2019-2020 (as of 10/25/2019)
Authorized Sworn Staffing	1,110	1,151
Vacancies	0	0
Filled Sworn Staffing	1,113*	1,151
Field Training Officer/Recruits	(154)	(146)
Street-Ready Sworn Positions Available	959	1,005
Disability/Modified Duty/Other Leaves	(69)	(84)
Street-Ready Sworn Positions Working	890	921

^{*} Includes 3.0 Police Recruits on Leave of Absence

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GENERAL FUND (CONT'D.)

To accelerate the number of street-ready sworn positions and put more Police Officers back on patrol, the Hire Ahead program is anticipated to provide sufficient funding to allow the Police Department to conduct three Police Recruit Academies in 2019-2020: the first began in late June 2019 with 53 recruits; the second academy began in October 2019 with 49 recruits; and the third begins in February 2020 with an estimated 45 to 55 recruits. In addition, the academy that began in February 2019 completed in September 2019 with 37 recruits graduating.

A total of \$12.0 million (38.0%) of the Department's Non-Personal/Equipment budget (including carryover encumbrances) was expended or encumbered through October. Excluding the remaining balances for centrally-determined details, including electricity, gas, and vehicle operation, maintenance and replacement, the Department has approximately \$11.3 million, or 55.9% of the non-centrally-determined appropriation available for the remainder of the fiscal year.

	2019-2020	YTD	Prior YTD
Department	Budget	Actual	Actual
Fire	\$ 243,467,243	\$ 74,626,583	\$ 71,419,435

The Fire Department's budget totals \$243.5 million, which is comprised of \$232.4 million in personal services and \$11.1 million in non-personal/equipment expenditures. Overall, Fire Department expenditures are performing slightly below estimated levels through October. Personal services expenditures of \$70.3 million, or 30.27% of the Modified Budget, are slightly below the expected level of 30.34% at this point of the year. It is currently anticipated that expenditures will end the year within budgeted levels. In addition, the Fire Department's non-personal/equipment budget of \$11.1 million was 38.7% expended or encumbered through October 2019 and is expected to end the year within budgeted levels.

Overall, the average sworn vacancy rate of 5.82% through October 2019 is lower than the vacancy rate of 7.53% experienced this time last year, though vacancies have been above the budgeted rate of 2.5%. The first full Firefighter Recruit Academy for 2019-2020 began in June 2019 and concluded on October 4, 2019, with 21 graduates. The second full academy is anticipated to begin March 2020.

In accordance with the City Council's approval of a March 2010 report on annual vacancy and absence rates, the Fire Department has committed to limiting administrative assignments for sworn administrative personnel for overtime control purposes. As of the end of October, of the 32 current authorized staffing level, the Fire Department had 32 sworn personnel on administrative assignments.

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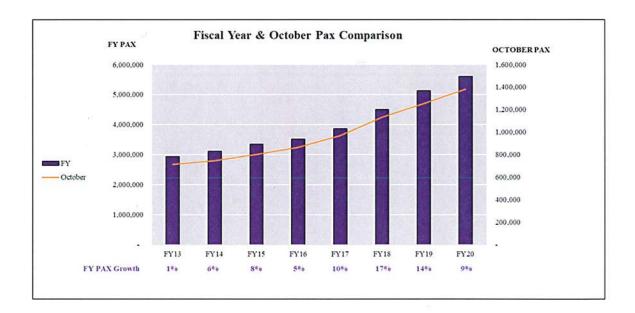
CONTINGENCY RESERVE

The General Fund Contingency Reserve was amended as part of the 2018-2019 Annual Report, increasing the reserve by \$1.5 million; from \$38.5 million to \$40.0 million. This reserve level complies with Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, that requires the Contingency Reserve to be at a minimum of 3% of the operating budget.

OTHER FUNDS

Airport Funds

On a fiscal year-to-date basis, the Norman Y. Mineta San José International Airport (SJC) has enplaned and deplaned 5.6 million passengers, an increase of 9.3% from the figures reported through October of the prior year. The chart below depicts the year-over-year change for the month of October and Fiscal Year-to-Date for the last eight years.



Fiscal year-to-date mail, freight, and cargo totaled 36.7 million pounds, which represents a 9.1% decrease over year-to-date levels experienced through October 2018. However, many other revenue-generating activities posted increases over the same period of the prior fiscal year, including Traffic Operations (landings and takeoffs) by 10.1%, Landed Weights by 9.4%, and Ground Transportation by 15.8%. Gallons of aviation fuel sold decreased over the same period of the prior fiscal year by 2.8%. The Parking exit decrease of 5.2% reflects elimination of 500 spaces in Lots 5 and 6 where the Interim Facility was built.

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OTHER FUNDS (CONT'D.)

Through October, overall revenue performance at the Airport tracked 2.4% above estimated levels. Parking & Roadway revenues are approximately 11% higher than the benchmark substantially driven by higher ground transportation revenues, while Terminal Concessions revenue are approximately 3% higher than the benchmark due to food, beverage, and retail concession revenues. General and Non-Aviation revenues are approximately 15% above the benchmark largely due to a one-time transfer of funds released by the Fiscal Agent partially offset by Petroleum revenue trailing the benchmark. In addition, Airfield revenues are approximately 15% below the benchmark, the result of lower than expected in-flight kitchen and Air Carrier parking revenue. Finally, Landing Fees and Terminal Rental revenues are just below benchmark and will continue to be monitored.

Through October, both the Airport Customer Facility and Transportation Fee Fund and Airport Maintenance and Operation Fund expenditures tracked below budgeted levels. In the Maintenance and Operation Fund, personal service expenditures were 27.7% of budget compared to the benchmark of 30.8%, while non-personal/equipment expenditures were 17.3% of the budget compared to the benchmark of 21.9% due to vacancies. Non-personal/Equipment expenditures in the Customer Facility and Transportation Fee Fund were 15.4% of the budget compared to the straight-line benchmark of 33.3%.

The activity levels, revenues, and expenditure status of the Airport Funds will continue to be closely monitored throughout the fiscal year. In addition, the status of these funds will continue to be reported in each future Bi-Monthly Financial Report.

Construction and Conveyance Tax Funds

Through October 2019, Construction and Conveyance (C&C) Tax receipts totaled \$10.6 million, which represents 29.5% of the 2019-2020 Adopted Budget estimate (\$36.0 million). This amount is 18.6% below receipts through October 2018, which totaled \$13.1 million. In addition, the City has received the November Conveyance receipts from Santa Clara County, which total \$3.1 million, a 20.3% decrease from the November 2018 collection level. When taking into account total receipts through October and the estimated November collections, total C&C receipts in 2019-2020 total \$13.7 million, a 19.5% decline from the prior year collection level.

The 2019-2020 Adopted Capital Budget was built on the assumption that C&C Tax receipts in 2018-2019 would total \$42.0 million, then drop by almost 15% to \$36.0 million in 2019-2020. This drop was anticipated due to the slowdown in the local real estate market that began last year. However, since actual receipts in 2018-2019 totaled \$47.2 million, the 2019-2020 budget allows for a 23.7% decline in revenue. As mentioned above, through November C&C receipts have declined almost 20% compared to the prior year. If this collection trend continues, receipts would end the year close to the budgeted level of \$36 million.

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OTHER FUNDS (CONT'D.)

Over 99% of the total Construction and Conveyance Taxes are comprised of conveyance receipts, a tax based on the value of property transfers (sales). As discussed in the Economic Environment section of this report, over the past one and a one-half years Santa Clara County has been experiencing a slow down in the local real estate market, which included median sale prices dropping, the average days on market increasing, and the number of sales decreasing. Since housing statistics are a key driver for the overall C&C collection levels, significant changes in the housing market will drastically affect the C&C Tax receipts. As mentioned, the slowdown in the market was anticipated and current year C&C receipts were budgeted accordingly. The local market will continue to be closely monitored, with updates provided in future Bi-Monthly Financial Reports.

Other Construction-Related Revenues

Revenues associated with construction activity are anticipated to meet or exceed budgeted levels by year-end. Construction activities drive revenue collection in several categories, including the Building and Structure Construction Tax and the Construction Excise Tax (which are described in further detail below) that help fund the City's Traffic Capital Program, and are an indicator of future activity for several other categories, such as storm and sanitary sewer system fees.

Through October, the **Building and Structure Construction Tax** collection level of \$12.0 million is 93.5% above the prior year receipts of \$6.2 million, primarily due to both a high valuation level of commercial and industrial land use building permits. This revenue level represents 80.0% of the 2019-2020 Adopted Budget estimate of \$15.0 million. When the 2019-2020 Adopted Capital Budget was developed it was anticipated that 2018-2019 Building and Structure Construction Tax receipts would total \$16.0 million, then decrease by approximately 6% to \$15.0 million in 2019-2020. However, since 2018-2019 receipts ended the year at \$22.5 million, the 2019-2020 budget allows for a 33.4% decline from the prior year collection level. While this tax is extremely volatile, it is currently anticipated receipts will meet or exceed budgeted levels by year-end.

Through October, the **Construction Excise Tax** collection level of \$6.7 million is 17.9% below the prior year receipts of \$8.2 million. Although there is higher valuation level of commercial land use building permits from the same time last year, revenues are below prior year levels. Some of the revenue decrease is attributable to lower residential activity, but City staff is still working to understand the cause of the revenue decrease. Additional information will be brought forward as part of the 2019-2020 Mid-Year Budget Review. The year-to-date revenue represents 33.5% of the 2019-2020 Adopted Budget estimate of \$20.0 million. When the 2019-2020 Adopted Capital Budget was developed it was anticipated 2018-2019 Construction Excise Tax receipts would total \$21.0 million, then decrease by approximately 5% to \$20.0 million in 2019-2020. However, since 2018-2019 receipts ended the year at \$25.8 million, the 2019-2020 budget allows for a 22.4% decline from the prior year collection level. While this tax is extremely volatile, it is currently anticipated receipts will meet or exceed budgeted levels by year-end.

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OTHER FUNDS (CONT'D.)

Transient Occupancy Tax Fund

As the 10% Transient Occupancy Tax (TOT) is split 4% to the General Fund and 6% to the Transient Occupancy Tax Fund, the lower revenue collections, as discussed in the General Fund Revenues section of this report, will continue to be monitored for their potential impact on the cultural arts activities, the Convention and Visitors Bureau, and convention center operations that these revenues support. Currently, the revenue collections in the TOT Fund are estimated to fall below the budgeted estimate of \$33.8 million by approximately \$1 million to \$2 million. If this trend continues, the loss of revenue will be largely absorbed by the existing unrestricted ending fund balance of \$1.8 million, though the recipient organizations could also see reduced allocations by year-end. While the recipient organizations are well-positioned to absorb any minor reduction in funding this year, a continued decrease in funding next year would likely have an impact to service levels. The Administration will continue to monitor TOT collections and keep the recipient organizations informed of any budgetary adjustments that may need to occur later in the fiscal year.

CONCLUSION

Overall, the City's funds appear to be performing within budgeted expectations through October. While there are individual variances within certain revenue and expenditure categories, overall General Fund revenue and expenditures are within estimated levels through October. Although economic conditions remain positive, with pockets of strong activity in the private sector construction and slightly higher than anticipated growth in Property Tax revenue, most indicators are continuing to moderate from the strong levels experienced in recent years, and revenue declines are appearing within the Construction and Conveyance and Transient Occupancy Tax revenue categories. This overall "sluggish" economic growth was overall anticipated and most of the corresponding revenues have been budgeted in 2019-2020 accordingly. More information about the state of the current local economy and anticipated revenue collection will be included in the 2019-2020 Mid-Year Report, which will be released at the end of January 2020 and considered by the City Council on February 11, 2020. The Administration will continue to closely monitor economic conditions and the performance in all City funds, bringing forward budget adjustments to the City Council during the year as appropriate.

As always, staff will continue to report to the City Council significant developments through this and other budget reporting processes.

IM SHANNON Budget Director