THE COUNCIL OF THE CITY OF NEW YORK

Hon. Corey Johnson Speaker of the Council

Hon. Robert Cornegy, Jr. Chair, Committee on Housing and Buildings



Report of the Finance Division on the Fiscal 2020 Preliminary Plan and the Fiscal 2019 Preliminary Mayor's Management Report for the

Department of Buildings

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Finance Division

Sarah Gastelum, Principal Financial Analyst Chima Obichere, Unit Head

Latonia McKinney, Director Regina Poreda Ryan, Deputy Director Paul Scimone, Deputy Director Nathan Toth, Deputy Director

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Department of Buildings Overview

The Department of Buildings (DOB) regulates the safe and lawful use of more than 1,000,000 buildings and 45,000 active construction sites by enforcing laws, including the City's Construction Codes, Zoning Resolution and Energy Code, as well as the New York State Multiple Dwelling Law.

Services and Activities

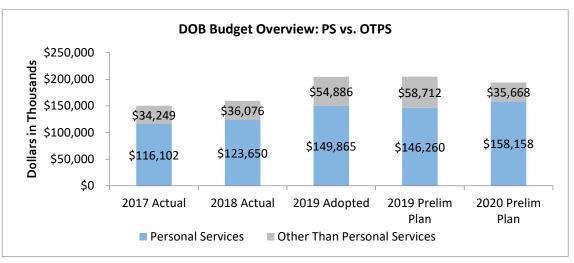


DOB's activities include:

- Regulates the safe and lawful use of over 1,000,000 buildings and 45,000 active construction sites;
- Enforces compliance with the City's Construction Codes, Zoning Resolution and Energy Code;
- Reviews building plans for new buildings, minor and major renovations;
- Issues building permits and renewals;
- Conducts inspections for construction, electrical and plumbing work;
- Reviews and issues licenses and certificates of occupancy;
- Responds to complaints and issues violations of building and zoning laws;
- Conducts audits on projects that are professionally certified;
- Conducts inspections of boilers and elevators;
- Identifies buildings that pose a threat to public safety;
- Penalizes unsafe and corrupt behavior; and
- Issues certifications for construction site safety monitors.

Fiscal 2020 Preliminary Budget Highlights

The Fiscal 2020 Preliminary Budget for the Department of Buildings totals \$193.8 million, comprised of all City funds, including \$158.2 million for Personal Services (PS) to support 1,933 full-time employees and \$35.7 million for Other Than Personal Services (OTPS) to support contractual and professional services.



Highlights of DOB's Fiscal 2020 Preliminary Budget

Since the Fiscal 2019 Adopted Budget, DOB has identified \$2.5 million in new needs for Fiscal 2020. The changes reflected in DOB's Fiscal 2020 Preliminary Budget are primarily due to: new staffing needs associated with hearings adjudicated by the Office of Administrative Trials and Hearings (OATH); prior year adjustments; collective bargaining; and administrative support. The Fiscal 2020 Preliminary Plan includes these key actions for DOB.

- OATH Hearing Representatives. City funds of \$743,000 are added in Fiscal 2019 and \$2.5 million are added in Fiscal 2020 through Fiscal 2023 for the hiring of 35 positions, including 23 attorneys, three assistant attorneys, six attorney supervisors, two customer service representatives, and one analyst to more adequately address and uphold building and zoning violations issued by DOB and adjudicated by OATH. In Fiscal 2018, DOB issued 82,228 OATH violations, a three-year high, and about 79 percent of violations were admitted to or upheld at OATH. As of the Fiscal 2020 Preliminary Budget, there are 44 attorneys at DOB dedicated to OATH violation hearings.
- Office of the Tenant Advocate. In December 2018, DOB launched the Office of the Tenant Advocate (OTA), established by Local Law 161 of 2017, which serves as a resource to tenants who are affected by work in occupied multiple dwellings. Tenants may contact OTA with comments, questions and complaints concerning construction in occupied multiple dwellings. The Preliminary Plan allocates \$100,000 in city funds in Fiscal 2019 for OTA, and \$200,000 in Fiscal 2020 through Fiscal 2023 for two OTA positions.
- Citywide Savings Program. The Department of Buildings will generate budget savings of \$3.1 million in Fiscal 2019 and \$2.9 million in Fiscal 2020 from the increased collection of revenue from penalties and fees related to unauthorized construction. In addition, DOB estimates that the City will achieve additional savings of \$1 million in Fiscal 2019 and \$6 million in Fiscal 2020 from revenue generated from expanded penalty enforcement actions.

- **Program to Eliminate the Gap (PEG).** In addition to the budget savings reflected in the Citywide Savings program, DOB will be required to identify an additional savings target of \$12 million by the release of the Fiscal 2020 Executive Financial Plan pursuant to the Administration's recently implemented Program to Eliminate the Gap (PEG). The \$12 million savings target represents about six percent of DOB's operating budget and about 2.2 percent of the Administration's total proposed PEG target of \$544.6 million across all City agencies.
- Miscellaneous Revenue. The Preliminary Financial Plan projects that the Department of Buildings will generate miscellaneous revenue totaling \$327.1 million in Fiscal 2020, including \$215.8 million from license, construction permit and franchise fees, \$40.3 million from charges for services, and \$71 million from the collection of fines and forfeitures.
- **Preliminary Mayor's Management Report (PMMR) Highlights.** Notable performance metrics reported by the Department of Buildings in the 2019 PMMR include the following.
 - Construction plan reviews
 - Inspections
 - Enforcement
 - Construction related incidents, accidents and fatalities

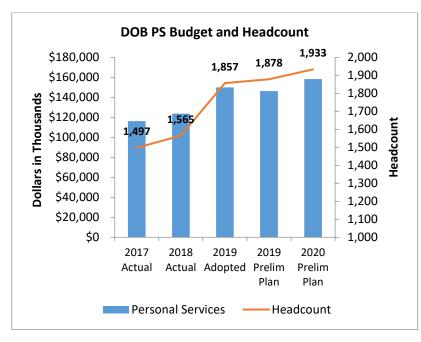
Financial Plan Summary

	FY17	FY18	FY19	Prelimin	ary Plan	*Difference
Dollars in Thousands	Actual	Actual	Adopted	FY19	FY20	FY19-FY20
Spending						
Personal Services	\$116,102	\$123,650	\$149,865	\$146,260	\$158,158	\$8,293
Other Than Personal Services	34,249	36,076	54,886	58,712	35,668	(19,217)
TOTAL	\$150,351	\$159,726	\$204,751	\$204,972	\$193,827	(\$10,924)
Personal Services						
Additional Gross Pay	\$3,535	\$2,953	\$1,138	\$1,138	\$1,138	\$0
Additional Gross Pay - Labor Reserve	0	0	4376	0	0	(4,376)
Amounts to be Scheduled	0	0	2042	0	0	(2,042)
Fringe Benefits	44	50	3	3	3	0
Full-Time Salaried - Civilian	103,628	111,219	138,446	140,736	153,107	14,661
Overtime - Civilian	7,857	7,446	2,992	3,486	2,992	0
P.S. Other	3	11	0	0	0	0
Unsalaried	1,035	1,971	868	897	919	51
SUBTOTAL	\$116,102	\$123,650	\$149,865	\$146,260	\$158,158	\$8,293
Other Than Personal Services						
Contractual Services	\$9,419	\$10,493	\$14,809	\$15,124	\$10,519	(\$4,290)
Contractual Services - Professional Services	12,198	13,613	20,681	24,890	7,941	(12,740)
Fixed & Misc. Charges	275	287	0	6	0	0
Other Services & Charges	5,553	6,798	9,817	10,879	11,369	1,553
Property & Equipment	3,912	2,573	4,556	4,861	2,895	(1,661)
Supplies & Materials	2,893	2,311	5,024	2,952	2,944	(2,080)
SUBTOTAL	\$34,249	\$36,076	\$54,886	\$58,712	\$35,668	(\$19,217)
TOTAL	\$150,351	\$159,726	\$204,751	\$204,972	\$193,827	(\$10,924)
Funding						
City Funds	\$150,351	\$159,726	\$204,751	\$202,999	\$193,827	(\$10,924)
Federal - Community Development	0	0	0	734	0	0
Intra City	0	0	0	1,240	0	0
TOTAL	\$150,351	\$159,726	\$204,751	\$204,972	\$193,827	(\$10,924)
Budgeted Headcount						
Full-Time Positions - Civilian	1,497	1,565	1,857	1,878	1,933	76
TOTAL	1,497	1,565	1,857	1,878	1,933	76

^{*}The difference of Fiscal 2019 Adopted Budget compared to Fiscal 2020 Preliminary Budget.

DOB's expense budget is organized by two units of appropriation (U/A), Personal Services (PS) and Other Than Personal Services (OTPS), each of which represents a function of the Department. The Department's Fiscal 2020 Preliminary Budget totals \$193.8 million, comprised of all City funds and remains relatively flat when compared to the Fiscal 2019 Adopted Budget. In Fiscal 2020, spending on PS costs increases by a net of \$8.3 million, with overtime pay remaining flat at about \$3 million and OTPS spending declining by about \$10.9 million due to various plan adjustments and expenses that are not yet baselined. Historically, year-over-year deficits are addressed at adoption and are often restored.

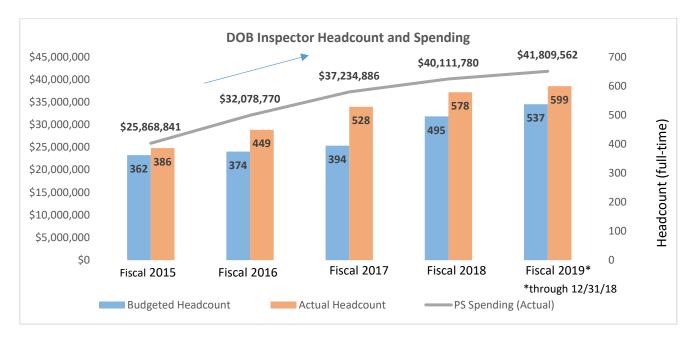
Headcount



The Fiscal 2020 Preliminary Budget supports a workforce of 1,933 fulltime positions, an increase of 76 positions from the Fiscal 2019 Adopted Budget. The Department's Fiscal 2020 Preliminary Budget allocates \$8.3 million in funding for an additional 76 positions to support core functions and recently expanded enforcement functions at DOB. Since 2017, DOB's budgeted headcount has consistently increased. However, as of December 2018, the Department was operating with a 15 percent staff vacancy rate.

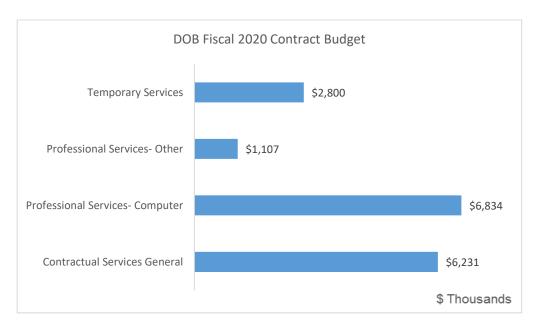
Inspector Headcount

About 30 percent of the Department's total headcount is comprised of inspectors who conduct various categories of inspections for infractions of laws within the jurisdiction of DOB and respond to complaints both from the public and on referral from other City agencies. These inspections include the following categories: construction; boilers; elevators; electrical; and hoists, among other areas. As of December 2018, there are 599 inspectors at the DOB at an annual cost of \$41.8 million. The three major categories of inspector titles and related staffing levels include: 240 construction inspectors, 84 associate construction inspectors, and 59 plumbing inspectors. Since 2015, total inspector headcount and related PS spending has steadily increased.



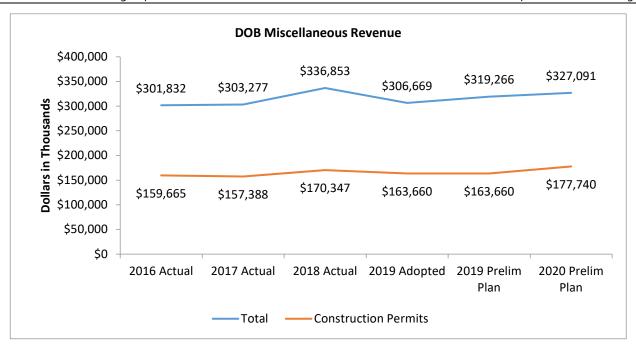
Contract Budget

The New York City Charter mandates the preparation of a Contract Budget to identify expenditures for contractual services, which are defined as any technical, consultant or personnel service provided to the City by means of a contract. The Contract Budget is actually a subset of the OTPS portion of the City's Expense Budget. The Administration prepares a Contract Budget twice each fiscal year. The Fiscal 2020 Preliminary Contract Budget totals \$15.9 billion for procurement expenditures across all agencies, a decrease of \$708.5 million when compared to the Fiscal 2019 Adopted Budget of \$16.6 billion. DOB's Fiscal 2020 Preliminary Budget includes 26 registered City contracts, at a total cost of \$18.5 million, which represents a \$17.1 million decrease from the Fiscal 2019 Adopted Budget. This decrease is mostly due to a reallocation of expenses under the engineering and architectural services contract and a budget realignment of a temporary services contract to more accurately reflect spending. Of DOB's 26 registered contracts, seven are for general contract services, which include private elevator contracts.



Miscellaneous Revenue

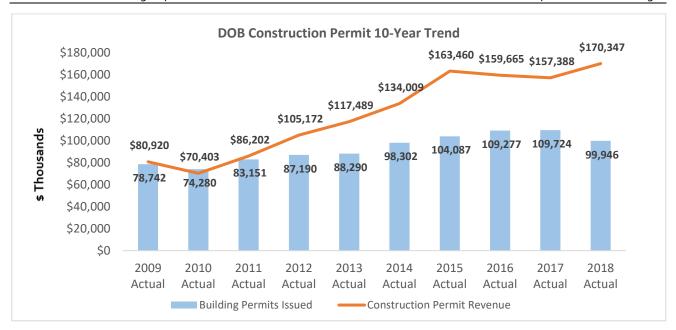
DOB collects revenue from the issuance of licenses and permits, charges for services such as inspection fees, and fines for late filings. In recent years, DOB has implemented several revenue generating initiatives, including improved service delivery in enforcement and development areas and implementing an online inspection program. These actions have resulted in a significant increase in the Department's ability to collect revenue. The chart below shows the Department's primary miscellaneous revenue source, which is construction permits. Miscellaneous revenue generated by the Department contributes to the City's General Fund and therefore is not a dedicated funding source for the Department.



In Fiscal 2020, the Department expects to generate \$327.1 million in revenue, while total expenditures are projected to be \$193.8 million. In the Fiscal 2020 Preliminary Budget, DOB expects to generate \$215.8 million from license, construction permit, and franchise fees, \$40.3 million from charges for services, and \$71 million from the collection of fines and forfeitures. Overall, construction permits are projected to account for 54 percent of the Department's total miscellaneous revenue generated in Fiscal 2020, totaling \$177.7 million. For additional information on Miscellaneous Revenue, see Appendix C.

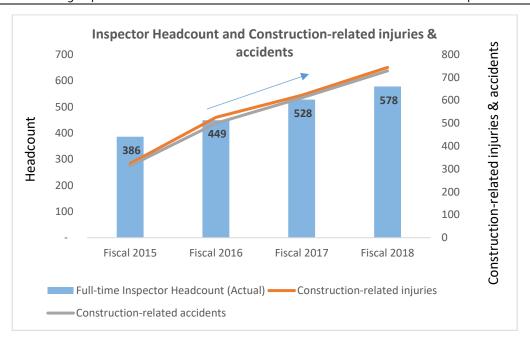
Building Permit Revenue

DOB issued building permits are classified into three major categories: New buildings; major renovation (Alterations 1, which include major renovations and demolitions); and minor renovation (Alterations 2 and 3, which include minor renovations such as façade repairs and home renovations). In August 2016, DOB launched the first phase of DOB NOW: Build, a new electronic system designed to digitize job filings, building inspections and complaints. This new system, along with the use of efiling, has accelerated the construction project approval process and has resulted in revenue gains from licenses and permits, charges for services and fines. As such, the number of building permits issued has steadily increased in recent years from a ten-year low of 74,280 in 2010 to a ten-year high of 109,724 in 2017. In 2018, the number of DOB issued building permits decreased slightly to 99,946, while revenue generated from construction permits peaked at \$170.3 million.



Construction Safety & Compliance

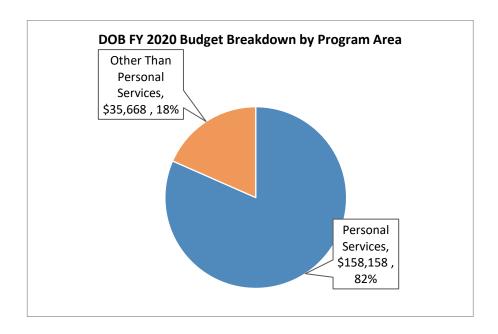
DOB is the lead agency overseeing the construction industry. DOB enforces the Construction Codes, the Zoning Resolution, the Multiple Dwelling Law and other energy, labor and local laws related to building demolition, excavation, construction and alterations within the City. In recent years, DOB has seen a large increase in the number of construction-related incidents, accidents and fatalities while also increasing the number of inspector positions. In Fiscal 2018, DOB reported three-year highs across all three construction safety performance indicators, including 729 construction-related accidents, 744 construction-related injuries, and 16 construction-related fatalities. In response to these trends, the Council and the Administration passed Local Law 196 of 2017, which mandated new construction site safety training requirements for workers of construction job sites. Under the legislation, beginning March 1, 2018, permit holders are now required to ensure that all construction and demolition workers and subcontractors employed or engaged at a permitted site have completed a U.S. Department of Labor Occupational Safety and Health Administration (OSHA) 10-hour training course, an OSHA 30-hour training course, or a 100-hour program of OSHA training. However, these measures have not yet had a discernable downward impact on construction safety performance indicators. During the Fiscal 2019 reporting period, figures for construction accidents and construction-related injuries increased over the same period in Fiscal 2018.



Budget Transparency Issues

Units of Appropriation

The Department's Fiscal 2020 Preliminary Budget currently appropriates \$158.2 million, or 82 percent, of the Department's \$193.8 million total budget in unit of appropriation 001-Personal Services. Adding more units of appropriation would achieve greater budget transparency.



The Office of Special Enforcement

The Office of Special Enforcement (OSE) maintains citywide jurisdiction to coordinate and enhance enforcement across City agencies concerning fire and building code violations. The Office was historically made up of 12 staff members deployed from the Mayor's Office of Criminal Justice (MOCJ), the New York Police Department (NYPD), the Law Department, DOB, the Fire Department (FDNY), and the Department of Finance (DOF), and additional agencies. In recent years, additional

positions have been added to supplement additional enforcement efforts. As of the Fiscal 2019 Adopted Budget, the budgeted headcount for OSE totaled 67 positions at an annual cost of \$4.8 million (including \$2.2 million in PS costs and \$2.6 million in OTPS costs). As of the Fiscal 2020 Preliminary Budget, there are 13 building inspectors at DOB assigned to conduct enforcement inspections as part of OSE at a total annual cost of approximately \$750,000. As there is no clear budget line for positions deployed to OSE, the Council receives headcount data biannually from the Administration. The table below reflects the most recent data on authorized and actual headcount for OSE. In addition, additional information regarding performance data such as the number of inspections performed annually, the number of violations issued and the amount of fines collected, would be helpful in the Council's oversight functions.

Office of Special Enforcement- Authorized and Actual Headcount						
Agency	FY 19 Total Authorized Headcount	Actual Headcount (as of 3/11/19)				
DOB	17	13				
Law	16	12				
FDNY	11	6				
OSE/Mayor's Office	9	6				
NYPD	7	8				
DOF	5	5				
DoiTT	2	1				
Total	67	51				

Significant Performance Indicators

The indicators below measure efficiencies and effectiveness of core functions at DOB.

Construction Safety

DOB Performance Indicators	Actual			Tar	get	4-Month Actual		
DOB Feriorillance indicators	FY16	FY17	FY18	FY19	FY20	FY18	FY19	
Construction-related incidents	979	1,170	1,052	*	*	362	347	
Construction-related accidents	500	611	729	*	*	253	265	
Construction-related injuries	526	622	744	DOWN	DOWN	257	270	
Construction-related fatalities	11	9	16	DOWN	DOWN	7	5	
Incident inspections resulting in violations (%)	63.1%	64.3%	72.7%	*	*	76.4%	62.6%	

During the Fiscal 2019 reporting period, DOB reported 270 construction-related injuries, and 265 construction-related accidents; both categories increased over the same reporting period in Fiscal 2018. In response to these increasing trends, the Council and the Administration passed Local Law 196 of 2017, which mandated new construction site safety training requirements for construction and demolition workers at all construction job sites. As Fiscal 2019 is the first full year of mandated construction safety training, enforcement and compliance, it is not yet clear whether DOB will meet its stated Fiscal 2020 targets under these performance indicators.

Plan Reviews

DOB Performance Indicators	Actual			Target		4-Month Actual	
DOB Performance indicators	FY16	FY17	FY18	FY19	FY20	FY18	FY19
Average days to complete first plan review (Borough offices)							
New buildings	11.1	5.6	5.7	12	12	5.5	4.7
Major renovation (Alteration I)	12.2	5.8	5.5	10	10	5.5	5.3
Minor renovation (Alterations II and III)	3.2	1.5	1.7	4	4	1	1.2
Average days to com	plete first	plan revie	w (Hub pı	rojects)			
New buildings	9.9	4.9	4.2	*	*	5.1	5.1
Major renovation (Alteration I)	9	5.1	4.3	*	*	4.2	5
Minor renovation (Alterations II and III)	2.7	0.1	0.1	*	*	0.1	0.1

During the Fiscal 2019 reporting period, at DOB borough offices, the average time to complete plan reviews improved slightly to 4.7 days for new buildings, 5.3 days for major renovations and 1.2 days for minor renovations. Times for all three categories were significantly lower than their respective targets of 12 days for new buildings, 10 days for major renovations and 4 days for minor renovations. In Fiscal 2017, DOB added plan examiners, bringing up the total headcount of examiners to 381, which may have contributed to improved performance of plan reviews during subsequent reporting periods. For plan reviews submitted through DOB's Development Hub, the average time to complete plan reviews for new buildings and minor renovations remained relatively steady, and the average time to review major renovations increased slightly to 5 days, up from 4.2 days in Fiscal 2018.

Inspections

DOB Performance Indicators	Actual			Tar	get	4-Month Actual	
DOB Performance indicators	FY16	FY17	FY18	FY19	FY20	FY18	FY19
Average days between construction inspection request and inspection	3.8	2.7	2.4	Down	Down	2.4	2.3
Average days between electrical inspection request and inspection	6.4	6.5	3.9	Down	Down	4.6	2.6
Average days between plumbing inspection request and inspection	3.8	3.4	2.1	Down	Down	2.7	2.3

During the Fiscal 2019 reporting period, the average time to complete inspections for construction, plumbing and electrical systems all improved compared to Fiscal 2018. As of December 2018, there are 599 inspectors at DOB at an annual cost of \$41.8 million. The three major categories of inspector titles and related staffing levels include: 240 construction inspectors, 84 associate construction inspectors, and 59 plumbing inspectors.

Enforcement

DOB Performance Indicators		Target		4-Month Actual			
DOB Performance Indicators	FY16	FY17	FY18	FY19	FY20	FY18	FY19
Priority A (emergency) complaints received	17,629	16,591	16,989	*	*	5,974	6,299
Priority B (non-emergency) complaints received	70,661	74,240	78,526	*	*	28,293	28,027
Priority A complaints responded to	16,927	15,981	16,463	*	*	5,787	6,116
Priority B complaints responded to	60,716	72,848	75,326	*	*	27,910	25,858
Average time to respond to Priority A complaints (days)	0.8	0.6	0.4	1	1	0.4	0.4
Average time to respond to Priority B complaints (days)	42.8	38.2	13.2	40	40	18.1	10.9
Residential illegal conversion complaints where access							
was obtained (%)	38.4%	36.4%	38.2%	44%	44%	38.2%	38.2%
– Access obtained and violations were written (%)	40.4%	39.8%	42.3%	*	*	41.4%	41.6%
Work without a permit complaints where access was							
obtained and violations were written (%)	29.5%	29.90%	29.6%	*	*	31.3%	26.1%

During the Fiscal 2019 reporting period, DOB received 6,299 emergency complaints, an increase of about five percent over the same period in Fiscal 2018. Additionally, DOB received 28,027 non-emergency complaints, a one percent decrease compared to Fiscal 2018. Relatedly, the number of emergency complaints responded to increased slightly for emergency complaints and decreased slightly for non-emergency complaints during the first four months of Fiscal 2019. Notably, the average time to respond to non-emergency complaints decreased significantly during the reporting period to 10.9 days, compared to 18.1 days over the same period in Fiscal 2018.

Appendices

A: Budget Actions in the November and the Preliminary Plans

	FY 19					
Dollars in Thousands	City	Non-City	Total	City	Non-City	Total
DOB Budget as of the Adopted 2019 Budget	\$204,751	\$0	\$204,751	\$190,899	\$0	\$190,899
New Needs						
DOB OATH Hearing Reps	\$743	\$0	\$743	\$2,523	\$0	\$2,523
Subtotal, New Needs	\$743	\$0	\$743	\$2,523	\$0	\$2,523
Other Adjustments						
DC 37 CBA	\$1,698	\$0	\$1,698	\$2,910	\$0	\$0
DOB Wind Study	0	734	734	0	0	0
FY19 F&L Mod with DOB	0	1,240	1,240	0	0	0
\$15 minimum wage Collective Bargaining (IC)	1	0	1	2	0	2
DC 37 Collective Bargaining Agreement	3	0	3	5	0	5
PS Savings	(3,126)	0	(3,126)	(2,907)	0	(2,907)
Fire Suppression Systems	(750)	0	(750)	(750)	0	(750)
L300 Buyers Collective Bargaining Agreement	4	0	4	8	0	8
Managers & OJ Collective Bargaining Agreement	751	0	751	1,287	0	1,287
Mayor's Office of Tenant Protection	(75)	0	(75)	(150)	0	(150)
Projected Surplus Reduction	(1,000)	0	(1,000)	0	0	0
Subtotal, Other Adjustments	(\$2,494)	\$1,973	(\$521)	\$405	\$0	(\$2,505)
TOTAL, All Changes	(\$1,751)	\$1,973	\$222	\$2,928	\$0	\$2,928
DOB Budget as of the Preliminary 2020 Budget	\$202,999	\$1,973	\$204,972	\$193,827	\$0	\$193,827

B: DOB Contract Budget

DOB Fiscal 2020 Preliminary Contract Budget				
Dollars in Thousands				
		Number		Number
	FY19	of	FY20	of
Category	Adopted	Contracts	Preliminary	Contracts
Contractual Services - General	\$13,332,054	7	\$6,231,138	7
Data Processing Equipment Maintenance	171,604	1	124,620	1
Office Equipment Maintenance	252,000	1	22,000	1
Prof. Services - Computer Services	10,911,492	9	6,833,996	9
Prof. Services - Engineering and Architectural Services	8,597,721	1	0	0
Prof. Services - Other	1,171,545	5	1,107,072	5
Security Services	485,000	1	600,000	1
Temporary Services	33,000	1	2,800,000	1
Training Program for City Employees	535,000	1	741,000	1
TOTAL	\$35,489,416	27	\$18,459,826	26

C: DOB Miscellaneous Revenue

DOB Miscellaneous Revenue Budget Overview	v					
Dollars in Thousands						
Revenue Sources	FY17	FY18	FY19	Prelimin	ary Plan	*Difference
Revenue Sources	Actual	Actual	Adopted	FY19	FY20	FY19-FY20
Licenses, Permits & Franchises						
Licenses for Tradesmen	\$3,139	\$2,811	\$2,940	\$2,940	\$2,140	\$(800)
Building Permits	34,131	36,610	33,000	37,000	33,000	0
Illuminated Signs	3,243	2,939	2,936	2,936	2,936	0
Construction Permits	157,388	170,347	163,660	163,660	177,740	14,080
Subtotal, Licenses, Permits & Franchises	\$197,900	\$212,707	\$202,536	\$206,536	\$215,816	\$13,280
Charges for Services						
Building Inspection Fees	\$13,148	\$13,209	\$12,620	\$12,620	\$12,620	\$0
Scaffold Notification Fees	237	229	375	375	375	0
Electrical Inspection Fees	10,476	10,599	9,000	10,000	9,000	0
Microfilm Fees	11,875	11,989	11,000	11,000	11,000	0
Re-inspection Fees	982	1,419	1,000	1,000	1,000	0
Loft Board Fees	1,040	1,940	745	1,200	745	0
Elevator Inspection Fees	4,939	11,989	11,000	5,490	5,490	(5,510)
Unsafe Building Fees	42	41	45	45	45	0
Subtotal, Charges for Services	\$42,740	\$51,416	\$45,785	\$41,730	\$40,275	\$(5,510)
Fines & Forfeitures						
Late Filing/No Permit Penalties	\$62,637	\$72,731	\$58,348	\$71,000	\$71,000	\$12,652
Subtotal, Fines & Forfeitures	\$62,637	\$72,731	\$58,348	\$71,000	\$71,000	\$12,652
TOTAL	\$303,277	\$336,853	\$306,669	\$319,266	\$327,091	\$20,422

^{*}The difference of Fiscal 2019 Adopted Budget compared to Fiscal 2020 Preliminary Budget.