

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING ) RESOLUTION NO. 13-4486  
ELIGIBILITY OF PROJECTS ON METRO )  
LANDS FOR THE NATURE IN ) Introduced by Chief Operating Officer Martha  
NEIGHBORHOODS CAPITAL GRANTS ) Bennett in concurrence with Council  
PROGRAM ) President Tom Hughes

WHEREAS, Metro Resolution No. 06-3672B, “For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection” (the “Bond Resolution”) was approved by the Metro Council on March 9, 2006; and

WHEREAS, at the general election held on November 7, 2006, the voters of the Metro region approved Ballot Measure 26-80, authorizing Metro to issue \$227.4 million of general obligation bonds to fund natural area acquisitions and water quality protection, creating the Natural Areas Program; and

WHEREAS, the Natural Areas Program designated up to \$15 million to fund Nature in Neighborhoods Capital Grants to provide opportunities for the local communities to implement projects to protect fish and wildlife habitat and water quality near where people live and work; and

WHEREAS, the Bond Resolution describes eligible projects as within the Metro area Urban Growth Boundary and/or the Metro jurisdictional boundary, excluding federal land, but does not exclude projects on Metro land; and

WHEREAS, for the prior six grant funding cycles, staff has interpreted the Bond Resolution to exclude projects on land owned by Metro even though the Bond Resolution is silent on this question; and

WHEREAS, potential applicants from both local jurisdictions and community organizations would like to request grant funds for projects on Metro land that are a local priority, but were never intended for the Natural Areas Program to implement; and

WHEREAS, the Metro Council has the authority to refine grant applicant eligibility criteria to provide guidance to the grant selection committee; and

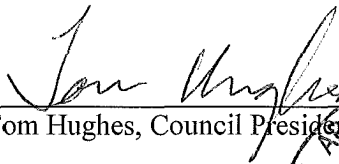
WHEREAS, the Metro Council has determined that projects on Metro-owned land that are a priority to local communities would be consistent with the intent of the Bond Resolution, the Natural Areas Program and the Nature in Neighborhoods Capital Grants Program; now therefore

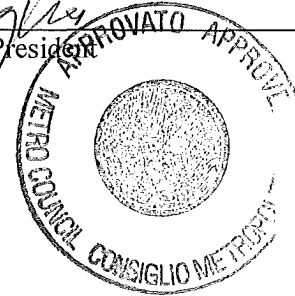
BE IT RESOLVED that the applicant eligibility criteria set forth in Exhibit C to the Bond Resolution are hereby refined to address projects on Metro-owned land, as follows:

- The eligible applicant is a non-profit, 501(c)(3), education district or higher education organization, city, county, special district or park provider at the time of application to Metro.
- The project must demonstrate the existence of public and private partners who can and will leverage human and financial resources.
- The applicant must verify its ability to carry out the project and maintain the site over the long term.


- If the property is not owned by Metro, the property owner must be a partner on the grant application and the application must include a letter of support from the owner.
- If the property is owned by Metro, it must either (a) be managed at the time of application by another jurisdiction through an Intergovernmental Agreement with Metro; or (b) the project must be initiated by the local community (not Metro) and the local partner must take full responsibility for implementing, constructing and maintaining the project over time. Where the project is managed by another jurisdiction through an Intergovernmental Agreement, the local jurisdiction must be a partner on the grant application and the application must include a letter of support from the local jurisdiction. The project must not conflict with the purposes underlying Metro's original acquisition of the property, or with any management plans that are in place for the property.

ADOPTED by the Metro Council this 19 day of December 2013.

  
\_\_\_\_\_  
Tom Hughes, Council President



Approved as to Form:

  
\_\_\_\_\_  
Alison R. Kean, Metro Attorney

## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 13-4486, FOR THE PURPOSE OF CONFIRMING ELIGIBILITY OF PROJECTS ON METRO LANDS FOR THE NATURE IN NEIGHBORHOODS CAPITAL GRANTS PROGRAM

---

Date: December 19, 2013

Prepared by: Kathleen Brennan-Hunter, 503-797-1948  
Heather Nelson Kent, 503-797-1739

#### BACKGROUND

When the Metro Council approved the Natural Areas bond measure resolution (Metro Resolution No. 06-3672B, “For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection,” referred to in this staff report as the “Bond Resolution”), the Council intended to make \$15 million of the bond funds available for community-driven projects. While the Bond Resolution does not explicitly prohibit projects on Metro-owned land and is silent on this question, staff interpreted it that way over the initial six funding cycles to avoid the appearance that Metro was benefiting from what was intended to be a community grant program.

Staff has begun to receive requests in increasing frequency to allow the use of Nature in Neighborhood grant funds on Metro land for community-driven projects. For example, one local jurisdiction has proposed constructing segments of a regional trail that cross Metro-owned property where an intergovernmental agreement between Metro and this jurisdiction provides that the jurisdiction is wholly responsible for design, construction and operation of the trail. There are also promising community-driven projects proposed on Metro-owned land where the local jurisdiction has full management authority of the property via an intergovernmental agreement with Metro.

The Bond Resolution expressly reserves the Metro Council’s authority to refine the capital grant selection and eligibility criteria over time so that the Metro Council could provide guidance to the grant selection committee on new questions as they arise. The proposed action is to refine the applicant eligibility criteria in Exhibit C to the Bond Resolution to address projects on Metro-owned land as follows (additions in underline and italics):

- The eligible applicant is a non-profit, 501(c)(3), education district or higher education organization, city, county, special district or park provider at the time of application to Metro.
- The project must demonstrate the existence of public and private partners who can and will leverage human and financial resources.
- The applicant must verify its ability to carry out the project and maintain the site over the long term.
- *If the property is not owned by Metro, the property owner must be a partner on the grant application and the application must include a letter of support from the owner.*
- *If the property is owned by Metro, it must either (a) be managed at the time of application by another jurisdiction through an Intergovernmental Agreement with Metro; or (b) the project must be initiated by the local community (not Metro) and the local partner must take full responsibility for implementing, constructing and maintaining the project over time. Where the project is managed by another jurisdiction through an Intergovernmental Agreement, the local jurisdiction must be a partner on the grant application and the application must include a letter of support from the local jurisdiction. The project must not conflict with the purposes underlying Metro’s original acquisition of the property, or with any management plans that are in place for the property.*

These refinements would not change Metro’s approach to supporting and developing projects or how they are reviewed by the Capital Grants Review Committee. The focus remains on empowering the community to develop projects that meet local needs and priorities in accordance with existing selection and eligibility criteria.

If the Metro Council decides to move forward with this clarification, it will increase the number of projects eligible for capital grants. The Bond Resolution gives Metro the authority to award up to \$2.25 million annually. Metro has yet to have a funding cycle where there have been enough eligible requests to award the full allocation.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

No known opposition.

### **2. Legal Antecedents**

Resolution No. 06-3672B, “For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection” was adopted March 9, 2006.

Ordinance No. 07-1163, “Amending Metro Code Chapter 2.19 to Establish the Nature in Neighborhoods Capital Grants Review Committee, and Declaring an Emergency” was adopted November 1, 2007.

Metro Code Section 2.19.230, “Nature in Neighborhoods Capital Grants Review Committee,” establishing the committee and prescribing its authority to review capital grants applications and make grant funding recommendations to the Metro Council.

### **3. Anticipated Effects**

Allowing projects on Metro-owned sites to be eligible for the Nature in Neighborhoods Capital Grant Program will result in more funding requests to the program.

### **4. Budget Impacts**

None.

## **RECOMMENDED ACTION**

Staff recommends adoption of Resolution 13-4486.