

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REALLOCATING A ) RESOLUTION NO. 04-3474  
PORTION OF THE MULTNOMAH COUNTY )  
LOCAL SHARE FUNDS FROM THE METRO ) Introduced by Michael Jordan, Chief Operating  
OPEN SPACES BOND FOR 2004 ) officer with the concurrence of David Bragdon,  
Metro Council President

WHEREAS, funding for Multnomah County Local Share Projects comes from Metro's Open Spaces, Parks and Streams bond measure, approved by the voters of the region in May 1995; and

WHEREAS, Multnomah County (the "County") was allocated \$3,401,545 to complete its local share projects; and

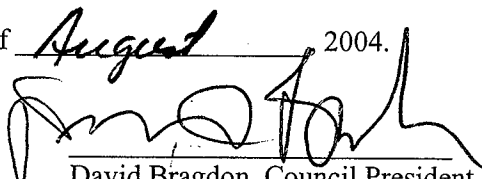
WHEREAS, Metro Regional Parks and Greenspaces Department administers the local share funds and projects for the County pursuant to Resolution No. 96-2285 ("For the Purpose of Authorizing a Phase II Intergovernmental Agreement with Multnomah County Regarding Parks and Other Facilities"); and

WHEREAS, the intergovernmental agreement transferring parks from the County to Metro and the Multnomah County local share intergovernmental agreement require that Metro must first consult with the Multnomah County Board and determine a local share project to be cost prohibitive, degraded, or otherwise infeasible before making any changes to the County's local share project list or reallocating funds, and then must obtain the approval of said changes by the Metro Council at a public hearing; and

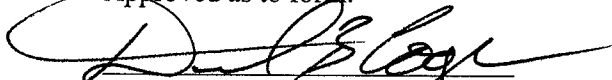
WHEREAS, Metro has consulted with the Multnomah County Board, has determined the Springwater Corridor Improvement Projects to be completed, and now proposes to reallocate all the remaining local share funds dedicated to said project to the Smith & Bybee Lakes Wildlife Area Facility Improvements local share project; now therefore

BE IT RESOLVED that the Metro Council approves the reallocation of Multnomah County Local Share Project Funds from the Springwater Corridor Trail Improvement project to the Smith & Bybee Lakes Wildlife Area Facility Improvements local share project in the amount of \$43,421.42.

ADOPTED by the Metro Council this 5<sup>th</sup> day of August 2004.

  
David Bragdon, Council President

Approved as to form:

  
Daniel B. Cooper, Metro Attorney



## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 04-3474 FOR THE PURPOSE OF REALLOCATING A PORTION OF THE MULTNOMAH COUNTY LOCAL SHARE FUNDS FROM THE METRO OPEN SPACES BOND IN 2004

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Date: July 15, 2004

Presented by: Jim Desmond  
Heather Nelson Kent

## **BACKGROUND**

This Resolution requests Metro Council approval to reallocate the remaining Multnomah County local share portion of Metro's Open Spaces, Parks and Streams bond funds to the facilities project at Smith & Bybee Lakes Wildlife Area.

In January 1995, Metro Council referred a \$135.6 million bond measure (Resolution No. 95-2074-A, "For the Purpose of Changing the Election Date of the Submission to the Voters of a General Obligation Bond Indebtedness to Proceed with the Acquisition of Land for a Regional System of Greenspaces") to the qualified voters of the Metro district to appear on the May 16, 1995, ballot. A component of the bond measure included \$25 million to be spent by cities, counties and park districts on land acquisition and capital improvements. Metro, along with 25 other park providers, was eligible for these funds. To be eligible for the funding, projects had to be used for natural resource related activities and follow local share guidelines (Attachment 1). As part of the administration of the local share program, Metro requires that any change to a participating agency's project list be approved through a public process.

The intergovernmental agreement transferring ownership and management responsibilities of Multnomah County parks to Metro included an authorization by the County for Metro to administer the county's local share funds. Multnomah County was allocated \$3,401,545 to carry out its local share program. The county's original local share project list was developed in 1994 and amended by Metro Council in 1999, 2002 and 2003. The Metro Council is required to provide an opportunity for public testimony and formally approve any changes to the Multnomah County local share program priorities.

In partnership with the city of Portland, city of Gresham and other jurisdictions, part of Multnomah County's local share was allocated to and expended on Springwater Corridor Trail improvements. Identified projects were completed below budget, and \$43,421.42 remains in that account. Another local share project, the Smith & Bybee Lakes Wildlife Area Facility Development project, will be approximately \$50,000 short because of not receiving an allocation of *Jones v. Thorne* settlement proceeds from the US Army Corp of Engineers for this project, as originally anticipated. This resolution would transfer the remaining \$43,421.42 from the Springwater Corridor Trail Improvements project to the Smith & Bybee Lakes Wildlife Area Facility Development project.

Council President David Bragdon sent Multnomah County Chair Diane Linn a letter advising the Board of Metro's proposal to reallocate these Multnomah County local share funds. According to the agreement transferring parks from Multnomah County to Metro, Metro is responsible for administering the local share projects. Metro may, after consultation with the County Board, determine that projects are cost prohibitive, degraded, or otherwise infeasible and substitute other eligible projects as necessary. The county has made no comment regarding this proposal.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

None

### **2. Legal Antecedents**

Oregon Regulatory Statute (ORS 190.010) authorizes Metro to enter into intergovernmental agreements. Metro Code Chapter 2.02 establishes procedures for Metro to enter into intergovernmental agreements.

Metro Council Resolution No. 96-2285 (“For the Purpose of Authorizing a Phase II Intergovernmental Agreement With Multnomah County Regarding Parks and Other Facilities”) authorized the Phase II intergovernmental agreement (IGA) between Multnomah County and Metro transferring ownership and full responsibility for all Multnomah County parks, natural areas, golf courses, and the Expo Center to Metro. The IGA also authorized Metro to administer Multnomah County’s portion of the local share funds from the Open Spaces, Parks and Streams bond measure.

Resolution No. 99-2763 (“For the Purpose of Reallocating Multnomah County Local Share Funds Among Existing Projects”), Resolution No. 02-3147 (“For the Purpose of Reallocating a Portion of the Multnomah County Local Share Funds From the Metro Open Spaces Bond”), and Resolution No. 03-3313 (“For the Purpose of Reallocating Returning Multnomah County Local Share Portion of Metro Open Spaces Bond Funds”) establishes the current allocation of funds for Multnomah County local greenspace projects.

### **3. Budget Impact**

The FY 2004-05 budget includes expenditure authority in the Open Spaces Fund to expend all of the remaining Local Share allocations, for Metro/Multnomah County and all other jurisdictions. Adequate appropriation authority exists, and these bond proceeds are restricted to approved Local Share projects only.

The CIP expenditures for the Smith & Bybee Lakes Wildlife Area Facility Development project are not impacted by this change. This resolution merely provides for an increase in Local Share funds allocated to the project, in recognition that one of the other funding sources will not be received.

This resolution does not establish an increase in fund transfer appropriation from the Open Spaces Fund to the Smith & Bybee Lakes Fund. Expenses related to this resolution can be expended directly from the Open Spaces Fund, similarly to how some other Metro/Multnomah County Local Share projects have been accounted.

## **RECOMMENDED ACTION**

The Chief Operating Officer recommends adoption of Resolution No. 04-3474.

**GREENSPACES GENERAL OBLIGATION BOND MEASURE  
LOCAL SHARE GUIDELINES**

Local governments will be entitled to receive a portion of the regional greenspaces bond measure funds based on the allocation formula in the Metropolitan Greenspaces Master Plan adopted in July 1992. Projects eligible for local share funding must meet the following criteria:

1. Eligible agency is a park provider as of July 1, 1991.
2. Funds must be expended on greenspaces related activities only including:

Acquisition

- Fee simple (or easement) to purchase regionally significant greenspaces and/or trail corridors identified in the Metropolitan Greenspaces Master Plan, and/or locally determined significant greenspaces and/or trail corridors.
- Costs associated with the acquisition of property.

Capital Improvements

- Restoration or enhancement of natural areas.
  - Trail construction.
  - Access facilities such as roads that are an integral part of the greenspace, parking, boat ramps, trail heads, Americans with Disabilities Act (ADA) requirements.
  - Public use facilities such as rest rooms, picnic tables, shelters, viewing blinds, water systems, camp sites, fishing piers, and associated appurtenances including signs, fences, security lighting and barbecues.
  - Environmental education facilities such as nature centers and interpretive displays.
3. The park provider will enter into an Intergovernmental Agreement (IGA) to be approved by the Metro Council and the governing board of the park provider. The IGA shall require signage and the project site in an appropriate location(s) to acknowledge Metro, the park provider and other project partners; funds from the bond measure shall not be used to replace local funds on the project; and funds from the bond measure should leverage other sources of revenue when possible.
  4. A list of local share projects with estimated costs, approved by the governing board of each jurisdiction shall be delivered to Metro no later than November 1, 1994 to be eligible for local share funding.
  5. Greenspace sites subject to local share funding will be maintained for intended recreational, natural area or trail activities.